

Item No. 14

APPLICATION NUMBER	CB/17/04312/FULL
LOCATION	Land at 11 and rear of 13 The Ridgeway, Flitwick, Bedford, MK45 1DH
PROPOSAL	Erection of one bungalow and one two storey house with access off Durham Close
PARISH	Flitwick
WARD	Flitwick
WARD COUNCILLORS	Cllrs Mrs Chapman, Gomm & Turner
CASE OFFICER	Judy Martin
DATE REGISTERED	11 October 2017
EXPIRY DATE	06 December 2017
APPLICANT	Acorn Building Services (Luton) Ltd.
AGENT	JRT Architectural Design Ltd.
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Turner for the following reasons: <ul style="list-style-type: none">• Loss of amenity• Highways safety grounds• Impact on landscape Current house wrongly numbered on plans and current plans do not show the adjacent building site
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

The site is inside of the defined settlement 'envelope' for Flitwick, as such there is no objection to the principle of the proposal.

The proposal has also been assessed in terms of its impacts upon the character of the area, the living conditions of surrounding residential units, highway safety and on other relevant material considerations. Subject to the imposition of identified conditions, the proposal is considered acceptable in this regard.

Overall, the proposal represents sustainable social, economic and environmental development and complies with the identified policies within the current Development Plan and the relevant sections of the Framework.

Site Location:

The application site is located within an urban area within Flitwick. The site (0.06 hectares) comprises the rear section of gardens of nos. 11 and 13 The Ridgeway. The site currently contains mature vegetation which obscures much of the site from view.

The site adjoins a recently approved scheme (CB/16/01026) for 6 dwellings and (CB/17/03645/full) for 2 dwelling which are accessed from The High Street. These properties are currently under construction.

The Application:

Permission is being sought for the erection of one 2 bed bungalow (plot 1) and one two storey 3 bed detached dwelling (plot 2).

Plot 1 measures 6.5m in height

Plot 2 measures 8.7m in height

The proposed dwellings will be formed in-line with existing dwellings on Durham Close with both vehicular and pedestrian access taken from Durham Close. Plot 1 will have 2 parking spaces and plot 2 will have 3 parking spaces.

The applicant states that access to the site has been made possible by an agreement with the original developers of Durham Close, who retained ownership of the strip of land at the end of the close.

A previous scheme for two dwellings (CB/17/03273/FULL) was withdrawn. Plot 2 is the same as the previous scheme. Plot 1 has been altered by the removal of the first floor accommodation; the associated gable projection and first floor windows. This dwelling now has ground floor accommodation only.

An additional 'block plan' showing the adjacent development was made available on the Council's website 23/10/17.

RELEVANT POLICIES:**National Planning Policy Framework (NPPF) (March 2012)****Core Strategy and Development Management Policies - North 2009**

Policy CS14	High Quality Development
Policy DM3	High Quality Development
Policy DM4:	Development Within and Beyond Settlement Envelopes

Development Strategy

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance/Other Documents

1. Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Case Reference	CB/17/03273/FULL
Location	Land at 11 and Rear of 13 The Ridgeway, Flitwick, Bedford, MK45 1DH
Proposal	Erection of one chalet bungalow and one two storey house with access off Durham Close.

Decision	Application Withdrawn
Decision Date	31/08/2017

Case Reference	CB/17/03645/FULL
Location	52 High Street, Flitwick, Bedford, MK45 1DX
Proposal	Erection of a pair of semi-detached houses on rear garden land to No.52 High Street with associated parking and access off York Close
Decision	Full Application - Granted
Decision Date	13/10/2017

Case Reference	CB/16/01026/FULL
Location	54 High Street, Flitwick, Bedford, MK45 1DX
Proposal	Demolition of existing house at No.54 and erection of 6 new houses including detached garages and access road on land at rear of No.50 and No.54 High Street
Decision	Full Application - Granted
Decision Date	17/08/2016

Area Related Planning History (for context)

Case Reference	MB/01/01591/FULL
Location	Land At 28 And 30, Durham Close, Flitwick
Proposal	FULL: ERECTION OF TWO DETACHED CHALET BUNGALOWS WITH GARAGES (REVISED SCHEME TO THAT PREVIOUSLY APPROVED UNDER REF: 19/2000/1047 DATED 16.10.2000 - FULL APPLICATION FOR 4 DETACHED HOUSES AND 3 CHALET BUNGALOWS, GARAGES AND ACCESS ROAD
Decision	Full Application - Granted
Decision Date	26/11/2001

