

## **Item No. 13**

<b>APPLICATION NUMBER</b>	<b>CB/18/03698/RM</b>
<b>LOCATION</b>	<b>9 Silsoe Road, Maulden, Bedford, MK45 2AX</b>
<b>PROPOSAL</b>	<b>Reserved Matters: Application CB/17/04031/OUT dated 12/01/2018. Appearance, landscaping, access, layout &amp; scale</b>
<b>PARISH</b>	Maulden
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Downing</b>
<b>CASE OFFICER</b>	<b>Lauren Rance</b>
<b>DATE REGISTERED</b>	<b>01 October 2018</b>
<b>EXPIRY DATE</b>	<b>26 November 2018</b>
<b>APPLICANT</b>	<b>J.C.Gill Developments Ltd.</b>
<b>AGENT</b>	<b>JRT Architectural Design Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Jamieson is a neighbour to the application and has commented on the application. Therefore in accordance with the Scheme of Delegation (PART 3E/Page 41 para 4.4.22.3) the application is required to be determined by the Committee</b>
<b>RECOMMENDED DECISION</b>	<b>Reserved Matters – Recommended for Approval</b>

### **Reason for Recommendation:**

The principle of the construction of a new dwelling to the rear of No.9 Silsoe Road is acceptable as previously approved under outline application CB/17/4031/OUT. The development would not result in an unacceptable impact on the character of the area, an adverse impact on the residential amenity of neighbouring properties or highway safety. Therefore subject to conditions, the proposed development is considered to be acceptable in terms of the reserved matters- layout, appearance, scale, access and landscaping.

### **Site Location:**

The site consists of open grassland to the rear of No.9 Silsoe Road. The access to the site is within Maulden settlement envelope but the site is otherwise outside the settlement envelope. The access is to the north of No.9 Silsoe Road.

To the north of the site is a relatively recently constructed bungalow which was granted planning permission at appeal under LPA reference CB/15/03296/OUT.

To the south of the site (and on land to the rear of No. 9a Silsoe Road) outline planning permission has been granted for a new dwelling. There is a current Reserved Matters application relating to that outline planning permission which is yet to be determined by the Council (LPA reference CB/18/04467/RM). Access to

that site makes use of the access shown in this application.

**The Application:**

Outline planning permission was granted at the site with all matters reserved under reference CB/17/4031/OUT for a new dwelling at the site.

The application now seeks to apply for the reserved matters of the site to the dwelling, garage and parking in terms of layout, appearance, scale, access and landscaping..

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (July 2018)**

**Core Strategy and Development Management Policies - North 2009**

CS14 High quality Development  
DM3 High quality Development

**Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

**HQ1** High Quality Development

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

<b>Case Reference</b>	<b>CB/17/04031/OUT</b>
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Location	9 Silsoe Road, Maulden, Bedford, MK45 2AX
Proposal	Outline: Erection of one 4 bed dwelling
Decision	Outline Application - Granted
Decision Date	12/01/2018

<b>Case Reference</b>	<b>CB/17/04939/VOC</b>
Location	9 Silsoe Road, Maulden, Bedford, MK45 2AX
Proposal	Variation or removal of condition 6 of planning permission CB/16/05823/OUT. The condition is requested to be removed or restricted to 1.5 storeys with rooms in the roof with and agreed maximum ridge height.
Decision	Variation of Condition - Granted
Decision Date	05/01/2018

<b>Case Reference</b>	<b>CB/16/05823/OUT</b>
Location	9A Silsoe Road, Maulden, Bedford, MK45 2AX
Proposal	Outline application: Erection of one dwelling with up to four bedrooms at Land at the rear of 9A Silsoe Road, Maulden
Decision	Outline Application - Granted
Decision Date	02/03/2017

### Consultees:

Maulden Parish Council	Objection on the grounds of highway safety both due to the access width and visibility.
Ecology	Previous conditions stated on outline condition still apply.
Trees and Landscape	No objection
Highways	No objection subject to conditions

### Other Representations:

Neighbours	<p>Two neighbours have objected to the scheme on the following grounds:</p> <ul style="list-style-type: none"> <li>• Height and overbearing</li> <li>• Precedent</li> <li>• Previous appeal decisions</li> <li>• Loss of light</li> <li>• Loss of outlook</li> </ul> <p>A neighbour has raised a concern over a private right of way over the application site (along the north and east boundary) that is required in order to provide access to an adjacent piece of land.</p>
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### Considerations

#### 1. Principle of Development

- 1.1 By granting outline planning permission CB/17/4031/OUT, the principle of residential development on the application site was considered to be acceptable. As the site is adjacent to the existing settlement boundary of Maulden, it is considered to be a sustainable location in terms of access to services and amenities within the settlement

## **2. Layout, scale, appearance, landscaping and Impact on Character and Appearance**

2.1 As acknowledged in approving the outline planning application, the proposed development would increase the built form beyond the settlement envelope and would result in a loss of open countryside. However there are dwellings to the north, west and south of the site and when viewed from Silsoe Road, due to the access arrangements and the existing vegetation and trees to the east of No.9, the dwelling would not be highly visible in the landscape.

