

Item No. 14

APPLICATION NUMBER	CB/15/02666/FULL
LOCATION	226 Heath Road, Leighton Buzzard, LU7 3AY
PROPOSAL	Proposed new dwelling including demolition of a part of the existing dwelling
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Spurr & Ferguson
CASE OFFICER	Donna Lavender
DATE REGISTERED	14 July 2015
EXPIRY DATE	08 September 2015
APPLICANT	Jackson Lane Homes Ltd
AGENT	A. P Whiteley Consultants Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward Councillor Spurr on grounds of overdevelopment, detrimental impact on the landscape character of the area and privacy.

RECOMMENDED DECISION

Full Application - Recommend for Approval

Summary of Recommendation

The proposed development would be situated within a predominantly residential location 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 would have no adverse impact on the areas special character, in accordance with policy BE6 & H2 of the South Bedfordshire Local Plan Review, policies 43 & 58 of the emerging Development Strategy for Central Bedfordshire and the NPPF.

Site Location:

The application site consists of a two storey detached dwellinghouse with attached double garage located on Heath Road within the town of Leighton Buzzard. The site encompasses a large residential garden space in excess of 45 metres deep. The site is flanked to the north by 228 Heath Road and to the south by properties in Chiltern Gardens.

The Application:

Permission is sought to remove the existing attached garage to provide access to proposed a new residential dwellinghouse within the furthest garden space of the host dwellinghouse.

The proposed detached dwellinghouse would consist of a two storey unit with basement space encompassing a footprint of approximately 167m². An integral garage and one off road parking spaces is proposed to facilitate the unit with access gained alongside the existing dwellinghouse.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

South Bedfordshire Local Plan Review (2004)

Policy BE6 Control of Development in Areas of Special Character

Policy BE8 Design Considerations

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

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 BE6, BE8 & H2 are still given significant weight. T10 is afforded less weight.)

Emerging Development Strategy for Central Bedfordshire 2014

Policy 1 : Presumption in Favour of Sustainable Development

Policy 2 : Growth Strategy

Policy 19: Planning Obligations and the Community Infrastructure Levy

Policy 24: Accessibility and Connectivity

Policy 27: Car Parking

Policy 29: Housing Provision

Policy 43: High Quality Development

Policy 45: The Historic Environment

Policy 58 : Landscape

(The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. Its status therefore currently remains as a submitted plan that has not been withdrawn and its policies carry weight as consistent with the NPPF. This also reflects the fact that its preparation is based on substantial evidence gathered over a number of years and is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State.)

Supplementary Planning Guidance/Other Documents

1. Central Bedfordshire Design Guide (Sept 2014)

Relevant Planning History:

CB/15/01259/FULL - Permission sought for the erection of one detached dwellinghouse (Withdrawn 12/05/15).

CB/14/04700/PAPC - Advice sought for the erection of two dwellinghouses within the curtilage (Advice given, 19/12/14).

SB/TP/92/00547 - Application submission for the erection of two detached dwellinghouses and garages. Application Withdrawn on 24/09/92 on the Councils advice, as the proposed application would have likely been refused due to the loss of a substantial amount of trees and inappropriate access for two additional dwellinghouses.

Consultees:

1. CBC Highways Officer (04/08/15) - No Objection, subject to the imposition of conditions to ensure adequate provision.

2. CBC Ecology (10/08/15) Advises an ecological assessment to ascertain the affect of the development on existing biodiversity and any proposals for net gain.

3. CBC Trees & Landscape Officer (11/08/15) - No objection, subject to the imposition of a landscape method statement condition.

