

Item No. 26

APPLICATION NUMBER	CB/12/01007/FULL
LOCATION	Land at 3 Olivers Lane, Stotfold, Hitchin, SG5 4DH
PROPOSAL	Erection of 3 bedroom dwelling
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Clarke, Saunders & Saunders
CASE OFFICER	Mark Spragg
DATE REGISTERED	14 March 2012
EXPIRY DATE	09 May 2012
APPLICANT	DPS Prestige Developments Ltd
AGENT	G C Planning Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Brian Saunders on the basis of the objection reasons made by the Town Council (overdevelopment, design, footpath safety, overlooking)
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site comprises land adjacent to 3 Olivers Lane, Stotfold. This property is a detached two storey residential dwelling with a significant sized front/side garden. The site is accessed via Olivers Lane, which is a single track road serving the application site and a number of other dwellings. It is located at the end of Olivers Lane where the vehicular access terminates and it becomes a public footpath between houses in Mowbray Crescent and Home Close. The site is surrounded by predominantly two storey residential properties.

The Application:

This application seeks permission for the construction of a detached 3 bed dwelling with associated attached garage and parking.

This is a revised application following approval of a previous scheme for a smaller 2 bed house (CB/10/00113/FULL). A subsequent application (CB/11/01185/FULL) was submitted based on a larger footprint than the 2010 approval and an altered access/parking layout for a 3 bed house. That application was refused but **only** on the basis of inadequate infrastructure contributions. The design, scale, appearance, impact on neighbours, access and parking, were all considered acceptable.

An appeal was submitted in respect of the 2011 refusal (see Appendix to this report) where the Inspector considered the Council's single reason for refusal relating to the absence of an acceptable legal agreement. The Council argued that contributions towards education and leisure were necessary. In addition, the Council considered that the first floor accommodation, described in the application as a study, had the potential to be occupied as a bedroom and as such the contributions were to be calculated on the basis of a 3 bed dwelling and not the 2 beds as argued by the applicants.

In determining the appeal the Inspector agreed with the Council that because the study was capable of being used as a bedroom without any alterations, it should be considered as a 3 bed property.

The Inspector also agreed with the Council that there was justification for seeking contributions towards education, recreational open space/childrens play space, and outdoor sport. However, the Inspector did not consider that contributions towards indoor sport were justified in this particular case.

This application seeks permission for a larger footprint than the 2011 application by incorporating an attached double garage and a loft storage area above with additional hardstanding. A draft legal agreement has been submitted which would provide for contributions towards those areas which the Inspector considered necessary.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)

Policies CS1, CS2, Central Bedfordshire Adopted Core Strategy and Development DM3 and DM4 Management Policies (2009)

Nb. (In accordance with Annexe 1: "Implementation", paragraph 215, of the National Planning Policy Framework, the above policy is considered to be broadly consistent with the NPPF and have therefore been given significant weight in the determination of this application.

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development - *Design Supplement 1: New Residential Development* (2009)

Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008)

Planning History

MB/00/01657	Full: Two storey side extension incorporating garage – Approved 20.11.2000
MB/07/01673	Full: Two storey rear extension and pitched roof to part of existing flat roof – Approved 05.12.2007
MB/09/05494	Full: Erection of one dwelling – Refused 16.09.2009
CB/10/00113	Full: Erection of 1 no. 3 bed dwelling with associated access – Approved 10.03.2010
CB/11/01188	Full: Erection of detached dwelling. Refused (Appeal dismissed 3.11.2011). A copy of the appeal decision is attached as an Appendix.

