

## Item No. 10

<b>APPLICATION NUMBER</b>	<b>CB/15/02290/FULL</b>
<b>LOCATION</b>	<b>32 - 34 Silver End Road, Haynes, Bedford, MK45 3PP</b>
<b>PROPOSAL</b>	<b>Proposed demolition of 2 No semi-detached properties and the erection of 1 No detached and 1 pair of semi-detached dwellings</b>
<b>PARISH</b>	<b>Haynes</b>
<b>WARD</b>	<b>Houghton Conquest &amp; Haynes</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Barker</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>03 July 2015</b>
<b>EXPIRY DATE</b>	<b>28 August 2015</b>
<b>APPLICANT</b>	<b>Mr L Dove</b>
<b>AGENT</b>	<b>Bradbury Design Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Call in by Ward Member Cllr Barker. Reasons: Large development for small plot, off road parking required, traffic issues due to splay coming off site. Bin storage and bike storage not adequate or off road parking for cars. Impact on Foresters Close regarding disruption and noise.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### Reasons for Recommendation

The principle of the proposed development in this location is considered to be acceptable and compliant with Policy DM4 of the Core Strategy and Development Management Policies Document (2009). The proposal would not have a negative impact on the character 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 size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the technical guidance Central Bedfordshire Design Guide 2014.

### Site Location:

The application site is 32 and 34 Silver End Road in Haynes. The existing dwellings are two former Local Authority semi-detached prefabricated dwellings constructed in the 1950's and located on the corner of the junction with Foresters Close and Silver End Road

No. 32 has an existing hardstanding parking area for two vehicles and a dropped crossing at its frontage and No. 34 has a single access and parking with a dropped crossing from Foresters Close.

The surrounding area is mostly residential. In Foresters Close and on the northern

side of Silver End Road there are similar semi detached properties, while to the southern side of Silver End Road there are larger detached dwellings. Foresters Close is also the main access route to Haynes Lower School.

### **The Application:**

Planning permission is sought for the demolition of the existing semi detached dwellings and their replacement with a detached dwelling and a pair of semi detached dwellings including parking and access.

The applicant states the reasons for the demolition is that the existing properties are of non standard construction and thermally inefficient. The houses were designated under the 1984 Housing Defects Act making them non mortgageable without specific conditions.

During the application process the agent amended the site address to include both 32 and 34 Silver End Road. The applicant Mr & Mrs Dove live at No 34 and have served Notice on Mr & Mrs Preen who live at No 32 as the red line of the application site includes both properties.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

#### **Core Strategy and Development Management Policies - North 2009**

DM3 High Quality Development

DM4 Development within and Beyond Settlement Envelopes

#### **Emerging Development Strategy for Central Bedfordshire 2014**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

#### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

#### **Relevant Planning History:**

None relevant

## Consultees:

Haynes Parish Council

Haynes Parish Council objects to this application:

The additional dwelling represents overdevelopment of the site & creates extra potential traffic at what is already a busy junction adjacent a bus stop. Off road parking is essential at this location. Parking is already an issue in this area. The access splay appears inadequate. Construction traffic should not impede access to Foresters Close where there is a school & therefore regular pedestrian & vehicular traffic. Bin storage area appears to obstruct the path. Access for bicycles appears too narrow.

## Other Representations:

Neighbours

3 Letters received - objections summarised below -

49 Foresters Close

- Additional dwelling represents overdevelopment of site and creates potential extra traffic at the junction.
- Off road parking is essential, parking is already an issue.
- Access splay inadequate.
- Construction traffic should not impede access to Foresters Close

2 Foresters Close

- 2 Foresters Close will be overlooked - Loss of Privacy.
- Will increase traffic congestion in Foresters Close.

Foresters Residents Association

- Title of one of the properties is owned by a CBC member of staff. This is not declared in the forms.
- Concerns over pedestrian and vehicle safety, particularly during school terms.
- Layout and density of the 2 buildings will cause site space congestion during construction.
- Hard to believe that the proposed properties will allow 7 parking spaces against the current 4.

