

Item No. 10**SCHEDULE B**

APPLICATION NUMBER	CB/11/04362/FULL
LOCATION	Land To The Rear Of 3, Shannon Close, Lower Stondon
PROPOSAL	Erection of dwelling (amended scheme pursuant to planning permission CB/10/02827/FULL)
PARISH	Stondon
WARD	Arleseey
WARD COUNCILLORS	Cllrs Dalgarno, Drinkwater & Wenham
CASE OFFICER	Richard Murdock
DATE REGISTERED	12 December 2011
EXPIRY DATE	06 February 2012
APPLICANT	Mr & Mrs March
AGENT	Partners In Planning Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Request by Councillor Drinkwater on the grounds that the development extends beyond the settlement envelope and may be overdevelopment of the site
	Full Application - Granted

Site Location:

The application site is the land to the rear of no. 3 Shannon Close in Lower Stondon. It is currently undeveloped but was formerly occupied by a mobile home and is immediately adjacent to a stable block owned by the applicant. The site is adjoined by a recently constructed dwelling to the west and no. 3 Shannon Close to the south. To the north is Mount Pleasant Golf Course.

The wider surrounding area comprises residential development to the south in Meadowsweet, linear development along Station Road to the west and the golf course and open countryside further to the east.

The Application:

This application seeks full planning consent for the erection of a detached dwelling. This is an amended scheme for one plot that was previously approved as part of a two dwelling scheme. That scheme included two no. two bed detached properties with associated parking. One of those dwellings has been constructed and is now occupied by the applicant.

This application now proposes a three bed detached property. The proposed dwelling has an increased footprint which is predominantly single storey with a very modest two storey element. This results in some minor changes to the elevation treatment on the south facing elevation to reflect internal changes.

The parking provision remains as per the previous approval with two spaces provided to the front of the proposed dwelling. The access has also been widened and the turning head adjusted slightly.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

Central Bedfordshire Core Strategy and Development Management Policies (2009)

CS1; CS2, CS14, DM3 and DM4

Supplementary Planning Guidance

DS1 Design Guide for Central Bedfordshire (January 2010)
Planning Obligations Strategy (2009)

Planning History

MB/95/01380/FULL	Change of use of land from agricultural to form extension to private garden. Withdrawn 15th December 1995.
MB/95/1350X/FULL	Change of use of land from agricultural to form extension to private garden. Approved 9th January 1996.
02/01570/FULL	Change of use of agricultural land to paddocks for grazing horses. Erection of block of three stables following removal of existing hut. Approved 4th November 2002
03/00279/FULL	Formation of open air riding arena for private use and covered shelter to rear of existing stables. Approved 21st November 2003
04/01225/FULL	Temporary use of land for stationing mobile home for use by two elderly and inform family members. Approved as a personal permission 29th July 2004
CB/10/00703/FULL	Erection of 2no. 2-bedroom detached dwellings. Refused 16th April 2010.
CB/10/02128/FULL	Erection of two dwellings (amended scheme, following the refusal of planning application CB/10/00703/FULL). Withdrawn 26th August 2010.
CB/10/02827/FULL	Erection of two dwellings (amended scheme following refusal of planning application CB/10/00703/FULL). Approved 24th September 2010.

In addition to the planning history, on 17th January 2006 the Secretary of State for the Environment, Food and Rural Affairs confirmed an Order made by Bedfordshire County Council to stop up part of public footpath no. 46. Prior to the order, the footpath extended along the north side of nos. 1 and 3 Shannon Close and through the middle of the current application site. This was stopped up and the footpath now

runs along Shannon Close itself. The order was made on the basis that it was in the interests of the owners of no. 3 Shannon Close.

Representations: (Parish & Neighbours)

Parish/Town Council	No comments received. The case officer has contacted the Parish Council to seek their comments and any comments will be updated verbally
Neighbours	One letter of objection on grounds of the number of variations to the scheme and the site becoming quite heavily developed. Should approval be given, it would make a mockery of planning procedures. Would create a precedent for any applicant to extend an existing permission into a larger property.

