

store.

The application is supported by a Design Statement and accompanied by a completed Unilateral Undertaking in respect of infrastructure provision.

Apart from being a detailed application rather than an outline application this proposal is different to those previously refused as a result of it relating to a larger plot (depth of 24m compared to 20.7m in the first application). The application also shows the removal of a large willow tree which would previously have overhung the garden area.

RELEVANT POLICIES:

National Planning Policy Framework

Sections 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design

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

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Central Bedfordshire Local Transport Plan, Appendix F, Parking Strategy

Planning Obligation Strategy 2008

Planning History

CB/11/02810 – Outline.	Erection of new four bedroom dwelling. Refused.
CB/12/02448 – Outline.	Erection of two storey detached dwelling. Refused

Representations: (Parish & Neighbours)

Sandy Town Council	Sandy Town Councillors made a site visit and considered this application, carefully taking note of neighbours objections and the history of previous applications on the site. The Council found no planning grounds which caused them concern and therefore resolved to make no objections to the proposed development. However, the Council would wish to draw your attention to neighbours
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concerns about overlooking of rear gardens in particular at 4,9 and 10 Malaunay Place.

Neighbours

8 letters of objection have been received from residents of Malaunay Place and Moore's Court, the main points being summarised as follows:

- Loss of privacy to properties in Moore's Court and 4 Malaunay Place.
- Impact on wildlife, especially bats from removal of leylandii trees.
- Would change the character of the area.
- The proposed house would be too large for the site.
- Queries regarding the ownership of the verge.
- Would increase parking and highway safety problems on Malaunay Place.
- Access to 4 Malaunay Place would be affected.
- Dangerous access onto Malaunay Place.
- Highway issues and noise caused by construction traffic.
- Provision of a driveway would result in the loss of amenity land.
- Sandy already has many four bedroom properties for sale.
- Removal of the large willow trees may cause subsidence.
- A unilateral undertaking has not been submitted.

Consultations/Publicity responses

Ecologist

Do not consider it likely that bats would be living on the site as Leylandii are fast growing trees and it is unusual for even large ones to contain rot holes or cavities sufficient to be utilised by bats. Recommend an advisory note.

Highways

No objection, but suggest conditions to deal with surfacing, visibility splays, access for construction vehicles and on-site parking for construction workers.

Tree Officer

No objection subject to landscaping condition.

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
4. Highways and Parking

5. Trees and Ecology
6. Infrastructure

Considerations

1. Principle of Development

Core Strategy Policy CS1 defines Sandy as a major service centre. Policy DM4 sets out that within settlement envelopes of major service centres the Council will approve housing, employment and other settlement related development commensurate with the scale of the settlement.

As the application site is within the settlement envelope of a major service centre the proposal is considered acceptable in principle, subject to no conflict with any other relevant policies set out elsewhere in the Core Strategy.

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.

Unlike the previously refused outline applications this proposal is a detailed application. The design of the proposed dwelling as shown in the submitted plans would have a half hipped roof and front gable projection, which reflects that of other properties within Malaunay Place. An accompanying street elevation illustrates the relationship with No.9 Malaunay Place and given the slightly lower level of the application site the proposed house would be slightly lower than the neighbouring property.

The siting of the proposed house as shown would be logically positioned between No's 9 and 10 Malaunay Place, taking account of the curvature in the road at this point. Whilst 2 Moore's Court is set back further it does not relate to Malaunay Place and instead relates to the other properties within Moore's Court. As such, the siting of the proposed dwelling is considered appropriate, retaining an adequate set back to the road frontage and with a design in keeping with the existing layout within Malaunay Place.

The siting of the house has been set back from that indicatively shown on the previous outline applications as a result of the increased depth of the plot. As such the layout allows for some landscaping along the frontage to partially screen the parking and to help mitigate for the loss of the existing hedging and to reflect the planting in front of other surrounding properties.