Case Reference	MB/00/01047/FULL
Location	Land To The Rear Of 15 To 25, The Ridgway, Flitwick
Proposal	FULL: ERECTION OF 4 DETACHED HOUSES AND 3 CHALET BUNGALOWS, GARAGES AND ACCESS ROAD.
Decision	Full Application - Granted
Decision Date	16/10/2000

Consultees:

Town Council	No comments received
Highway Development Management	No objection subject to the specified conditions
Internal Drainage Board (IDB)	No comments to make

Other Representations: 26 objections and 1 comment which have been summarised as following:

28 Durham Close (obj)	<u>Planning Application Issues</u>
47 Durham Close (obj)	Misleading site address;
27A Durham Close (obj)	The description has been amended from the previous planning application but very little has been changed to take the previous concerns into account;
28 St Albans Close (obj)	
10 Cheney Close, Toddington (obj)	Why didn't the builder consider applying for planning permission when he started on the York Close site?
4 Durham Close (obj)	

10 Durham Close (obj)
5 The Grove, Silsoe (obj)
24 Durham Close (obj)
14 Durham Close (obj)
4 Horse Croft, Marston Mortaine (obj)
29 Durham Close (obj)
16 Sampshill Road, Westoning (obj)
2 Pine Walk, Silsoe (obj)
26 Durham Close (obj)
46 Stokes Close, Dunstable (obj)
5 Durham Close (obj)
10 Sharpenhoe Road, Barton le Clay (obj)
6 Poplar Close (obj)
49 Durham Close (obj)
5 The Ridgeway (obj)
29 Durham Close (obj)
37 Durham Close (obj)
15 Pye Bridge End, Broughton, MK (obj)
28 Old Road, Barton le Clay (obj)
25 St Albans Close (obj)
33 Durham Close (com)

The development would result in the loss of trees, shrubs and hedges contrary to Question 15 on the application form;

The design statement mentions that the land is underused but this is a choice of the existing owners and should not be a factor in the application.

The new development adjacent (CB/16/01026/full)

This development was only allowed because it was 6 houses.

Impact upon the streetscene

The loss of mature trees and vegetation will be replaced by a line of parked cars;

Durham Close is already far too busy due to the number of properties and vehicles;

Negative effects on amenity (neighbour & community)

Detrimental impact to views and streetscene;

The plot is far too narrow for 2 houses;

Out of scale and out of character compared to the established Cherry Orchard Estate;

It should be left as an attractive green space for the community;

Detrimental to the safe environment

If the development were to go ahead, instead of a view of trees and a green area, this would be replaced with concrete, bricks and essentially a car park as there is no provisioning for garages (which is a design feature of Durham Close), just off road parking for 3 cars for each proposed house;

Loss of wildlife;

One of the key reasons that residents bought their homes for the privacy and quiet afforded by being at the end of a close.

Design specifics

Over density of development

Out of scale

It constitutes 'garden grabbing';

Harm to residential amenity

loss of privacy, shading and loss of daylight to homes in Durham Close;

loss out view/outlook

The loss of trees (which currently shield the view of the new development) would result in a loss of privacy to no. 25 St Albans Close. If a previous application for an extension was refused for infringing on the privacy of no. 30 Durham Close then why is not plot 1 infringing on the privacy of this property.

Highway safety

It would result in an unacceptable level of congestion in Durham Close particularly at night and weekends;

Thought must be given to access by emergency service vehicles;

The parking provided does not fit in with off road parking on the rest of the estate;

The revised application for the two dwellings still proposes 3 parking spaces each, above average for Durham Close, and would disproportionately increase traffic throughout Durham Close;

Construction disruption

The necessary construction traffic would create parking problems in the road, noise pollution, dust, debris and inevitable slurry impacting all existing home owners and posing a risk to everyone, both drivers and pedestrians particularly young children playing and the elderly and would be an intolerable nuisance to those in the immediate vicinity of the proposed houses and seriously affect their quality of life on a daily basis;

The level of disruption (at unsociable hours) during the building of the High Street plot is unacceptable so why should residents put up with another year or so of construction.

