

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

**This meeting
will be filmed.***



**Central
Bedfordshire**

please ask for Helen Bell
direct line 0300 300 4040
date 4 August 2016

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 17 August 2016 10.00 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Cllrs K C Matthews (Chairman), R D Berry (Vice-Chairman), M C Blair, Mrs S Clark, K M Collins, S Dixon, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, I Shingler and J N Young

[Named Substitutes:

D Bowater, A D Brown, Mrs C F Chapman MBE, I Dalgarno, R W Johnstone, Ms C Maudlin and T Swain]

All other Members of the Council - on request

MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING

N.B. The running order of this agenda can change at the Chairman's discretion. Items may not, therefore, be considered in the order listed.

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AGENDA

Welcome

1. **Apologies for Absence**

Apologies for absence and notification of substitute members

2. **Chairman's Announcements**

If any

3. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Development Management Committee held on 20 July 2016.

(previously circulated)

4. **Members' Interests**

To receive from Members any declarations of interest including membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

REPORT

Item	Subject	Page Nos.
5	Planning Enforcement Cases Where Formal Action Has Been Taken	5 - 12

To consider the report of the Director of Regeneration and Business providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste.

Planning and Related Applications

To consider the planning applications contained in the following schedules:

**Planning & Related Applications - to consider
the planning applications contained in the
following schedules:**

Item	Subject	Page Nos.
6	<p>Planning Application No. CB/16/02473/SECM</p> <p>Address: Land to the Rear of 2 – 6 Brookfields, Potton, SG19 2TL</p> <p>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.</p> <p>Applicant: Wyboston Lakes Ltd</p>	13 - 20
7	<p>Planning Application No. CB/16/02628/FULL</p> <p>Address: 56 Silver End Road, Haynes MK45 3PS</p> <p>Erection of 1 No. detached dwelling.</p> <p>Applicant: Mr & Mrs Goad</p>	21 - 38
8	<p>Planning Application No. CB/16/02496/FULL</p> <p>Address: 72 Silver End Road, Haynes MK45 3PS</p> <p>Double & single storey side & rear extension. Detached garage with hobby room over and associated parking.</p> <p>Applicant: Mr Burnage</p>	39 - 52
9	<p>Site Inspection Appointment(s)</p> <p>Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on Wednesday 14 September 2016 and the Site Inspections will be undertaken on Monday 12 September 2016.</p>	

Meeting: Development Management Committee
Date: 17th August 2016
Subject: Planning Enforcement cases where formal action has been taken
Report of: Director of Regeneration and Business
Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken.

Advising Officer: Director of Regeneration and Business
Contact Officer: Sue Cawthra Planning Enforcement and Appeals Team Leader
(Tel: 0300 300 4369)
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing planning enforcement action.

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

- 1. To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

Background

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

Appendices:

Appendix A – Planning Enforcement Formal Action Spreadsheet

Planning Enforcement formal action (DM Committee 17th August 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - Unauthorised encroachment onto field 2 - Unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Presentation to PFMT - further work required before a decision on options to tackle all issues.
2	CB/ENC/11/0499	Land at Erin House, 171 Dunstable Road, Caddington, Luton. LU1 4AN	Enforcement Notice - unauthorised erection of a double garage.	03-Sep-13	01-Oct-13	01-Dec-13	Appeal dismissed March 2014 Magistrates Prosecution successful March 2016. Appeal to Crown Court	27-Sep-14	Not complied	Garage remains. Appeal against the prosecution offence to be considered by the Crown Court in September 2016. Application to retain smaller garage submitted.
3	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12				Presentation to PFMT - further work required before a decision on options to tackle all issues.
4	CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15			Not complied	Legal advice being sought as to next steps.
5	CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16	Appeal dismissed 07/03/16	07-Mar-17		Awaiting compliance with Notice - deadline 7 March 2017.
6	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Listed Building Enforcement Notice - Unauthorised works to a listed building.	07-Jul-15	07-Aug-15	07-Sep-15	Appeal part allowed, but Enforcement Notice upheld with revision	Jun-16		Appeal decision made on 19th May 2016 & allowed with regards to the retention of the plastic rainwater goods. Enforcement notice upheld with variations regarding the remaining unauthorised works. Further visit to confirm full compliance is being arranged with the owners.

Planning Enforcement formal action (DM Committee 17th August 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
7	CB/ENC/12/0530	19 Ickwell Road, Northill, Biggleswade, SG18 9AB	Breach of Condition Notice - Condition 6 attached to Planning permission MB/06/00408/LB - external finishes	07-Jul-15	07-Jul-15	07-Aug-15				Seeking confirmation of full compliance with breach of condition notice.
8	CB/ENC/12/0599	Millside Nursery, Harling Road, Eaton Bray, Dunstable, LU6 1QZ	Enforcement Notice - change of use to a mixed use for horticulture and a for a ground works contractors business	01-Sep-14	02-Oct-14	02-Jan-15				Planning permission granted 01/03/16 for a replacement horticultural building (App CB/15/00727/FULL), with condition requiring removal of all skips & containers prior to the building being brought into use.
9	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Presentation to PFMT - further work required before a decision on options to tackle all issues.
10	CB/ENC/13/0011	8 High Street, Biggleswade, SG18 0JL	Unauthorised advertisements -							Further evidence to Legal 11/7/16 to consider prosecution action.
11	CB/ENC/13/0083	Land Adjacent to, Magpie Farm, Hill Lane, Upper Caldecote	Breach of Condition Notice -Condition 1 Boundary wall, Condition 2 Septic tank, outflows and soakaways	30-Jan-15	30-Jan-15	01-Mar-15		08-Dec-15		Further visit to be made to ascertain if works to comply with the condition has been completed.
12	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - 1. Change of use from agriculture to a mixed use of agriculture, residential and retail sales and 2. building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Planning appeal received 07/06	Aug-15		Residential use remains. Application for lawful use for use of dwellinghouse for residential purposes refused in March 2016(CB/15/04424) Appeal received. Hearing likely to be held in December 2016. Prosecution action deferred pending outcome of the appeal.

Planning Enforcement formal action (DM Committee 17th August 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
13	CB/ENC/13/0452	Long Yard, Dunstable Road, Studham, Dunstable, LU6 2QL	3 X Enforcement Notices - -Erection of timber building 2 - Material change of use from agriculture to storage of motor vehicles 3 - Material change of use of the land from agriculture to a mixed use for agriculture and the storage of motor vehicles, a touring caravan and building and hardore materials. 1X Enforcement Notice - Material change of use from agriculture to storage of motor vehicles and building and waste materials.	12-Aug-15 12-Aug-15 12-Aug-15 04-Feb-16	12-Sep-15 12-Sep-15 12-Sep-15 07-Mar-16	12-Nov-15 12-Nov-15 12-Nov-15 07-May 16 07-June-16			Not complied with Complied with	Enforcement Notice 1 has not been complied with. No further action needed Enforcement Notice 3 has been part complied with. Enforcement Notice 4 has not been complied with. Final visit needed as information suggests breach to be ceasing.
14	CB/ENC/13/0607	Clements End Farm. Clements End Road, Studham, LU6 2NG	Enforcement Notice - Change of use from vehicle repairs to a mixed use for vehicle repairs and vehicle sales.	05-Jun-15	03-Jul-15	03-Sep-15	Appeal dismissed 15/03/16	15-Sep-16		Car sales use to cease by 15/9/16 to accord with appeal decision.
15	CB/ENC/14/0004	The Coach Yard, Streatley Road, Sundon, LU3 3PQ	Enforcement Notice - Change of use of the land for the siting of a mobile home for residential purposes	15-Dec-15	13-Jan-16	13-Mar-16	Appeal received 07/01/16			Appeal Inspectors site visit took place on 19/7/16. Await appeal decision letter.
16	CB/ENC/14/0361	The Old Rose, 16 Blunham Road, Moggerhanger, MK44 3RA	Section 215 notice - untidy land and buildings	29-Apr-15	30-May-15	30-Aug-15				Sale of the property has been agreed, awaiting confirmation of exchange of contracts. Purchasers are aware of what works need to be carried out.
17	CB/ENC/14/0485	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015		Despite further emails chasing the Assets's Team no response has been received.
18	CB/ENC/15/0046	Running Water Farm, Langford Road, Biggleswade, SG18 9RA	Enforcement Notice - Siting of a mobile home	13-Aug-15	14-Sep-15	14-Dec-15		31/03/2016		A site vist on 19/07/2016 confirmed that the mobile home remains in situ, Legal have been advised.

