

Item No. 12

APPLICATION NUMBER CB/15/00675/FULL
LOCATION Iveldale 11 Clifton Road, Shefford, SG17 5AA
PROPOSAL Erection of detached dwelling and detached garage to rear garden of Iveldale, 11 Clifton Road.
PARISH Shefford
WARD Shefford
WARD COUNCILLORS Cllrs Birt & Brown
CASE OFFICER Amy Lack
DATE REGISTERED 24 February 2015
EXPIRY DATE 21 April 2015
APPLICANT Mr & Mrs A Brown
AGENT Robert J Larman Architectural Services
REASON FOR COMMITTEE TO DETERMINE One of the applicants is a Central Bedfordshire Councillor

RECOMMENDED DECISION Full Application - Approval

Reason for recommendation of approval

The development of the application site with a dwelling, on a parcel of land which currently comprises part of the rear garden to the north of No.11 Clifton Road, is considered acceptable in principle by virtue of its location within a predominantly residential area within the settlement envelope of Shefford which is defined a *Minor Service Centre* by policy CS1 Core Strategy and Development Management Policies (2009).

The proposal is considered to present a dwelling appropriate in its design, scale and mass to the character and context of the immediate surrounding residential setting. The scheme will not unduly impact upon the residential amenity currently enjoyed by neighbouring properties, nor will it have any significant adverse impact upon highway safety.

The proposal is considered acceptable and in accordance with policies CS1, CS5, CS13, CS14, DM2, DM3 and DM4 of the Core Strategy and Development Management Policies (2009), Central Government guidance contained within the National Planning Policy Framework (2012) and with supplementary planning guidance in the form of Central Bedfordshire Council's Design Guide (2014).

Site Location:

The application site comprises part of the rear garden land to the north of host dwelling No.11 Clifton Road. The existing property is positioned on the corner of the junction of Clifton Road (to the north) and Iveldale Drive (to the west). A two storey detached building, it is finished in a buff facing brick with a dual-pitched roof profile, that has a ridge parallel to the Clifton Road and is finished in a concrete tile.

To the north, a closed boarded timber fence defines the common boundary with No.1

Iveldale Drive, a two storey dwelling, link-attached by a single flat roof garage to a row of three similar dwellings, finished with facing brick painted white at ground floor, and tile-hung cladding at first floor level.

To the east, on the opposite side of Iveldale Drive, are larger detached two storey dwellings of varying design.

To the west the application site shares a common boundary with Nos. 2 and 3 Millstream Court, a pair of detached one and a half storey dwellings, part of a later cul-de-sac development of five.

The application site falls within the defined settlement envelope but it is not located within a designated conservation area.

The Application:

The application seeks planning permission for the erection of a two storey detached dwelling house comprising two bedrooms, with a 'robe room' on the upper floor which could be used as a third bedroom.

The principle elevation of the proposed dwelling addresses Iveldale Drive to the east, with vehicular access from this road taken to the north of the dwelling with a driveway alongside its north flank leading to a single garage positioned to the northwest corner of the site.

RELEVANT POLICIES:

National Guidance

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies (November 2009)

CS1	Development Strategy
CS5	Providing Homes
CS14	High Quality Development
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes

The Emerging Central Bedfordshire Development Strategy (June 2014)

The emerging Development Strategy was submitted to the Secretary of State in October 2014 and 2 days of hearing sessions were held in February 2015. The Inspector set out in his conclusion, by letter dated 16 February 2015, that the Council had not complied with the Duty to Co-operate. On 12 March 2015 the Council commenced Judicial Review proceedings in respect of the Inspectors letter. Therefore the policies contained within the Development Strategy carry little weight.

The adopted Core Strategy and Development Management Policies (2009) shall remain to set the main planning context for decisions on planning applications in the north of the Central Bedfordshire jurisdiction. Notwithstanding this, the policies of the emerging Development Strategy relevant to this proposal are considered to be:

Policy 1: Presumption in Favour of Sustainable Development
Policy 27: Car Parking
Policy 29: Housing Provision
Policy 38: Within and Beyond Settlement Boundaries
Policy 43: High Quality Development

Supplementary Planning Guidance

Central Bedfordshire Design Guide (2014)

Planning History

There is no previous planning history at the application site which is directly relevant to the determination of this proposal.

Representations: (Parish & Neighbours)

Shefford Town Council No objection.

Neighbours A third party representation has been received from the neighbouring owners/occupiers of the following address in objection to the proposal:

- No.3 Millstream Court.