Consultations/Publicity responses

CBC Highways	No objection subject to conditions relating to access width, vision splays, set back of access gates, surfacing, turning space, cycle parking, refuse collection point and on site parking for construction workers.
CBC Rights of Way	Seek confirmation regarding fencing adjacent to the footpath. Concern regarding sunlight reaching the path and the path being unusable in the winter months. Request contribution towards surfacing this stretch of footpath.
CBC Play Beds & River Drainage Board	No comments to make This site is partially within the Board's drainage district where the ground conditions are likely to be a marly chalk formation. The applicant has indicated that surface water runoff from the proposals will use a sustainable drainage system of soakaways. The soakaways should be designed and constructed to Building Research Establishment Digest 365 in order that the soakaways adequately drain. Please include a suitably worded condition in any planning permission which may be granted. The applicant should note that if discharge of surface water is to be to a ditch/watercourse within the Board's drainage district, the prior formal consent of the Board will be required.
Ramblers	No comments received

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Character and appearance of the area
3. Amenity of adjoining properties

4. Highway considerations
5. Planning Obligations
6. Other Issues

Considerations

1. Principle of development

The principle of a dwelling in this location has been established by the previous grant of planning consent in 2010. The plot, the subject of this application, is on the edge of the Settlement Envelope as defined within the Local Development Framework and the footprint of previously approved dwelling extending to the edge of that boundary.

This application seeks an increase in the size of the approved dwelling through a single storey element with a modest first floor addition above. These elements extend over the edge of the Settlement Envelope and into land designated as open countryside for the purposes of applying planning policy.

Having regard to the Settlement Envelope and the details of the amended proposal, the proposal would by its nature conflict with Policy DM4 which, seeks to direct new residential development within Settlement Envelopes.

However, it is not considered sufficient or reasonable to refuse an application simply because part of the proposal is beyond the Settlement Envelope. The harm that would result from the development needs to be demonstrated. Normally, for development in the countryside this would relate to an adverse impact upon the character and appearance of the area or an unsustainable form of development.

It is also appropriate to consider that if the dwelling was constructed as approved the Council would in all likelihood not object to the principle of extending the property, in the same way that any other extension to a property within the open countryside is considered on its merits.

Therefore, whilst it is accepted that part of the proposed dwelling is beyond the Settlement Envelope, the key consideration in this case is whether the proposal would result in any harm to the character and appearance of the area.

2. Character and appearance of the area

The site is currently a vacant plot. To the west is a recently constructed dwelling no. 3A Shannon Close, to the south west is no. 3 Shannon Close and to the south east is a stable clock owned by the applicant. To the north is Mount Pleasant Golf Course and its associated buildings. The applicant currently lives in no. 3A but it is understood that they intend to live in the dwelling, the subject of this application.

The immediate surrounding area is therefore characterised by existing built development on three sides. There is a line of mature landscaping on the other side of the northern boundary of the site comprising a 4m high hedge.

The visual impact of the previously approved dwelling has been assessed and

considered acceptable. The primary consideration in this application is therefore whether the addition floorspace would result in the larger dwelling having an adverse impact upon the character of the area.

The additional floorspace proposed is predominantly single storey with a very modest two storey element and a balcony. Given the existing landscaping on the northern boundary of the site and the built form of development adjoining the plot, the single storey addition will not be visible to the wider surrounding area. Given the modest size of the first floor addition, it is not considered that this would be visually prominent particularly against the background of other built development which comprises the new dwelling, no. 3A and the adjoining stable block. The proposed dwelling will be contained between those buildings.

In light of these considerations, it is not considered that the additional floorspace and overall increased size of dwelling would result in a harmful form of development that would adversely impact upon the character and appearance of the area. Therefore, whilst part of the dwelling is outside of the Settlement Envelope it is not considered that any reason for refusal on the grounds of visual impact could be substantiated.

Each planning application is assessed on its own merits and in this particular case, it is not considered that the form of development proposed would be so harmful.

3. Amenity of adjoining properties

The principal residential properties that may be affected by this proposal, are Numbers 1, 3 and 3B Shannon Close. The applicants currently own no. 3 and live at Number 3B and it is understood that it is their intention to move onto this plot adjacent to their stables.

The previous application was considered acceptable with regard to the impact upon adjoining properties. Therefore, the assessment of this application focuses on any changes as a result of the additional floorspace.

The amendments to highlight within the footprint of the previously approved dwelling are an additional bedroom window in the side (west facing) elevation, removal of two first floor windows on the rear (north facing) elevation serving a dressing room and a bedroom and an additional bedroom window on the front (south facing elevation).

