

Item No. 6

APPLICATION NUMBER	CB/15/00569/FULL
LOCATION	1 Wick Hill, Kensworth, Dunstable, LU6 3RQ
PROPOSAL	Erection of two storey dwelling (Re-sub of 14/5018/Full)
PARISH	Kensworth
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Donna Lavender
DATE REGISTERED	12 February 2015
EXPIRY DATE	09 April 2015
APPLICANT	Burgandy Developments Ltd
AGENT	A. P Whiteley Consultants Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward Councillor Stay on grounds of overdevelopment, detrimental impact on the character of the area, negative impact on rural/village setting and privacy.
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The proposed development would be situated within the village settlement envelope and would provide a dwellinghouse with a suitable level of amenity for future occupiers without adverse impact on the local residential amenity or prejudicial impact on highway safety and therefore it is considered to be in character with the area and would have no adverse impact on the setting of a Listed Building, in accordance with policy H12 of the South Bedfordshire Local Plan Review, policies 43 & 45 of the emerging Development Strategy for Central Bedfordshire and the NPPF.

Site Location:

The application site consists of a parcel of land within the curtilage of and fronting 1 Wick Hill off Common Road within the village of Kensworth. The site is flanked to the west by 30 Common Road and to the east by the access road of Wick Hill.

1 Wick Hill is classed as a Grade II Listed Building and its listing states:
C17. Gable ends and ground floor whitewashed brick; first floor side elevations timber framed with whitewash brick nogging. Two storeys. Old Clay tile roof. Modern Leaded casements.

The site lies within the Chiltern's Area of Outstanding Natural Beauty, an Area of Great Landscape Value and within the South Bedfordshire Green Belt.

The Application:

Permission is sought for the erection 1 detached 3 bedroom dwellinghouse with two off road parking spaces to be accessed directly off Common Road.

The dwellinghouse would measure approximately 9.5 metres in depth, 7.3 metres in width and 8.2 metres in overall height. A separation of 1.2 metres is proposed along

the boundary shared with 30 Common Road and 1.8 metres along the boundary shared with Wick Hill.

Planning was applied for and the application withdrawn by the agent at the end of last year under application reference CB/14/05018/FULL. Withdrawal was recommended due to the unacceptable parking arrangements to the rear of the site and the loss of the hedgerow in its entirety.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents, PPGs and PPSs.

South Bedford shire Local Plan Review Policies

Policy BE8 Design Considerations

Policy GB3 Green Belt Villages

Policy H12 Infilling in Villages

Policy NE3 Control of Development within the AGLV

Policy T10 Controlling Parking in New Developments

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8, GB3, H12 & NE3 are still given significant weight. T10 is afforded less weight.)

Development Strategy for Central Bedford shire

Policy 1 : Presumption in Favour of Sustainable Development

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 24: Accessibility and Connectivity

Policy 27: Car Parking

Policy 29: Housing Provision

Policy 30: Housing Mix

Policy 36: Green Belt

Policy 43: High Quality Development

Policy 45: The Historic Environment

Policy 57: Biodiversity & Geodiversity

Policy 58: Landscape

Policy 59: Woodlands, Trees and Hedgerows

(The draft Development Strategy was submitted to the Secretary of State on 24th October 2014. Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central Bedford shire, which is consistent with the NPPF.)

Supplementary Planning Guidance

1. Planning Obligations Strategy, 23 October 2009
2. Written ministerial statement by Brandon Lewis on support for small-scale developers, custom and self-builders, Published 1st December 2014
3. Central Bedfordshire Design Guide (Sept 2014)

Relevant Planning History

Application: Planning
Validated: 22/12/2014
Status: Withdrawn

Number: CB/14/05018/FULL
Type: Full Application
Date: 04/02/2015

Summary:**Decision:** Application Withdrawn**Description:** New detached 3 bedroom dwelling (Land fronting No 1)**Representations:****(Parish & Neighbours)**