The representation can be summarised as follows:

- The permission to build nos. 2 and 3 Millstream Court was subject to conditions requiring obscure glazing to be installed to the dormer windows to prevent overlooking. The proposed dwelling would overlook No.3 Millstream Court from bedroom 2 and proposed robe room.

- Given that No.1 Iveldale supports the proposal the window to serve bedroom 2 should be relocated to the side of the property to overlook the shared driveway. The robe room could be obscurely glazed.

A third party representation has also been received from the neighbouring owners/occupiers of the following address in support of the proposal:

- 1 Iveldale Drive

The representation can be summarised as follows:

- The introduction of the dwelling in the position and layout proposed would significantly improve the visibility afforded to the manoeuvring vehicles off the drive of No.1 Iveldale.

The above is a summary of the representations received. A full copy of both representations can be viewed on the application file.

Publicity

Site notice 13.03.15

Consultations/Publicity responses

Highways No objection subject to conditions.

The existing is the rear garden of no 11 Clifton Road. The proposal is for a two/three bedroom dwelling with a new access and associated garage and hardstanding parking provision for three vehicles. There was an issue of the driver/driver intervisibility splay going through third party land but the applicant has submitted a revised plan showing a reduction in the width of the access thus moving the centre of the visibility splay to the south to overcome this issue.

There is an existing footway on the south west of Iveldale Drive which links with Clifton Road footway, for 16 metres heading north into Iveldale Drive, then becomes highway verge reducing in width to 600mm before widening again as a footway (postie path) at the boundary with no. 1. I have spoken with the senior highway officer and we are in agreement that it would be beneficial to have a footway (1.0m postie path) along the site frontage and linking in with the footway at the junction with Iveldale Drive/Clifton Road and the existing 'postie path' at the boundary with no. 1. I have included a condition for this but leave it at your discretion to include it or not.

Internal drainage board No objection. However, it is unclear what the method of storm water disposal is to be. Accordingly an informative is recommended.

Determining Issues

The development has been assessed in the context of human rights issues and The Equalities Act (2010) and it is considered it would have no relevant implications. As such, from the consultation responses received and from an inspection of the application site and surrounding area the main considerations of the application are;

1. Principle of development
2. Character, context and design of external spaces
3. Residential amenity
4. Highway safety and parking
5. Refuse and recycling arrangements
6. Third party representations
7. Planning obligation strategy

Considerations

1. Principle of development

NPPF paragraph 49 states that 'housing applications should be considered in the

context of the presumption in favour of sustainable development'. In the local context, the site falls within the Shefford Settlement Envelope, which is a designated 'Minor Service Centres' (policy CS1 of the CSDMP). In Minor Service Centres, policy DM4 (Development within Settlement Envelopes) of the CSDMP states that the Council will approve housing commensurate with the scale of the settlement.

The erection of a dwelling house on the plot is therefore generally supported in principle by both national and local policies. However the proposed dwelling must complement the surrounding pattern of development, particularly in terms of scale, massing and plot coverage, and the design of the proposed building and its relationship with neighbouring buildings. These matters are addressed within the following sections of the main body of the report below.

2. Character, context and design of external spaces

Subject to the careful selection of materials and detailing, the design and styling of the proposed dwelling is considered acceptable.

There are a variety of house types along this section of the road, varying in design, age and scale, so with no prevailing uniform character the proposed two storey building presents an appropriate design response in the context of the immediate residential development. It is of a scale, mass and bulk that is generally consistent with that of the surrounding dwellings. Its design and appearance, with a gable end addressing the street, front porch detail, and brick finish is considered a response which would sit comfortably within Iveldale Drive.

The detached single garage, single storey in height with a dual-pitched roof will stand to the rear of the dwelling, adjacent to the north and west boundaries of the site. The position of the garage means that the principle elevation of the dwelling has an unobstructed view to the street. This element of urban design is important in order to create an animated street and a perception of a well surveyed and safe public realm, important to the vitality of a place.

Subject to conditions to control the material detailing of the development (condition 2) and secure the delivery of appropriate boundary treatments (condition 4) the development is considered to be in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

3. Residential amenity

The relationship between the proposed building and the existing neighbouring properties, including the host dwelling, is considered acceptable.

The site is currently vacant which means that any development will undoubtedly have some impact upon the level of amenity currently enjoyed by nearby occupiers. The introduction of a residential unit to this garden land will intensify the use of the site and result in an increase of comings and goings and in turn noise and disturbance. However, the proposal is only for a single unit so it is considered that any resultant noise or disturbance can be satisfactorily absorbed into this existing residential environment, unlikely to cause any significant disturbance.

