

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 17 August 2016

PRESENT

Cllr K C Matthews (Chairman)
Cllr R D Berry (Vice-Chairman)

Cllrs M C Blair
K M Collins
S Dixon
F Firth
E Ghent

Cllrs C C Gomm
K Janes
T Nicols
I Shingler
J N Young

Apologies for Absence: Cllrs Mrs S Clark

Substitutes: Cllrs Mrs C F Chapman MBE (In place of Mrs S Clark)

Members in Attendance: Cllrs Mrs A Barker
Mrs D B Gurney,

Officers in Attendance:	Mrs M Clampitt	Committee Services Officer
	Mr M Cornell	Principal Highway Engineer
	Mr A Emerton	Senior Lawyer Planning, LGSS Law Limited
	Mrs C Jagusz	Committee Services Administrator
	Mr D Lamb	Planning Manager East
	Mr B Tracy	Planning Officer

DM/16/38. **Chairman's Announcements**

The Chairman reminded Councillors and members of the public to silence their mobile phones for the duration of the meeting.

The Chairman advised the Councillors and members of the public that the agenda would be considered in order with no variation.

Subject to declarable interests all Members of the Committee have the right to vote on all matters of business considered by the Committee.

Rule No. 13.5.5 of the Constitution states that Members do not vote or take part in the meeting's discussions on a proposal unless they have been present to hear the entire debate, including the officer's introduction to the matter.

The Chairman, under Part E3 paragraph 9.2 has a second or casting vote should there be equal numbers of votes for and against an item. This provision makes it quite clear that the Chairman is entitled to vote on any item of business. There is no restriction or limitation on how the second or casting vote should be exercised nor is there a requirement that the right be exercised at all.

The Chairman advised the Committee that a reply had been received from Government relating to the query on Gypsy and Traveller applications and appropriate access. The Committee have requested that Andrew Davie write again to the Government asking that the Planning Inspectorate be provided with the same information.

DM/16/39. **Minutes**

RESOLVED

that the Minutes of the meeting of the Development Management Committee held on the 20 July 2016 be confirmed and signed by the Chairman as a correct record.

DM/16/40. **Members' Interests**

(a) **Personal Interests:-
Member**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr Mrs C F Chapman MBE		Member of Marston Vale Forum	Present

(b) **Personal and Prejudicial Interests:-**
There were none made.

(c) **Prior Local Council Consideration of Applications**
There were none made.

DM/16/41. **Planning Enforcement Cases Where Formal Action Has Been Taken**

RESOLVED

that the monthly update of planning enforcement cases where action has been taken, as identified in the report of the Director of Regeneration and Business, be received.

DM/16/42. **Planning Application No. CB/16/02473/SECM**

RESOLVED

that Planning Application No. CB/16/02473/SECM relating to Land to the rear of 2 – 6 Brookfields, Potton, SG19 2TL be approved as set out in the Schedule appended to these minutes.

DM/16/43. **Planning Application No. CB/16/02628/FULL**

RESOLVED

that Planning Application No. CB/16/02628/FULL relating to 56 Silver End Road, Haynes MK45 3PS be approved as set out in the Schedule appended to these minutes.

DM/16/44. **Planning Application No. CB/16/02496/FULL**

RESOLVED

that Planning Application No. CB/16/02496/FULL relating to 72 Silver End Road, Haynes MK45 3PS be approved as set out in the Schedule appended to these minutes.

DM/16/45. **Site Inspection Appointment(s)**

RESOLVED

that all members of the Committee be invited to conduct site inspections on Monday 12 September 2016.

DM/16/46. **Late Sheet**

In advance of consideration of the following planning applications the Committee received a Late Sheet advising it of additional consultation/publicity responses, comments and proposed additional/amended conditions. A copy of the Late Sheet is attached as an appendix to these Minutes.

During consideration of some of the applications the Committee received representations from members of the public in accordance with the Public Participation Procedure as set out in Annex 3 of Part A4 of the Constitution.

(Note: The meeting commenced at 10.00 a.m. and concluded at 11.30 a.m.)

