

Application Number: 12/00459/FUL

**Erection of detached 5 bedroom 3 storey dwelling.**

**AT Land Adjacent To, 66 Pearmain Close, Newport Pagnell**

**FOR Mr Mike Dunn**

**Target:** 27th April 2012

**Ward:** Newport Pagnell North

**Parish:** Newport Pagnell Town Council

**Report Author/Case Officer:** Alex Harrison

**Contact Details:** 01908 252608 alex.harrison@milton-keynes.gov.uk

**Head of Team:** Andrew Horner

**Contact Details:** 01908 252609 andrew.horner@milton-keynes.gov.uk

## 1.0 INTRODUCTION

*(A brief explanation of what the application is about)*

### 1.1 The Site

The application site is a parcel of undeveloped land adjacent the recently completed Pearmain Close development. It is an unkempt area which appears to have no visible relationship with any property in the area. Historically it is likely to have been associated with one of the dwellings on Wolverton Road. Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

### 1.2 The Proposal

Planning permission is sought to erect a single detached dwelling on the site. The dwelling will provide 5 bedrooms over three floors. It will be sited in line with dwellings in Pearmain Close with a large driveway that is accessed from the new cul-de-sac development. Details of the proposal as described above can be seen in the plans appended to this report.

## 2.0 RELEVANT POLICIES

*(The most important policy considerations relating to this application)*

### 2.1 National and Regional Policy

National Planning Policy Framework paragraph .....

**49.** Housing applications should be considered in the context of the presumption in favour of sustainable development...

**53.** Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

## 2.2 Local Policy

### Core Strategy

CS10 – Housing

CS13 – Ensuring High Quality, Well Designed Places.

### Adopted Milton Keynes Local Plan 2001-2011

D1 – Impact of Development Proposals on Locality

D2 – Design of Buildings

H7 – Housing development on unallocated sites.

T15 – Parking provision.

### Supplementary Planning Guidance

Adopted Parking standards 2005 and addendum April 2009.

## 3.0 MAIN ISSUES

*(The issues which have the greatest bearing on the decision)*

- 3.1 1. The proposal will spread the extent of this backland residential development but the nature of the existing cul-de-sac and the scale and siting of the proposed unit are such that it is considered that the proposal will integrate comfortably into the existing development and would read as part of the cul-de-sac without harming the character of the area.
2. The siting of the proposed dwelling and existing neighbours, nature of boundary treatments and distance to neighbouring dwellings are such that there would not be detrimental harm to the amenity of any neighbouring residents.
3. Concern has been raised over the possibilities for future further development but this application has to be considered on its own merits and should not take account of possible precedents.

## 4.0 RECOMMENDATION

*(The decision that officers recommend to the Committee)*

- 4.1 It is recommended that planning permission be granted subject to the conditions set out at the end of this report.

## 5.0 CONSIDERATIONS

*(An explanation of the main issues that have lead to the officer Recommendation)*

### 5.1 Character of the area.

The application site sits at the end of the development and the existing road layout is such that it can be extended to link the proposed dwelling to Pearmain Close. The siting of the proposed dwelling appears to have taken account of the siting of the existing dwellings and follows a slight stagger in the building

line. The scale of the proposed dwelling is larger than those in the immediate vicinity but it is comparable to Pearmain Close as a whole. It is not felt that the height and bulk of this proposal will result in an overly prominent building in the streetscene and that the scheme will sit comfortably with the existing character of the area, which is one of modern, recently constructed housing. Therefore the proposal is considered to comply with Local Plan policy H7 and is therefore acceptable in principle and the detail of the scheme is acceptable in light of the NPPF and policies D1 and D2 of the Milton Keynes Local Plan.

## **5.2 Neighbouring Amenity.**

There are no side windows proposed and therefore no direct overlooking of neighbours on Pearmain Close. There would be instances of indirect outlook to immediately adjacent sites however these are commonplace on housing developments and are not considered to affect amenity to a detrimental extent. The occupier of 66 Wolverton Road raises objection to the proposal being close to their common boundary and overbearing to the garden. The neighbouring garden is significant in length (the distance between the dwellings is approximately 85 metres) and the dwelling will sit on only a small proportion of the common boundary. It is considered that, while the building will be prominent, it would not be to the extent that it would harm neighbouring amenity. The proposal is not considered to harm neighbouring amenity to a detrimental extent and is therefore not in breach of Local Plan policy D1.

## **5.3 Precedent.**

The concerns over possible precedent for future development are not a consideration that should be given great weight. As with this current application, any future proposal submitted to the Council will be considered on its own merits and it is not considered to be wholly reasonable to refuse or resist a proposal on the basis of a possible future event that could be attributed to it when making the decision.

## **5.4 Parking**

The Town Council raise objection on the grounds that 3 spaces is insufficient for a 5 bedroom dwelling. The Council's adopted parking standards state that the maximum parking requirement of 2 allocated spaces. It also has a requirement of 0.5 unallocated parking spaces for visitors. The proposal shows three parking spaces on the site and this therefore accommodates the requirement in accordance with the standard. Therefore the proposal is considered to be acceptable in light of parking provision.

## **5.5 Other Matters**

Other matters, which are not critical to the decision, are dealt with in Section 3 of the attached Appendix.