Planning Enforcement formal action (DM Committee 17th August 2016)

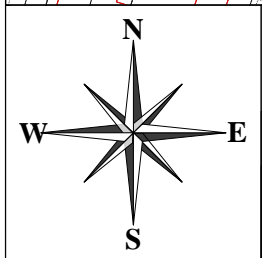
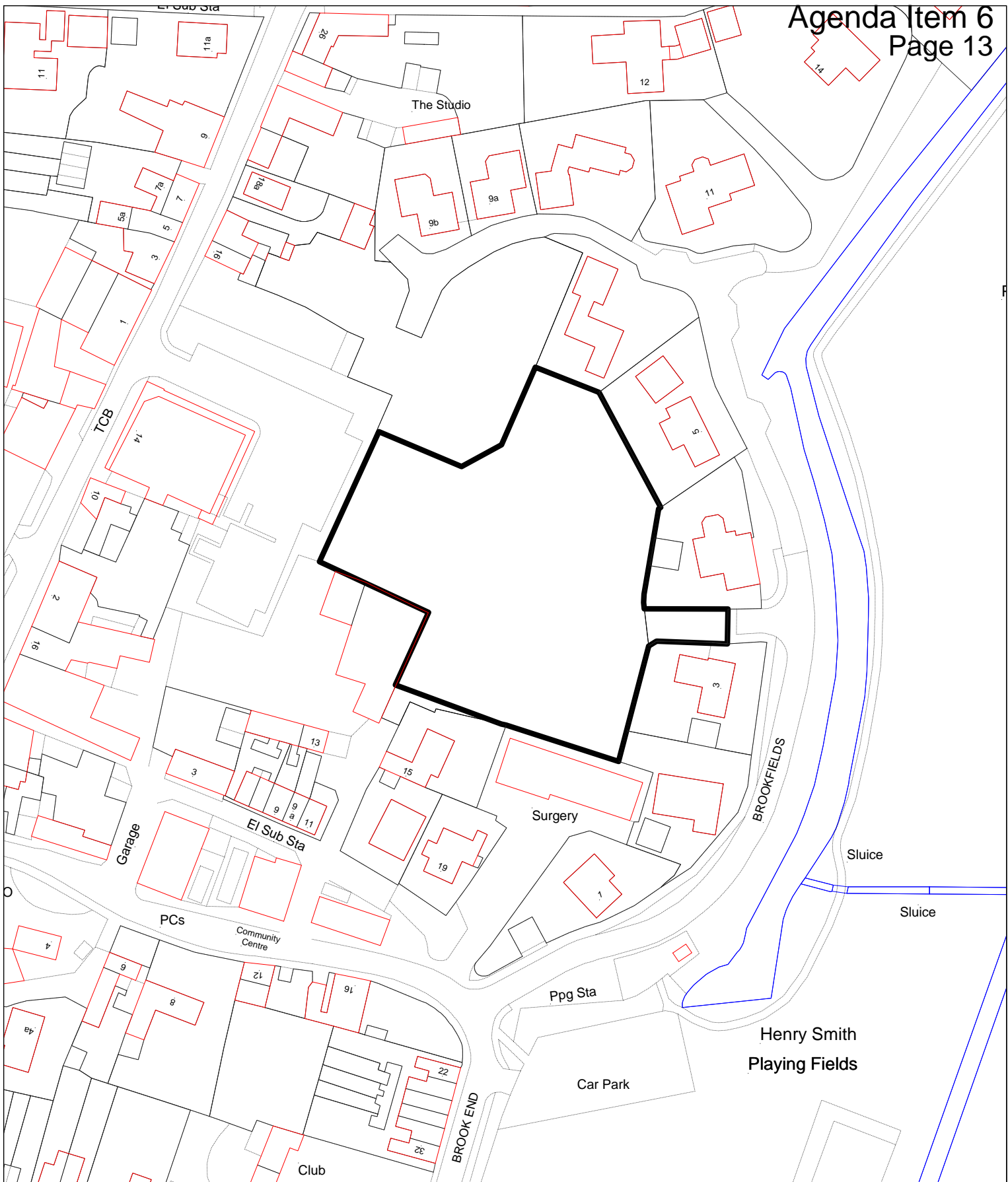
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
19	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16	Appeal decision 27/7/16 - Enforcement Notice upheld	27/09/2016		Appeal dismissed, Notice upheld, check compliance 27/9/16
20	CB/ENC/15/0182	8 The Avenue, Blunham, MK44 3NY	Enforcement Notice - Unauthorised fence	22-Mar-16	22-Apr-16	22-May-16			Not complied	Fence still exceeds 1 metre in height therefore further action to be considered but owners are considering making a revised planning application.
21	CB/ENC/15/0184	Land at New Road, Clifton	Breach of Condition Notice - Condition 13 attached to CB/13/01208/Full, Ground and tree protection. Breach of Condition Notice - Condition 14 Transport Assessment details Breach of Condition Notice - Condition 15 Works to Harbrook Lane	19-Oct-15 09-Feb-16 09-Feb-16	19-Oct-15 09-Feb-16 09-Feb-16	18-Nov-15 09-May-16 09-May-16			Complied with	Agreement has been reached to commence works to Harbrook Lane in early August after consulting with legal. Further visit to be made after works have been completed.
22	CB/ENC/15/0258	The Coach and Horses, 95 The Green, Stotfold, SG5 4DG	Enforcement Notice - Unauthorised construction of play equipment	17-May-16	17-Jun-16	17-Jul-16	Appeal received 10/06/16			Appeal submitted to Planning Inspectorate. Council statement being prepared.
23	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings	06-May-16	08-Jun-16	08-Jul-16				Compliance period has elapsed and requirements have not been complied with. Legal action being taken by the land owner against the unauthorised occupier.
24	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site. Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16	Joint Planning and enforcement appeal received 27/12/15			Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused. The Appeal Hearing and site inspection have taken place. Awaiting the inspectors decision.

Planning Enforcement formal action (DM Committee 17th August 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
25	CB/ENC/15/0542	Land at Honeywick Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ	Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding.	10-Feb-16	10-Mar-16	10-Sep-16 10-Oct-16		19-Jan-17	Appeal dismissed	The appeal has been dismissed and the enforcement notice upheld. The site must be cleared by 19 January 2017.
26	CB/ENC/15/0585	10 Town Meadow, Shefford, SG17 5EF	Section 215 notice - untidy land	16-Jun-16	16-Jul-16	16-Aug-16				Site meeting resulted in owner agreeing to clear his garden in compliance with the Notice by the August Bank Holiday. Further site inspection to be made in early September to ensure compliance.
27	CB/ENC/16/0001	Rear of, 2 Wrestlingworth Road, Potton, SG19 2DP	Enforcement Notice - Material change of use of the land from agricultural use to a use for the storage of materials, equipment and machinery associated with the unauthorised demolition business.	01-Jun-16	01-Jul-16	01-Aug-16	Appeal received 10/06/16			Appeal received. Statement being prepared. Await outcome of appeal.
28	CB/ENC/16/0025	Bottom Wood, Park Road, Moggerhanger, MK44 3RN	Enforcement Notice - Material change of use of land from agriculture to an outdoor activity centre and siting of a marquee and structures.	18-Feb-16	18-Mar-16	18-Apr-16	Appeal received 18/03/16			New date for appeal hearing 4/10/16. Await outcome of appeal.
29	CB/ENC/16/0077	Land to the South of, High Road, Shillington	Enforcement Notice - Material change of use from agriculture to the parking and storage of vehicles and trailers	24-May-16	24-Jun-16	24-Jul-16				Site visit to be arranged to check compliance.
30	CB/ENC/16/0080	Land to the North of, Woodside Caravan Park, Hatch	Injunction served 19/02/16 - Prevention of interference with protected trees, use the land for siting of caravans/mobile homes or undertaking development including the laying of hardcore or creation of hardstanding.	19-Feb-16	19-Feb-16					Injunction being complied with, site being monitored for any possible breaches.

