

Item No. 8

APPLICATION NUMBER	CB/17/04939/VOC
LOCATION	9 Silsoe Road, Maulden, Bedford, MK45 2AX
PROPOSAL	Variation of condition 6 of planning permission CB/16/05823/OUT
PARISH	Maulden
WARD	Amphill
WARD COUNCILLORS	Cllrs Duckett, Blair & Downing
CASE OFFICER	Matthew Heron
DATE REGISTERED	12 October 2017
EXPIRY DATE	30 May 2017
APPLICANT	Mr Jamieson
AGENT	DA Architectural Services
REASON FOR COMMITTEE TO DETERMINE	Councillor is applicant
RECOMMENDED DECISION	Recommend variation approved

Summary of Recommendation

This application seeks to vary condition 6 of outline planning permission CB/16/05823/OUT to allow for the construction of a one and a half storey unit at the site.

The impacts of the above mentioned variation have been considered on the character of the area and the living conditions of the occupants of surrounding units.

The overall design and form of the building granted outline permission would be managed through conditions imposed on the previous application (to be re-imposed for clarity) and also through the consideration of matters reserved for future determination.

As such, and given the distance of the plot from surrounding residential units, the proposed variation is considered acceptable in terms of the above mentioned key material planning considerations and therefore complies with identified local and national policy.

Site Location:

The site has an area of around 0.1ha and is on the east side of Silsoe Road, to the rear of No 9a. It includes an area for access running eastwards from Silsoe Road between No's 7 and 9.

The land rises notably from Silsoe Road to the site so that the site is on higher ground than the properties that front the road.

The land between the access and the main body of the site is open and undeveloped. To the north and east of that land are agricultural buildings that form

part of High Gables Farm. To the west are rear gardens serving properties on Silsoe Road. Russell Crescent, to the south extends further eastwards than other properties on Silsoe Road, which are generally linear in layout.

The site, but for the access, falls within the Maulden Settlement Envelope.

The Application:

This application seeks the variation of condition 6 of planning permission CB/16/05823/OUT to allow for a one and a half storey unit. This condition states:

Any application for reserved matters shall be for a single storey dwelling with no accommodation in the roof space.

Reason: To protect the character and appearance of the area and living conditions at neighbouring properties in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies - North 2009

Policy CS14 – High Quality Development

Policy CS16 – Landscape and Woodland

Policy DM2 – Sustainable Construction of New Buildings

Policy DM3 – High Quality development

Policy DM4 – Development Within and Beyond Settlement Envelopes

Policy DM14 – Landscape and Woodland

Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

CB/16/05823/OUT - Outline application: Erection of one dwelling with up to four bedrooms at Land at the rear of 9A Silsoe Road, Maulden. Granted.

Consultees:

Maulden Parish Council

“The condition is requested to be removed or restricted to 1.5 storeys with rooms in the roof with an agreed maximum ridge height.

Recommendation – Maulden Parish Council strongly object to the removal of this condition on the basis:

- This would give permission for the dwelling to be two-storey which would impact on neighbouring properties.*
- The condition was agreed between Maulden Parish Council and CBC Planning to protect the appearance of the area and the living conditions of neighbouring properties.*
- A single storey dwelling was approved at High Gables under CB/15/03296/OUT after appeal and so a removal of the restriction would affect the character of this area.*
- It would set a precedent for applications from the above mentioned single storey dwelling and also the new dwelling applied for at the rear of 9 Silsoe Road under CB/17/04031/OUT awaiting decision.*

Note –

MPC requested, in the event of approval, the same conditions be applied to this dwelling as applied to CB/16/05823/OUT.”

It is noted that the Parish Council has raised concern with regards to the precedent the approval of this application may set for future development. Each application is determined upon its own individual merits based on its own unique circumstances. As such, this element of the above objection carries no weight in the determination of this application.

Consultees

None.

Local Residents

On letter of objection has been received from a surrounding address. This objection has regard to concern with approving the previous application which has been considered by Committee. No material planning considerations have been raised which relate specifically to this S73 application.

Determining Issues:

The main planning issues with this application are:

1. Whether it is acceptable, in the interests of the character of the area and living conditions, that the condition be varied or removed; and

2. Other Material Considerations

Considerations

1. Whether it is acceptable, in the interests of the character of the area and living conditions, that the condition be varied or removed

Character of the area

- 1.1 Policies CS14, DM3 and DM14 seeks to ensure proposals are of a high quality of design, respect the local context in which they are in, are appropriate in terms of scale and have an acceptable impact upon the landscape. Chapter 7 of the Framework emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions.
- 1.2 The previous application concluded that the development would not result in an unacceptable impact on the character of the area, subject to the imposition of conditions requesting; details of ground, ridge and slab levels of the building, a method statement for tree retention at the site, that the building shall be single storey level only and the removal of permitted development rights for extensions, roof alterations (including dormer windows), outbuildings and hard surfaces.
- 1.3 This application seeks to vary or remove the condition restricting this development to single storey level only as the applicant wishes to include habitable rooms at first floor level. Details of the proposed dwellinghouse are still reserved for future consideration and views of the site are somewhat restricted from the public domain.
- 1.4 Given the size of the plot and with regards to the nature of surrounding residential form (which comprise dormer windows to front), it is considered that a one and a half storey unit could be accommodated on the site without resulting in a visually prominent feature or disrupting the rhythm of existing development. Furthermore, it is recommended that the relevant conditions identified above, imposed in the interest of the character of the area, are again imposed. As such, the overall ridge height of the property will be assessed through condition in any event to ensure the scale of the building is appropriate.
- 1.5 Taking all of the above into account, it is considered that varying condition 6 of application ref. CB/16/05823/OUT to allow for the construction of a one and a half storey unit would not result in significant and demonstrable harm to the character of the area. This variation is therefore appropriate and would not contravene identified local or national policy in this regard.