2.2 The access to the site would be taken from Silsoe Road along an access that runs to the north of No.9 Silsoe Road and follows the alignment of the northern and eastern boundary of the application site. This access leads to the application site to the south – land to the rear of no.9a Silsoe Road (for which there is a current reserved matters application (LPA reference CB/18/04467/RM)).

2.3 Silsoe Road is predominantly linear in form and the proposal is outside the settlement envelope. Having regard to the siting of the bungalow to the north of the site (which was allowed at appeal under LPA reference CB/15/03296/OUT)(APP/P0240/W/16/3154544) together with the siting of agricultural units to the east of the application site and, an outline permission to the south of the site (LPA reference CB/16/05823/OUT), means that the proposed layout would not appear out of character with the surrounding pattern of development.

2.4 In respect of the appearance of the proposed dwelling, there is a mix of dwelling styles and materials of construction used within the built form in Silsoe Road, and the current design which incorporates similar proportions and design attributes, would not appear out of character with the surroundings. No details are supplied in terms of proposed materials but this can be conditioned as part of any planning application.

2.5 In respect of the scale of the proposed dwelling, the dwellings along Silsoe Road are two storey in height. The neighbouring dwelling allowed on appeal is only single storey (access is from Clophill Road), however the Inspector did not make comment on whether a two storey dwelling would be appropriate in this location, instead said that the dwelling when viewed from the approach along Clophill Road would have the back drop of other dwellings along Silsoe Road and so would not appear out of character or highly visible. The inspector also stated that existing landscaping would help provide this backdrop, and in this current proposal the existing established vegetation to the rear of No.9 and to the front of the proposed dwelling would provide this. Due to the separation distance between Clophill Road and the proposed dwelling of over 40 metres as well as the established hedging along Clophill Road the proposed dwelling would not be highly visible at the proposed scale or appear out of character.

Level details submitted with this application (as required as a condition of the

2.6 outline permission) are acceptable in relation to the site and the surrounding dwellings. The height of the dwelling has been assessed (approximately 1.42m higher than No.7 Silsoe Road and 3.26m taller than No.9). The first floor accommodation is located partially within the roofspace and following amendments to the scheme the roof height and eaves have been reduced to limit the degree of impact on the surrounding dwellings together with reinforcing the character of the surrounding area. The outline permission for the dwelling to the rear of No.9a Silsoe Road has had a condition varied to also allow accommodation within the roofspace as it was considered this increased height would not to harm the character and appearance nor the residential dwellings.

2.7 In respect of landscaping, the proposed landscape scheme is considered acceptable and in-keeping with the surrounding area, and the Trees and landscape officer is supportive of the scheme. A planning condition is recommended requiring imposition of this landscape scheme.

2.8 Overall, the proposal is acceptable in terms of its impact on the character and appearance of the area, and accords with Policy DM3 (High Quality Development) of the Core Strategy and Development Management Policies - North and Section 5 (Residential Development) of the Central Bedfordshire Design Guide and Section 12 of the NPPF.

### **3. Impact on Neighbour Amenity**

3.1 No.9 Silsoe Road is located to the front and west of the proposed dwelling and the rear elevation of No.9 is over 40m away from the principle elevation of the new dwelling. At this distance it is considered that there would be no unacceptable loss of privacy, light, outlook nor overbearing impact to No.9. It is also of note that there is established vegetation within No.9s ownership along their rear boundary that would provide additional privacy. The level plan submitted shows that with the reduced roof height and the separation distance there would be no unacceptable overbearing impact to No.9.

3.2 No.7 Silsoe Road is located to the north west of the proposed dwelling and is separated from it by the access road. The separation distance between the proposed dwelling and No.7 is approximately 36 metres. Due to this separation distance and relationship between the proposed dwelling and this neighbour it is considered that there would be no unacceptable loss of light, outlook nor cause an overbearing impact on this neighbour.

3.3 The newly constructed bungalow to the north of the application site at High Gables is separated from the dwelling by the new access road and is located 7 metres from the north elevation of the proposed dwelling. There would be no unacceptable loss of privacy to the bungalow as the first floor side window of the proposed dwelling serves a bathroom which can be required to be obscure glazed through planning condition. The bungalow to the north of the application site does have windows on the south elevation with a view south into the application site. However, these windows currently have the outlook of the boundary fence and serve a hallway and are not considered habitable rooms. There is no unacceptable loss of light, outlook nor would the proposed

development result in a harmful overbearing impact to the bungalow. The outside amenity space for the bungalow may have some loss of light mid to late morning during the winter (when the sun is at its lowest) however this would not warrant a reason for refusal.

- 3.4 No.9a Silsoe Road is separated from the proposed dwelling by over 36 metres and so would not be unacceptably impacted by the proposal.
- 3.5 As noted previously, outline planning permission for a dwelling to the rear of No.9a has been granted and the reserved matters application is currently being considered by the Council. Having regard to the plans submitted in relation to that adjoining application and the position and distance from the boundary it is considered that it would not cause an unacceptable impact.
- 3.6 Therefore, for reasons outlined above, it is considered that the proposed development would not cause harm to the amenity or living conditions of the neighbouring dwellings, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and Section 12 of the NPPF.