Parish Council

Kensworth Parish Council (13/03/15 & 10/04/15) -

Amended plans for the above were made available. Following a discussion, **it was AGREED** the Parish Council **OBJECT** on the grounds previously put forward (gross over development of a cramped site, impinges upon privacy of 30 Common Road, driveway is an entirely new access to Common Road and concern over close proximity to entrance of Wick Hill and Chilterns, removal or reduction of Holly hedge will substantially change the delightful rural street scene and Wick Hill) and in addition the 2 parking spaces with access from the main road is thought to be more dangerous and a worse option than the original parking at the rear. The parish council also request an archaeological survey of the site

Neighbours

2 Wick Hill (21/02/15) - Concerns raised in respect of vehicular access and impact on surfacing of private road.

30 Common Road (22/03/15) - Objects on the following grounds (in summary):

- Inaccuracies in drawings
- Impact on existing Holly Trees and boundary hedging
- Impact on the character and setting of a Listed Building
- Impact on biodiversity
- Design out of keeping
- Adverse impact on neighbouring amenity
- Policy constraints

Consultations/Publicity responses

1. Natural England (26/02/15 & 13/04/15) - No Objection.

2. CBC Ecology (02/03/15 & 21/04/15) - No Objection. Opportunities for enhancement to biodiversity is recommended by way of bat or bird bricks.

3. CBC Trees and Landscape Officer (09/03/15 & 17/04/15) - The highway access and visibility splay requirements, and the close juxtaposition of the dwelling to 30 Common Road, this application will result in the loss of much of the existing boundary hedging, which is otherwise needed to visually contain the site and reduce adverse visual impact on

surrounding area. As urban hedging falls outside the scope of Local Authority protection, the enforced retention of this Holly hedge is not possible, but if minded to grant consent, then it must be recognised that this landscaping will be effectively lost, or reduced to a size that its screening properties become practically ineffective.

Further to revised plans, concerns are still expressed in respect to the unavoidable compromise of the screening of the new dwellinghouse due to the lack of space between dwellinghouse and hedging.

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| 4. CBC Archaeology (10/03/15) - | No Objection |
| 5. CBC Highways Officer (21/04/15) - | No Objection, subject to the imposition of conditions. |
| 6. CBC Conservation Officer (05/05/15) - | No Objection. |

Determining Issues

The main considerations of the application are;

1. **Principle**
2. **Design Considerations & Impact on the Character and Setting of the Listed Building**
3. **Impact on Landscape Character**
4. **Impact on the Local Residential Amenity**
5. **Highway Safety Considerations**
6. **Other Issues**

Considerations

1. Principle

The site is located within the built envelope of the village of Kensworth but washed over by the Green Belt. The provision of new housing by way of infilling in Green Belt Villages listed in policy GB3 of the South Bedfordshire Local Plan Review are considered acceptable where proposals are in accordance with saved Policy H12 of the South Bedfordshire Local Plan Review and the other relevant local and national planning policies set out above.

Policy H12 of the South Bedfordshire Local Plan Review and the NPPF encourage the use of existing sites to provide additional accommodation by way of infilling providing that the development would be for no more than two dwellinghouses and whereby the proposal would respect the building line, plot sizes and spaces between buildings.

The proposed new dwellinghouse would be well situated, respecting common buildings without any resultant amenity or highway impact and therefore it is considered to be in accordance with policy H12 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

2. Design Considerations & Impact on the Character and Setting of the Listed Building

The proposed dwellinghouse would respect the general character of the surrounding area in terms of plot size, layout and building spacing. Also the detailing of the proposed dwelling particularly in relation to the gable roof designs, would reflect the appearance of the adjacent dwelling at 30 Common Road and 1 Wick Hill.