Chairman

Dated

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Item No. 06

APPLICATION NUMBER	CB/16/02473/SECM
LOCATION	Land to the rear of 2-6 Brookfields, Potton, Sandy, SG19 2TL
PROPOSAL	Modification and Discharge of Planning Obligations: application for all obligations (Education; Sustainable Transport; Health Facilities; Leisure; Recreation; Open Space; and Community Facilities) agreed within Planning Obligation by Deed and S106 of the Town and Country Planning Act 1990 relating to Land at Brookfields (Plots 11, 12, 14-17) LPA Planning Permission Reference MB/09/00524/FULL (Development of 6 dwellings) Dated 21 May 2009, to be discharged.
PARISH	Potton
WARD	Potton
WARD COUNCILLORS	Cllrs Mrs Gurney & Zerny
CASE OFFICER	Benjamin Tracy
DATE REGISTERED	25 May 2016
EXPIRY DATE	20 July 2016
APPLICANT	Wyboston Lakes Ltd
AGENT	Barford & Co
REASON FOR COMMITTEE TO DETERMINE	Call-in from Cllr Zerny for the following reasons: <ul style="list-style-type: none">• Contrary to Policy - Developer should pay contributions.
RECOMMENDED DECISION	To Approve Discharge of all S106 Obligations

Recommendation:

To Grant Discharge of all S106 Obligations.

[Notes: In advance of consideration of the applications the Committee were advised of additional correspondence from the agent as detailed in the Late Sheet appended to these minutes.]

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Item No. 07

APPLICATION NUMBER	CB/16/02628/FULL
LOCATION	56 Silver End Road, Haynes, Bedford, MK45 3PS
PROPOSAL	Erection of 1 no. detached dwelling
PARISH	Haynes
WARD	Houghton Conquest & Haynes
WARD COUNCILLORS	Cllr Mrs Barker
CASE OFFICER	Benjamin Tracy
DATE REGISTERED	04 July 2016
EXPIRY DATE	29 August 2016
APPLICANT	Mr & Mrs Goad
AGENT	Red Shed Design
REASON FOR COMMITTEE TO DETERMINE	Call-in from Cllr Barker for the following reasons: <ul style="list-style-type: none">• loss of amenity;• overdevelopment;• Highway safety - changes to area more cars in a small location;• parking - more cars;• design - modern house;• impact on landscape - out of keeping with the street scene; impact on surrounding neighbours in long yard and rooktree way.
RECOMMENDED DECISION	To Approve the application for planning permission.

Recommendation:

That Planning Permission be **GRANTED** subject to the following Conditions:

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: Details are required prior to the commencement of development to control the appearance of the building in the interests of the visual amenities of the locality, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been 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: Details are required prior to the commencement of development 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).

- 4 The first floor window in the rear elevation of the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the window(which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To safeguard the privacy of occupiers of adjoining properties, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further windows shall be inserted into the rear elevation of the proposed dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: Details are required prior to the commencement of development to ensure an acceptable standard of landscaping, in accordance with Policies DM3 and DM14 of the Core Strategy and

Development Management Policies (2009).

- 7 **No development shall commence until details of the junction of the vehicular access with the highway has been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall not be occupied until the modified access has been constructed in accordance with the approved details.**

Reason: Details are required prior to the commencement of development in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 8 The dwellinghouse hereby approved shall not be first occupied until the scheme for car parking illustrated on Drawing No P01 has been surfaced in a stable and durable manner and provision has been made for the interception and drainage of surface water from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To enable vehicles to draw off and park clear of the highway, thus minimising danger, obstruction, and inconvenience to users of the highway and of the premises as well as to avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 9 The dwellinghouse hereby permitted shall not be first occupied until details of a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: P01; P02; P03; and Planning Statement.

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

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. **Will a new extension affect your Council Tax Charge?**
The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.
Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.
If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.
The website link is:

<http://www.centralbedfordshire.gov.uk/council-tax/bands/find.aspx>
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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ.
5. 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".

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, 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.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of the following information which was contained in the Late Sheet:
 - a. Additional neighbour representations received from the occupiers of Nos.: 44,51,54,56, 57,59, 60, 62, 63, 65, 66, 68, 71 and 73 Silver End Road.
 - b. Consultation responses from 58 and 64 were detailed in the report.
 - c. Additional objections from No. 80 Silver End Road were read out to the Committee.]

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Item No. 08

APPLICATION NUMBER	CB/16/02496/FULL
LOCATION	72 Silver End Road, Haynes, Bedford, MK45 3PS
PROPOSAL	Double & single storey side & rear extension. Detached garage with hobby room over and associated parking.
PARISH	Haynes
WARD	Houghton Conquest & Haynes
WARD COUNCILLORS	Cllr Mrs Barker
CASE OFFICER	Nicola Stevens
DATE REGISTERED	10 June 2016
EXPIRY DATE	05 August 2016
APPLICANT	Mr Burnage
AGENT	Mr Clarke
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Barker - Change of character of garden area and impact to other properties - overdevelopment - overbearing, potential overlooking on houses opposite - highway implications, very narrow area which is surrounded by small housing settlement. Very old properties - Will be out of keeping, visual impact - no parking for construction vehicles
RECOMMENDED DECISION	Full Application - Approval

Recommendation

That Planning Permission be Approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 All external works hereby permitted for the extensions and outbuilding shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing host dwelling.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual

amenities of the locality in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 3 The detached garage and hobby room over hereby permitted shall only be used as an annexe to the dwelling known as 72 Silver End Road Haynes MK45 3PS and shall not be occupied as a separate, self-contained dwelling unit or be used for commercial purposes.

