

**Item No. 10****SCHEDULE B**

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| <b>APPLICATION NUMBER</b>                | <b>MB/09/00524/FULL</b>  |
| <b>LOCATION</b>                          | <b>LAND AT, BROOKFIELDS, POTTON</b>  |
| <b>PROPOSAL</b>                          | <b>FULL: ERECTION OF SIX DETACHED DWELLINGS, GARAGES AND COMPLETION OF ACCESS ROAD TOGETHER WITH IMPROVEMENT WORKS TO ADJOINING WORKSHOP</b> |
| <b>PARISH</b>                            | Potton   |
| <b>CASE OFFICER</b>                      | Godwin Eweka   |
| <b>DATE REGISTERED</b>                   | 20 March 2009  |
| <b>EXPIRY DATE</b>                       | 15 May 2009  |
| <b>APPLICANT</b>                         | Wyboston Lakes Ltd   |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>REQUEST BY WARD CLLR MRS GURNEY GIVEN THE RELATIONSHIP OF THE PROPOSED HOUSES TO THE ADJOINING COMMERCIAL PREMISES.</b>                   |
| <b>RECOMMENDED DECISION</b>              | <b>APPROVE SUBJECT TO S106 LEGAL AGREEMENT</b>   |

**Site Location:**

The site to which this application relates is a vacant irregular area of land, comprising 0.446 hectares, to the west of Brookfield's residential estate. The site shares its boundary with Tesco Supermarket to the west and residential properties to the east and south with a commercial industrial premises, retail and a doctors surgery at Brook End also to the south. The site was previously occupied by a commercial use. It is generally enclosed by close-boarded fencing of approximately 1.8 metres high, with a 1.2 metre high fence to the east and hedging to the south.

**The Application:**

This proposal seeks full planning permission for the erection of six no. 4 bedrooled detached houses with ancillary detached garages, located within a cul de sac, accessed from Brookfields.

The application is accompanied by a Design and Access Statement and a Noise assessment.

**RELEVANT POLICIES:****National Policies (PPG & PPS)**

- PPS1 Delivering Sustainable Development
- PPS 3 Housing
- PPG24 Planning and Noise

## Mid Bedfordshire Local Plan First Review 2005 Policies

|       |   |
|-------|---|
| LPS1  | Selected Settlements                    |
| DPS5  | Protection of Amenity                   |
| DPS9  | Open Space for New Buildings            |
| DPS10 | Highways Provision for New Developments |
| DPS11 | Landscaping for New Developments        |
| H05   | Housing Density                         |
| H06   | Location of New Residential Development |

### Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (2004)

### Planning History

|             |  |
|-------------|--|
| MB/88/360   | Outline Application: Residential development. Approved 7/11/1990.  |
| MB/93/1241  | Outline Application: Residential development, comprising 20 dwellings with access and roads (siting and means of access). Approved 15/03/1994. |
| MB/07/00951 | Full application. Erection of 6 No.4 bed detached dwellings and garages. Withdrawn. 30/10/2007.  |
| MB/08/00052 | Full application. Erection of 6 No.4 bed detached dwellings and garages. Refused. 03/04/2008.  |

### Representations: (Parish & Neighbours)

|           |                       |
|-----------|-----------------------|
| Potton TC | No comment.           |
| Adj Occ   | No comments received. |

### Consultations/Publicity Responses

|                                 |  |
|---------------------------------|--|
| Highways                        | No objections, subject to conditions.  |
| Environmental Health            | No objection, subject to conditions to ensure suitable noise protection from the adjacent industrial premises. |
| Bedfordshire and River Ivel IDB | No objection subject to condition.   |

### Determining Issues

The main considerations of the application are;

1. The principle of development
2. Impact on the character of the surrounding area
3. Impact on the amenities of neighbouring residential properties.
4. Impact of adjacent noise on the amenities of future occupiers.
5. Access, parking.
6. Other issues

## **Considerations**

### **1. Principle of development**

The application site is located within an established residential area wherein the principle of residential development is acceptable, in the context of Local Plan policies LPS1 and H06.

### **2. Impact on the character of the surrounding area**

The area is characterised by a variation of architectural styles and the design of the proposed dwellings would generally accord in terms of design, scale, density and character with the existing residential estate at Brookfields and the immediate surroundings. Whilst there are some commercial premises surrounding the site the character and appearance of the area is predominantly residential.

### **3 Impact on the amenities of neighbouring residential properties.**

The application site is surrounded by a mix of housing and commercial uses. It is also adjacent to two unimplemented dwellings forming part of an extant planning permission 04/00566/FULL.

Plot 14 would have a rear window on the first floor serving a bedroom, however this would be over 21m from the main part of the closest unimplemented dwelling (plot 13 of the above consent). The west elevation of Plot 12 would have an en-suite bathroom window facing towards the aforementioned dwelling. The rear gable bedroom windows serving Plot 12 and facing towards 6 Brookfields would be secondary and could be conditioned to avoid overlooking of the neighbours. The other windows at the rear of Plot 12 maintain a 21m separation to the rear of No's 5 and 6 Brookfields. Plot 11 has no first floor rear windows serving habitable rooms and relates satisfactorily with No's 4 and 5 Brookfields. Plot 17 is situated adjacent to a doctor's surgery and 3 Brookfields, towards which a distance exceeding 21m would be maintained from the first floor habitable rooms. Plot 16 has been designed with no first floor rear habitable rooms and as such the distance of 16m to the flank elevation of No.15 Brook End is considered acceptable. Plot 15 is located within the development site and would have no direct impact on any existing properties.

