

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 17 August 2016

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

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

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

Additional Consultation/Publicity Responses

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

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

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

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

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

Additional Consultation/Publicity Responses

Trees and Landscaping Officer consultation response – No objections.

Additional neighbour representation. Objection from 64 Silver End Road:

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

Appendix A

Howard House,
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16/02/16
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Development Management
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Bedfordshire, SG17 5TQ

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

16/02/16
16/02473

Dear Sir or Madam

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

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

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

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

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

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

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

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

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

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

Yours faithfully



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Encs.

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