Planning Enforcement formal action (DM Committee 17th August 2016)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
31	CB/ENC/16/0084	Unit 22 Pulloxhill Business Park, Greenfield Road, MK45 5EU	<p>Enforcement Notice 1 (r/o Unit 14)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery</p> <p>Enforcement Notice 2 (r/o Unit 22)- Material change of use of the land from amenity land to use for the storage, maintenance and cleaning of plant/machinery</p>	05-Apr-16 05-Apr-16	06-May-16 06-May-16	06-June-16 06-July-16 06-Jun-16				Appeals have been submitted for both Enforcement Notices and the Council statement has been submitted to the Planning Inspectorate
32	CB/ENC/16/0178	Land to the rear of Lindsifame, North East of Church Road, Westoning, MK45 5JW	Enforcement Notice - Without planning permission, the material change of use of the Land from agricultural paddock to a use for the parking and/or storage of vehicles.	08-Jul-16	08-Aug-16	08-Sep-16				Check compliance 08/09/16
32	CB/ENC/16/0254	Tree Tops, Heath Lane, Aspley Heath, MK17 8TN	Unauthorised felling of trees in a Conservation Area							Awaiting update from Legal, case passed to Legal 10/06/16 recommending Prosecution Action.



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Date: 02:August:2016

Map Sheet No

Application No:
CB/16/02473/SECM

Scale: 1:1250

Land to the rear of 2-6 Brookfields, Potton, Sandy, SG19 2TL

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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

Summary of Recommendation:

The application is made under Section 106A (3) of the Town and Country Planning Act 1990 (as amended) and seeks the discharge of all obligations imposed upon a development for the construction of six dwellings. The development of the site has lawfully begun, whereby a trench has been dug many years ago and development has since ceased on site and the site is overgrown as such the payment of obligations have not been triggered. The test which is to be applied to the application is, whether each obligation continues to serve a useful planning purpose (if not, the obligation must be discharged).

In the context of recent changes to National Guidance which outlines that obligations should not be sought from residential development of less than 10 units and 1000 sqm of gross floorspace, it is recommended for the Authority to approve the application to discharge the obligations.

Site Location:

The application relates to a development site that is a vacant irregular area of land, comprising 0.446 hectares, to the west of Brookfields residential estate. The site benefits from planning permission under reference MB/09/00524/FULL dated 10th June 2009 for the construction of six detached dwellings, garages and completion of access road together with improvement works to adjoining workshop.

Although development has begun no obligations within the S106 agreement attached to the permission have been triggered due to the triggers of payment relating to the occupation of each dwelling.

The Application:

The application has been made under S106A (3) of the Town and Country Planning Act 1990 to enable the consideration and determination of the discharge of all obligations set out in the S106 pursuant to the planning permission granted under reference MB/09/00524/FULL.

The obligations applied to be discharged are outlined within Table 1 below and are index linked:

Table 1

CONTRIBUTION	£
Education	£7,368 TOTAL - A SUM OF £1,228 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Sustainable Transport	£3,738 TOTAL - A SUM OF £623 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Health Care	£10,422 TOTAL - A SUM OF £1,737 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Indoor Sports & Leisure Centres	£2,706 TOTAL - A SUM OF £451 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Recreational Open Space / Outdoor Sport/ Children's Play/Informal Open Space	£20,160 TOTAL - A SUM OF £3,360 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Green Infrastructure/ Recreational Space	£12,234 TOTAL - A SUM OF £2,039 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Marston Vale Community Forest	£5,514 TOTAL - A SUM OF £919 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Village / Community halls	£3,606 TOTAL - A SUM OF £601 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Libraries	£462 TOTAL - A SUM OF £77 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.

Cemeteries	£54 TOTAL - A SUM OF £9 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Community Cohesion	£144 TOTAL - A SUM OF £19 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Waste Management	£276 TOTAL - A SUM OF £46 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
Emergency Services	£1,656 TOTAL - A SUM OF £276 TO BE PAID PRIOR TO THE OCCUPATION OF EACH DWELLING.
TOTAL	£68,310

Relevant Planning History:

Application Number MB/09/00524/FULL
Description Full: Construction of six detached dwellings, garages and completion of access road together with improvement works to adjoining workshop.
Decision Grant Planning Permission
Decision Date 10th June 2009

Consultees:

Potton Town Council Objection on insufficient detail.

Recreational Open Space and Green Infrastructure No contribution requested.

Leisure and Open Space No objection to the removal of contributions. The projects identified have been provided in the interim.

Early Years No response received.

Education No response received.

NHS England No response received.

Public Transport No response received.

Sustainable Transport No response received.

Community Halls No response received.

Other Representations:

Neighbours No response received.

Site Notice No response received.

Considerations

- 1.1 This application has been made under S106A (3) of the Town and Country Planning Act 1990 to enable the consideration and determination of the discharge of all obligations set out in the S106 pursuant to the planning permission granted under reference MB/09/00524/FULL. The procedure under which the application has been made does not allow for the outcome to be a resolution to negotiate a new S106. Instead, the Development Management Committee is invited to determine whether or not to discharge the obligations within the S106 agreement. There is a right of appeal if no decision is made or the applicant wishes to challenge the merits of the decision under section 106B of the Town and Country Planning Act 1990.
- 1.2 In considering an application to vary a planning agreement under Section 106A(3) of the Act, sub section (6) states that the authorities may determine the application in one of the following ways:
 - That the planning obligation shall continue to have effect without modification;
 - If the obligation no longer serves a useful purpose, that it shall be discharged; or
 - If the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- 1.3 This application is not a planning application. As such the normal test "that application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise" is not the appropriate test.
- 1.4 The test which is to be applied to the application is, whether each obligation continues to serve a useful planning purpose (if not, the obligation must be discharged). A "useful planning purpose" is not defined by the 1990 Act but cases which have come before the courts in the past suggest that the issue should not necessarily be construed narrowly and it is open to the decision maker to consider the broader planning purpose of the scheme and the place of each element within that as well as the individual planning purpose of each element.
- 1.5 Planning obligations should mitigate the impact of development which benefits local communities and supports the provision of local infrastructure. In applying the planning obligations to decisions post 6th April 2010 local planning authorities must ensure that these meet the three tests that are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 (as amended) and as policy tests in the National Planning Policy Framework. The statutory and Policy test for planning obligation is, that they may only constitute a reason for granting planning permission for the development if the obligation

is:

- 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.

- 1.6 These statutory tests only apply to "relevant determinations" that results in the grant of planning permission, A "relevant determination" means in the context of the regulations is a determination made on or after 6th April 2010.
- 1.7 It is key in assessing this request to discharge obligations to note that the policy and legal framework has changed significantly surrounding planning obligations since 10th June 2009.
- 1.8 The development plan at the date of the approval comprised the Mid Bedfordshire Local Plan First Review 2005 which has been superseded by the current development plan which comprises the 2009 Central Bedfordshire Core Strategy and Development Management Policies document (CSDMP). Policy CS2 of the CSDMP is also considered to be out of date in the context of the National Planning Policy Framework, the National Planning Practice Guidance and the Community Infrastructure Levy Regulations 2010 (as amended); whereby Policy CS2 seeks tariff style contributions from all scales of new residential development and does not abide by the maximum of five pooled contributions towards individual local infrastructure projects.
- 1.9 The National Planning Practice Guidance as updated on 19th May 2016, sets out circumstances where tariff style planning obligations (S106 planning obligations) should not be sought from small scale and self-build development, in the interest of ensuring small development was not stalled by changes in economic conditions. The circumstances which obligations should not be sought are outlined within the Ministerial Statement and the National Planning Practice Guidance which includes:
- contributions should not be sought from developments of 10-units or less, and have a maximum combined gross floorspace of no more than 1000 sqm.
- 1.10 The Committee is advised that the proposed development consists of development of less than 10 units and has a maximum combined gross floorspace of no more than 1000 sqm and the contributions within the agreement are tariff style.
- 1.11 It is acknowledged that the obligations within the agreement all serve a useful planning purpose, whereby mitigating the impact of the development upon local infrastructure including: Education; Sustainable Transport; Health Care; Indoor Sports and Leisure Centres; Recreational Open Space/ Outdoor Sport/ Children's Play/ Informal Open Space; Green Infrastructure/ Recreational Space; Marston Vale Community Forest; Village/ Community Halls; Libraries; Cemeteries; Community Cohesion; Waste Management; and Emergency Services. However it is clear that the applicant benefits from the fall back position that a fresh application for planning permission for the same

development would not be subject to any planning obligations.

1.12

Paragraph 205 of the NPPF states: "Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development from being stalled". It is considered that the revisions to obligations referred to in the latter paragraph is relevant to applications under S106a.

1.13

Potton Town Council's objection is noted. However in the context of the Ministerial Statement dated 28 November 2014 and the National Planning Practice Guidance which seeks to tackle the disproportionate burden of developer contributions on small-scale developers, custom and self-builders, when undertaking development such as that subject to this application, it is considered that the obligations have been acknowledged nationally to be a burden to the development and that a financial viability assessment would not be necessary to justify the discharge of the obligations, for this scheme, in this instance.

