

Item No. 13

APPLICATION NUMBER	CB/13/02360/FULL
LOCATION	Land adj to 2 Sandy Lane, Leighton Buzzard, LU7 3BE
PROPOSAL	Demolition of existing garages & construction of a new 2 bed bungalow, together with a new access and parking for No 2 Sandy Lane. (Re-sub of 12/3697Full)
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Shadbolt & Spurr
CASE OFFICER	Nicola Darcy
DATE REGISTERED	03 July 2013
EXPIRY DATE	28 August 2013
APPLICANT	Mr & Mrs M Ciancio
AGENT	Lee Butler MRICS
REASON FOR COMMITTEE TO DETERMINE	Applicant's partner is an employee of the Council
RECOMMENDED DECISION	Full Application – For Approval

Site Location:

The site currently contains a left hand sided semi-detached single storey bungalow of which the main elevation fronts Sandy Lane. The property is attached to the neighbouring bungalow of No.299 Heath Road. This pair of semi-detached bungalows are located on a prominent corner of Heath Road and Sandy Lane. The existing property of No.2 Sandy Lane is of a brick and tile construction with UPVC windows. The bungalow appears to have had a single storey extension on the left side of the Sandy Lane elevation between the existing bungalow and the double detached garage.

The property has a double detached garage with two separate garage doors which has a footprint of 36 sqm. The garage is located on the left hand side of the main elevation on Sandy Lane. The garage has an adjoining wall to the left of the frontage which subdivides the front and rear garden whilst providing a boundary for the existing rear garden of No.2 Sandy Lane. The existing rear garden is an 'L' shape and this is partly bordered by a 1.8 metre fence and the existing bungalow, the side and rear of the detached garage and the adjoining brick wall which subdivides the front and rear garden.

The property is located on the corner location of Sandy Lane and Heath Road and the street scene is residential in character. On the adjacent corner to the existing property of No.2 Sandy Lane is a corner shop and the highway in this area has double yellow lines. Further along Sandy Lane is the Oak Bank School.

Planning Proposal

Permission is sought for the demolition of the existing detached double garage and the construction of a detached 2 bedroom bungalow together with the creation of a new vehicular access point and parking.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

South Bedfordshire Local Plan Review Policies

Policy BE8 Design Considerations

Policy T10 Controlling Parking in New Developments

Policy H2 Making Provision for Housing via "Fall-in" sites

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 and H2 are still given significant weight. Policy T10 is afforded less weight).

Development Strategy for Central Bedfordshire

Policy 1: Presumption in Favour of Sustainable Development

Policy 24: Accessibility and Connectivity

Policy 27: Car Parking

Policy 34: Affordable Housing

Policy 43: High Quality Development

Policy 59: Woodlands, Trees and Hedgerows

(Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2013).

Planning History

CB/12/03697/FULL	Refused application for the demolition of the exiting garages and construction of a new 2 bed bungalow. (Appeal dismissed)
CB/12/02360/PAPC	Pre Application Advice: Erection of a 2 bed chalet bungalow and demolition of existing double detached garage of No. 2 Sandy Lane.
CB/11/01919/FULL	Change of Use: From amenity land to residential garden by the erection of a 900mm fence

**Representations:
(Parish & Neighbours)**

Leighton Linlade Town Council

The Committee discussed application reference CB/13/02360 (Land adj to 2 Sandy Lane) and the comments made by the Secretary of State in the Appeal to the previous application. The Committee felt that the previous objection for overdevelopment remained valid but recognised it was not possible to put forward an objection on these grounds on this occasion.

RESOLVED to make no comment regarding application reference CB/13/02360 (Land adj to 2 Sandy Lane)

Adjacent Occupiers

21 Sandy Lane

- inappropriate design and size of garden
- over development
- increase of congestion caused by indiscriminate parking

4 Sandy Lane

- Loss of light
- out of keeping with the area
- inadequately sized garden
- increase of indiscriminate parking on verges
- impact upon highway safety
- damage to Oak tree
- impact upon visual amenity
- overdevelopment

8 Sandy Lane

- impact upon highway safety
- out of keeping
- drainage concerns
- over development
- impact upon Oak tree
- in conflict with deeds

Sandy Lodge, Sandy Lane

- impact upon highway safety
- impact upon root system of Oak tree

23 Sandy Lane

- impact upon highway safety
- out of character
- increase of indiscriminate on verge

Consultations/Publicity responses

Highways

This is similar to the previous application except for the parking area for the proposed bungalow is to remain in its current position and served by the existing access.

The applicant will be able to achieve two off road parking spaces within the curtilage of the proposed dwelling and a minimum of two new parking spaces for the existing dwelling, which will be served via a new vehicular access.

I would not wish to raise any highway objection to the proposal, subject to the following highway conditions.

Trees & Landscape

I refer to your memorandum dated 8th July 2013 and my examination of the application documents and wish to state that in recognition that the new access will now be located on the opposite side of the existing access in relation to the highway Oak tree, and that the existing car park surfacing will be unchanged, I will have no objections to this application.

