

Application Number: 12/01769/FUL
Minor

Erection of detached residential dwelling

AT Land At, Fox Covert Lane, Castlethorpe

FOR Mr E Post

Target: 4th October 2012

Ward: Hanslope Park

Parish: Castlethorpe Parish Council

Report Author/Case Officer: Mark Turner

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application site is a roughly triangular shaped area with a frontage of approximately 15 metres to North Street and a depth of approximately 33 metres. The ground level slopes steeply from west to east of the site by approximately 1 metre. The site is bound to the west by a bungalow known as 'The Chestnuts'. To the south there is recent residential development comprising a number of two-storey stone houses. Access to the site is via Fox Covert Lane which serves the residential development to the south of the site. The site is prominent on the approach into the village of Castlethorpe from the east, where the apparent built boundaries of the village appear to be around 'The Chestnuts' and 'Dragon Rest'. Nevertheless, the site is within the settlement limit of the village as identified in the Proposals Map of the Milton Keynes Local Plan 2001-2011. The site is adjacent to the Castlethorpe Conservation Area, and within the setting of nearby Listed Buildings in North Street.

1.2 The site originally formed part of the development area for the recent housing development immediately to the south and evolved from proposals as far back in the 1980's. The outline permission (ref MK/573/88) reveals that the setting out of Fox Covert Lane was spaced to create a staggered junction with Bullington End Lane, so as to avoid a cross-road situation. The plans in the application showed the land between the new road and the boundary of 'The Chestnuts' landscaped. This would have involved the breaking-up of the original farm access road, which runs through the site. The new development was subsequently carried out under full permission reference 03/01302/FUL, but it appears that the subject land was not secured for landscaping under the

terms of the planning conditions and was subsequently retained by the original owner without any requirement to landscape.

- 1.3 Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

1.4 **The Proposal**

The application is identical to application No 08/01861/FUL for the erection of a two bedroom detached dwelling. This application was granted 7th January 2010

Planning permission is sought as a renewal of application 08/01861/FUL for the erection of a two-bedroom detached dwelling built in natural local stone with slate roof. One of the bedrooms would be accommodated within the roof with a combination of dormer/gable windows and rooflights. The submitted site layout plan indicated the building would be set down at the same level as the existing access road (Fox Covert Lane). The proposed dwelling would be sited toward the centre of the site with garden to the north and south of the house. The dwelling would leave a 'back-to-back' gap/distance of approximately 8 metres between the rear wall of the dwelling and 'The Chestnuts'. The principal elevation would face east with vehicular access via Fox Covert Lane. The proposal would create two bedrooms with one room within the attic with two car parking spaces created at the front of the site to serve the dwelling. The proposal includes the retention of the existing boundary wall and timber fence along the west of the site. It is proposed to extend the current stone boundary wall along the North Street frontage and part of the frontage in Fox Covert Lane.

- 1.5 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 Policy**

National Planning Policy Framework paragraphs

17 - Core Planning Principles;
56, 58, 60. Good Design;
128-129, 131-134. Historic Environment.

2.2 **Local Policy**

Adopted Milton Keynes Local Plan 2001-2011

D1 – Impact of Proposals on Locality;
D2 – Design of Buildings;
D2A – Urban Design Aspects of new Development;
S9 – Other Villages;
H7 – Housing on Unidentified Sites;

H8 – Housing Density;
HE5 – Development affecting the setting of listed buildings;
HE6 – Conservation Areas;
T10 – Traffic;
T15 – Parking Provision.

Supplementary Planning Guidance

Supplementary Planning Guidance - 'Parking Standards for Milton Keynes' 2005 and Addendum 2009.

3.0 MAIN ISSUES

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

3.1 1. Principle of residential development (including relationship with the established street scene, the landscape and townscape of the area, establishment of new access and impact to neighbouring amenity and privacy). The principle of a residential unit and access in this location has been accepted as part of application ref.: 08/01861/FUL and the discharging of conditions pursuant to this development.

2. Policy considerations.

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 Principle of Development

The application site is within the limits of development in the village of Castlethorpe and accordingly there is no objection in principle for residential development. Policy H7 of the Local Plan states the criteria by which any proposal for residential development within an existing residential area should be assessed. The site is located within close proximity to the services in the centre of the village. Furthermore, there are no overwhelming physical and environmental constraints and there is sufficient capacity in the existing infrastructure to accommodate a dwelling of this scale. The principle of a dwelling in this location has been established by the grant of application 08/01861/FUL.

5.2 The Council's Core Strategy and National Planning Policy Framework (NPPF) have been published since the original application was approved. Although all of these documents do touch on issues relating to the current development none of them contain any advice or policies which significantly alter the previous policy considerations that relate to this particular development.