An objection has been received from the owners/occupiers of No.3 Millstream Court expressing concern at the potential for the proposal to compromise the level

of privacy they currently enjoy. It is accepted that the introduction of a dwelling on the sub-divided garden land of No.11 Clifton Road will reduce the level of privacy currently enjoyed by neighbouring occupiers. However, the rear of Nos. 2 and 3 Millstream Court, the neighbouring dwellings to the west which have a common boundary with the application site, are positioned approximately 15 metres at their closest point to the site boundary, this in conjunction with the 9 metre rear garden provided to the proposed dwelling will afford a total separation distance of 24 metres between the backs of these neighbouring two storey dwellings. This is in excess of the 21 metres recommended by the Central Bedfordshire Design Guide (2014) and as such the relationship between these neighbouring properties is considered acceptable. This degree of separation will also serve to ensure, positioned east of these neighbouring properties, that the proposed building will not result in any overbearing or enclosing presence, nor will it result in any significant overshadowing.

The impact of the proposed garage, hard to the eastern boundary which is shared with No. 2 Millstream will be sufficiently lessened by the presence of the garage associated with No.2 at the rear of their property also positioned close to this common boundary.

With regard to the relationship between the existing dwelling and the proposed dwelling, the rear of the existing dwelling will be just shy of 10 metres from southern flank of the proposed dwelling. The windows at ground floor will be adequately screened by a robust boundary treatment and above ground floor level a rooflight window to the utility room and a high-level window serving a bathroom will not afford any opportunities to meaningfully overlook No.11 Clifton Road nor will it allow for any mutual compromising of privacy. This is subject to a condition requiring the window at first floor level on the south elevation to be obscurely glazed and for any opening to be at least 1.7 metres above the internal finished floor level or be fixed shut (condition).

It is recommended this condition also apply to the window proposed to serve the stairs and landing on the north elevation with an outlook towards No 1. Iveldale. While the proposed dwelling will sit south of No.1 the separation distance of 9 metres between the flank of the main dwellings afforded by the proposed driveway and the neighbouring property's garage position adjacent to the boundary, the proposed dwelling will not have any significant adverse impact upon the residential amenity currently enjoyed by the occupants of No.1.

With respect to the residential amenity afforded to the prospective occupiers internally, the dwelling meets the Council's current internal space standards as set out in the Central Bedfordshire Design Guide (2014).

The Council's Design Guidance stipulates that rear garden depths should be a minimum of 10m and 60m² in overall size. The minimum garden depths are not met for either the existing host or proposed dwelling, the proposed dwelling falling short by a metre. However it is acknowledged that the overall garden size is met, the proposed dwelling benefiting from an overall garden space of 92 metres square and the host dwelling 162 metres square.

For the above reasons the proposed development is considered to have successfully recognised and addressed the constraints of the site by providing an adequate level of residential amenity for the existing neighbouring and prospective occupiers of the development, thereby according with policy DM3 which seeks to

provide high quality developments. Further to which the proposal is considered to bring forward the residential development of this site contributing positively to making places better for people as required by the NPPF (2012).

4. Highway safety and parking.

The proposed dwelling will have the benefit of an independent driveway, accessed from Iveldale Drive which will travel alongside the north flank of the proposed dwelling to a single garage. The proposed garage with hardstanding in front makes on site car parking provision for at least two cars for this three bedroom dwelling in accordance with the Council's current car parking standards. The garage also provides ample room for the secure and covered parking of cycles within the garage. Subject to conditions to require: the construction of the access as proposed (condition 6); the provision of visibility splays (condition 7); the durable surfacing and drainage of the access (condition 8); the requirement for the garage accommodation to remain for these purposes (condition 9) and the implementation of refuse and recycling storage provision in the location proposed clear of the highway (condition 10) as recommended by the Council's Highways Officer, the creation of this new access is considered acceptable and will not have any significant adverse impact upon highway safety.

The Highway Officer has advised that the construction of a footway along the site frontage to link in with the footway at the junction with Iveldale Drive/Clifton Road and the existing path at the boundary with No.1 Iveldale immediately adjacent to the north would be beneficial. However, whilst this would make a positive contribution to the street for its users, the creation of a footway is not considered necessary to make the proposal for this single dwelling acceptable in highway safety terms. Accordingly the condition recommended by the highway Officer to require this has not been put forward in the recommendation of approval to the Committee.

The access and car parking arrangements for the host dwelling No. 11 Clifton Road will remain unchanged by the proposed development.

Accordingly the proposal, subject to conditions and rehearsed above is unlikely to give rise to any adverse impact upon highway safety thereby complying with policy DM3 of the Core Strategy and Development Management Policies (2009).