**Representations:
(Parish & Neighbours)**

Stotfold Town Council	Object. “The application represents an overdevelopment of the site, there is inadequate parking. This does not represent a cottage style development in keeping with other properties in Olivers Lane. The property is situated at the end of a well used footpath that is a route to school, potentially causing problems with traffic generated by property. The fence line is now in excess of the previous fence line and is now encroaching onto footpath. This development would overlook properties in Mowbray Crescent in an intrusive manner”.
Adjacent Occupiers	5 letters of objection received, the comments of which are summarised as follows: <ul style="list-style-type: none"> • Encroaches on public land in Olivers Path • Potential for large number of bedrooms. • Overlooking of 51, 53 55 Mowbray Crescent • Impact on amenity of 55 Mowbray Crescent from gable wall • Disturbance to adjacent properties in Mowbray Crescent from use of access/parking area • Concern about additional use of Olivers Lane for vehicular traffic • Too large for plot • Impact on wildlife • Unnecessary additional space for cars • Inadequate access for fire engines

Consultations/Publicity responses

Highways	No objections subject to conditions being attached to any consent granted
Rights of Way Officer	No objections in principle
Ecology	No objection but request informative to prevent harm to any possible wildlife at the site.

Determining Issues

The main considerations of the application are;

1. The principle of development;
2. The effect on the character of the area;
3. The impact that the proposal will have on the residential amenity of neighbouring properties;
4. Any other implications of the proposal.

Considerations

1. Principle of development

The principle of residential development has already been established under planning application numbers CB/10/00113/FULL and CB/11/01181/FULL. There have been no material policy changes since the previous applications and therefore the principle of residential development on this site is still considered acceptable, with the site located within the Stotfold settlement envelope.

The issue is therefore whether the proposal with the amended design and additional footprint created by the garage is still acceptable in terms of its impact on the character of the area and neighbouring amenity. Also whether the proposed contributions as set out in the draft legal agreement are acceptable, taking account of the 2011 appeal decision.

2. Character and Appearance of the Area

The site is located within the residential curtilage of 3 Olivers Lane. As with the approved 2010 and the subsequent 2011 application, it is proposed to subdivide the plot and construct a 1½ storey dwelling, with access from Olivers Lane.

The main difference between this application and that considered otherwise acceptable in 2011 (apart from the matter of an unacceptable legal agreement) is the addition of an attached doubled garage (5.5 x 7m) the same width and roof height as the projection previously considered. The north west facing projection in the 2011 application was shown as a flank elevation whilst the current proposal would have garage doors.

In addition, the other difference from the 2011 application is a change to the north west facing elevation from a hip to a full gable, and the addition of a chimney.

The new dwelling would retain a separation distance of 13.5m from the closest property and be surrounded by an amenity space totalling approximately 190sqm, with space retained around the building to the boundaries. The retained plot and amenity area for 3 Olivers Lane would be the same as previously.

The forward projection to enable the garage is not considered significant in terms of the appearance of the site, particularly given that the projection would still be set back some 29m from the entrance to the site and the public footpath. Whilst there would be a marginal increase in the hardstanding to facilitate access to the garage, and a loss of amenity space, it is not considered that such changes make the proposal unacceptable or unduly harmful to the layout of the site or the character of the area.

In visual terms it is not considered that the change to the north west facing elevation would harm the character of the area, and indeed the addition of the chimney is visually considered an enhancement.

Given the size and location of the site and the low height of the dwelling, it is considered that notwithstanding the additional built form and footprint from that previously considered acceptable the proposal would still fit comfortably within the plot and have no detrimental impact on the character and appearance of the area.

3. Residential Amenity of Neighbouring Properties

The siting of the dwelling within the site remains unchanged from that previously considered acceptable. The dwelling is sited approximately 13.5m from the rear building line of No's 53 and 55 Mowbray Crescent, with the closest window (bed 3) being a distance of approximately 22m, as previously the case, and would not result in any unreasonable overlooking.

Whilst the change to the gable on the south west elevation and addition of the chimney would increase the visibility of the proposal from the rear of No.55 it is not considered that in light of the low height of the gable end (6.4m) at a distance of 13.5m that this would be overbearing, or result in any significant loss of amenity.

The properties in Home Close are located approximately 19m from the proposed dwelling, separated by the public footpath. The elevation (south east) facing the rear gardens of the properties in Home Close would have 3 no. velux windows in the roof slope. It is considered that there would be no adverse overlooking to these properties given the siting and type of windows. Whilst the addition of the garage would add to the amount visible from the properties in Home Farm it is not considered that this would be harmful to amenity.