Reason: To prevent the establishment of a separate residential unit in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the eastern flank elevation of the proposed single storey rear extension, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 5 The new first floor landing window in the existing side (western) elevation of the dwelling shall be –
- permanently fitted with obscured glass of a type to substantially restrict vision through them at all times, and
 - shall be non-opening, unless the parts of the windows which can be opened are more than 1.7m above the floor of the rooms in which the windows are installed.

Reason: To safeguard the privacy of occupiers of adjoining properties in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 6 The first floor bathroom window in the front (north) elevation of the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reason: To safeguard the privacy of occupiers of adjoining properties in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 7 Before the garage with hobby room over is first brought into use, all on site vehicular areas as shown on drg no J4692-01D shall be laid out and surfaced in stable and durable materials (not loose aggregate) and provision has been made for the interception and drainage of surface water from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the rear (southern) elevation and roofslope of the proposed garage with hobby room over, or first floor windows in its flank elevations, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 9 The 1.8m high close boarded fence shown green on drg J4692-01D along the south western boundary shall be erected before the development hereby permitted is first brought into use and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 10 The final slab level of the detached garage with hobby room over hereby approved shall be constructed in accordance with the height set out on plan no J4692-04C. Thereafter the site shall be developed in full 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).

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers J4692-01D (site & location plan), J4692-02C (existing layout), J4692-03F (proposed layout), J4692-04C (proposed garage), J4692-05 (proposed roof).

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

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. **Will a new extension affect your Council Tax Charge?**

The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.

Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.

If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.

The website link is:

<http://www.centralbedfordshire.gov.uk/council-tax/bands/find.aspx>

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of the following additional consultation/publicity responses contained in the Late Sheet appended to these minutes:
 - a. The Trees and Landscaping Officer provided no objections
 - b. 64 Silver End Road objected to the new fence due to loss of light.
 - c. Additional objections from No. 80 Silver End Road were read out to the Committee]

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 17 August 2016

Item 6 (Pages 13-20) – CB/16/02473/SECM – Land to the rear of 2-6 Brooklands, Potton, Sandy, SG19 2TL.

Letter from Agent to Central Bedfordshire Council. Ref: SDT/W-506P. Subject: Application to discharge unilateral undertaking dated 21 May 2009 – Land at Brookfields, Potton. (See Appendix A).

Item 7 (Pages 21-38) – CB/16/02628/FULL – 56 Silver End Road, Haynes, Bedford, MK45 3PS.

Additional Consultation/Publicity Responses

Additional neighbour representations received, objecting to the proposed development, from occupiers of Nos. 44, 51, 54, 56, 57, 59, 60, 62, 63, 65, 66, 68, 71 and 73 Silver End Road. One response received with no address. The comments and objections raised within the representations are summarised as:

- The design of the house would be out of keeping with the neighbouring cottages which are 170 years old or the housing stock within the area;
- The development would appear cramped and would have a dominating appearance causing harm to the character and appearance of the area;
- The proposed house is wrongly aligned to the established build pattern on the main road due to limited space and creates a design which is awkward and aesthetically displeasing to the eye;
- The development would appear squeezed into a small plot of land and forms overdevelopment;
- The scale of property is not reflective of the smaller scale terraced dwellings to the north and east of the site;
- The long yard would feel very claustrophobic, as a result of the development and will create a cramped-in appearance in this area of the village which currently is reasonably spacious although surrounded by buildings;
- The building would be located forward of the established building line, and therefore would not fit with the character and appearance of the area;
- The proposed development would have an overbearing and harmful impact upon the residents of No. 56;
- The bathroom window would provide a view into No. 58;
- The proposed window in the northern side elevation would provide a view into the windows of Nos. 64, 66 and 68;
- The occupiers of the development would cause pollution, noise and disturbance to No. 58;