The additional floorspace includes a orangery at ground floor which is predominantly glazed, a utility room with two east facing windows, a first floor bedroom window (south facing) and a balcony with doors which open towards the east.

It is considered that no.1 Shannon Close will not be affected. The only change to any elevation facing that property is an additional bedroom window which is further away than those already approved. Similarly, no. 3A will not be affected as the additional window in the elevation facing that property is no closer than those previously approved.

The only other property that may be affected is no. 3. The additional windows

on the south facing elevation that look towards no. 3 are a sufficient distance of 9m away from that boundary so as not to result in any unacceptable overlooking or loss of privacy. Similarly, the balcony is sited some 14m away from the boundary with no. 3 and this is considered acceptable to maintain acceptable levels of privacy.

The additional floorspace by virtue of its position will have no unacceptable impact upon adjoining properties in terms of an overbearing impact, loss of daylight or sunlight.

The proposal is therefore considered acceptable in this regard.

4. Highway considerations

The access arrangements remain as per the previous planning permission apart from a minor change to widen the access and amend the turning head within the site. The highways officer has raised no objections subject to the imposition of conditions.

The proposal is therefore considered acceptable.

5. Planning Obligations

No planning obligations are due as part of this application. The replacement of a two bed property with a three bed property does not generate the need for any additional financial contributions. The contributions secured as part of the previous planning approval have also been paid in full.

6. Other Issues

The comments raised by the Rights of Way Officer are noted but they are not directly related to this application as the footpath falls outside of the application site and the boundary treatment affecting the footpath is therefore not subject to consideration in this instance.

The comment raised in the objection concerning overdevelopment of the site has been addressed within this report. On balance the proposal is considered acceptable given the scale of additional floorspace proposed.

Recommendation

That Planning Permission be approved subject to the following conditions:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Prior to the commencement of development a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.

- 3 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 4 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits

- 5 Details of a refuse collection point located outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of the dwelling. The approved scheme shall be implemented prior to occupation of the dwelling and retained at all times thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 7 The access shall have a minimum width of 4.7m.

Reason: In the interest of road safety and for the avoidance of doubt and to allow a two way flow of traffic to/from the access.

- 8 Before the proposal is occupied a triangular vision splay shall be provided on the north-west side of the access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the access, and to make the access safe and convenient for the traffic which is

likely to use it.

- 9 The development shall not be brought into use until the turning space for vehicles illustrated on drawing no. 11/124/01 has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority. The turning space shall be retained and remain unobstructed thereafter.

Reason: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 10 Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-
- (i) materials to be used for any hard surfacing;
 - (ii) planting plans, including schedule of size, species, positions, density and times of planting;
 - (iii) details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

- 12 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
- **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
- **for other natural features along a line to be approved in**

writing by the Local Planning Authority.

Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To safeguard the existing trees on the site in the interests of visual amenity.

- 13 The (parking area) shall be constructed using a “no-dig” method of construction as outlined in Arboricultural Practice Note no.1 (Driveways close to trees).

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

- 14 **Prior to the commencement of development a scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the building(s) are occupied in accordance with a timescale agreed in writing with the Local Planning Authority.**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 15 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no extension(s) shall be formed without the written approval of the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 16 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on the first floor side-(south) elevation of the dwelling, adjacent to the boundary of Number 3 Shannon Close.

Reason: To protect the amenities of occupiers of adjoining properties at Numbers 3 Shannon Close, Lower Stondon.

- 17 **Details of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans before any part of the development is brought into use.**

Reason: To ensure that adequate surface water drainage is provided to prevent water pollution and flooding.

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans,

numbers CBC 1, 11/124/101, P711-1 REV A, 11-124/1D, 11-124/3D, 11-124/E12D.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development whilst not being wholly within the settlement envelope of Lower Stondon, would it have a detrimental impact on the character and appearance of the surrounding area nor would it have a detrimental impact on the residential amenities of any neighbouring properties; as such the proposal is in conformity with PPS3, and Policies CS1, CS2, CS14, DM3, and DM4 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

Notes to Applicant

1. The applicant should note that if discharge of surface water is to be to a ditch/watercourse within the Board's drainage district, the prior formal consent of the Board will be required.

DECISION

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