

## **Item No. 16**

<b>APPLICATION NUMBER</b>	<b>CB/12/04272/FULL</b>
<b>LOCATION</b>	<b>32 Astwick Road, Stotfold, Hitchin, SG5 4AT</b>
<b>PROPOSAL</b>	<b>Erection of 3 dwellings</b>
<b>PARISH</b>	<b>Stotfold</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>04 December 2012</b>
<b>EXPIRY DATE</b>	<b>29 January 2013</b>
<b>APPLICANT</b>	<b>Mr T Saunders</b>
<b>AGENT</b>	<b>Levitt Partnership</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The applicant is the brother of councillor John Saunders</b>

**RECOMMENDED DECISION** **Full Application - Granted**

### **Site Location:**

The application site is located within the village and settlement envelope of Stotfold. The site comprises part of the large garden serving No.32 Astwick Road, a relatively large two storey detached house, behind a 2m high boundary wall/fence. The overall plot within which the current house sits has an area of approximately 0.09ha, extending to a depth of over 60 metres and a width of 22 metres. The site includes a flat roof double garage located towards the front north east corner, to the side of the house, with a summerhouse behind. The garden is well landscaped with a mixture of generally small trees and shrubs, though there are some larger trees at the rear.

Adjacent to the northern boundary of the application site is the rear garden of 34 Astwick Road, a two storey house, whilst to the south east is a commercial garage operated by the applicant. The garage also has a vehicle recovery business based at the premises. To the rear of the site are four chalet style bungalows No's 10-16 Ivel Way with gardens abutting the application site.

### **The Application:**

This application proposes the erection of a terrace of three No. two bed dwellings (7.9m high) to be sited within the rear part of the existing garden of No.32 and served by a repositioned shared access with the retained property. The existing garage and outbuilding would be demolished to facilitate the new access road with parking for up to 4 cars being provided for the retained house within an existing gravelled area at the front of the property, behind the boundary wall/fence.

A total of 7 parking spaces would be provided for the three proposed dwellings, two each to the side of plots 1 and 3 and three spaces in front of the houses, two serving plot 2 and the other being a visitor space.

Some existing conifer hedging and small trees are shown to be removed from the

south boundary of the site to facilitate the realigned access and parking area, with replacement planting shown to either side of the access. Some small trees are also shown to be removed towards the rear of the site.

The application is accompanied by a Design and Access statement and a Tree Survey.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework**

#### **Core Strategy and Development Management Policies**

CS1: Development Strategy

CS2: Developer Contributions

CS14: High Quality Development

DM3: High Quality Development

DM4: Development within and beyond Settlement Envelopes

DM15: Biodiversity

#### **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development

CBC Emerging Parking Strategy, Appendix F, Central Bedfordshire Local Transport Plan, endorsed for Development Management purposes by Executive October 2012

Planning Obligation Strategy 2008

#### **Planning History**

CB/12/02351 – Erection of 3 dwellings. Withdrawn.

#### **Representations: (Parish & Neighbours)**

Stotfold Town Council      Object on the following grounds:

- The proposals are contrary to the wishes of residents as identified in the Stotfold Town Plan as the proposal is back land development.
- Due to the very close proximity to the adjacent petrol station, we request that an environmental study is carried out to determine potential health risks to inhabitants of the proposed dwellings.
- Ask if Central Beds Council has a policy on building of dwellings in close proximity to petrol stations.
- Due to the relative high water table we ask that Anglian Water are consulted as by covering a large land mass with buildings and hard surfacing will make the current situation worse.

- The proposal would result in a crowded site, with lots of vehicle movements on a narrow access.
- Visitor parking would be very limited, and it is not considered suitable for visitors to park on Astwick Toad given the width of the road and the nature of the recovery business adjacent.
- There would be a considerable amount of overlooking and loss of privacy, and there is no protection for long term screening.
- The site supports a variety of wildlife, which is an asset to the whole of the area.
- The site contains a substantial detached dwelling and the proposed row of 2 storey terraced homes could be out of character with the surrounding area.