- The occupiers of the development would cause noise and disturbance to the occupiers of No. 60 due to close proximity;
- It would be inappropriate to allow a new build to be placed in such a close proximity to well established housing particularly in the absence of natural barriers;
- Development is very close to No.56 and 58 and will intrude on their lives;
- Development would be located within close proximity to No. 58's storage tank;
- The occupiers of No. 56 have three vehicles and only two off street car parking spaces have been provided;
- No. 56 would lose a car parking space;
- Car parking spaces appear short and parked cars could cause obstruction to footpath;
- The proposed development would result in addition on street car parking due to insufficient number of spaces for residents and visitors;
- Highway safety concerns due to increased on street car parking issues as well as during construction;
- Highway safety concerns including: crossing the road between parked cars, buses/HGVs mounting pavement; difficult for residents to manoeuvre off drive, and damage to vehicles;
- Loss of light to neighbouring properties;
- Loss of privacy to No. 65;
- Design of building is not suitable in the context of neighbouring properties;
- Loss of trees;
- Burden on existing surface water drainage and sewerage.

Consultation responses from Nos. 58 and 64 Silver End Road as well as The Croft, Plummers Lane are outlined within the report.

Item 8 (Pages 39-52) – CB/16/02496/FULL – 72 Silver End Road, Haynes, Bedford, MK45 3PS.

Additional Consultation/Publicity Responses

Trees and Landscaping Officer consultation response – No objections.

Additional neighbour representation. Objection from 64 Silver End Road:

- Objects to erection of 1.8m boundary fence on grounds of loss of light to rear lounge window.

Appendix A

Howard House,
17 Church Street,
St Neots,
Cambs PE19 2BU

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16/02/13
Barford+co
PROPERTY + LAND + PLANNING

Development Management
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire, SG17 5TQ

Date: 25th May 2016
Our Ref: SDT/W-506P
Your Ref: MB/09/00524/FULL

16/02473
16/02/13

Dear Sir or Madam

APPLICATION TO DISCHARGE UNILATERAL UNDERTAKING DATED 21 MAY 2009 – LAND AT BROOKFIELDS, POTTON

We write on behalf of the land owner Wyboston Lakes Limited in regard of the above S106 agreement relating to the development at Brookfields, Pottton. The undertaking was submitted as part of planning application ref: MB/09/00524/FULL for the erection of six dwellings, garages and completion of access road together with improvement works to the adjoining workshop. We would like to request that the obligations contained therein are discharged for the reasons set out below. In accordance with The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, I enclose I attach a plan showing the land to which the obligations relate outlined in red and a certificate complying with the notification requirements in Regulation 4.

We can confirm that development has commenced, the permission has been implemented and currently remains extant. The unilateral undertaking has the effect of requiring the owner to pay a number of sums to the council upon the occupation of any dwelling as set out in the Second Schedule. I can confirm that at the time of writing, no dwelling has yet been occupied and therefore no sums are due to the council.

The government have taken steps, as set out in the written Ministerial Statement of 28 November 2014, to reduce the disproportionate burden of developer contributions on small scale developers, custom and self-builders. Consequently, government policy requires that planning obligations should not be sought from developments of 10-units or less, and which have a combined gross floorspace of no more than 1000sqm.

The National Planning Policy Framework has also been introduced since the obligations were entered into. Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In accordance with S106A of the Town and Country Planning Act 1990 and following the expiry of the relevant period, we apply for the obligations contained within the aforementioned undertaking to be discharged and removed from the land charges register. Having taken into consideration the intentions of the Ministerial Statement, the obligations are no longer required to make the development acceptable in planning terms, are not fairly and reasonably related in scale and kind and therefore do not serve a useful purpose.

I look forward to receiving your decision on this matter in accordance with the timescales as set out in The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.

Directors: Philip Halmshaw BSc (Hons) MRICS, Martin Page DipEP, MRTPI, Sheila Smyth BSc (Hons) MRICS
Consultant: David Barford FRICS **Associates:** Martin Olley BSc MRICS, Howard Westgate BSc (Hons)

REGULATED BY RICS Barford + Co is the trading name of Barford + Co Ltd, Registered in England No. 5181593. Registered Office: Howard House, 17 Church Street, St Neots, Cambridgeshire, PE19 2BU.



SCANNED
14 JUN 2016

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In the event of requiring further details or clarification, please do not hesitate to contact me using the details below.

Yours faithfully



SIMON TINDLE
SENIOR PLANNER
BARFORD + CO
Mobile: 07989 999571
E-mail: stindle@barfords.co.uk

Encs.

\\barsrv-dc01\General\USERS\SDTW-506P Central Beds Council 25.05.16