The proposed dwellinghouse would be situated within the curtilage of the Grade II Listed Building (Holly Trees, 1 Wick Hill). The listed building is set back some way from the main highway of Common Road and is not largely visible due to both its siting and the existing mature Holly Trees and hedgerows. Therefore the visibility of the Listed Building will be largely unchanged as result of the proposal. A substantial curtilage for 1 Wick Hill will be retained alongside its existing parking provision and due to the variation of house types and the fact that the scale and detailing in relation to other properties within the area has been respected, it is considered that the Listed Buildings setting and character will not be adversely affected. Furthermore, the Conservation Officer has concluded that proposed new dwellinghouse would fit well within the curtilage, with the existing garage providing a suitable transition between the historic building and modern street frontage and as such no objections have been raised. It is considered therefore that the proposal in its entirety would have no adverse impact on the character of the streetscape and therefore would conform with policies BE8 and H12 of the South Bedfordshire Local Plan Review and policies 43 & 45 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

3. Impact on Landscape Character

The application site is located within an Area of Outstanding Natural Beauty and Area of Great Landscape Value. The proposed dwellinghouse can only be considered acceptable if they do not "adversely affect the landscape character and setting of the area" as stated by policy NE3 of the South Bedfordshire Local Plan Review. The proposed dwellinghouse would result in the loss of some trees and hedgerows surrounding the site boundaries and whilst concerns have been raised by the Councils Tree and Landscape Officer in this regard much of the hedgerow is encroaching significantly onto highway land and would, with or without this proposal, have to be significantly trimmed to retain adequate visibility to Wick Hill which would be to its detriment. Furthermore the removal of hedgerows are at the discretion of the owner of the land and could be removed, without the requirement of planning permission and therefore we cannot substantiate a reason for refusal on these grounds.

Revisions have been received during the life of the application which have sought to ensure the retention of or replacement of much of the landscaping and hedgerows within and around the site which can be sought to be retained by condition and adequate separations are proposed between buildings to ensure

that a degree of openness is retained in the interest of consistency to the setting within the locality. No objections have been raised by Natural England in respect of the impact of the development on the character and setting of the AONB. Therefore the proposal is not considered to detrimentally affect the landscape character of the area. The proposal is therefore in conformity with policy NE3 of the South Bedfordshire Local Plan Review and policy 58 of the emerging Development Strategy for Central Bedfordshire.

4. Impact on the Local Residential Amenity

An adequate separation has been provided along the boundary shared with 30 Common Road in accordance with the advice contained within the Central Bedfordshire Design Guide. Despite concerns raised, due to the siting and separation of the proposed dwellinghouse, the proposal would not fail the 45 degree rule used to consider the implications of loss of light or overshadowing on the directly adjacent dwellinghouse as a result of this proposal.

Any windows proposed to be installed into any elevation that could result in mutual overlooking concerns are to non-habitable rooms and are proposed to be obscured in the interest of protecting neighbouring occupiers privacy.

Adequate gardens spaces and room sizes are proposed for the new residential unit in accordance within the Central Bedfordshire Design Guide and therefore adequate amenity provision has been sought for future occupiers. A siting for bin storage has not been concluded however this can be secured by condition. Therefore the proposal would conform with policies BE8 and H12 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

5. Highway Safety Considerations

Despite concerns raised in respect of parking, a new vehicular crossover is proposed to the front of the proposed dwellinghouse to provide two off road parking spaces in accordance with the Councils Parking Standards. The existing parking arrangements for 1 Wick Hill will be unaffected by the proposal.

On this basis, the Highways Officer has raised no objection to the granting of this permission subject to the imposition of conditions. Only conditions which are fundamentally relevant to highway safety and which are not controlled by the Councils approved contractor have been imposed on this application. Therefore it is considered that the application would conform with policy T10 of the South Bedfordshire Local Plan Review, policies 27 & 43 of the emerging Development Strategy for Central Bedfordshire and revised parking standards of the Central Bedfordshire Design Guide as amended March 2014.

6. Other Issues Archaeology

The Council's Archaeologist has confirmed that the proposal would unlikely have a significant impact upon surviving archaeological remains and as such has not objected to the granting of this permission. Therefore the proposal conforms with policy 45 of the emerging Development Strategy for Central Bedfordshire and the NPPF.

Biodiversity

The proposals would result in the removal of a number of trees and hedgerows on site. The Councils Ecologist has recommended that any removal of these should avoid the bird nesting season of March to August inclusive. The NPPF calls for development to deliver a net gain for biodiversity so compensation for the loss of these trees should be encouraged ideally through the inclusion of 2 integrated bat and bird bricks as per the advice contained within the CBC Design guide. These recommendations can be controlled by conditions. Therefore the proposal conforms with policy 57 of the emerging Development Strategy for Central Bedfordshire and the NPPF.