Other Representations:

1. 8 Chiltern Gardens (31/07/15) - Objects to the removal of a significant number of trees and the potential impact of the development on the root protection area of existing trees.
2. 16 St Leonards Close (04/08/15), 19 St Leonards Close (11/08/15) & 10 St Leonards Close (13/08/15) - Objects on the following grounds (in summary) - Duplication of correspondence :
 - Inappropriate backland development
 - Out of character
 - Impact on existing trees and landscaping
 - Impact on biodiversity
 - Highway safety concerns
3. 5 St Leonards Close (04/08/15) - Objects on the basis of highway safety and impact on biodiversity.
4. 23 St Leonards Close (10/08/15) - Objects on the basis of impact on landscaping and biodiversity.
5. 11 St Leonards Close (15/08/15) - Objects on the following grounds (in summary) -
 - Highway Safety implications
 - Construction concerns - basement
 - Loss of light
 - Privacy concerns
6. 18 St Leonards Close (15/08/15) - Objects on the following grounds (in summary) -
 - Refusal of previous applications
 - Impact on wildlife
 - Highway safety concerns
7. 16 St Leonards Close (15/08/15) - Objects on the following grounds (in summary) -
 - Out of keeping
 - Impact on landscaping
 - Extraction concerns - basement
8. 14 St Leonards Close (18/08/15) - Objects on the following grounds (in summary) & encloses petition with 108 signatures against development:
 - Unacceptable impact on the character of the area
 - Loss of trees and landscaping
 - Wildlife implications
 - Highway safety concerns
9. 22 Shenley Hill Road (18/08/15) - Objects due to the impact on trees and landscaping and potential danger of digging basement foundations.
10. 4 Chiltern Gardens (18/08/15) - Objects on the following grounds (in summary):
 - Precedent
 - Wildlife implications
 - Affect on trees
 - Parking implications
11. 12 St Leonards Objects on the following grounds (in summary):

Close (18/08/15) -

- Floorspace larger than existing dwellinghouse
- Tree damage/ loss
- Impact on Areas Special Character
- Increased traffic generation
- Intensification of access

12. 40 Chiltern
Gardens (18/08/15) -

Objects on the following grounds (in summary):

- Intensification of access
- Impact on wildlife
- Overlooking
- Precedent
- Access safety
- Noise disturbance

13. Leighton Buzzard
Society (18/08/15) -

Objects as the development falls within an Area of Special Character and the potential impact on the existing trees which contribute to this character. Furthermore to highway safety issues.

Determining Issues

The main considerations of the application are;

1. **Principle**
2. **Affect on the Character and Appearance of the Area**
3. **Neighbouring Amenity**
4. **Highway Considerations**
5. **Other Considerations**

Considerations

1. Principle

- 1.1 Policies SD1 and H2 of the South Bedfordshire Local Plan Review (SBLPR) encourage the use of infill sites to provide additional accommodation. Whilst national advice contained in the National Planning Policy Framework (NPPF) generally encourages the effective use of land, specific advice regarding the development of residential gardens is clear that this should be resisted where harm would be caused to the local area. (paragraph 53). Further advice is provided in Annex 2 where the definition of previously developed land excludes private residential gardens. It is however acknowledged that this plot would not adversely cause harm to the character of the local area, due to the sufficient garden space to be retained for the existing and proposed dwellinghouse which would be consistent to external garden spaces recommended within the Central Bedfordshire Design Guide and are representative of garden spaces within the locality.
- 1.2 Furthermore Policy H2 of the South Bedfordshire Local Plan Review sets out the criteria for assessing proposals for development on infill sites. The policy states that developments for would only be deemed acceptable providing that efficient use of the site was made in terms of density and layout and would respect and enhance the character of the area whilst providing good living conditions for future and existing occupiers in terms of amenity and accessibility.
- 1.3 Accordingly, the proposed development would represent the effective use of land and would be well situated without any resultant amenity or highway impact. There would be no resultant harm to residential amenity, the character

of the locality and highway safety. These matters have been addressed below in greater detail. As such it is considered that the proposal would be in accordance with policy H2 of the South Bedfordshire Local Plan Review and national advice contained within the NPPF.