5.3 On the basis that there have been no significant changes to the material planning considerations relating to this site or the proposed development, it is recommended that planning permission be granted.

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.

2. No overhead lines, wires or cables, whether for the purpose of telephones, electricity, wired television or any other purpose shall be erected on, over or across any part of the application site.

Reason: To protect the amenities of the locality.

3. The development shall not be occupied until the car parking area (and turning area) shown on the deposited plan has been constructed, surfaced and permanently marked out. The car parking area so provided shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.

Reason: To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

4. Access to and egress from the site during construction works shall not be obtained except to Fox Covert Lane.

Reason: In the interest of highway safety and residential amenities of the adjoining properties.

5. Pursuant to the Town and Country Planning General Permitted Development Order 1995 (as amended) or any Statutory Instrument revoking or re-enacting that Order, the provisions of Article 3(1) and Classes A, B, C, D and E of part I of Schedule 2 to the said Order (relating to development within the curtilage of a dwelling house) shall not apply to any dwelling to which this permission relates and no such development shall be carried out without the permission of the Local Planning Authority being first obtained.

Reason: To protect the character and appearance of the area and amenities of nearby residential properties.

6. Building works shall not commence until vehicle wheel cleansing facilities have been provided on the site to the satisfaction of the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and shall be permanently maintained in working order throughout the construction period.

Reason: To ensure that construction works do not prejudice conditions of safety and cleanliness along the neighbouring highway.

7. The roof lights in the west elevation facing 'The Chestnuts' shall be obscurely glazed and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.

Reason: To preserve the amenity and privacy of the adjoining residential occupiers at The Chestnuts.

8. The finished floor levels of all buildings and the finished ground levels of the site, in relation to the existing site levels of the surrounding properties shall be carried out in accordance with the approved levels as noted within Drawing No. RF-08-1387 Rev. E electronically registered 27th November 2012.

Reason: To ensure that construction is carried out at suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties.

9. The landscaping scheme as noted within Drawing No. RF-08-1387 Rev. E electronically registered 27th November 2012 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.

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

10. The boundary treatment of the site shall be implemented in accordance with those details as noted within Drawing No. RF-08-1387 Rev. E electronically registered 27th November 2012 and shall subsequently be retained to the satisfaction of the Local Planning Authority.

Reason: To protect the amenities of the locality and safeguard the privacy of neighbour.

11. The private access way shall be implemented in accordance with details as noted within Drawing No. RF-08-1387 Rev. E electronically registered 27th November 2012. No dwelling shall be occupied until the access way has been laid out and constructed in accordance with the approved details.

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

12. The foul and surface water drainage system as noted within Drawing No. RF-08-1387 Rev. E electronically registered 27th November 2012 shall be carried out before the development hereby permitted commences.