#### **4. Impact on Amenity of Future Occupants of the Dwelling**

- 4.1 The proposed dwelling would provide 4 bedrooms. The bedrooms provided as part of the scheme would be considered to be useable and liveable, with a window serving each bedroom allowing an acceptable amount of light to each room, and therefore would provide an acceptable living standard for the future occupiers. The habitable rooms would also provide a sufficient amount of useable and habitable space to create an acceptable living and amenity standard for the future residents. Each dwelling is provided with a suitable rear garden and bin storage.
- 4.2 Therefore, for reasons outlined above, it is considered that the proposed development would provide a sufficient living standard, and acceptable amenity space for the future occupants and residents of the proposed dwellinghouses, in accordance with Policies DM3, DM14, CS14 and CS16 of the Core Strategy and Development Management Policies (2009), section 12 of the NPPF, Policy HQ1 of the emerging Local Plan and would further comply with design and space standards outlined within the Central Bedfordshire Design Guide (2014).

#### **5. Highway Considerations**

- 5.1 The access would be to the west of the site from Silsoe Road, and parking would be provided in the garage and on the drive. A turning space for a delivery lorry is also provided as part of this application.
- 5.2 A matter has been raised from a neighbour in terms of the access arrangements to the south of the application site on land to the rear of No.9a Silsoe Road (for which there is understood to be a lawful right of access) Having regard to the current plans for the reserved matters application to the south of the application site (LPA reference CB/18/04467/RM)the proposed access for that new dwelling runs through and to the northern boundary of the application site and along the east

boundary. The representation received has requested that in order to manoeuvre vehicles to the neighbouring site the access road needs to be curved in the north east corner. This matter has been raised with the applicant of this planning application being considered by the Committee but, in any event, is not pertinent to the considerations of this planning application and is a civil matter between the two parties.

- 5.3 Concerns have also been raised in terms of the width of the access to the site, however the Highways Officer has no objection to the scheme subject to conditions and therefore it is considered that the proposed development would be acceptable in the context of Car Parking and Highway Safety, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009), and would further accord with design principles outlined within the Central Bedfordshire Design Guide (2014).

## **6. Other Considerations**

### **6.1 Ecology**

Conditions on the outline permission still apply.

### **6.2 Human Rights and Equality Act Issues**

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

### **6.3 Conclusion**

The proposed dwelling is acceptable in regards to scale, layout, design and landscaping without having an unacceptable impact upon the neighbouring dwellings or the character of the area. The access to the site is acceptable in highways terms and so it is recommended that the reserved matters be granted.

## **Recommendation:**

That Reserved Matters be **APPROVED**

## **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers JG/2018-02/02A, SRM01 Rev A, JG/2018-02/03A, JG/2018-02/07A, JG/2018-02/05, JG/2018-02/06B, JG/2018-04B and Site Location Plan.

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

- 2 The planting, landscaping scheme shown on approved Drawing No. SRM01 Rev A dated 28/11/18 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.  
(Sections 12 & 15, NPPF)

- 3 The boundary treatment scheme shown in drawing number SRM01 Rev A shall be constructed in the positions, design, materials and type shown prior to the building being occupied. The boundary treatment shall then be retained thereafter.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.  
(Section 12, NPPF)

- 4 No above ground development shall take place, 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 building in the interests of the visual amenities of the locality.  
(Section 12, NPPF)

- 5 The proposed vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) as may be approved in writing by the Local Planning Authority for a distance of 5.0m 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.

- 6 The turning space for vehicles illustrated on the approved drawing no. JG/2018-02/02A shall be constructed before the development is first brought into use and thereafter retained for the purpose of a turning area

Reason  
To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 7 The first floor window serving an ensuite in the north facing elevation of the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To safeguard the privacy of occupiers of adjoining properties  
(Section 12, NPPF)

## **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. 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 National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
3. The applicant is advised that no works associated with the construction of the vehicular access/crossover 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 follow this link on the Council website <http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx> or contact Central Bedfordshire Council Tel: 0300 300 8301 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. To fully discharge condition 7 the applicant should provide evidence to the Local Planning Authority that the Highway Authority have undertaken the construction in accordance with the approved plan, before the development is brought into use.

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 by this link on the Council website

<http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx>  
or contact Central Bedfordshire Council Tel: 0300 300 8301

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 follow this link on the Council website

<http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx>  
or contact Central Bedfordshire Council Tel: 0300 300 8301. 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.

The applicant is advised that no private surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system

The contractor and / or client are to ensure that any mud or building material debris such as sand, cement or concrete that is left on the public highway, or any mud arising from construction/demolition vehicular movement, shall be removed immediately and in the case of concrete, cement, mud or mortar not allowed to dry on the highway

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

The Council acted pro-actively through positive engagement with the applicant 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.