Financial Contributions

The Ministerial Statement of 28 November 2014 set out the Government's new policy that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floorspace). This is a material consideration of significant weight to be taken into account in decision-making on planning applications.

However, significant weight should also be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that Policy 19 of the emerging Development Strategy for Central Bedfordshire is in accordance with the National Planning Policy Framework. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals .

In this case, the applicant has not submitted or signed an agreement for Section 106 Unilateral Undertaking. Given the fact that the proposal for one dwellinghouse would not give rise to the requirement for significant education or community infrastructure contributions, it is considered that the proposal would not conflict with the requirements of the National Planning Policy Framework to provide sustainable development, and with policy 19 of the emerging Development Strategy for Central Bedfordshire.

Pre-Commencement Conditions

As per the changes to the Development Management Procedure Order introduced on 15th April 2015, only conditions which are formally required to be discharged prior to construction works commencing on site have been secured as pre-commencement conditions for this application. No indication has been given on the application form, statement or plans supplied with the application of the method of construction or proposed materials. Furthermore no provision for the enhancement of biodiversity as per the requirements of the NPPF has been provided. As such, only the external materials proposed for the new dwellinghouse are the subject of pre-commencement as it is considered that not securing details of external materials could be detrimental to the character and setting of the Listed Building if they were not complimentary to the host building and without prior agreement of such materials no provision for biodiversity enhancement by way of bat and/or bird bricks could be secured. All other conditions in relation to the access, parking and landscaping are more suitable to be secured prior to occupation of the new dwellinghouse.

Human Rights issues

The proposal raises no Human Rights issues.

Equality Act 2010

The proposal raises no Equality issues.

Recommendation

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include bat and/or bird bricks or appropriate alternatives in the interest of biodiversity enhancement. The development shall thereafter be carried out in accordance with the approved details.**

Reason: This condition is pre-commencement, to control the appearance of the building in the interests of the visual amenities of the locality, in the interests of protecting the character and setting of the Listed Building and to ensure that provision is secured for biodiversity enhancement.

(Policies BE8 S.B.L.P.R and 43, 45 & 57, D.S.C.B)

- 3 The planting and landscaping scheme shown on approved Drawing No BDL.21503/PLANNINGE 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 shall mean 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 with others of a similar size and species.

Reason: To ensure an acceptable standard of landscaping.

(Policies 43 and 58, DSCB)

- 4 The dwellinghouse shall not be occupied until the junction of the proposed vehicular access with the highway 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.

(Policy T10 S.B.L.P.R and 27 D.S.C.B)

- 5 The development shall not be occupied or brought into use until the parking scheme shown on Drawing No. BDL/21503/PLANNINGE has been completed. The scheme shall thereafter be retained for this purpose.

Reason: To ensure provision for car parking clear of the highway.
(Policies T10 S.B.L.P.R and 27, D.S.C.B)

- 6 The first floor windows in the east & west elevation of the dwelling hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through them at all times and shall be non-opening, unless the parts of the windows which can be opened are more than 1.7m above the floor of the rooms in which the window is installed. No further windows or other openings shall be formed in the either the east or west first floor elevation.

Reason: To safeguard the privacy of occupiers of adjoining properties
(Policies BE8 S.B.L.P.R & 43, D.S.C.B)

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number BDL/21503/PLANNINGE.

Reason: To identify the approved plan and to avoid 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.

6. Any removal of trees, scrub or hedgerow should take place outside the bird breeding season of March to August inclusive. Should any such vegetation have to be removed during, or close to this period it should first be thoroughly assessed by a suitably experienced ecologist as to whether it is in use by nesting birds. Should nests be found, a suitable area of vegetation (no less than a 5m zone around the nest) should be left intact and undisturbed until it is confirmed that any young have fledged before works in that area proceed. This process should be agreed in writing with the Local Planning Authority.
 REASON: In order not to cause destruction of, or damage to , the nests of wild birds, their eggs and young. This corresponds to the protection afforded to them under the Wildlife and Countryside Act 1981 (as amended).

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

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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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