Considerations

1. Principle

- 1.1 The application site is located within Flitwick but is not an allocated housing site and so is considered to be a 'windfall site'. The site is within a Major Service Centre, as identified in Policy CS1 where additional housing is encouraged through continued redevelopment within the built-up area. Further, the thrust of Policy DM4 is to apply weight in favour of development within settlement 'envelopes'.
- 1.2 Furthermore, the National Planning Policy Framework (henceforth referred to as the Framework) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed. Though the application site is not considered to be previously developed (with regards to Annex 2 of the Framework) Policy DM3 seeks to use land efficiently.
- 1.3 The application site is situated within an urban residential area in the existing Major Service Centre of Flitwick. As such, the infrastructure in the immediate area has been developed to provide good transport links for existing residents. There are also services and facilities available within close proximity of the site.
- 1.4 Taking all of the above into account, the proposal would make a small but valuable contribution to the existing housing stock and complies with the Council's settlement strategy. As such, and given that the development would be located in a sustainable location, the proposal is in accordance with policies

CS1, DM3 and DM4. There is therefore no objection to the principle of the proposed development.

2. Affect on the Character and Appearance of the Area

- 2.1 Policies DM3 and DM14 seeks to ensure proposals are of a high quality of design, respect the local context in which they are in, are appropriate in terms of scale and have an acceptable impact upon the landscape. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.
- 2.2 The proposed units would be at the end of Durham Close and as such, views would be somewhat restricted. The design of the dwellings is similar to those they will adjoin, nos. 30 and 49 Durham Close, one being a bungalow and the other a two storey dwelling. Whilst significant concern has been raised over the loss of the mature planting in the existing gardens, this 'green space' comprises the enclosed private gardens of Nos. 11 and 13 The Ridgeway and could be cleared of vegetation at any time without requiring consent. It is not considered that a refusal on such ground would be reasonable.
- 2.3 It should be noted that this scheme adjoins a recently approved residential development (application ref. CB/16/01026/FULL for six residential units and CB/17/03645/FULL for two dwellings). This scheme has commenced and is nearing completion and takes vehicular access from the High Street. The current scheme takes access from Durham Close.

In conclusion, the construction of two dwellings in this location is not considered to harm the character and appearance of the area.

3. Impact on Neighbouring Amenity

- 3.1 The site is surrounded by existing residential dwellings and the impact on the occupiers of these dwellings should be carefully considered.

Below the impact of the proposed development on the occupiers of surrounding dwellings is assessed individually. The tools for this assessment are based on the Council's Design Supplement 5, which states that a minimum back to back distance of 21m is required between first floor habitable rooms of neighbouring dwellings; and Design Supplement 7, which states that new development should not break a notional 45 degree line taken from the midpoint of the windows of habitable rooms of neighbouring occupiers.

A number of responses have been received from other residents in the vicinity but these comments relate (in essence) to the principle of the development and are sufficiently well removed as to be unaffected by any direct overbearing impact, loss of light or loss of privacy.

3.2 No. 30 Durham Close

Plot 1 is a single storey dwelling and is set off the side shared boundary with no. 30 Durham Close by some 2m. Plot 1 would be formed in-line with no. 30 Durham Close.

No. 30 Durham Close is a chalet bungalow with a bedroom and bathroom within the roof slope. In the side elevation of no. 30 Durham Close (facing the proposed development) is a small ground floor shower room window and a small dormer landing window. These windows are not the only source of light to a habitable room and in this respect the siting of plot 1 in this location is acceptable. Given the side by side orientation of the two dwellings no harm to the residential amenity of no. 30 Durham Close is considered to arise by way of overbearing impact or loss of privacy.

3.3 No. 49 Durham Close

Plot 2 is two storey in height and is formed in-line with no. 49 Durham Close. At the time of the site visit there did not appear to be any side windows in no. 49 which could be affected by the siting of plot 2 in this location. Given the side by side orientation of the two dwellings no harm to the residential amenity of no. 49 Durham Close is considered to arise by way of overbearing impact, loss of light or loss of privacy.

3.4 No. 25 St Albans Close

Plot 1 is single storey and is set off the side boundary of no. 25 St Albans Close by 6m at the closest point. The gable end of plot 1 measures 6.4m at the highest point and 2.5m at eaves height. Given the nature of the bungalow no loss of privacy or loss of light would arise. Whilst it is acknowledged that there would be some visual impact to the occupiers of no. 25 when viewed from their garden, this visual impact or is not uncommon in such a residential setting and is not considered to be so overbearing in nature to sustain a refusal. However, appropriate conditions will be attached to any grant of permission to remove permitted development rights for rear windows, extensions and dormer windows.

3.5 Nos. 11 and 13 The Ridgeway

A rear to rear separation of some 32m would ensure that no harm to residential amenity would arise.