## 5.6 Conclusions

The NPPF advises that Council's should avoid the inappropriate development of residential gardens. The application site is likely to have been part of a garden but it is an unkempt parcel with no direct relationship to any surrounding dwelling. The merits of this proposal are such that there is not considered to be any detrimental harm and therefore it is considered to be a development that is not inappropriate and therefore is compliant with this policy guidance. It would feed into the existing estate, removing the need for significant access works which can therefore be argued as a sustainable measure in accordance with paragraph 49 of the NPPF. The development is therefore considered to be acceptable and it is recommended that planning permission is granted subject to the conditions detailed below.

## 6.0 CONDITIONS

*(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable )*

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004. (D11)

2. The external materials to be used in the development shall be in accordance with samples to be submitted to and approved in writing by the Local Planning Authority before any work is commenced.(M03)

Reason: To ensure that the development does not detract from the appearance of the locality.

3. No part of the development shall be occupied until the new means of access has been sited and laid out in accordance with the approved plan and constructed in accordance with Milton Keynes Council's guide note 'Residential Vehicle Crossing Details'.

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

4. As the proposed use is particularly vulnerable to the presence of contamination I recommend that the following condition be applied to any grant of planning permission for this site.

1) Prior to any development taking place, the developer shall carry out an assessment of ground conditions to determine the likelihood of any ground, groundwater or gas contamination of the site.

The results of this survey detailing the nature and extent of any

contamination, together with a strategy for any remedial action deemed necessary to bring the site to a condition suitable for its intended use, shall be submitted to and approved by the Local Planning Authority before construction works commence.

2) Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report prior to first occupation of the development.

3) Should any unforeseen contamination be encountered the Local Planning Authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the site is fit for its proposed purpose and any potential risks to human health, property, and the natural and historical environment, are appropriately investigated and minimised.

5. The scheme for parking indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: to enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

6. A landscaping scheme, which shall include provision for the planting of trees and shrubs, shall be submitted to and approved by the Local Planning Authority before any part of the development is commenced. The scheme shall show the numbers, types and sizes of trees and shrubs to be planted and their location in relation to proposed buildings, roads, footpaths and drains. All planting in accordance with the scheme shall be carried out within twelve months of commencement of development. Any trees or shrubs removed, dying, severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and species as may be agreed by the Local Planning Authority. (L01)

Reason: To protect the appearance and character of the area and to minimise the effect of development on the area.



Crown Copyright (C) Licence No. LA100019593 - 2008  
 Aerial Photography Copyright (C) Geopespectives - All rights reserved.

Scale 1/1250  
 Date 13/6/2012  
 Centre = 486858 E 243563 N  
 Author





## Appendix to 12/00459/FUL

### 1.0 RELEVANT PLANNING HISTORY

*(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)*

- 1.1 There is no planning history on this specific site. The completed Pearmain Close development was originally granted outline consent on appeal in 2005 under reference 05/00439/OUT. The reserved matters were approved, also at appeal, in 2008 under reference 08/00099/REM. The consented scheme gave permission for the erection of 29 dwellings on the site.

### 2.0 CONSULTATIONS AND REPRESENTATIONS

*(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)*

<b>Comments</b>	<b>Officer Response</b>	<b>Policy Reference</b>
<p>2.1 <b>Highways Development Control</b></p> <p>The proposed new dwelling will be accessed off the end of the street which is acceptable. The proposals include space for three cars to park on plot which meet the council's parking standards for dwellings in zone 3, where the site is located.</p> <p>I have no objections to planning permission being granted subject to conditions relating to parking and access.</p> <p><b>Ward - Newport Pagnell North – Former Cllr Barry</b></p> <p>As this plot has been advertised for sale for development of a three storey building, I do have any objection to this application</p>	<p>Noted. Para 5.4 in the report above.</p> <p>Noted.</p>	<p>MKLP T15 and SPG Parking Standards.</p>
<p><b>Parish - Newport Pagnell</b></p> <p>The Committee objected to this application on the grounds that it was an overdevelopment of a small plot of land and also that three parking spaces were insufficient for a five bedroom dwelling.</p>	<p>Noted. Para 5.4 in the report above.</p>	<p>MKLP T15 and SPG Parking Standards.</p>



### Local Residents

The occupiers of the following properties were notified of the application:

- 21, 23 and 56-66 (even) Pearmain Close
- 66-70 (even) Wolverton Road Newport Pagnell

2 Letters of objection and 1 letter making comments have been received and the relevant points are summarised below: -

- |   |   |             |
|---|---|-------------|
| 1. Precedent for future development on other plots            | Noted, see paragraph 5.3  | MKLP H7     |
| 2. Is out of character and would overshadow other properties. | Noted, see paragraph 5.1  | MKLP D1, D2 |
| 3. Loss of privacy to 66 Wolverton Road and 66 Pearmain Close | Noted see paragraph 5.2   | MKLP D1     |
| 4. Dwelling should not look squeezed onto the plot.           | Noted, see paragraph 5.1  | MKLP D1, D2 |
| 5. Layout could be reversed to increase privacy.              | Current layout considered to not harm privacy and therefore no change felt necessary. | MKLP D1     |

### 3.0 ADDITIONAL MATTERS

*(Matters which were also considered in producing the Recommendation)*

- 3.1 It will be important to ensure that the development reads as part of Pearmain Close. Most notably it is essential for external materials to match the adjacent development. This is a consideration in the proposal but it is felt that this can be dealt with via condition which would allow for the submission of samples for approval.