2. Affect on the Character and Appearance of the Area

- 2.1 Policy BE8 of the South Bedfordshire Local Plan Review requires all development to, amongst other things, complement and harmonise with surrounding development, to carefully consider setting and to have no adverse impact upon amenity.
- 2.2 The dwelling is of a modern and sustainable design in terms of materials and the introduction of a green sedum roof, which has been limited in height and footprint to respect the prevailing character of the area. Due to the variation in house styles, the proposed dwellinghouse would not appear out of character and due to its sympathetic height would not appear dominant or overbearing. Furthermore the palette of natural materials such as wood, provides a design which is sympathetic of the mature tree and landscape character of the area.
- 2.3 Furthermore the property is located in an Area of Special Character and therefore policy BE6 of the South Bedfordshire Local Plan Review is also relevant and states that within the areas of special character as defined on the proposals map, planning permission will not be granted for redevelopment to higher densities, subdivision of large plots, infilling, backland development or large extensions which would result in loss of gardens, other open land or mature woodland, or give rise to an over-intensive level of development, in a way which would unacceptably harm the special character of the area. The proposal would not result in the loss of substantial garden space as the footprint has been significantly reduced since the previously withdrawn so in this respect the development is compliant.
- 2.4 Concerns were expressed by the Trees and Landscape Officer to the previously withdrawn application about the impact of the siting of the new dwellinghouse on the trees situated along the boundary. The trees and landscaping within the area are integral to the area's special character and as such revisions were made prior to this application to ensure that these trees and landscaping could so far as practicable be retained. Despite concerns raised by local residents, the Trees and Landscape Officer is satisfied that sufficient landscaping and trees would be retained and has therefore not wished to raise any objection to this proposal the imposition of landscape protection conditions, during construction.
- 2.5 The proposed development would complement the general heterogeneous character of the area made up of varying plot and building sizes. Viewed within the wider context of the site, the development would conform with policies BE6, BE8 & H2 of the South Bedfordshire Local Plan Review, policies 43 & 58 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

3. Neighbouring Amenity

- 3.1 There is a 20 metre or more in some cases, separation between the adjacent dwellinghouses and the proposed dwellinghouse, in accordance with the advice contained within the Central Bedfordshire Design Guide to ensure that the development would not result in mutual overlooking. All first floor windows have also been positioned such to not directly overlook the closest residential properties.

- 3.2 An adequate separation of 2 metres being the shortest and 4 metres being the longest has been provided between the proposed dwellinghouse and the adjoining boundaries in order to retain a sense of openness between buildings and to resist overbearing impact.
- 3.3 In terms of amenity space for future occupiers, each bedroom space meet's the minimum standards which are conveyed within the Central Bedfordshire Design Guide. Furthermore, the garden space for both the existing and proposed dwellinghouse would be in excess of 100sqm which is well above the minimum external standards conveyed within the same technical guidance.
- 3.4 A siting for bin storage has not been concluded however this can be secured by condition. A condition will also be imposed requiring details of the boundary treatment between the existing and proposed dwellinghouse in the interest of amenity. Therefore the proposal would conform with policies BE8 and H2 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire and the Central Bedfordshire Design Guide.

4. Highway Considerations

- 4.1 The proposed development of a 5 bedroom dwelling in this location has the potential to generate 10 to 12 additional traffic movements per day. However it is considered that these can be satisfactorily accommodated on the local road network.
- 4.2 Vehicular access is shown to be achieved via a widening of the existing dropped kerb footway crossover and an access road provided to the side of the existing dwelling following the demolition of part of the existing dwelling. The level of visibility available at the existing site access has been compromised by the vegetation that has been allowed to grow over the footway. Given that the development, if permitted, will lead to an increase in use of the existing, albeit modified access, the level of visibility should be improved.
- 4.3 There is room on the front forecourt to accommodate three parking spaces to serve the existing dwelling. The on-site parking provision serving the retained dwelling is considered to be acceptable. A forecourt/turning area is shown to be provided to the front of the proposed dwelling together with a single attached garage. The area is large enough to accommodate three vehicles and provide a turning area such that all vehicles likely to enter the site can enter, turn and leave in forward gear. The on-site parking provision for the proposed dwelling can therefore be considered acceptable.
- 4.4 In light of the above, despite concerns raised by local residents, the Highways Officer has not wished to raise an 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 the Central Bedfordshire Design Guide.