3.6 Future occupiers of proposed plots 1 and 2

The proposal complies with the Council's Design Guide for minimum floorspace standards. Whilst the provision of private amenity space is somewhat short on Plot 1, given that the proposed bungalow has some amenity space around the sides it is considered, on balance, to be in acceptable in this regard.

3.7 Future occupiers of plots 3 and 4 of planning permission CB/16/01026/Full Confirmation has been sought from the applicant that the purchasers of plots 3 and 4 of this development have been made aware the current proposal

3.8 Plot 3

There is a rear to side separation of some 11m between proposed plot 1 and plot no. 3 on the adjacent site. The proposed dwelling measures 2.5m to eaves height with the roof slope angling away from the common boundary to a height of 6.5m. Whilst there might be some visual impact of the proposed development no significant harm by way of overbearing impact, loss of light or loss of privacy is considered to arise.

3.9 Plot 4

Proposed plot 2 has no side windows. Given the positioning and orientation of this proposed dwelling and plot no. 4 on the adjacent site no harm to residential amenity (by way of overbearing impact, loss of light or loss of privacy) is considered to arise.

3.10 Conclusion

Having regard to this assessment, it is considered that the proposal would not have an unacceptable impact on the occupiers of neighbouring dwellings. However, to ensure that future enlargements of the dwellings do not have detrimental impacts on the occupiers of neighbouring dwellings it is considered appropriate and necessary to remove permitted development rights for extensions and dormer windows.

4. **Highways Considerations**

4.1 The application proposes two dwellings of the end of a cul de sac. The Highways Officer notes that the residential line plan may have encroached into the public highway as there is a service margin across the end of this road circa 1m in width. As such further details are required by the Highways Development Management Officer through a condition.

4.2 The number of parking spaces exceeds the Design Guide requirement and conditions for surfacing are requested.

4.3 It is noted that the objections include concerns about highway safety. No objection is raised by the Highways Officer subject to the specified conditions and therefore it is considered that the proposal would not have a negative impact on the safety and capacity of the surrounding highway network.

5. **Other Considerations**

5.1 **Other issues raised through the consultation period not covered above**

No. 49 Durham Close incorrectly numbered on site location plan

The plans drawn and submitted by the applicant correctly identifies this property. The applicant has confirmed that the Ordnance Survey (OS) site location plan is purchased from Promap. The numbering of OS maps is a wider issue that needs to be addressed and is not the fault of the applicant.

5.2 Construction disruption

It is noted that the objections include concerns about construction disruption and pollution. It is acknowledged that the construction period is likely to cause some disruption, however, this is a temporary impact and therefore not a reason to justify refusal of the application. Other legislation exists to prevent pollution during the construction phase and therefore a condition is not recommended in regards to construction pollution.

5.3 **Human Rights issues & Equality issues:**

Based on the information submitted there are no known issues raised in the context of Human Rights/Equalities Act 2010 and as such there would be no relevant implications with this proposal.

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 **Notwithstanding the details shown, development shall not begin until details of the junction of the proposed vehicular access with the highway have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the junction 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.

This pre-commencement condition is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.

- 3 **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: The condition must be discharged prior to commencement to ensure that an acceptable relationship results between the new development and adjacent buildings in the interests of the amenity of neighbouring occupiers.

(Policies SC14 & DM3, CSDMP and Section 7, NPPF)

- 4 No part of the development hereby permitted shall be first occupied until details of the construction and surfacing of the on site vehicular access have been submitted to and approved in writing by the Local Planning Authority. These details shall include arrangements for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure acceptable parking of vehicles outside highway limits .
(Section 4, NPPF)

- 5 No construction work on the walls and roofs of the 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. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the development in the interests of the visual amenities of the locality.

(Policies CS14 & DM3, CSDMP and Section 7, NPPF)

- 6 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 any of the dwellings are occupied and shall be retained thereafter.

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

(Policies CS14 & DM3, CSDMP and Section 7, NPPF)

- 7 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 8 Notwithstanding the provisions of Part 1, Class A, B or C of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or roof extensions to the dwellings hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the buildings in the interests of the amenities of the area and of neighbouring occupiers.

(Policies CS14 & DM3, CSDMP and Section 7, NPPF)

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be inserted into the rear elevation of plot 1 without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents.

(Section 7, NPPF)

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans (Location Plan; elevations & ground floor plan (plot 1); elevations & ground floor plans (plot 2); block plan; block plan showing adjacent development)

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

INFORMATIVE 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. 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 Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 2. Upon formal approval of details, 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.
3. To fully discharge condition 1 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use.
4. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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) Order 2015.

DECISION

.....

.....