Determining Issues

- 1. Principle of Development**
- 2.. Design**
- 3. Impact on Neighbouring Residential Amenity**
- 4. Highways**
- 5. Trees**
- 6. Planning Obligations**

Considerations

1. Principle of Development

The property is an existing semi-detached residential bungalow which is located within an existing residential area within Leighton Buzzard. The principle of the creation of appropriate new dwellings as infill within built up areas excluded from the Green Belt is acceptable providing they meet the requirements of the NPPF, Policies H2, BE8 and T10 of the South Bedfordshire Local Plan Review (2004) and the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Developments and Design Supplement 7: Movement, Streets and Places (2010) and the Central Bedfordshire Local Transport Plan: Appendix F – Approach to Parking (2012).

A previous application was refused for the following reasons:

- 1) impact upon visual amenity of the street scene
- 2) loss of amenity land
- 3) impact upon residents
- 4) impact upon highway Oak tree

The applicant appealed against the Council's refusal and the Inspector did not uphold the Council's reasons for refusal except the reason regarding the impact upon a highway Oak tree. Therefore due to the considerations of the Inspector and the removal of the secondary access, the principle of development is considered to be acceptable.

2. Design

The Inspector had the following comments to make regarding the overall design of the bungalow:

Paragraph 6 'Beyond No 2 on the same side of the Lane as the appeal site houses are separated by small gaps of typically 1m. As a result, the proposed bungalow with gaps of approximately 2m separating it from neighbouring dwellings would fit in with the pattern of spacing which characterises development on this side of the Lane.'

Paragraph 7 'No 2 is a spaciouly laid out plot with ample garden to the front and both sides of the dwelling. The proposed development to its western side and associated hardstanding for parking and turning would complement the pattern of development along Sandy Lane. Along Heath Lane the open undeveloped character of the other side garden would not change. The proposed dwelling would project approximately 0.75m forward of the front elevation of Nos 4 to 10. However, owing to its single storey height this would not result in the dwelling being unduly prominent. As a consequence, the design of the development in relation to the streetscene would be acceptable.'

As such the development is considered to be in accordance with paragraph 53 and Section 7 of the NPPF (2012), Policies H2 and BE8 of the South Bedfordshire Local Plan Review (2004), policy 43 of the Emerging Development Strategy for Central Bedfordshire and the requirements of the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development.

3. Impact on neighbouring residential amenity

The Inspector had the following comments to make regarding the impact upon residential amenity:

Natural light

Paragraph 9 'The eastern side of the house at 4 Sandy Lane, which contains 4 obscurely glazed ground floor windows, is located approximately 2m away from where the flank wall of the proposed bungalow would be. However, owing to the position of the bungalow within the plot only the window closest

to the front of the house would be overlapped by the bungalow. Given that the study / dining room that this window serves would still benefit from sunlight entering the room through another side window, and secondary daylight enters the room through the front room and rear extension of the house, this would not result in darker living conditions than it would be reasonable to expect within this habitable room.'

Overlooking & visual impact

Paragraph 10 'The rear elevation of the bungalow would face the side boundary of the rear garden of 299 Heath Road. A tall fence, approximately 1.8m in height and an established hedge marks the boundary. As the proposed dwelling would be a bungalow the height of the boundary treatment would be sufficient to prevent overlooking. The removal of permitted development rights, which could be secured by condition, would also remove the risk of the construction of dormer windows that would materially overlook the appeal site. In terms of visual impact the bungalow would be located sufficiently far away from the boundary with No 299 for it not to be a prominent feature in views from the house or the garden. As a result, it would also not adversely affect the outlook from No 299.'

Amenity space

Paragraph 11 '2 Sandy Lane is a corner plot with the front of the dwelling facing Sandy Lane and with gardens to its sides. The development of the appeal site would result in the loss of its western side garden. However, the eastern side garden, which was recently extended to include amenity land, would be sufficiently large to meet the needs of the occupiers of No 2.'

Conclusion on living conditions

Paragraph 12 'For the reasons given above, the proposed development would not materially harm the living conditions of the occupiers of neighbouring properties. As such it would comply with Policies BE8 and H8 of the South Bedfordshire Local Plan Review (2004), policy 43 of the Emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Council's Supplementary Guidance – Design Supplement 1: New Residential Development (2010).'

4. Highways

The current bungalow of No.2 Sandy Lane is a 3 bedroom semi-detached bungalow that currently has a detached double garage and an off street car parking area for up to 3 cars. A 3 bedroom property is required to provide 3 off street car parking spaces in order to meet the Council's Highway Standards.

The proposal involves the demolition of the existing double detached garage and the provision of a detached 2 bedroom bungalow on the land to the left of the existing bungalow of which the footprint would be set forward from the current build line of the double detached garage. The applicant is proposing to use the existing access for the new bungalow and to use the existing hardstanding forward of the proposed new bungalow for parking and a turning

area.

