

## Item No. 9

<b>APPLICATION NUMBER</b>	<b>CB/12/01238/VOC</b>
<b>LOCATION</b>	<b>4 Hillside Road, Leighton Buzzard, LU7 3BU</b>
<b>PROPOSAL</b>	<b>Variation of Condition: Condition 3 retention of garage in order to create a sensory room. (Application SB/01/1042)</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Johnstone, Shadbolt &amp; Spurr</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>12 April 2012</b>
<b>EXPIRY DATE</b>	<b>07 June 2012</b>
<b>APPLICANT</b>	<b>Macintyre Care</b>
<b>AGENT</b>	<b>The Walker Prichard Partnership</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>At the request of Cllr Shadbolt in response to the level of public interest in the application.</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Granted</b>

### Site Location:

The application property is a bungalow located to the north of Hillside Road in Leighton Buzzard. The property is flanked by residential properties to the east, west and north.

### The Application:

The application seeks the removal of condition 3 on planning permission SB/01/01042 to allow the use of the garage as a sensory room for the residents of the dwelling. Condition 3 currently requires the garage to be retained for parking. Part of the garage would be used as a sensory room with the remaining part proposed for storage and plant.

The garage would be used as a sensory room for the residents of the dwelling. Guidance was sought from the Local Planning Authority, by an agent acting on behalf of Macintyre Care, regarding the use of the property to accommodate up to 5 children between the ages of 16-19 years with a resident member of staff living together as a family unit. The advice provided was that the Town and Country Planning (Use Classes) Order (as amended) sets out that Use Class C3 (dwellinghouse) can be occupied by not more than 6 residents living together as a single household where care is provided for residents. On the information supplied to the Local Planning Authority advice was given that the proposed use would not constitute a change of use of the property away from a dwellinghouse and therefore no planning permission was required.

No planning permission is required for the use of a garage for a purpose connected with the use of the building as a dwellinghouse, e.g. games room, study, play room etc. Planning permission is not considered to be required for the use of the garage as a sensory room for the residents of the dwelling, however the condition attached to the 2001 planning permission restricts the use of the garage to parking. The removal of the condition is therefore required to allow the use of the garage as a sensory room.

The application documents set out that aim for the sensory room is to feature a relaxing and stimulating variety of sights, sounds and textures which help children and young people to learn and relax in an environment that suits their needs. Equipment used in the rooms varies depending upon the type, function and needs of the individual using it. Stimuli can include soothing music, vibrating cushions, fibre optics, mirror balls, bubble tubes, water beds, tactile walls, disco lights and projectors to name just a few. Equipment can be set up using switches, pressure, sound and movement which then activate a piece of equipment in the room.

## **RELEVANT POLICIES:**

### **National Planning Policy**

National Planning Policy Framework

### **Regional Spatial Strategy**

#### **East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

### **Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)**

### **Bedfordshire Structure Plan 2011**

No relevant policies

### **South Bedfordshire Local Plan Review Policies**

BE8 - Design Considerations

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the above policy is broadly consistent with the Framework and significant weight should be attached to it.

### **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development

Design Supplement 7: Movement, Streets and Places

### **Planning History**

CB/12/00750/NMA      Non Material Amendment to planning permission SB/09/00195 - Erection of first floor extension and conservatory to rear - Minor Amendment for re-configuration of windows/rooflight (size and number), to first floor extension. Retention of consent for future provision of conservatory to rear. Approved 2/4/12.

CB/12/00411/NMA	Non Material Amendment: to planning permission SB/TP/09/00195 reconfiguration of windows (size & no) to first floor extension. Conversion of existing double garage to sensory room and store, installation of a new gated entrance. Withdrawn 23/2/12.
SB/09/00195	Erection of first floor extension and conservatory to rear. Approved 3/6/09.
SB/01/01042	Erection of detached garage. Approved 12/4/02.
SB/96/00526	Permission for the erection of new first floor extension, rear conservatory and detached double garage. Approved 4/10/96.
SB/86/00391	Installation of front bow and dormer window. Approved 30/5/86.
SB/82/01004	Erection of single storey rear extension and alterations. Approved 12/1/83.