The proposed access to the site between No's 3 and 4 Brookfields is considered adequate to ensure that its use would not directly impact on the amenities of the

adjacent properties.

On the basis of the above it is concluded that no adverse loss of light privacy or amenity would result to the neighbouring dwellings both existing and unimplemented, within Brookfields and Brook End. It is however considered appropriate to condition obscure glazing on certain flank elevations.

Matters relating to the relationship of the proposed dwellings to one another will be addressed below.

#### **4 Impact of adjacent noise on the amenities of future occupiers.**

The previous application 08/00052 was refused on the basis that the layout and proximity of the proposed dwellings to the commercial joinery business in the south west corner of the site would result in an adverse impact on future occupiers.

This application has been accompanied by a noise impact assessment and a proposal to erect a new block wall, with timber boarding to its exterior face, along the north and part east elevation of the commercial premises. Environmental Health Officers are satisfied that subject to the wall being constructed to an adequate standard of noise protection and subject to noise levels within the site being conditioned, that an acceptable living environment for future occupiers could be achieved. As such it is considered that this mitigation measure adequately addresses the reason for refusal of the previous application.

#### **5 Access, parking.**

Each property would be provided with a double garage and off-street parking. As such it is considered that the parking provision would be acceptable. The Highways team are satisfied that the turning and manoeuvring within the site is acceptable and have raised no objections.

The access would be taken between No's 3 and 4 Brookfields and is considered acceptable in highway safety terms.

#### **6 Other issues.**

Due to the number of units being proposed and the impact on local infrastructure, contributions sought would include monies towards education, sustainable transport, health facilities, leisure, recreation, open space and community facilities, to be secured by a legal agreement. The applicant has indicated a willingness to enter into such an agreement.

### **Reasons for Granting**

In the light of the above considerations it is recommended that planning permission be granted, subject to conditions and the satisfactory completion of a legal

agreement. The proposal is in conformity with Policy LPS1, H05, H06, DPS1, DPS5, DPS9, DPS10, DPS11 of the Mid Bedfordshire Local Plan First Review 2005; Planning Policy Guidance: PPS1, PPS3 and PPG24. Design Guide for Residential Area in Mid Bedfordshire (2004).

## **RECOMMENDATION**

**APPROVE Planning Permission Subject to completion of a S106 Legal Agreement** for the application set out above and subject to the following condition(s):

- 1 DG01 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 EM05 **Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

**Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.**

- 3 TL02 **Prior to commencement of development full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **materials to be used for any hard surfacing;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

**The development shall be carried out in accordance with the approved details.**

**Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.**

- 4 EM16 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be 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 a satisfactory relationship results between the new development and adjacent buildings and public areas.**

- 5 U **Development shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

**Reason: In the interests of highway safety.**

- 6 U **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

**Reason: In the interests of amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.**

- 7 U **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason: To ensure adequate off street parking during construction in the interests of road safety.**

8 U No development shall take place until a scheme for protecting the proposed residential development from noise from fixed plant within the neighbouring engineering works has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of plots 14, 15 and 16 such scheme shall be implemented in accordance with the approved details, and shown to be effective and shall be retained in accordance with those details thereafter.

Reason: To protect the amenities of the proposed dwellings.

9 CD01 Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority, in both paper and electronic form where possible :

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

c) Where shown necessary by the Phase 2 investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme shall be agreed in writing by the local planning authority prior to the commencement of works.

Any remediation scheme and any variations shall be agreed in writing by the local planning authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency at Brampton should be

**approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.**

**Reason: To protect human health and the environment.**

- 10 TL28 A scheme shall be submitted for written approval 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 dwellings are occupied, in accordance with a timescale agreed in writing with the Local Planning Authority.
- Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
- 11 TL01 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.
- Reason: In the interests of the visual amenities of the site and the area generally.
- 12 U Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.
- 13 U If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.
- Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.
- 14 U The turning space for vehicles illustrated on the approved Plan No



P-027/F/3/D shall be constructed before the development is first occupied.

Reason: In the interests of highway safety.

- 15 U Details of bin collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

Reason: In order to minimise obstruction and inconvenience to users of the highway.

- 16 U Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for development falling into Classes A,B and C without planning permission.

Reason: To protect the amenities of occupiers of neighbouring properties and in view of the context of the site.

- 17 RR08 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed in the first floor elevations of any dwellings.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 18 U The east facing first floor windows to plots 14 and 16, the west facing first floor window of plot 17 and the north facing first floor flank window of plot 15 and north east facing first floor windows serving bedroom 1 of plot 12 shall be of a fixed type and fitted with obscured glass of a type to substantially restrict vision through it at all times

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 19 U Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality and distinctiveness) when measured according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To protect the amenities of the proposed dwellings.

**Notes to Applicant**

- 1 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 Central Bedfordshire Customer Contact Centre on 0300 300 8049.
  
- 2 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.
  
- 3 The applicant is advised that if it is the intention to request the Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to Highways Development Control, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
  
- 4 Any soakaways serving the development should be designed to BRE Digest 365 in order to ensure a satisfactory means of surface water disposal.

**DECISION**

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