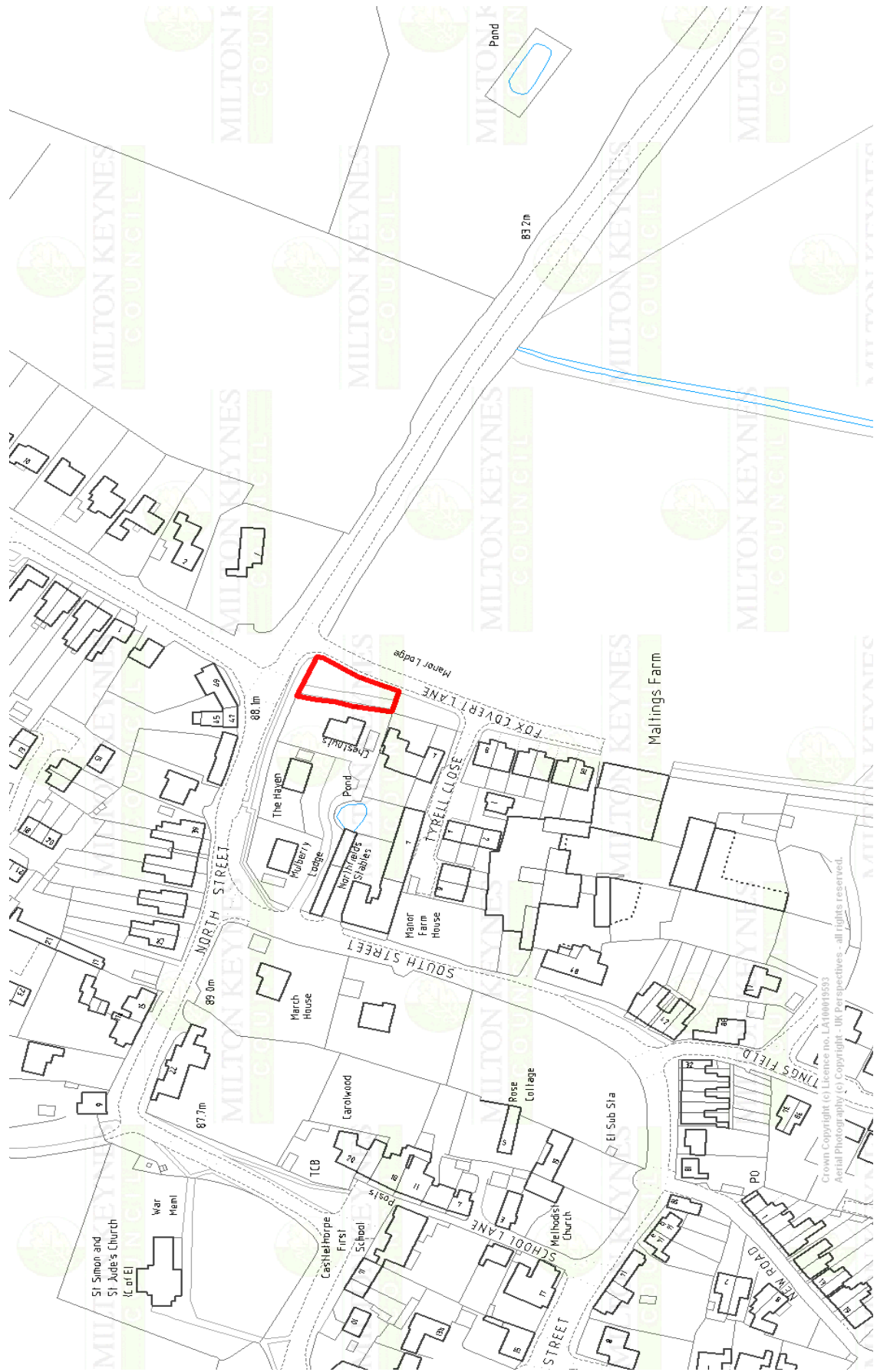
Reason: To prevent pollution of the water environment.

13. The underpinning and excavations within three metres of the existing stone wall shall be implemented as noted within Drawing No. RF-08-1387 Rev. E electronically registered 27th November 2012 before any work commences.

Reason: To ensure the development is not detrimental to the character and appearance of the conservation area.

14. 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.

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



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A1.0 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)

- A1.1 08/01861/FUL
ERECTION OF DETACHED TWO STOREY DWELLING, ACCESS AND
PARKING
PER 07.01.2010

Details submitted pursuant to Conditions 2 (Floor Levels), (Landscaping), 5 (Boundary details), 6 (Access), 8 (Samples), 12, Foul and Surface Water) and 13 (Underpinning and excavations) of planning application ref.: 08/01861/FUL have been agreed as part of ref.: 09/02011/DISCON.

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 Impact on Character and Appearance

The site is prominent on the approach into the village of Castlethorpe from the east and therefore would be open to public views from Wolverton Road and Bullington End Road. The site is adjacent to the Conservation Area and therefore the development should preserve or enhance all the aspects of character or appearance which contribute to the special interest of the area. With regard to the siting of the development, the proposal would involve significant physical alterations to the site in terms of levels, boundary treatment and landscaping, which would impact on the character and appearance of the area. It is considered that the proposed dwelling on this site would have an impact on the established character and appearance of the area.

The occupiers of the neighbouring residential properties have objected to the proposal on the grounds that the development would result in the loss of the existing stone wall, which contributes significantly to the character and appearance of the area. The application indicates that the stone wall would be retained and extended along the frontage of North Street and part of Fox Covert Lane.

A2.2 Impact on Residential Amenity

As part of planning application ref.: 08/01861/FUL, the principle of development and the impact of this development upon neighbouring amenity was considered acceptable and there have been no significant changes in policy that would alter this view.

A2.3 Highway Issues/Parking

As part of the previous application the Highway Officer is satisfied with the level of proposed on-plot parking and the means of access to the dwelling and does not consider that the proposal would compromise highway safety in the area. However he has requested that each car parking space need to be widened to 2.75m, 5.5m in total for both spaces. The proposal is therefore considered acceptable in highway terms having regard to Policy T10 and T15 of the Milton Keynes Local Plan 2001-2011.

A2.4 Heritage Assets

Notwithstanding the comments of the Conservation Officer as part of the previously permitted planning application on this aspect, concern is raised in respect of such a building within this location, however at the same time acknowledging that it would be difficult to refuse such a similar application. It is noted that the proposed dwelling stands on the opposite side of North Street where the nearest Listed Buildings are situated and therefore it is considered on balance that the proposed development would not have such a significant impact on the setting of these Listed Buildings as to warrant refusal on these grounds.