Internal Drainage Board  
Public Protection  
Waste Officer

No comments to make  
No comments to make  
No comments received

Highways

The four bedroom dwelling will use a widened access for no. 32 at Silver End Road, and provide three frontage parking spaces. A garage is indicated but I have

discounted this as part of the parking provision as it is below the required internal dimensions for a single garage. The parking provision is acceptable along with the visibility from the access. The existing plan shows a 0.7m wide strip of verge at the frontage of 34 (this should continue across the frontage of no. 32 but has been paved). The proposal shows this area (public highway) reduced to 0.4m down to 0.2m wide, this is incorrect and should be 0.7m wide across the frontage of the properties at Silver End Road and should be demarcated as such.

The two three bedroom dwellings will have two parking spaces each. The north-east dwelling will use the widened access for no. 34 at Foresters Close. The dwelling adjacent to the four bed dwelling will provide a new access from Silver End Road. Visibility from the access is acceptable along with the amount of parking provision.

Access to the cycle parking along the side of the dwellings should be 1.5m wide although I am willing to accept a reduction to 1.2m. However the access are shown as less than 1.0m which is an unsuitable width for a person to wheel a cycle to the parking area.

I have also spoken with our cycle and walking officer and the 'Whitby CycleRax' is not suitable parking provision for long stay parking. The information submitted also states it is for 'short term parking'. The short stay cycle parking should be located at the dwelling frontage for short stay use. The cycle officer has pointed out that insurance companies will not 'payout' if cycles are stolen from this type of short stay cycle parking 'Barnsley CycleRax'.

The indicated pedestrian visibility splays are incorrect and the boundary fences will partially interfere with the required splays and extend into the public highway (verge) and will obscure driver/driver intervisibility.

These are all issues that can be dealt with by conditions.

Site Notice

03/08/15

### **Determining Issues:**

1. The principle of the development
2. The impact on the character and appearance of the area
3. Neighbouring amenity
4. Other considerations

### **Considerations**

1. **The principle of the development**

- 1.1 The application site is within the Settlement Envelope for Haynes where new residential development is considered acceptable by Policy DM4. The proposal is in effect for one new dwelling on the site as it involves the demolition of a pair of semi detached dwellings and their replacement together with one additional detached dwelling.
- 1.2 In principle the development is considered to be acceptable in this location subject to compliance with any other relevant policies.

## **2. The impact on the character and appearance of the area**

- 2.1 The proposal is to replace the existing pair of semi's with a detached dwelling and a new pair of semi-detached dwellings.
- 2.2 The detached four bedroom dwelling is designed with a gable frontage, similar in appearance to the adjacent property at 30a Silver End Road. It has a single storey porch extension which extends over the integral garage. The dwelling is to be set off the boundary with 30a by 1m and provides three parking bays to the frontage. The rear garden is over 100sqm which is considered to be more than adequate for a four bedroom dwelling.
- 2.3 The proposed semi- detached dwellings are also designed with a gable frontage. They are slightly staggered in layout enabling the property closest to the junction to be set back further into the site. Each property has been provided with 2 parking spaces, one with access off Silver End Road and the other with access from Foresters Close. With regard to garden space, one of the three bedroom properties would be provided with 60 sq m of rear garden space however the plot close to Foresters Close would have much less at 36sq m. While 36 sqm rear amenity space falls short of the recommended garden size in the Councils Design Guide, this plot has a large enclosed front garden area (over 100 sq m) extending around the side of the dwelling given it's corner plot. The front garden is considered as useable space which would compensate for the smaller rear garden. For this reason, the rear garden size is considered to be acceptable.

- 2.4 In terms of the impact on the character and appearance of the area, the proposal is not considered to result in a harmful impact. concerns have been raised relating to overdevelopment, however the proposal has provided the required parking spaces, garden space and there is adequate spacing between the buildings. The proposal is therefore considered acceptable and in compliance with the Design Guide and Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

## **3. Neighbouring amenity**

- 3.1 The application site is located on the corner of Foresters Close and Silver End Road. To the rear the site overlooks No 2 Foresters Close and to the south it adjoins 30a Silver End Road. All other properties are well separated from the application site.
- 3.2 The side elevation of No. 2 is sited approximately 18m from the rear elevation of No. 34 Silver End Road and around 22m from the rear of No 32. The rear windows of the existing dwellings face towards the rear garden of 2 Foresters

Close and would currently have views directly into each others gardens.