5. Refuse and recycling

There is ample space within the site to accommodate the storage of wheelie bins for refuse and recycling without comprising the external amenity space of the prospective occupiers and for these bins to be manoeuvred adjacent to the site entrance and junction with the highway on collection days without compromising highway safety. Accordingly the proposal is considered to comply with policy DM3 of the Core Strategy and Development Management Policies (2009).

6. Third party representations

The concerns raised by the third party representation received in objection to proposed development with respect to the potential of the proposal to impact upon the residential amenity of occupiers at Nos. 2 and 3 Millsteam Court have been addressed above within the main body of the report at section 3, under the heading '*Residential amenity*'.

7. Planning obligation strategy

The proposal is not required to make any contributions towards the impact it will have upon local infrastructure.

The Minister of State for Housing and Planning produced a written statement on 28 November 2014 which reads;

“Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.”

Following this the Department for Communities and Local Government (DCLG) published revised planning guidance relating to Section 106 obligations imposed on small scale developers.

The updated National Planning Policy Guidance (NPPG) now outlines that infrastructure contributions through planning obligations should not be sought from developers. Accordingly, contributions for affordable housing and tariff-style planning obligations (section 106 obligations) are not to be sought from small-scale and self-build developments.

Paragraph 12 of the NPPG states that contributions should not be sought:

- in all areas – from developments of 10 units or less and which have a maximum combined gross floorspace of up to 1000sqm;

The 10 unit threshold has been introduced purely in relation to s106 planning obligations so it does not impact on the definition of ‘major development’ in other planning legislation. Correspondingly, where development takes place under the 10 unit threshold it has been acknowledged that some planning obligations may still be needed for the development to be acceptable in planning terms. So while obligations should not be sought to contribute to affordable housing or pooled funding ‘pots’, local planning authorities can still require:

- obligations for site-specific infrastructure to make the site acceptable; and
- contributions to fund measures facilitating development that could otherwise not go ahead due to regulatory or EU requirements (Paragraph 20, NPPG).

Neither of the above two statements are considered to be relevant to this proposal.

Section 19(2)(a) of the Planning and Compulsory Purchase Act 2004 states that in relation to plan-making the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State. As such, given the changes to Central Government Guidance outlined above there is now no planning policy requirement for the applicant to make infrastructure contributions.

Recommendation

That Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

RECOMMENDED CONDITIONS / REASONS

- 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 commence, notwithstanding the details submitted with the application, until such time as full 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. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the building in the interests of the visual amenities of the locality (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 3 **No development shall commence until such time as details of the final ground and slab levels of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include sections through the site and the adjacent ground levels. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and the surrounding area (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 4 Prior to the first occupation of the dwelling hereby approved full details of the boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved boundary treatments shall be implemented prior to the first occupation of the dwelling.

Reason: In the interests of the residential amenity of neighbouring occupiers and the visual amenity of the street scene (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 5 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order with or without modification) no development falling within classes A, B and E of Part 1 of the said order shall be carried out without the express written permission of the Local Planning Authority.

Reason: In order to control future development of the site given its size and the extent of built development proposed, and to protect the amenities of future occupiers. (Policy DM3 and DM4 of the Core Strategy and Development Management policies 2009).

- 6 Prior to the first occupation of the dwelling hereby approved the junction of the proposed vehicular access with the highway shall be fully 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 DM3 of the Core Strategy and Development Management Policies 2009).

- 7 Prior to the first occupation of the dwelling and associated garage hereby approved visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be at least 2.4 metres measured along the centre line of the proposed access from its junction with the channel of the public highway and 25 metres measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the perpetuity of the development hereby approved remain free of any obstruction to visibility.

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 (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 8 The proposed vehicular access shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 5 metres into the site, measured from the highway boundary, before the premises are occupied. Arrangements 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 highway safety (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 10 The refuse collection point illustrated on approved drawing no. 192014/1C shall be fully implemented prior to occupation of the dwelling hereby approved and shall be retained thereafter.

Reason: In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 11 Notwithstanding the details provided on the plans hereby approved the proposed window opening above ground floor level on the north and south elevations shall be first installed with obscure glazing only, and any openings

shall be at least 1.7 metres above the internal finished floor level or the window(s) shall be fixed shut. Thereafter these windows shall remain as first installed in perpetuity.

Reason: To protect the amenities of neighbouring occupiers (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: CBC/001; 192014/1C; 192014/2C; 192014/3B

Reason: To identify the approved plan/s and to avoid doubt.

Notes to Applicant

1. 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.
2. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.
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 contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. 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, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ
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. 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.

7. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during demolition/construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site.

8. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

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 early engagement with the applicant at the pre-application stage 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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