Whilst the proposal does also involve the loss of a number of other trees, including a large willow tree within the site, other trees beyond the application site would be unaffected by the proposal. The trees including the willow tree are not particularly prominent in the streetscene due to the screening provided by the leylandii trees and it is not considered that the trees would warrant any protection. Furthermore, the Tree officer has raised no objection to the proposal. Overall it is considered that the proposal would not significantly impact on the character of the area and as the design of development is in keeping with its surroundings is considered acceptable.

3. Impact on Amenities of Neighbouring Residents and future occupiers

The Core Strategy Policy DM3 also requires new development to respect the amenity of nearby residents.

The flank elevation of the proposed house would be approximately 7.8m from the side elevation of 2 Moore's Court. Whilst projecting 4m to the rear of that property it is not considered that any undue loss of light would result. No first floor side windows are shown in the proposed dwelling and no main windows exist in the side elevation of 2 Moore's Court. Due to the proposed siting of the new house it is not considered that any significant loss of privacy to the occupiers of 2 or 3 Moore's Court would result.

The two storey part of the proposed house would be sited approximately 7m beyond the closest front window (first floor) of 9 Malaunay Place. However with a gap of 3.6m between the properties and the fact that the neighbouring window is north facing and with the line of high leylandii currently along the application boundary it is not considered that the proposal would lead to any significant additional loss of light, nor is it considered that the new house would appear unduly overbearing on the neighbouring property. No first floor flank east facing windows are shown in the development. Although acute views towards the south west corner of the rear garden of No.9 may be possible it is not considered that such a degree of overlooking is unreasonable, particularly given that most of the neighbouring garden, especially that immediately to the rear of the house, would remain private.

Given the length of gardens serving No's 29, 31, 33 and 35 Cambridge Road it is not considered that any unacceptable levels of overlooking towards those properties would result.

Unlike the previously refused applications this proposal involves removing the large willow tree within what would be amenity area of the new house. The size of the plot has been increased from the previous applications resulting in a larger rear garden (129sqm), in excess of the recommended average garden size as set out in the Central Bedfordshire Design Guide (100sqm). As such this would enable an acceptable level of amenity for future occupiers.

4. Highways and Parking

The proposal incorporates a parking area at the front of the property which would allow for the parking of four cars within the driveway, which meets the current parking requirements for such a 4 bed house. Whilst there is also an attached garage shown this does not comply with current size requirement, however this is not relevant as the appropriate parking provision can be provided on the frontage.

Objections have been raised regarding the increase in traffic and parking provision, however the Highways Officer considers that both parking and access are acceptable and that access could be obtained across the adjacent verge which is highway land. No objection is raised on highway grounds subject to conditions to control the surfacing of vehicular areas, visibility splays, construction vehicle access and construction worker parking.

5. Trees and Ecology

The proposal will result in the loss of a belt of leylandii trees and a large willow tree together with some other smaller trees within the site. However, as addressed in Section 2 of this report it is not considered that the trees are worthy of protection. It is concluded that the loss of these trees would not be so harmful as to justify a refusal, particularly given the presumption in favour of sustainable housing development as set out in the NPPF (para 49).

Some objectors have commented that the proposal would have an adverse impact on wildlife, in particular bats. Whilst the Council's Ecologist does not consider it likely that any bats would be roosting within trees at the site it is recommended that an advisory note in respect of the possible presence of bats is included.

6. Infrastructure

The SPD regarding Planning Obligations was adopted in February 2008 and supported by Core Strategy policy CS2 sets out that all residential development, including single dwellings, 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 completed unilateral undertaking has been submitted and as such as submitted the requirements of the SPD have been met.

Recommendation

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 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 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed buildings and surfacing materials for the driveway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the development.
- 3 **Before development begins, 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.

- 4 Before development begins 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. 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.

- 5 Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and the dwelling shall not be occupied until the access 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

- 6 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. 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.**

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

- 7 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.

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [9061-P01 P2, P02 P2, P03 P2, P04 P1, P05 P1, P06 P1].**

Reason: For the avoidance of doubt.

Notes to Applicant

1. If during the course of development a bat roost is found within any trees to be removed then a European Protected Species licence will be required from Natural England.
2. **Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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