For the existing property of No.2 Sandy Lane the applicant has proposed to create a new access which is 2.5 metres to the right of the existing access and from this access it is proposed to create a parking area for 2 off road car parking spaces and associated turning area which would be on the existing front garden right up to the corner of No.2 Sandy Lane that fronts Heath Road.

It is therefore considered that the proposals will be able to accommodate sufficient off street car parking in order to provide 2 off street car parking spaces for the proposed detached bungalow and to provide a minimum of 2 off street car parking spaces for the existing semi-detached bungalow which is as existing, ensuring no net loss of parking spaces for the existing dwellinghouse. The proposal therefore complies with the requirements of the Central Bedfordshire Council's Supplementary Guidance - the Central Bedfordshire Local Transport Plan : Appendix F – Approach to Parking (2012).

5. Trees

At the front of the site, directly in front of the 0.72 metre boundary wall fronting Sandy Lane to the left of the existing access is a fine mature Oak tree and there is another large Oak Tree nearby. The previous application detailed an additional access, the Tree Officer objected to this application stating that the proposal including the provision of the driveway and associated block paving would have a detrimental impact on the health and stability of the Oak tree which is an important street tree which would lead to a reduction in the visual amenity and character of the area. This current application omits the access closest to the tree and as such, the Tree Officer has removed his objection subject to the imposition of a tree protection condition.

6. Planning Obligations

The applicants submitted a draft Unilateral Undertaking with the planning application for £5965. This provision meets the requirements for the provision of a new 2 bedroom property as detailed within the Council's Planning Obligations Strategy – 23rd October 2009.

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 bungalow 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 building.
(Policies BE8 S.B.L.P.R and Policy 43 D.S.C.B.).**

- 3 No building shall be occupied until the proposed vehicular 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.
(Policies BE8 & T10, S.B.L.P.R and policies 27 & 43, D.S.C.B)

- 4 Before the access is first brought into use, a triangular vision splay shall be provided on each side of the new access and shall measure 2.8m 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 proposed access and to make the access safe and convenient for the traffic which is likely to use it.
(Policies BE8 & T10, S.B.L.P.R and policies 27 & 43, D.S.C.B)

- 5 The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a minimum distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangement shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.
(Policies BE8 & T10, S.B.L.P.R and policies 27 & 43, D.S.C.B)

- 6 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

**Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
(Policies BE8 & T10, S.B.L.P.R and policies 24 & 43, D.S.C.B)**

- 7 **Before development begins, details of a bin storage/collection point shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be provided prior to the first occupation of the development and shall thereafter be retained for such purpose.**

**Reason: To avoid the long term storage of refuse containers on the highway so as to safeguard the interest of highway safety.
(Policy BE8, S.B.L.P.R and policy 43, D.S.C.B)**

- 8 **Prior to development, a Tree Protection Plan shall be submitted to the Local Planning Authority for approval in writing. The Tree Protection Plan shall be based on the requirements of BS 5837 : 2012 "Trees in relation to design, demolition and construction - Recommendations", and BS 5837 : 2005 where this is appropriate. The Tree Protection Plan shall clearly indicate the position and build specification of protective fencing and/or ground protection that shall entirely enclose the existing grass areas within the site that falls within the Root Protection Area of the adjacent highway Oak tree. The fencing and/or ground protection shall be clearly dimensioned from existing fixed points on the site, to enable accurate setting out and checking. Fenced exclusion zones shall exclude all plant, machinery, builders access, vehicle parking, storage materials, installation of underground services and all construction operations. Ground protection shall resist all compaction of the lower ground surfacing, protect the ground from all excavation and underground service incursion and shall act as a load suspension layer. The approved Tree Protection Plan shall then be strictly implemented before all construction operations commence, and shall be maintained in place until the end of all construction works.**

**Reason: To create a construction exclusion zone and/or ground protection zone around the Root Protection Area of the adjacent highway Oak tree by securely enclosing, or adequately covering, the Root Protection Area of this tree in order to avoid root damage and soil compaction being incurred in this area during all construction operations, and to prevent incursion by underground services, thereby maintaining the good health and stability of the Oak tree in the interests of visual amenity.
(Policy 59, D.S.C.B.)**

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, alterations or addition of windows to the building hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.**

**Reason: To control the external appearance of the building in the interests of residential amenity.
(Policy BE8 S.B.L.P.R. and Policy 43 D.S.C.B.).**

- 10 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 51112 & 17912.**

Reason: For the avoidance of doubt.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. 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.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. 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, P.O. Box 1395, Bedford, MK42 5AN.
5. 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. (HN xi)
6. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's "Cycle Parking Guidance - August 2006".
7. This permission is subject to a legal obligation under Section 106 of The Town and Country Planning Act 1990.

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

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

Reasons for Granting

The proposal would not have a significant impact on the amenity of neighbouring occupiers, visual amenities of the area or impact upon the highway Oak tree and is acceptable in terms of highway safety and therefore is in conformity with Policies BE8, T10 and H2 of the South Bedfordshire Local Plan Review 2004, policies 19, 27 and 43 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

DECISION

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