1.14

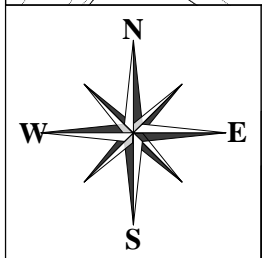
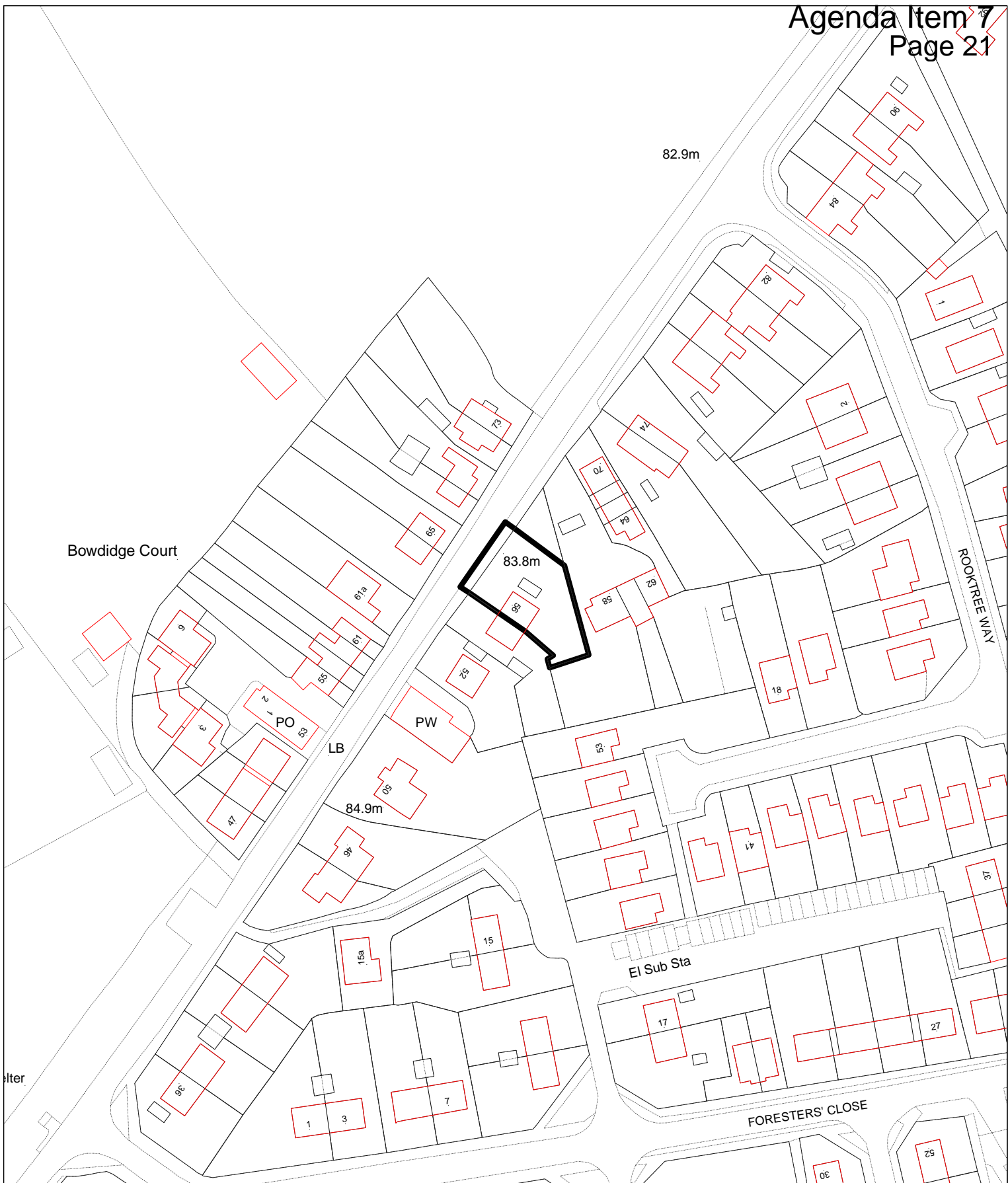
It is considered that the obligations would not be imposed under a fresh application for planning permission. As such it is recommended for the Authority to approve the application to discharge the obligations.

Recommendation:

To Grant Discharge of all S106 Obligations.

DECISION

.....
.....



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Central Bedfordshire Council
Licence No. 100049029 (2009)
Date: 02:August:2016
Map Sheet No

Application No:
CB/16/02628/FULL

Scale: 1:1250

56 Silver End Road, Haynes, Bedford, MK45 3PS

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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.

Summary of Recommendation:

The application seeks planning permission for the construction of a two storey, three bedroom dwellinghouse on land consisting of the side garden of the dwellinghouse known as No. 56 Silver End Road, Haynes.

It is considered that the proposed dwellinghouse is acceptable in principle. It is considered that the proposed dwellinghouse would not cause harm to the character and appearance of the area, the amenity and living conditions of occupiers of neighbouring dwellings and would provide an acceptable standard of amenity for future occupiers of the proposed dwelling. Furthermore; it is considered that the proposed dwellinghouse would be acceptable in the context of highway safety, car parking as well as trees and landscaping, as such the application is recommended for the approval of planning permission subject to conditions.

Site Location:

The site consists of the side garden of the dwellinghouse known as No. 56 Silver End Road, Haynes. However from the submitted documents it appears that the land is under separate ownership from the dwellinghouse No. 56.

To the south of the site is the dwellinghouse No. 56, Silver End Road. To the north

of the site is a car parking area associated with No. 69 Silver End Road. Further to the north and west of the site are the neighbouring dwellinghouses known as Nos. 58, 60, 62, 64, 66, 68 and 70.

To the west of the site are the neighbouring properties known as Nos. 63, 65, 67 and 69.

The Application:

The application seeks planning permission for the construction of a two storey, three bedroomed dwellinghouse and associated development including the provision of a vehicular access and hardstanding.

The proposed dwellinghouse would measure: 10 metres deep (including single storey rear projection and porch canopy) and 7 metres wide. The dwellinghouse would feature a dual pitched roof with a ridge height of 7.7 metres falling to an eaves height of 4.6 metres.

The dwellinghouse would be served by two on site car parking spaces.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance

Core Strategy and Development Management Policies (November 2009)

CS1	Development Strategy
DM4	Development within and Beyond Settlement Envelopes
CS14	High Quality Development
DM3	High Quality Development
CS16	Landscape and Woodland
DM14	Landscape and Woodland

Central Bedfordshire Design Guide (2014)

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Relevant Planning History:

None relevant to the determination of this application for planning permission.

Consultees:

Haynes Parish Council Haynes Parish Council resolved to object to this as it represented overdevelopment of the plot. The Planning Officer is requested to give due consideration to all representations from neighbours.

Internal Drainage Board No comments to make regarding the planning application.

Highway Authority The Council's Highway Development Control Officer on behalf of the Highway Authority has issued the following consultation response:

The application proposes the erection of a three bedroom detached dwelling in the garden area to the side of No.56 Silver End Road and is similar in highway terms to that submitted under withdrawn application CB/16/01505/FULL.

The existing single garage to the side of No. 56 is to be demolished and two off-street parking spaces are shown to be provided in the garden in front of No. 56. The submitted plans show these to be retained but they do not currently exist. Therefore a new vehicular access will be required to serve these spaces.

The plans also show two parking spaces to the front of the new dwelling and a note to suggest that the area also includes secure cycle storage. The parking spaces are only just large enough to accommodate a car; therefore there is not sufficient room for the cycle storage as well. This will need to be accommodated elsewhere on the site and is a matter that can be dealt with by condition.

These parking spaces will also require a new vehicular access to be constructed as the existing access (to the garage) is not wide enough.

The Council's residential parking standards suggest a minimum of two spaces to serve a 3 bedroom dwelling whether it is detached or semi-detached. Therefore the on-site parking provision can be considered compliant with the Council's requirements.

Silver End Road is subject to a 30mph speed limit and in the vicinity of the site, the road is straight. Visibility at both of the points of access can be considered acceptable.