A2.5 Other Matters

As part of the previous planning application (ref.: 08/01861/FUL) it is noted that a total of 14 conditions were proposed covering the following issues:

1. Start date within three years;
2. Floor levels and finished ground levels;
3. Landscaping scheme;
4. No overhead wiring;
5. Boundary treatment details;
6. Details of the private access and laying out;
7. Construction, surfacing and marking out of parking area;
8. External materials;
9. Access/egress during construction;
10. Removal of permitted development rights;
11. Wheel cleansing provision;
12. Foul and surface water drainage;
13. Details of underpinning and excavations within 3 metres of the existing stone wall to be submitted;
14. Rooflights within west elevation to be obscurely glazed and non-opening below 1.7 metres of finished first floor level.

The subsequent discharging of conditions application (ref.: 09/02011/DISCON) discharged the following conditions:

2. Floor levels and finished ground levels;
3. Landscaping scheme;
5. Boundary treatment details;

6. Details of the private access and laying out;
8. External Materials;
12. Foul and surface water drainage;
13. Details of underpinning and excavations within 3 metres of the existing stone wall to be submitted.

The submitted plan incorporates the detailing as noted within the plan to discharge the above conditions and therefore appropriate conditions are proposed to ensure their implementation as per these previously agreed details.

Whilst conditions regarding an archaeological watching brief, window/door details, working hours and ground contamination are currently recommended, given that the scheme has not significantly altered and that these were not previously noted, it is considered unreasonable to introduce these as part of the current application as these were not previously considered appropriate and necessary.

A3.0 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)

Comments

A3.1 Internal Drainage Board

Notes that it is essential that ground conditions are investigated and if found satisfactory that the soakaways be constructed in accordance with latest guidelines.

A3.2 Conservation and Archaeology

Note that the application is for a very similar scheme that was permitted in 2009 despite conservation objections.

In such a prominent location on the edge of the village the scheme appears too ambitious for the plot, and is of a design not particularly in keeping with the setting, adjacent to Listed Buildings and abutting the Conservation Area.

As the proposal has been previously approved it appears likely to be difficult to now refuse it, and therefore potential harm should be mitigated by conditions to secure the best materials and detailing possible.

Propose a number of conditions relating to materials and window/door details.

A3.3 Castlethorpe Parish Council

Note that the application is acceptable in accordance with conditions relating to:

1. The rear fence not exceeding 1.8 metres from ground level;
2. Underpinning of the existing stone wall;
3. Working hours.

Note that the sewage connection within Fox Covert Lane is private.

A3.4 **Council Archaeologist**

The site of the proposed dwelling is close to an Iron Age and Romano-British settlement to the south. As such, it is considered that an archaeological watching brief should be maintained during excavation of the foundations and services for the new dwelling.

A3.5 **Environmental Health**

Request ground contamination condition.

A3.6 **Local Residents**

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

Manor Lodge (2 Fox Covert Lane), Dragons Rest (4 Fox Covert Lane);
Chestnuts, The Haven, Mulberry Lodge, South Street;
Glencote, 1 Wolverton Road;
6, 8, 10, 12, 14 and 16 Fox Covert Lane;
41, 43, 45, 47, 49 and The Corner House North Street;
2, 29 Bullington End Road.

A3.7 Three letters of objection have been received which make the following observations:

1. Overlooking of the development toward 'The Chestnuts;'
2. Loss of light and privacy;
3. Noise;
4. Fox Covert being a dangerous junction;
5. Castlethorpe is a Conservation Area and this should protect the village from unnecessary over-building;
6. The 2008 submission did not indicate an additional fence located immediately behind that of 'The Chestnuts;'
7. The current application notes an additional fence of 2.0 metres from the new ground level;

Concerns regarding neighbouring deeds;

8. Inability to replace or maintain the existing fence at 'The Chestnut's as access is required from either side;

9. No appropriate underpinning to the boundary wall with 'The Chestnuts;'

10. Concern over potential connection to the neighbouring private pump station.

A3.8 Two letters of support have been received which make the following observations:

1. The land has sat disused and untended for many years and will continue to become a wasteland should the application be turned down, the land will eventually be earmarked for development;

2. The proposed development will improve the entry to Fox Covert Lane which is often an eyesore;

3. Local residents have complained to the Parish Council about the plot being overgrown;

4. The building in no way detracts from the views of the bungalow in 'The Chestnuts' as it is set back from the line of vision from the daytime living areas;

5. Since the original application was approved there does not appear to be any change in specifications that change the siting and appearance of the house.