## Neighbours

Six letters of objection have been received from the occupants of five adjoining properties. The comments are summarised as follows: :

- Overlooking of No.10, 12 and 16 Ivel Way
- The existing screen will be overbearing on the new properties and likely to be removed
- There have already been too many infill sites in Stotfold
- The access will put more pressure on Astwick Road
- Impact on existing water levels
- Will harm wildlife
- Inadequate parking
- Out of keeping with the area
- Proximity to the garage may result in contamination.

## Consultations/Publicity responses

### Highways

The on site parking complies with the Council's recently endorsed parking standards for residential dwellings. Visibility at the modified access complies with the standards set out in Manual for Streets. The adjacent garage is in the ownership of the applicant and therefore the splays can be secured by condition.

The new dwellings are less than 45m from the carriageway edge of Astwick Road and a bin collection/bin storage point is shown within 10m of the highway. Therefore the refuse vehicle will not need to access the rear of the site. However the turning area in front of the new dwellings is large enough to accommodate other service/delivery vehicles and possibly emergency vehicles and can therefore be

considered acceptable. Recommend approval subject to conditions.

Public Protection	No objection. Conclude that the proposed layout does not have any windows for habitable rooms facing the commercial garage. Do not consider that there will be any detriment to the amenity of the proposed dwellings from activities at the adjacent garage. The design and layout has ensured that it is no more significant than the levels that existing properties will experience.
Public Protection (Contamination)	No objection subject to conditions.
Tree Officer	Existing trees should be retained as far as is practical and the group of trees to the rear of plot 1 should be retained.
Ecology	Support retention of mature 'heritage' pear which is over 100 years old.  The buildings on site proposed for demolition are unlikely to provide roosting opportunities for bats but as a precautionary measure I would advise that should any bats be found all works cease and advice be sought from Natural England.
Ivel and Ouse IDB	The Board notes that the proposed method of storm water disposal is by way of soakaways. It is essential that ground conditions are investigated and if found satisfactory the soakaways be constructed in accordance with the latest Building Research Establishment Digest 365.

## Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact on Character and Appearance of the Streetscene
3. Impact on Amenities of Neighbouring Residents and future occupiers
4. Access and parking
5. Infrastructure
6. Other considerations

## Considerations

### 1. Principle of Development

Core Strategy policy CS1 defines Stotfold as a Minor Service Centre wherein policy DM4 sets out that within such settlement envelopes housing commensurate with the scale of the settlement will be approved in principle.

The National Planning Policy Framework (para 49) states that "housing

applications should be considered in the context of the presumption in favour of sustainable development". The NPPF recognises that garden areas do not fall under the definition of 'Previously Developed Land', however, paragraph 53 of the document states: 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. The ability of the Council to resist inappropriate development of residential gardens is already present in Development Management Policy DM3: High Quality Development, which states amongst others that: All proposals for new development will: be appropriate in scale and design to their setting, contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials, use land efficiently, respect the amenity of surrounding properties, provide adequate areas for parking and servicing, respect and complement the context and setting of all historically sensitive sites particularly those that are designated.

The proposed houses would be within the settlement envelope and as such the principle of development complies with the objectives of the Core Strategy Policies CS1 and DM4 and objectives of the NPPF subject to all other material considerations.

## **2. Impact on Character and Appearance of the Streetscene**

Core Strategy DM3 sets out that developments should be appropriate in scale and design to their setting and contribute positively to creating a sense of place.

The proposed houses would be located within what is currently the rear garden of 32 Astwick Road. It is relevant however to note that there is other backland development surrounding the site in all directions, including detached two storey houses in Astwick Road, two storey terraced houses in Saxon Avenue, set back behind No.40 Astwick Road and chalet style properties at the rear in Ivel Way. The neighbouring commercial building is also sited in a similar position relative to Astwick Road as the proposed houses.