The proposed development of a 3 bedroom dwelling in this location has the potential to generate 6 to 8 additional traffic movements per day. Given that the means of

access is deemed acceptable, it is considered that these can be satisfactorily accommodated on the local road network and the proposal is unlikely to have any adverse highway impact, once completed.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

- 1 No other part of the development hereby permitted shall be commenced until the vehicular access to serve the retained dwelling has been laid out and constructed in accordance with Central Bedfordshire Council's Specification for vehicular access.

Reason:

In order to minimise danger, obstruction and inconvenience to users of the highway and the premises and ensure that access is maintained to the existing dwelling throughout the duration of the construction period.

- 2 No other part of the development hereby permitted shall be commenced until the two parking spaces to serve the retained dwelling have been laid out to a minimum dimension of 2.5m x 5.0m and surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason:

In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises and to ensure that off-street parking is provided for the existing dwelling throughout the duration of the construction period.

- 3 The proposed dwelling shall not be occupied or brought into use until the proposed means of access has been formally constructed in accordance with details to be submitted to and approved by the local planning authority.

Reason

In order to minimise danger, obstruction and inconvenience to users of the highway and the

premises.

- 4 Before the development hereby permitted is first occupied or brought into use, the scheme for parking shown on Drawing No MG-02/P01 shall be laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose. For the avoidance of doubt each parking space shall measure 2.5m x 5.0m.

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.

- 5 Prior to the occupation of the new dwelling 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, shall be 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 and thereafter retained for this purpose.

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.

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued:-

- 1 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.

- 2 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
- 3 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".

The comments and advice in this letter are based on the information supplied in the planning application and accompanying documents/plans and no liability is accepted for any inaccuracy contained therein.

Trees and Landscape

The Council's Trees and Landscape Officer has issued the following consultation response:

No objections to the proposal, landscape and boundary treatment will be conditioned.

Pollution

No comment.

Other Representations:

Neighbours

Three neighbour representations have been received. The comments, objections and concerns raised have been summarised:

- the bedroom window on the side elevation of the proposed property is at a sufficient height, and is in such a position as to look directly onto No. 64, thus affecting the privacy of No. 64;
- noise from additional vehicles at the proposed property and also from the use of the dwelling and its garden by

- future occupiers;
- car parking is limited on Silver End Road for visitors as well as residents and the proposal would exacerbate this;
- on street car parking would be to the detriment of highway safety;
- the proposed new dwelling is not in keeping with the surrounding properties;
- the proposed property would be over development of the area;
- the proposal would appear squeezed into a narrow plot and the visual impact of an additional dwelling will be harmful to the visual amenities of the street scene where there are substantial gaps between properties of this type;
- car parking to the front of the donor property and the proposed dwellinghouse would result in a cluttered streetscene;
- the layout appears to fall short on what is acceptable in terms of adequate areas of habitable accommodation. The triangular shaped rear garden amenity area, although some 60 m² affords the dwelling little to no privacy from neighbouring properties;
- the side window to the bedroom directly overlooks the front of the cottages in Long Yard, causing loss of their privacy;
- external materials are unclear;
- visual intrusion;
- Dominating appearance;
- sited beyond the building line;
- cramped development;
- overbearing impact on the residents of No. 56;
- noise from occupiers of the proposed dwelling would disturb occupiers of No. 56 due to proximity;
- development is close to the oil tank of No. 56;
- development would include the loss of trees; and
- concern relating to property damage caused by roots of trees.

Full copies of representations are available to view.

Considerations

1. Principle of Development

- 1.1 The site is located within the Settlement Envelope of Haynes. Haynes as defined by policy CS1 of the Core Strategy and Development Management Policies (2009) is a Large Village. Policy DM4 states: "Within the Settlement Envelopes in Large Villages, small-scale housing and employment uses,

together with new retail and service facilities to serve the village and its catchment will be permitted". Thereby the proposal for the construction of a single dwellinghouse within the Settlement Envelope Boundary of Haynes is considered to accordance with Policies CS1 and DM4.

- 1.2 However the principle of the proposed development is subject to careful consideration of criteria set out in Policy DM3 and other development plan policies, in particular; the size of the site needs to be appropriate to the scale of development; it is demonstrable that the development would not cause harm to the character and appearance of the area; the development would not cause undue adverse impact upon the amenities of neighbouring occupiers; the development needs to provide acceptable amenity and living conditions for future occupiers; the development must be served by sufficient car parking in accordance with the Council's car parking standards; and safe vehicular access to the site must be achievable within the site boundary.
- 1.3 These material considerations have been considered within the main body of the report below.

2. Impact upon the Character and Appearance of the Area

- 2.1 The application site comprises part of the garden area and parking area of 56 Silver End Road. The donor property is one of several well-spaced semi-detached houses in the road that have good size plots, landscaped front gardens and single storey garages to the side. This pattern is an attractive feature of the immediate environment. The neighbouring dwellinghouse known as No. 56 Silver End Road has recently benefited from the construction of a hardstanding forming an additional two car parking spaces on the forecourt of No. 56.
- 2.2 The proposed development would result in a plot width of about 9.8 metres, and would leave the donor property with a plot width of 7 metres. The distance between the flank walls of the donor property and the proposed dwelling would be approximately 2.2 metres and the proposed dwellinghouse would maintain a 1.6 metre separation from the northern boundary of the site. It is considered that the plot would not appear cramped or overdeveloped, whereby an acceptable degree of circulation around the property and an acceptable visual separation between the proposal and neighbouring buildings has been provided.
- 2.3 It is considered that the proposed development would be set forward from the neighbouring dwellinghouse, however the properties to the southeast of this part of Silver End Road do not feature a strong building line. When considering the scale of the building, it would be of a scale no greater than the neighbouring property No. 56, it is not considered that its modest projection beyond the front wall of No. 56 would result in a overly prominent or dominating building within the street scene.
- 2.4 Concern has been raised in relation to the architectural style of the proposed building. The buildings within the immediate context of the site are of a variety of ages, sizes and architectural styles, furthermore the site is not located within a conservation area or the setting of a listed building. For the latter reasons the site is not considered to be sensitive in the context of heritage conservation,

however high quality design is of great importance to the built environment and forms a key aspect of sustainable development and a core planning principle as outlined within the context the National Planning Policy Framework and Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 2.5 Paragraph 60 of the National Planning Policy Framework states that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however proper to seek to promote or reinforce local distinctiveness.

- 2.6 The proposed development proposes an architectural style which is considered to be acceptable in principle. Limited explanation of design evolution and considerations of contextual influences on the design have been demonstrated from the immediate context of the site or the wider village of Haynes. However it is considered that the dwellinghouse would appear simple in form and in the absence of a prevalent character within the street scene, it is considered that the architectural style would not in itself cause harm to the character and appearance of the area. Details of external materials can be reserved by the imposition of conditions.

- 2.7 For the reasons outlined above, subject to conditions that would ensure the external materials used would compliment the building and the context of the site, it is considered that the proposed development would not cause harm to the character and appearance of the area contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework.

3. Impact upon the amenity and living conditions of occupiers of neighbouring dwellings.

- 3.1 Concern has been raised in relation to the impact of the proposed development upon the privacy of No. 58 to the east of the site. It should be noted the Council's Design Guide does outline a minimum back to back distance for first floor windows as 21 metres, however there is no minimum distance for back to front distances of windows. It is considered that the ground floor patio window of the proposed dwellinghouse would provide a view into and towards the first floor bedroom window of the neighbouring dwellinghouse known as No. 58, however due to the elevated position of No. 58's first floor window in relation to the ground floor window of the proposed dwelling it is not considered that this view would be an unacceptable direct view that would justify the refusal of planning permission.

- 3.2 It is however considered to be necessary, relevant and reasonable to impose a precise and enforceable condition that would ensure the first floor rear window of the proposed dwellinghouse would be obscure glazed and restricted in opening, in the interest of safeguarding the privacy of neighbouring occupiers. Furthermore it is considered necessary, relevant and reasonable to impose a precise and enforceable condition that would removed permitted development rights for the installation of upper floor windows in the rear elevation of the dwellinghouse, in the interest of safeguarding the privacy of the occupiers of No. 58.