No. 3 Olivers Lane would be sited in excess of 25m from the north east facing dormer windows and as previously such a distance is considered acceptable to prevent any undue overlooking. It is not considered that the change to the north west elevation and the addition of the garage would have any undue impact on No.3.

As with the previous proposal there would be a parking area immediately adjacent to the rear fence of No's 51,53 Mowbray Crescent and the side/rear garden of 3 Olivers Lane. This would be unchanged from what was previously considered acceptable, with only a minimal use being unlikely to cause any unreasonable noise or disturbance. .

On the basis of the above there would be no significant adverse impact on the residential amenities of any neighbouring properties, subject to conditions relating to future alterations and extensions.

4. Any Other Implications

Highways

The access remains the same as previously approved, whereby the vehicular access along Olivers Lane was considered acceptable. Highways have raised no objection subject to conditions which include a requirement for appropriate visibility splays at the site entrance, an adequate turning space for delivery/service vehicles within the site, and details of access for construction vehicles.

Wildlife

The site has mostly been cleared and it is not considered that the proposal would result in any harm to known wildlife within the site.

Rights of Way Officer

The Rights of Way Officer raised no objections in principle and it is not, as previously the case, considered to be any harm to the public footpath, subject to the appropriate visibility splays required by Highways.

Planning Obligations

On the basis of the Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008) and Policy CS2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) this application for an additional dwelling attracts a requirement for Planning Obligations. The agreement offers contributions towards education, recreation open space and children's play space, and outdoor sport. This takes account of the Inspectors considerations in the 2011, highlighted at the beginning of this report.

Whilst the application only shows 3 bedrooms on the first floor the layout and the introduction of the storage area above the loft introduces the possibility of creating an additional bedroom, which would generate a requirement for an additional contribution. However, it is not considered likely that a fourth bedroom could be created without further alterations to the roof in the form of new openings. As such, in the light of the previous appeal decision and the Inspectors considerations it is considered appropriate to remove permitted development, such that consent would be required for any additional windows within the roofspace and as such may generate a requirement for further contributions.

RECOMMENDATION

APPROVE Planning Permission subject to the following condition:

- 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 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 **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 is 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.

- 5 **Before the development commences a triangular vision splay shall be provided on each side of the access of no. 3 Olivers Lane and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8, measured into the site at right angles to the same line along the side of the new 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.

- 6 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to be agreed in writing by the Local Planning Authority. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway or into the main drainage system.

Reason: In order to minimise the impact on highway safety.

- 7 The development shall not be brought into use until a turning space suitable for service/delivery/ambulance sized vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

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

- 8 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

- 9 **Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 10 The velux windows in the south east facing elevation shall be fitted with obscure glazing where the window height is less than 1.7m above the floor level in the room where the window is installed.

Reason: In the interests of neighbouring amenity.

- 11 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 works shall be commenced for the extension of the building hereby approved nor any material alteration of their external appearance including any further windows until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties and on the basis that the infrastructure contributions are based on a 3 bedroom dwelling.

- 12 The garage hereby permitted shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure adequate parking within the site, in the interests of highway safety.

- 13 **Before development begins, a landscaping scheme to include any hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure a satisfactory standard of landscaping.

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [SC/02-P1, SC/01-P4].

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development is considered acceptable in form, design and scale and would not cause harm to the amenities of neighbouring properties or to highway safety. As such the proposal is in conformity with the National Planning Policy Framework and policies CS1, CS2, DM3 and DM4 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; A Guide for Development - *Design Supplement 1: New Residential Development* (2009). The proposal is therefore acceptable and planning permission should be granted subject to conditions.

Notes to Applicant

1. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
2. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

3. Care should be taken when moving rubble piles within the site to prevent any harm to animals that may be sheltering. Removal of any trees within the site should be avoided during the nesting season (March to August inclusive)
4. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

DECISION

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