5. Other Considerations

5.1 Biodiversity

The site lies within the Greensand Ridge NIA and as such the NPPF calls for a net gain for biodiversity. The fact that a green roof is proposed would provide a biodiversity opportunity. Whilst objections have been raised by local residents in

respect of the impact on local habitats and species, an ecological survey was supplied during the life of the application which concludes that there is no evidence of protected species found in either the garden or buildings proposed to be demolished such as the garage and outbuilding. Proposals for net gain and potential mitigation methods were evidenced in the survey and can be controlled by condition. This would also alleviate any concerns raised by the local residents in terms of the impact of the development on existing or future species. Therefore the proposal is considered to conform with policy 57 of the emerging Development Strategy for Central Bedfordshire.

5.2 Construction Issues

Concerns have been raised by a number of residents about the impact on residents as a result of the excavation works for the proposed basement. Matters of safety of the construction would be controlled under Building Regulations and any resultant disturbance to residents during construction would be controlled under Public Protection legislation. As such, this matter is not a material planning consideration. Finishing levels however will be controlled by condition to ensure that control is retained for the finished height of the building in the interest of visual amenity.

5.3 Financial Contributions

Significant weight should 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 is for one dwellinghouse it 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.

5.4 Human Rights issues

The proposal raises no Human Rights issues.

5.5 Equality Act 2010

The proposal raises no Equality issues.

Recommendation:

That Planning Permission be APPROVED 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 **The dwellinghouse should be constructed and finished with the**

materials as indicated on drawing no. JLH/21507/MODPLAN1 unless otherwise 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.

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

- 3 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the proposed dwellinghouse is occupied and shall be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

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

- 4 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. 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 adjacent buildings and to control the overall height of the proposed building. Failure to agree levels prior to development could result in unacceptable heights of the proposed dwellinghouse on completion resulting an unacceptable dominance not anticipated by this development.

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

- 5 Prior to development, an appropriate Landscape Protection Method Statement, Landscape Protection Plan and Landscape Strategy shall be submitted to the Local Planning Authority for approval, clearly showing the build specification for protective fencing and all related good working practices, which shall be in accordance with BS 5837 : 2012 "Trees in relation to design, demolition and construction" and a net gain to biodiversity. The positioning of the fencing shall be erected to protect the natural canopy spread and root protection areas of all boundary planting, including trees, hedging and shrubs. The approved Landscape Protection Plan, Method Statement and Strategy shall then be fully implemented before the commencement of any site construction works, and the approved fencing shall remain firmly in place throughout the entire course of development.

REASON : To ensure that a satisfactory standard of landscape protection is fully implemented in the interests of maintaining the health, natural canopy spread and screening value of all boundary planting. Failure to secure these details prior to commencement of development could result in the unreasonable loss of mature trees and landscape that add amenity value and screening (Policy BE8 S.B.L.P.R and 57 & 58 D.S.CB)

- 6 Before the development hereby permitted is first occupied or brought into use, the scheme for access including appropriate visibility splays, parking, garaging and manoeuvring shown on Drawing No LJHL/21507/LAYOUTMOD1 shall be laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway. (Policy 43 D.S.C.B)

- 7 The dwelling hereby approved shall not be occupied until details of the bin storage & collection point has been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage & collection point shall be retained thereafter.

Reason: In the interest of amenity.
(Policy 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 plans, numbers LJHL/21507/LAYOUTMOD1, LJHL/21507/COMPARE1 & JLH/21507/MODPLAN1.

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

Notes to Applicant

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ 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, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

DECISION

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