- 3.3 When considering the scale of the proposed development in relation to the separation between the proposed dwellinghouse and the neighbouring property No. 58, it is considered that the proposed dwellinghouse would not cause an unacceptable impact in relation to loss of outlook , loss of light or overbearing impacts.
- 3.4 For the reasons outlined above, subject to conditions it is considered that the proposed development would not cause an unacceptable impact upon the amenity and living conditions of the occupiers of No. 58.
- 3.5 When considering the scale of the proposed development and the separation between the proposed development and the neighbouring dwellinghouses known as Nos. 60, 62, 64, 66, 68 and 70, it is judged that the proposed development would not cause an unacceptable impact in relation to loss of light, outlook or overbearing impacts upon Nos. 60, 62, 64, 66, 68 and 70.
- 3.6 Concern has been raised in relation to the proposed location of the first floor window to be installed on the northern side elevation of the proposed dwellinghouse, it is considered that this window would provide a direct view towards the front elevation of the neighbouring properties known as Nos. 60, 62, 64, 66, 68 and 70. However there is no prescribed minimum separation between side windows and front windows of dwellinghouses, due to front windows not being afforded the same degree of protection as rear windows, due to their nature often facing the public or shared spaces.
- 3.7 When considering the separation between the proposed window and those serving neighbouring dwellings, it is considered that the separation between windows is comparable to the separation between front windows of dwellings within a modern residential cul de sac, and as such the view is not considered to cause an unacceptable impact upon the privacy of the occupiers of Nos. 60, 62, 64, 66, 68 and 70.
- 3.8 For the reasons outlined above it is considered that the proposed development would not cause harm to the amenity and the living conditions of the occupiers of Nos. 60, 62, 64, 66, 68 and 70.
- 3.9 When considering the scale of the proposed development and the separation between the proposed dwellinghouse and No. 56, it is considered that the proposed development would not cause an unacceptable impact in relation to loss of light, outlook, privacy or overbearing impacts upon No. 56. It is considered that the proposed development would not cause harm to the amenity and living conditions of the occupiers of No. 56.
- 3.10 Concern has been raised in relation to noise and disturbance from vehicular movements and occupiers, however it is not considered that noise arising from a residential use within a residential area would justify the refusal of planning permission.
- 3.11 For the reasons outlined above it is considered that the proposed development would not cause harm to the amenity and living conditions of the occupiers of Nos. 56, 58, 60, 62, 64, 66, 68 and 70 or any other neighbouring dwelling, in

accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

4. Amenity and Living Conditions of future occupiers of the proposed dwellinghouse

- 4.1 Concern has been raised in relation to the provision of external amenity space to serve the proposed dwellinghouse. It is however considered that the proposed dwellinghouse would provide an acceptable provision of external amenity space to serve a three bedroomed dwellinghouse. It is noted that the depth of the amenity space is below the 12 metre depth outlined within the Central Bedfordshire Design Guide however, when considering the square metre area provided exceeds the Council's standard for area it is considered on balance that an acceptable area of external amenity space has been provided to serve the occupiers of the dwellinghouse.
- 4.2 Concern has been raised in relation to the standard of privacy afforded to the future occupiers of the proposed dwellinghouse, however it is considered that the habitable rooms within the dwelling and a significant area of amenity space would provide an acceptable degree of privacy.
- 4.3 For the reasons outlined above it is considered that the proposed development would form acceptable living accommodation for future occupiers, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

5. Car Parking and Highway Safety

- 5.1 The Highway Authority has raised no objection to the car parking provision to serve the new dwellinghouse, whereby it is considered that the proposed car parking provision for the proposed dwellinghouse and the proposed vehicular access is acceptable, in the context of car parking and highway safety.
- 5.2 Concern has been raised in relation to on street car parking in the context of highway safety, however it is considered that the proposed dwellinghouse and the donor property would be served by two car parking spaces each, which is in accordance with the Council's Car Parking Standards.
- 5.3 For the reasons outlined above it is considered that the proposed development is acceptable in the context of highway safety and car parking, contrary to Policy DM3 of the Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework. The proposed development is further in accordance with the Council's Car Parking Strategy outlined within the Central Bedfordshire Design Guide (2014).

6. Other Considerations

- 6.1 Concern has been raised in relation to the impact of proposed trees and landscaping on the foundations of neighbouring buildings. However property damage is not a material consideration in the determination of an application for planning permission, whereby it would not form a reason for refusal of planning permission.

7. Equality and Human Rights

- 7.1 Based on information submitted there are no known issues raised in the context of Human Rights/ The Equalities Act 2010 and as such there would be no relevant implications.

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 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".

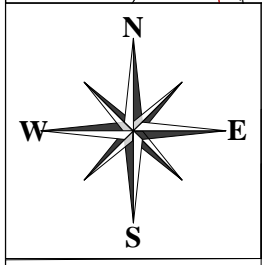
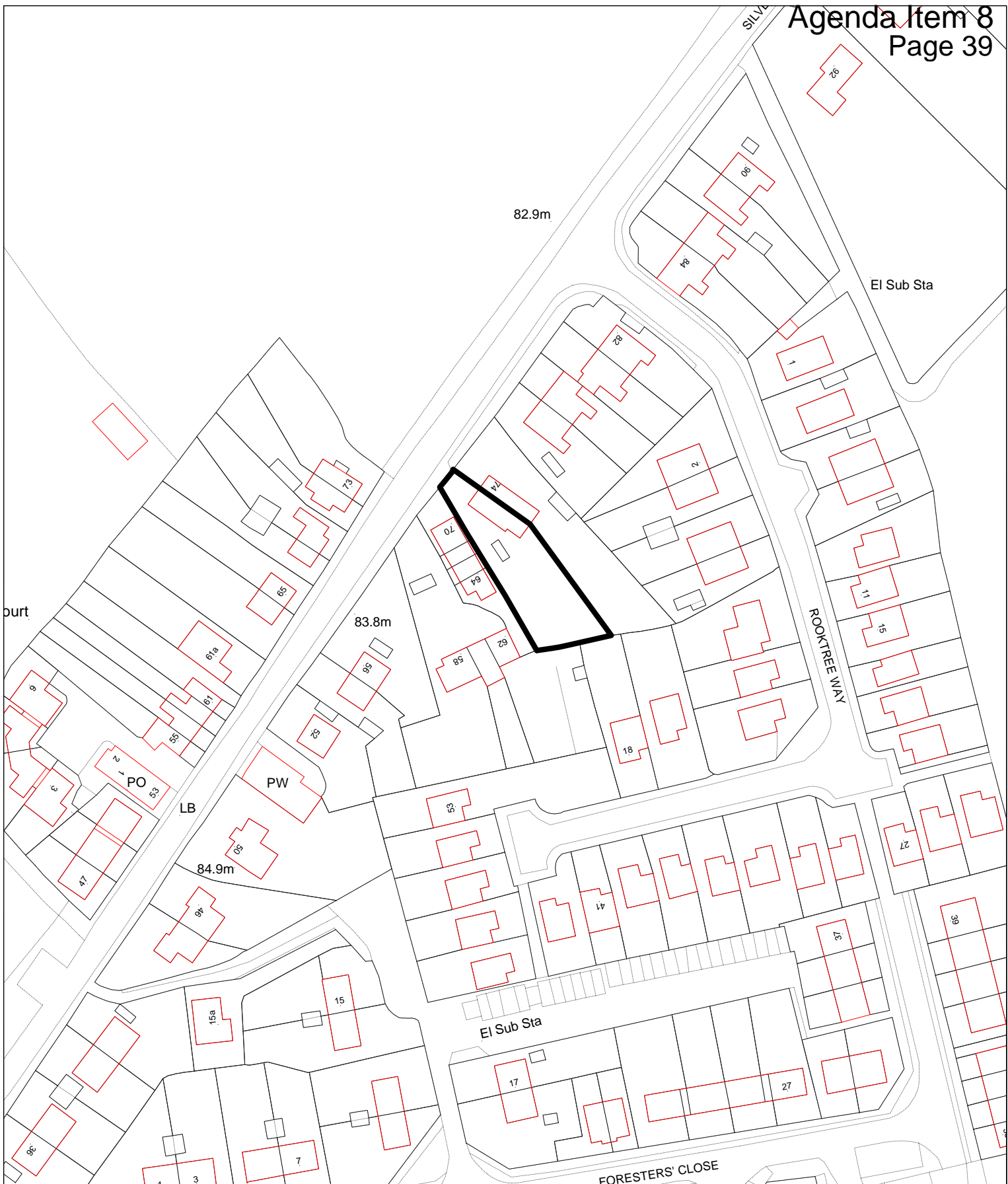
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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.

DECISION

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Date: 02:August:2016

Map Sheet No

Application No:
CB/16/02496/FULL

Scale: 1:1250

72 Silver End Road, Haynes, Bedford, MK45 3PS

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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

Reasons for Recommendation

The proposal would not have a negative impact on the character or appearance of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its site, design and location, is in conformity with Policies CS14, DM4 and DM3 of the Core Strategy and Management Policies, November 2009; National Planning Policy Framework (March 2012). It is further in conformity with the technical guidance Central Bedfordshire Design Guide 2014.