The design of the houses would be of a simple form as a small terrace. Window detailing and pitched canopies to the front doors would add interest to the front elevations, whilst the scale would respect surrounding developments. Due to being set back in excess of 38m from the Astwick Road frontage and partly obscured by the existing house it is not considered that the development would appear prominent and be appropriate to the scale of the retained frontage property.

The application is supported by a Tree Survey which identifies some groupings of trees within the site and in particular towards the rear corner of the site between plot 1 and 14, 16 Ivel Way and included in a tree protection plan. The plan also indicates additional trees to be planted along the rear and side (south boundary), with existing trees also shown to be retained adjacent to the north boundary. It is considered that the proposed new planting on either side of the access road would help to soften the appearance of the realigned access into the site.

The density of development would equate to approximately 33 dwellings per

hectare (dph) which is considered reasonable in the context of its surroundings, the development at Ivel Way being in excess of 40 dph.

In summary it is considered that the design and scale of the proposed houses would not harm the character of the area and would integrate satisfactorily with its surroundings.

### **3. Impact on Amenities of Neighbouring Residents and future occupiers**

Core Strategy policy DM3 requires new development to respect the amenity of nearby residents.

The houses have been positioned such that they would be approximately midway between the rear of 32 Astwick Road (22.5m) and the rear of No's 12 and 14 Ivel Way (22m). Similarly a distance of 24m would be maintained to the rear of 34 Astwick Road. Each new property would have a single bedroom window on the front and rear elevation, whilst the rear elevation of each would also have a bathroom window.

The Council's Design Guide recommends that a minimum distance of 21 metres is maintained in such suburban settings to prevent unreasonable overlooking between properties. As such, the separation distance to the above neighbouring would comply with these guidelines.

No.16 Ivel Way has a rear single storey conservatory extension, which does project to a point only 16m from the first floor bedroom window serving plot 1. However, the proposed window would not face directly towards No.16, being at an angle of approximately 40 degrees from the conservatory. As such it is not considered that the acute degree of overlooking would be so significant as to justify a refusal on such grounds. Nevertheless, it is considered appropriate to impose a condition requiring that the closer window, serving the first floor bathroom is obscurely glazed.

There are some trees shown to be retained along the rear boundary which would provide a degree of screening between the properties, although it is considered that the separation distances and the juxtaposition of the proposed dwellings to the neighbouring properties are themselves sufficient to address any overlooking issues. The retention of the trees would however be beneficial.

The proposed houses would be orientated to the south east of the properties in Ivel Way and as such it is not considered that the new dwellings would significantly restrict daylight to the rear of the neighbouring properties.

In terms of the amenities of the future occupiers, each property would be provided with gardens of sufficient size, 102sqm (plot 1), 62sqm (plot 2) and 110sq m (plot 3). The Design Guide in Central Bedfordshire recommends (para 6.08) that rear gardens for family houses should generally be no less than 50sqm. Whilst the rear garden on plot 1 would be shaded to a degree by the existing trees shown to be retained it is considered that due to the south westerly orientation of the garden and its size in excess of 100sqm that a reasonable degree of natural sunlight would be obtained within the garden area to serve

such a 2 bed property.

The site is located adjacent to a working garage which also operates as a base for a 24 hour vehicle recovery business. It is noted that the business currently operates between 8am and 5pm Monday - Friday and 8am to midday on Saturday. It is also noted that the applicants state that out of hours delivery of recovered vehicles does not normally occur at the premises. The closest proposed house (Plot 3) has been designed without any windows serving habitable rooms on the closest flank elevation and the Public Protection Officer considers that the relationship to the adjacent premises would be no different to other surrounding properties and raises no objection on amenity grounds.

On the basis of the above it is not considered that any harm to neighbouring amenity would result and the development would result in a reasonable level of amenity for future occupiers.

#### **4. Access and Parking**

The development would be served by a shared access with the existing house, which would be relocated in order to provide an acceptable level of visibility onto Astwick Road.

Parking provision of 7 spaces in total for the three 2 bed houses is considered acceptable, in line with the emerging parking strategy. The use of the existing gravelled frontage for the parking of up to 4 cars associated with the existing house is also acceptable.