- 3.3 The proposed semi-detached dwellings would be located around 14m from the side elevation of No 2; the detached dwelling around 14.5m from the side boundary of No.2's rear garden. The dwellings are designed with first floor bedroom windows facing rear, however given the existing situation and the distances involved, the proposal would not result in significant overlooking and unacceptable loss of privacy to No.2 Foresters Close. Furthermore the proposed dwellings are sited such that there would be no loss of light or overbearing impact.
- 3.4 No 30a is a detached dwelling to the southern side of the application site. The proposed detached dwelling would be sited adjacent to 30a, 1m off the boundary, which is similar to the existing situation. The proposed detached dwelling is deeper than the existing semi, however it would not extend past the rear of No. 30a therefore no unacceptable loss of light, privacy or overbearing impact is likely to occur that would be any greater than the existing situation between the properties.
- 3.5 Overall given the existing situation and the relationship between the properties (proposed and existing), the proposal is not considered to result in an adverse impact on the amenities of the adjoining neighbours and is therefore acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

#### **4. Other Considerations**

##### **4.1 Highway considerations**

- 4.2 There is no objection to the development from a highway safety point of view and parking is compliant with the Councils Design Guide. The Highways Officers raised some concerns regarding cycle access between the properties and the type of parking stands proposed, however it is felt that a gap of 1m is a reasonable space for cycle access. It is noted that the plans show a cycle storage shed to the rear of each garden and provided the shed is lockable, this arrangement is considered to be an acceptable way to store cycles. With regard to visitor cycle storage, each property has access to an enclosed rear gardens therefore visitors will more likely store their cycles in the rear garden. In this case it is not felt necessary to insist on short stay cycle racks to the front of each dwelling.
- 4.3 Concern has been raised regarding congestion at the junction area, however it is not felt that one additional dwelling in this location would increase traffic to an unacceptable level. Each property has been provided with off road parking spaces in accordance with the Design Guide. It is accepted that there would be some disturbance during construction with deliveries etc, however this inevitable with all construction works and not a reason to restrict new development.
- 4.4 The proposal is considered to be acceptable with regard to the impact on highway safety and is therefore compliant with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

#### 4.5 Human Rights/Equalities Act

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

#### 4.6 S106 contributions

On 31 July 2015 the High Court quashed previously announced policy changes which directed Local Planning Authorities not to impose affordable housing contributions and other infrastructure contributions on housing proposals for ten dwellings or fewer. Therefore the Council is now able to consider such contributions on all housing developments. However as the application was submitted prior to the decision of the court with the understanding that no such contributions would be required it is considered reasonable that in this instance no contributions would be sought from this development in this location.

### **Recommendation:**

That Planning Permission be granted 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 **No development shall take place 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: Required prior to the commencement of the development to control the appearance of the building in the interests of the visual amenities of the locality. (Policy DM3)**

- 3 **The final ground and slab levels of the buildings hereby approved shall be constructed in accordance with the levels as shown on plan number 6456-02D. 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. (Policy DM3)**

- 4 The demolition works hereby approved shall be completed and all of the materials and fabric from the demolished [building(s)/structure(s)] shall be removed from the site within 1 month of the commencement of the demolition works.

Reason: In the interests of the visual amenities of the area. (Policy DM3)

- 5 Before (any of) the accesses is first brought into use, a triangular vision splay shall be provided on the south-west and north-west side of the accesses at Silver End Road, and the west side of the access at Foresters Close, and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them. (Policy DM3)

- 6 The south-east boundary at the access with Foresters Close shall be set back into the site for a distance of 1.8m measured from the highway boundary and shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it (Policy DM3)

- 7 The proposed vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) with the highway boundary demarcated, as may be approved in writing by the Local Planning Authority for a distance of 5.0m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.(Policy DM3)

- 8 No building shall be occupied until the junction of the proposed and widened vehicular access with the highway has been constructed in accordance with the approved details.

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

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 6456-01 E, 6456-02 D.

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



## 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. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the Core Strategy and Development Management Policies Document (2009).
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.

The applicant is advised that, under the provisions of the Highways Act 1980, no part of the structure, including foundations, planting, boundary treatments and parking shall be erected or installed in, under or overhanging the public highway and no door or gate shall be fixed so as to open outwards into the highway.

The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erected on a highway

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

The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary further details can be obtained from Bedfordshire Highways (Amey), District Manager (for the relevant area) via the Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049.

Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site

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

The Council acted pro-actively through early engagement with the applicant at the pre-application stage 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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