Site Location:

The application site is part of the rear garden of a semi detached dwelling located on Silver End Road in Haynes. The surrounding area is characterised by residential properties of varying size, age and design.

The rear garden of the property is largely overgrown and is bound on its south west flank by a dwarf laurel hedge. This hedge delineates the boundary between the older cottage style two storey terraced properties comprising of 70,68, 66, 64 and 62 Silver End Road. It is believed that the separated garden land directly to the rear

serves No 66. No 18 Rooktree Way also lies partly behind the site. No 74 to the side forms the other half of the semi-detached property.

The site falls within the Settlement Envelope. The dwelling is not a listed building and does not lie within a conservation area.

The Application:

The application seeks full permission for double & single storey side & rear extension. Detached garage with hobby room over and associated parking.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework (March 2012)

Core Strategy and Development Management Policies Adopted November 2009

CS14	High Quality Development
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes

Central Bedfordshire Council’s Emerging Development Strategy 2014

At the meeting of Full Council on 19th November 2015 it was resolved to withdraw the Development Strategy. Following this decision, no weight should be attached to the Development Strategy. However, its preparation was based on and supported by a substantial volume of evidence studies gathered over a number of years. These technical papers are consistent with the spirit of the NPPF, and therefore will remain on our web site as material considerations which may appropriately inform future development management decisions.

Supplementary Planning Guidance

Central Bedfordshire Design Guide Adopted 18 March 2014

Planning History

Case Reference	CB/15/02829/OUT
Location	72 Silver End Road, Haynes, Bedford, MK45 3PS
Proposal	Outline Application: one new dwelling following demolition of existing dwelling.
Decision	Application Withdrawn
Decision Date	19/10/2015

Case Reference	CB/15/01732/OUT
Location	72 Silver End Road, Haynes, Bedford, MK45 3PS
Proposal	Outline Application: erection of a new dwelling
Decision	Application Withdrawn
Decision Date	30/06/2015

Case Reference	MB/06/00512/OUT
Location	Land Adjacent To 72, Silver End Road, Haynes

Proposal	Outline: Erection of 1 no. dwelling (all matters reserved except siting and means of access)
Decision	Outline Application - Refused
Decision Date	24/05/2006

**Representations:
(Parish & Neighbours)**

Haynes Parish Council No comments had been received at the time of writing the report in relation to the revised scheme.

The Parish Council RESOLVED to object to this as it represented overdevelopment of the plot. The Planning Officer is requested to give due consideration to all representations from neighbours.

Neighbours
Site notice 30/6/16 No comments had been received at the time of writing the report in relation to the revised scheme.

7 letters of objections received from Nos 58, 62, 64, 76 and 80 Silver End Road, 18 Rooktree Way (& an unknown address), comments are summarised as follows:

- the proposed development is out of keeping with the host dwelling and character of the immediate area, the design of the extension and garage is overly large and contrived and should be redesigned, the garage would appear to be the equivalent size of a normal dwelling
- overdevelopment of the site
- the adjacent cottages are of some historical significance, the design of the garage should take this into account in terms of height and have two garage doors instead
- concerned garage will be used for business purposes or an annex dwelling and not a hobby room
- concerned about issues of additional noise, disturbance and traffic, this includes the proximity of the driveway and additional comings and goings of vehicles and the hobby room over the garage
(no 62 states there is no fence to shield from car lights and noise/disturbance)
- concerned about adverse impact on adjacent Eucalyptus tree at No 74 and any damage caused to adjacent properties or visitors as a result. A tree survey should be undertaken.
- loss of light and privacy to adjacent properties
(No 62 says the height of the garage will lead to loss of light to its property)
(No 64 says the side window in the single storey extension will directly look into its rear window)
(No 18 Rooktree Way says the garage will back straight onto its patio area, be double height to the boundary resulting in loss of light and privacy and the right to the quiet enjoyment of garden amenities. We would urge you to consider the responsibilities of the council under the

Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life).

- damage to adjacent properties including foundations and subsidence (particular as the cottages have no foundations or brickwork footings) and sewerage system
- is there sufficient fire prevention/protection?

- will set a precedent for large scale schemes in this rural area

- lack of information on building finish, heights etc and the plans look incorrect given the width of the rear garden and rooflight missing on floorplan

- disturbance to garden wildlife

- if permission is granted suggest a condition the garage cannot be used for commercial purposes, how will cars turn on site? given previous attempts to gain a dwelling in this location a condition be attached that the outbuilding be ancillary to No 72

The above is a summary of the representations received. A full copy can be viewed on the application file.

Consultations/Publicity responses

Highway Officer	No comments received
Tree Officer	No comments received
EHO Officer	No comments to make

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact
3. Residential amenity
4. Other issues

Considerations

1. Principle of development

The site lies within the settlement envelope of Haynes. Policy DM4 of the Core Strategy makes provision for the extension of existing properties provided they meet certain local plan criteria which will be assessed below.

2. Visual impact

The site consists of a two storey semi-detached residential dwelling constructed of painted render with small clay red/brown rooftiles (the other semi No 74 is facing brickwork). It has been previously extended with a single storey flat roofed extension linked to a pitched roof single storey element at the rear. It also has a small front porch.

Even though the extent of the application site has been reduced to reflect the size of the existing plot it remains a large rear garden flanked by a number of residential properties, including an older style terrace which runs in depth along the western boundary offset from the shared boundary by approx 1m and another terrace sited behind it and to the side of the application site set well back from the road.

This proposal is for a construction of a double & single storey side & rear extension. Detached garage with hobby room over and associated parking.

The two storey side extension would project out approx 2.6m to the side. The side/rear extension is designed with a staggered double gable at the rear. The larger gable end will have a pitched roof when viewed from the front. It would also have a small single storey porch to the front of it. As the extension will be located at the side of the property it will be clearly visible in the streetscene. Adopted Technical Guidance aims to ensure that extensions are subservient to the main dwelling and are not intrusive in the streetscene. Whilst the roof would not match the host dwelling, as the two storey side/rear extension is set well down from the main ridgeline of the dwelling and set back from the main front elevation it would be visually subservient.

Adopted technical design guidance states that side extensions can have a significant impact on the street scene. No 72 and No 70 within the terrace to the side are closest at the front with an existing gap of approx 4.6m at the nearest point which will be retained. The boundary of the application site is narrowest at its front and widest at the rear so the terrace tapers away from the dwelling of No 72 itself as it runs towards the rear. Whilst the proposed two storey extension would extend closer to the terrace than the existing dwelling a gap of approx 4.1m will be retained at its nearest point (separated by the 1m access strip on the north eastern side of the terrace and the host dwelling's own driveway) set well back from the road by approx 12.5m. As such the extension will be subservient to the host dwelling with sufficient space retained between Nos 72 and 70 Silver End Road given the relationship of the properties in this location. A small single storey open sided covered porch is shown to the side of the host dwelling and in front of the two storey side extension which will also be clearly subservient.

The single storey rear extension will replace the pitched roof element at the rear and extend further into the site by approx 4.4m (approx 7.1m in total). Whilst this does not match the host dwelling it is reflective of the flat roofed structure already on site to be replaced and is well set back from the road. Given the small scale nature of this part of the proposal and that it would be subservient and well set back it is not considered it will adversely affect the character and appearance of the area.

A detached outbuilding is also proposed to the rear. Following concerns about the height of the building the scheme has been revised. The double garage with

hobby room over will now measure approx 5.3m to the ridge (instead of 6m). A streetscene has been submitted to show that it is clearly subservient to No 62, as well as being subservient to the host dwelling itself. The revised block plan shows that whilst the width of the plot has been reduced it will still be slightly offset from the side and rear boundaries so no overdevelopment of the site will occur. It is designed with a pitched roof with a flat element at the ridge which gives it a larger scale and massing when viewed from the gable ends, however, it will be well set back from the road frontage and is subservient to the host dwelling and No 62 immediately adjacent to it and as such will not have a harmful visual impact in the streetscene.

Subject to matching materials it is considered the extensions and detached outbuilding would be visually in keeping with the host dwelling and will not have an unduly harmful impact on the character and appearance of the area in this instance.