The Highway Officer has raised no objection to the proposal in terms of access, visibility of parking and there are considered to be no highway safety issues with the proposal.

#### **5. Infrastructure**

The SPD regarding Planning Obligations was adopted in February 2008 and supported by Core Strategy policy CS2 sets out that all residential development will be subject to standard charges to ensure that smaller-scale development can meet its obligations to fairly and reasonably contribute towards new infrastructure and facilities. A draft unilateral agreement has been submitted with this application which satisfies the requirements of the SPD.

#### **6. Other considerations**

A Tree survey and Assessment was submitted as part of the application which identifies trees to be retained and those to be removed, also shown on the block plan drawing. Whilst the Tree Officer does not consider the trees within the site to be of such significance as to justify protection he nevertheless considers it important that the grouping of trees within the west corner in the rear garden of plot 1 are retained as part of the development.

Whilst concerns regarding the impact on wildlife within the site have been raised by neighbours the Council's Ecologist does not consider that the development would result in harm to any protected species. The buildings on site proposed

for demolition are unlikely to provide roosting opportunities for bats. However it is considered appropriate to include a precautionary note that should any bats be found that all works cease and advice be sought from Natural England.

Whilst concerns have been raised regarding possible flooding, the area is not within a flood risk area. Furthermore, whilst the site is located within the area covered by the Bedfordshire and River Ivel Drainage Board they have raised no objections to the development in terms of drainage.

## **Recommendation**

That Planning Permission be granted subject to the following conditions:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Prior to the development hereby approved commencing on site, details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

**Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.**

- 3 **Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement:**

**a) A Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate sampling, as shown to be necessary by the Phase 1 Desk Study by Applied Geology of June 2012 already submitted.**

**b) Where shown necessary by this Phase 2 investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**

**Reason: To protect human health and the environment**



- 4 On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and validation sampling.
- Any remediation scheme and any variations shall be agreed in writing by the local planning authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment

- 5 **Prior to the development hereby approved commencing on site, a landscaping scheme 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.**

- 6 **Prior to the development hereby approved commencing on site, including any ground clearance or excavation, substantial protective fencing, the details of which shall first be approved in writing by the Local Planning Authority, shall be erected and the fencing shall be retained at full height and extent until the development is substantially completed. No materials shall be stored or deposited and no mixing of materials shall take place within the area so protected.**

**Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2005 or as may be subsequently amended.**

- 7 **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.**

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

- 8 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 buildings hereby approved nor any material alteration of

their external appearance 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.

- 9 The first floor bathroom window in the rear elevation of plot 1 shall be –
- obscure-glazed, and
  - non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To safeguard the amenities of occupiers of no. 16 Ivel Way.

- 10 **Development shall not begin until details of the junction of the widened vehicular access with the highway have been approved by the Local Planning Authority and no dwelling shall be occupied until the junction has been constructed in accordance with the approved details.**

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

- 11 Before the modified access is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay 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 modified access and to make the access safe and convenient for the traffic that is likely to use it.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [4A, 5 ].

Reason: For the avoidance of doubt.

## Notes to Applicant

1. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.  
Applicants are reminded that, should groundwater or surface water courses

be at risk of contamination during or after development, the Environment Agency at Brampton should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

2. The Buckingham & River Ouzel Internal Drainage Board advise that it is essential that ground conditions be investigated and if found satisfactory, the soakaways constructed in accordance with the latest Building Research Establishment Digest.  
In the event that ground conditions are found not to be suitable for soakaway drainage, any direct discharge to the nearby watercourse will require the Board's prior consent. Please contact the Internal Drainage Board at Cambridge House, Cambridge Road, Bedford, MK42 0LH - Telephone (01234 354396) - E-mail [contact@idbs.org.uk](mailto:contact@idbs.org.uk)
  
3. Should any roosting bats be found during the demolition of the buildings on site then all works should cease and advice be sought from Natural England.

**DECISION**

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