**Representations:  
(Parish & Neighbours)**

Leighton Lincolne Town Council	No objection.
Neighbours	6 letters of objection have been received from local residents. The reasons for objection are: <ul style="list-style-type: none"> <li>- the garage has been built in conflict with the deeds of the property and should be removed;</li> <li>- loss of two car parking spaces which would lead to additional on street parking to the detriment of highway safety;</li> <li>- the garage is detrimental to the character of the area;</li> <li>- the sensory room should be accommodated in a building in the rear garden of the property;</li> <li>- the application is a backhand route to gaining permission for a sensory room.</li> </ul>

**Consultations/Publicity responses**

Highways Development Control	It is not clear why the condition was originally imposed as the whole frontage is hard paved and is more than adequate in accommodating the required amount of off-street parking spaces. The officer does not wish to raise any objection.
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**Determining Issues**

The main considerations of the application are;

1. Impact on the residential amenity of the adjoining property occupiers
2. Impact on the appearance of the street scene
3. Impact on parking and highway safety

## Considerations

### 1. **Impact on the residential amenity of the adjoining property occupiers**

The application seeks the removal of the condition to allow the use of the existing double garage as a sensory room for the residents of the dwelling. If the condition was removed minor changes to the external appearance of the garage would take place. The garage door would be removed and the opening infilled and would include three windows. These changes would be permitted development not requiring any planning permission. Views towards the neighbouring property at 2 Hillside Road from the windows would be possible. Views would be long range as the garage is around 10m from the site boundary. It is not considered that the views would have any significant adverse impact on the amenities of neighbouring properties. The use of the garage would be by the residents of the dwelling and would therefore have no greater impact on the amenities of nearby residents than the use of a garage for storage or as a games room for example. In addition the supporting information sets out that the sensory room would only be used between 8am and 10pm and would be supervised at all times.

Overall it is not considered that the proposed removal of condition 3 would result in any adverse impact on the amenities of nearby residents.

### 2. **Impact on the appearance of the street scene**

The garage is existing and was granted planning permission in 2001. Some external changes would take place to the garage if the condition is removed. The garage door would be removed and the area infilled. Windows would be inserted into the infilled area and the wall would be finished with white painted horizontal timber boarding to reflect the design of the garage door. It is not considered that the external changes would result in a significant adverse impact on the appearance of the streetscene.

One objector states that the garage has been built contrary to the deeds of the property. This is a legal matter outside of the control of the planning system.

Some objectors have commented that the garage is out of character. The garage was granted planning permission in 2001 and no material changes are proposed to the appearance of the building.

### 3. **Impact on parking and highway safety**

The removal of the condition would lead to the loss of the garage for parking of 2 cars. The parking standards set out in Design Supplement 7 require at least 3 parking spaces for a dwelling with 3 or more bedrooms. The dwelling once extended would have more than 3 bedrooms and therefore must have at least 3 parking spaces. The dwelling is set back more than 15m from the front boundary of the site and this area is already hard surfaced. The submitted plan shows that there is sufficient space for 3 car parking spaces between the dwelling and the garage. There is also sufficient space for other parking in front of the dwelling for visitors. The Highways Development Control Officer confirms that there is no objection to the removal of the condition as there is sufficient off-street parking.

**Recommendation**

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

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 030 and 013 rev E.

Reason: For the avoidance of doubt.

**Reasons for Granting**

The removal of condition 3 of planning permission SB/01/01042 would not have any impact on the character and appearance of the streetscene or on the amenities of neighbouring residents. Sufficient parking provision would be retained within the site to prevent on-street parking and the removal of the condition is therefore acceptable in highway terms.

**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.

**DECISION**

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