3. Residential amenity

No 74 Silver End Road forms the other half of the semi-detached property and lies to the north east. The boundary between the properties appears slightly staggered midway through the rear single storey extensions of both properties. No 74 appears to have a first floor bedroom window on its main two storey rear elevation and a window and door on the rear of the single storey elevation with a open sided canopy beyond. There is an approx 1.7m high close boarded fence running along the shared side boundary. The two storey rear/side extension is designed with a staggered double gable the nearest to No 74 is stepped slightly off the boundary by approx 0.4m due to the chimney stack and is shorter in depth at approx 3.3m and 1.8m wide. The larger gable is stepped approx 2.3m off the boundary nearest the dwelling (approx 1.8m off where it is stepped at the rear) being a further 1.8m deep (total depth 5.1m beyond the two storey rear elevation). Whilst this will result in development of a greater scale and massing adjacent to the shared boundary than existing given its staggered design and pitched roofs sloping away from the boundary it is not considered that this will result in any undue loss of light, privacy or overbearing impact. The pitched roof attached store will be replaced with the single storey flat roofed extension which will project further to the rear of the single storey element at No 74 by approx 4.4m. Given this part of the scheme will be single storey with a flat roof it is not considered it will result in any undue loss of light or overbearing impact. A number of rooflights are shown in the flat roof but these serve the ground floor only. As the single storey extension would abut the boundary a condition could be attached to ensure its flank remains blank.

The existing dwelling has one first floor rear window. Whilst the extended dwelling will have two which will project further to the rear they will be directed over the applicants own rear garden and are not considered unacceptable in this residential context. Although it is acknowledged the nearest one to No 74 will be directed partially over its rear garden due to the kink in the boundary given the modest depth of the extension at this point and that it will be 5m off the shared boundary partially screened by the single storey pitched roof element at No 74 this is not materially different and as such acceptable. The back to back distances with No 18 Rooktree Way are in excess of 45m from those first floor windows. The distance from the edge of the two storey extension to the edge of the front elevation of No 62 is 20m and as noted above there is no direct outlook as it lies to the side of the site.

No 62 Silver End road does not face directly onto the application site being to the side, with its front elevation facing the blank side elevation of No 64. It has been extended with a two storey side extension which has a number of windows and doors on its side elevation serving either non habitable rooms or being secondary windows to main habitable rooms (the latter being to a kitchen and a bedroom). It is separated from the application site by its own driveway with a garage to the rear. The outbuilding will be sited approx 5.4m away from the side elevation of No 62 when measured from the front corner of the garage and front corner of the extension. Given its single storey eaves height of approx 2.8m and reduction in ridgeheight to 5.3m and its offset from No 62 it is not considered it will result in any undue loss of light or overbearing impact. A door to the garage is shown on the side. Whilst there is only a low hedge on the boundary this is not considered unacceptable in this residential context however the amended plans now show a 1.8m fence which can be conditioned.

It is understood that the land to the rear of the application site is garden land separated from No 66. Pedestrian access to that land appears to be to the side of No 62. No 18 Rooktree Way is a two storey detached property whose rear garden also partly borders the rear of the application site. The detached garage with hobby room over will be slightly offset from the side and rear boundaries. Given its reduction in ridgeheight and design with a pitched roof and its offset from the rear boundary of approx 1m and 4m it is not considered this will result in any undue loss of light or overbearing impact. Its rear elevation and roofslope are blank and can be conditioned together with no first floor windows in the flank elevations to ensure no undue loss of privacy. Whilst three rooflights are shown on its front elevation to serve the hobby room these will be directed towards the host dwelling and approx 19m to the single storey rear elevation and approx 26.5m from the two storey elevation of No 74. The outbuilding is sufficiently offset from No 64 by approx 9m that no undue loss of residential amenity will occur.

The terrace to the west is formed of four properties, Nos 64, 66, 68 and 70 Silver End Road with the latter being closest to No 72 itself. They all have ground and first floor windows on their rear elevations some serving main habitable rooms. No 70 has a ground floor lounge window (also served by one on the north and another on the west elevation) and a first floor bedroom window which is the only one serving that room. The first floor windows on Nos 64 and 68 are obscure glazed but it is unclear whether the one at No 66 is a bedroom. It is also unclear what rooms the ground floor windows at No 66 and 68 serve but the one at No 64 is a lounge window (also served by two windows on the eastern elevation). As the terrace is stepped off the boundary by approx 1m with a low boundary hedge they currently have direct views into the applicants rear garden. As noted above the nearest existing point is between the front elevations of Nos 70 and 72 at 4.6m. The two storey extension would be set back roughly in line with the rear elevation of No 72 but stepped 2.6m closer to the shared boundary resulting in development of a greater scale and massing. However its nearest point to the terraces would be 4.1m before tapering further away at the rear. Given the design of the extension with a pitched roof, its offset and the distances and relationships involved it is not considered that this will result in any undue loss of light or overbearing impact. The single storey flat roofed element is well offset from the shared boundary and this its impact will be minimal.

The front ground floor bedroom window will be at an obscure angle to the lounge window at No 70. The first floor bathroom window could be conditioned to be obscure glazed and restricted opening as annotated on the plan to ensure no undue loss of privacy to the first floor bedroom window at No 70. A new first floor landing window is proposed in the side of the host dwelling which would also need to be obscure glazed and restricted opening. A first floor bedroom rooflight is shown on the side but would be at high level. Whilst there would be three ground floor windows on the side serving main habitable rooms (there is already one serving a kitchen) nearer to the boundary than existing between approx 4m and 9m from the rear of the terraced properties the situation of overlooking between the properties already exists. However the applicant has indicated that a 1.8m close boarded fence will be erected along the side and rear boundary which can be conditioned and this will ensure no undue loss of privacy for neighbours.

Concerns have been raised with regard to the use of the driveway leading to the new garage in terms of noise and disturbance from additional comings and goings, noise should gravel be used for the extended driveway and turning area, light pollution from headlights. The driveway to the side of the house is existing and could be extended under permitted development. As the driveway and turning head will serve the existing property the comings and goings of vehicles will continue to be associated with one dwelling and as such will not be unreasonable. The applicant has indicated that hardsurfacing will be used for the driveway and this can be conditioned. In addition as noted above the block plan has been amended to show the erection of a 1.8m high fence along the side boundary which will fully screen the site from the adjacent terraced properties and can be conditioned. Concerns have also been raised about the use of the garage and hobby room leading to noise disturbance however this is not unreasonable given its residential context. The Environmental Health Officer has not objected to the proposal.

Concerns have also been raised that the garage will be used for business purposes or an annex dwelling and not a hobby room. Whilst the comments of neighbours are noted regarding a possible commercial use and associated levels of traffic, this application has been submitted as a householder proposal in association with the use of the main dwelling. Should a material change of use be proposed at a later date then that would need to be considered as a separate planning application. As the outbuilding is separate to the host dwelling a condition can be attached to ensure it remains ancillary in use.

No other surrounding properties will be unduly affected in terms of residential amenity due to the distances and relationships involved.

Despite the reduction in the size of the application site, and the footprint of the extensions and garage proposed together with parking area this is a large site and sufficient private amenity land will be retained.

4. Other issues

Although the comments of neighbours are noted a number of issues have been raised which are not planning considerations, being civil matters or covered by separate legislation.

Another comment is that this will set a precedent for large scale schemes in this

rural area however each proposal must be determined on its own merits and it is considered the site is sufficiently large enough to accommodate this scheme.

The Natural Environment and Rural Communities Act 2006 states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. The site is not a sensitive area under the NERC Act. No evidence has been submitted to show there is a protected species within the confines of the site. By considering the impact on biodiversity within this report the Council has complied with the The Natural Environment and Rural Communities Act 2006.

The tree at the rear of No 74 is not covered by a tree preservation order or a conservation area. Works to or which affect a tree that is not protected would not be a material consideration in terms of the determination of the planning application. The Tree Officer has not objected to the application.

Vehicular access is taken directly off Silver End Road and will be unchanged. This proposal will lead to an increase from two bedrooms to four, although one will be provided at ground floor level and could easily be converted to living accommodation. Sufficient hardstanding already exists to serve the extended dwelling. The proposal shows a double garage which will lead to additional on site parking. The revised block plan indicates the on site turning area and hardstanding materials proposed. The Highway Officer has not objected to the proposal.

As noted above, it is not considered that the development proposed will unduly harm the residential amenities of adjoining occupiers. Based on the information submitted there are no known issues raised in the context of the Human Rights/The Equalities Act) and as such there would be no relevant implications.

There are no further considerations to this application.

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.

DECISION

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