Living Conditions

- 1.6 Policy DM3 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 17 of the NPPF is to always seek to secure high quality design and good standard of amenity for all existing and future occupiers of land and buildings.

- 1.7 Again, it should be noted that this application seeks to vary an existing outline planning permission with all matters reserved. As such, the detailed design of the proposed dwellinghouse will be reserved for future determination.
- 1.8 Notwithstanding the above, indicative plans were submitted to inform the previous outline application. These demonstrate that a unit could be positioned at the site in excess of 25m away from High Gables Farm to the north and in excess of 40m from the rear elevations of Nos. 9 and 9a Silsoe Road.
- 1.9 The overall design and form of the building will be managed through conditions requesting details of the scale of the unit imposed to the previous application (to be re-imposed for clarity) and also through the consideration of matters reserved for future determination. With regards to all of the above, it is considered that a one and a half storey unit could be positioned upon the site without resulting in significant and demonstrable harm to living conditions, in terms of overbearing, overlooking and loss of light.
- 1.10 It is therefore considered that varying condition 6 of application ref. CB/16/05823/OUT to allow for the construction of a one and a half storey unit would be appropriate and would not contravene identified local or national policy in this regard.

2. Other Material Considerations

- 2.1 Issuing any permission under Section 73 of the Act is tantamount to issuing a new permission for the entire development. As a consequence, any decision notice should replicate all previous conditions which are still relevant. There are no other new material considerations since the original permission which are relevant to this decision.

Conditions

Drainage

- 2.2 Application ref. CB/16/05823/OUT was approved subject to a condition requesting details of a surface water drainage strategy. In the interests of flooding and drainage, it is considered reasonable to 'carry forward' this condition.

Highway Safety

- 2.3 Application ref. CB/16/05823/OUT was approved subject to conditions requesting a Construction Management Plan and details of the access, vehicle parking, cycle provision and refuse collection with any forthcoming reserved matter application.
- 2.4 In the interests of highway safety, parking provision and appropriate refuse collection, it is reasonable to 'carry forward' these conditions.

3. Overall Planning Balance

- 3.1 This application seeks to vary condition 6 of outline planning permission CB/16/05823/OUT to allow for the construction of a one and a half storey unit at the site.
- 3.2 The impacts of the above mentioned variation have been considered on the character of the area and the living conditions of the occupants of surrounding units.
- 3.3 The overall design and form of the building granted outline permission would be managed through conditions imposed on the previous application (to be re-imposed for clarity) and also through the consideration of matters reserved for future determination.
- 3.4 As such, and given the distance of the plot from surrounding residential units, the proposed variation is considered acceptable in terms of the above mentioned key material planning considerations and therefore complies with identified local and national policy.

Recommendation:

That the variation of condition 6 to allow for the construction of a one and a half storey unit be GRANTED subject to the following:

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 associated with application ref. CB/16/05823/OUT; Jmsn. 1 300, Jmsn. 1 301, Jmsn. 1 302 and Jmsn. 1 303 rev. A.

Reason: To identify the approved plans and to avoid doubt.

- 2 No development shall commence at the site before details of the layout, scale, appearance, access and landscaping, including boundary treatments (hereinafter called "the reserved matters") relating to the development approved under application ref. CB/16/05823/OUT have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 2015.

- 3 An application for approval of the reserved matters associated with application ref. CB/16/05823/OUT shall be made to the local planning authority not later than three years from the date of this identified previous outline permission.

Reason: To comply with Section 92 of the Town and Country Planning Act

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved under application ref. CB/16/05823/OUT.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 5 Any application for reserved matters under application ref. CB/16/05823/OUT shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 **No development shall take place at the site before a Method Statement detailing how retained trees and hedgerows will be protected at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To ensure that trees and hedgerows are properly protected at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 7 **Any application for reserved matters shall be for a one and a half storey dwelling only.**

Reason: To protect the character and appearance of the area and living conditions at neighbouring properties in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 8 **No development shall take place at the site before details of the method of disposal of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To ensure that drainage arrangements at the site are acceptable in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 9 **Notwithstanding the provisions of the Town and Country Planning**

(General Permitted Development) (England) Order 2015 (or any Order amending, revoking or re-enacting the Order with or without modification) no development shall be carried out within Class A, B, E and F of Part 1 of Schedule 2 to that order.

Reason: To protect the character and appearance of the area and living conditions at neighbouring properties in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 10 **No development shall commence at the site before a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that the impacts of construction on the highways network and living conditions at neighbouring properties are controlled in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 11 Any application for the approval of reserved matters shall include:

- An access no less than 3.2m wide
- Vehicle parking and garaging in accordance with the council standards applicable at the time of submission inclusive of a visitor parking space
- Cycle parking and storage in accordance with standards applicable at the time of submission
- A vehicular turning area within the curtilage of the site suitable for a service/delivery vehicle (6.25m length) inclusive of tracking diagrams
- A refuse collection point at the site frontage, clear of the public highway and any visibility splays

Reason: To ensure that access arrangements into, out of and within the site are acceptable and in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

INFORMATIVE NOTES TO APPLICANT

1. 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. The applicant is advised to liaise with the Council's Building Control Team and the Fire Service to discuss measures to minimise the risk of fire in the event that fire vehicles are not able to access the site.
3. The applicant is advised that no works associated with the construction of the vehicular access 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 contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 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.

4. 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 the Highways Help Desk tel: 0300 300 8049

5. 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.

6. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

7. 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.

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

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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