

Item No. 14

SCHEDULE B

APPLICATION NUMBER	SB/09/00129/TP
LOCATION	1 Ivel Close, Barton-le-Clay, Bedford, MK45 4NT
PROPOSAL	Erection of wooden fence and enclosure of amenity land. (Revised application SB/TP/07/1196)
PARISH	Barton-Le-Clay
WARD	Barton-le-Clay
WARD COUNCILLORS	Cllr A Northwood & Cllr I Shingler
CASE OFFICER	Nicola McPhee
DATE REGISTERED	25 February 2009
EXPIRY DATE	22 April 2009
APPLICANT	Mr Gallagher
AGENT	Michael Hardiman & Associates Limited
REASON FOR COMMITTEE TO DETERMINE	Parish Council Objections
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The property is a two storey chalet-style bungalow occupying a corner plot on the north-eastern side of the junction of Ivel Close and Manor Road and is within the designated Manor Road, Barton Area of Special Character. At present, the side boundary of the rear garden is defined by a 1.8m high timber fence, adjacent to the footpath.

The Application:

Permission is sought to relocate the 1.8m high boundary fence in a position approximately 2.2 to 2.4m from the footpath.

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

PPS1 - Delivering Sustainable Development

Regional Spatial Strategy**East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)**South Bedfordshire Local Plan Review Policies**

BE8 - Design Considerations

BE6 - Areas of Special Character

Planning History

SB/TP/01/0600	Incorporate land to rear garden (REFUSED).
SB/TP/03/1796	Erection of two storey rear and first floor side extension (REFUSED).
SB/TP/04/0348	Erection of two storey rear and first floor side extension (Revised application 03/1796) (GRANTED).
SB/TP/07/0241	Erection of first floor and two storey side extension and installation of pitched roof to side facing dormer window (GRANTED).
ENQ/07/0236	Unauthorised erection of fence exceeding 1m in height adjacent to the highway (2) Unauthorised enclosure of amenity land.
SB/TP/07/1196	Retention of fence and continued enclosure of amenity land (REFUSED) (APPEAL DISMISSED)

**Representations:
(Parish & Neighbours)**

Parish/Town Council (17/04/09) Objects on the grounds that the Local Planning Authority would be setting a dangerous precedent in the disposal of amenity land and that there have been no material changes in the area to warrant a diversion from the original planning consent which included the amenity area.

Neighbours None received

Consultations/Publicity responses

Highways Officer (16/04/09) No objection

Determining Issues

The main considerations of the application are;

1. Impact on the Area of Special Character
2. Highway Safety

Considerations

1. Impact on the Area of Special Character

Policy BE6 requires that development should not adversely affect the special character of the area, whilst Policy BE8 requires that development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views. It is considered that the proposal satisfies these requirements. Ivel Close has been developed on the basis of open plan principles and the area of land to be re-instated for visual amenity is considered to adequately reflect the open character and appearance of surrounding area and respect the original design principles.

2. Highway Safety

The revised position of the fence would not have any detrimental impact on highway safety, furthermore, the Highways Officer has not objected to the proposal.

Conclusion

The open grassed area between No.1's existing garden wall and the footpath was provided as part of carefully prepared landscaping proposals for the Close and performs an important function with respect to softening the appearance of the entrance to the cul-de-sac. The amended position of the fence would provide up to 2.4m of amenity land between the fence and footpath, restoring once more, the visually important soft grassed area.

The revised positioning of fence is not considered to be detrimental to the established character of the cul-de-sac or to the special character of the wider area.

Reasons for Granting

The proposal is in conformity with the provisions of PPS1 and complies with Local Plan Policies BE6 and BE8 and there are no material considerations that would warrant planning permission not being granted.

RECOMMENDATION

Grant planning permission subject to the following conditions:

- 1 The existing fence shall be relocated to comply with the approved details within 60 days of the date of this permission.
REASON: To maintain the visual amenities of the street scene and safeguard the Area of Special Character.
(Policies BE8 & BE6, S.B.L.P.R).
- 2 **Within 30 days of this permission, a landscaping scheme shall be submitted to the council. The scheme as approved in writing shall be implemented within 30 days from the date of approval. 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 and maintained until satisfactorily established.**
REASON: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R).
- 3 This permission relates only to the details shown on Drawing No's. 2007/409/14C and 2007/409/01F received 11/03/09 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved drawings and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy
East of England Plan (May 2008)
ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review Policies
BE8 - Design Considerations
BE6 - Areas of Special Character

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.

DECISION

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