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



TO EACH MEMBER OF THE DEVELOPMENT MANAGEMENT COMMITTEE

16 July 2013

Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 17 July 2013

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Late Sheet.

Late Sheet 3 - 20

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4032.

Yours sincerely

Martha Clampitt, Committee Services Officer

email: martha.clampitt@centralbedfordshire.gov.uk



LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE - 17 JULY 2013

Item 6 (Page 13-28) – CB/13/01785/VOC – Hillside, 32 SUndon Road, Harlington, Dunstable.

Additional Comments

In respect of the concerns raised by the Parish Council about the impact of the semidetached properties becoming detached on the levels of energy efficiency, it is relevant that all new homes would need to comply with the current building regulations sustainability requirements. As such the change to create two detached units 12 and 13 would not be material in this regard.

Item 7 (Page 29-42) – CB/13/01384/FULL – The Drovers, Flitwick Road, Steppingley, Bedford.

Revised proposed site layout plan submitted by applicant.

The applicant has submitted on 12/07/2013 a revised site layout plan (12/072/210/B) which shows clearly that the upper terrace to the rear of the Pubic House/restaurant is to be removed and the land regraded - with only the lower terrace retained. This lower terrace is to be used as pub garden and this is annotated in green cross hatching on this plan. A 1.2m high fence is shown on the plan, to be erected along the rear boundary of this pub garden to clearly define its extent.

Cross sections through the lower terraced area (pub garden) have been submitted and these indicate that the pub garden area will be at one level across its width.

The existing access track along the west side is to be regraded and used only for servicing of the application site and the land to the rear.

The plan shows a hatched area along the side boundary of the site that is shared with the bungalow next door to the east and this is to be excluded from the pub garden area to safeguard the amenities of occupiers of this bungalow from overlooking and noise.

Plan 12/072/210/B is attached to this late sheet.

Additional/Amended Conditions

Condition 2 to read:

The beer garden use hereby permitted shall be restricted to the area cross hatched in green on plan number 12/072/210/B and shall not include the area hatched in black on plan number 12/072/210/B.

Reason: To safeguard the residential amenity of neighbouring occupiers and the character of the area.

Condition 4 to read:

The access track to the west of the beer garden as shown on plan number 12/072/210/B shall only be used for maintenance purposes and shall not be used as a vehicular access to provide additional parking or in association with uses ancillary to the restaurant, public house or beer garden.

Reason: To safeguard the residential amenity of neighbouring occupiers and the character of the area.

Condition 10

The beer garden as shown on plan number 12/072/210/B shall only be used for such purposes between the hours of 11am and 11.30pm on any day and no outside amplified music shall be installed or operated without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of nearby dwellings.

Condition 11

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12/072/101, 12/072/103/A, 12/072/104, 12/172/105, 12/072/100, 12/072/102, 12/072/1000 and 12/072/210/B.

Reason: For the avoidance of doubt.

Item 8 (Page 43-50) – CB/13/01437/FULL – Lark Rise, Mount Pleasant, Aspley Guise, Milton Keynes.

Additional details received from applicant by e. mail dated 11/07/2013 regarding existing and proposed floor areas and proposed ridge height.

Existing: Ground floor of the main house 86.42m squared

Side utility (to be demolished)
Conservatory
Porch
First floor main house
3.06m squared
17.94m squared
0.97m squared
86.42m squared

Total 194.81m squared

<u>Proposed</u>: Main house basement 32.10m squared

Ground floor (incl extension) 122.19m squared
Conservatory 17.94m squared
Porch 0.97m squared

First floor main house 122.19m squared

(incl extension)

Roof main house 60.13m squared

Total 355.52m squared

The roof area has been measured to the dwarf walls at 900mm high and 1500mm within bathroom.

<u>Existing footprint</u> (measured externally and including porch, conservatory and side utility) is 123.99m squared.

Proposed footprint (including porch and conservatory) is 159.29m squared.

The applicant has also stated in his e. mail dated 1/07/2013 that the ridge height is to be raised to a max of 1.5m not 1.7m as stated in the officers report to committee. This figure is accepted and not disputed.

A further e. mail has been received from the applicant dated 15/074/2013 and this confirms that planning permission has not been obtained for the wooden shed which is situated just inside of the front boundary hedge. He will apply for consent for this if required to do so. This structure is referred to in the Design and Access Statement.

Item 9 (Page 51-84) – CB/13/00728/OUT – Land off Steppingley Road, Froghall Road, Flitwick.

Additional Consultation/Publicity Responses

There are no additional consultation or publicity responses.

Additional Comments

A few errors have been identified within the Committee Report. These are corrected as follows:

The Application:

Para 4 - The proposed residential density would be 35 dwellings per hectare net. A range of housing types are proposed between 1 and 5 bedrooms with 30% 35% affordable in a range of housing within small clusters across the site. The building form is envisaged to be 'traditional' and predominantly two-storey, with the creation of different character areas within the site. Single storey dwellings would be arranged around a 'farmyard' courtyard located to the rear of the two existing cottages which front Steppingley Road and are proposed to be retained.

Consultations/Publicity responses

Network Rail

No objection in principle to the development, but outline a series of requirements which must be met, especially with the close proximity to the electrified railway. These include ensuring surface and foul water drainage discharging away from the railway, 'fail safe' measures to prevent construction works interfering with the operation of the railway, provision of trespass-proof fencing along the boundary, sufficient buffering between development and rail land and appropriate lighting to prevent disruption, and the requirement of soundproofing to properties. Additional trips under the railway bridge may increase potential for 'bridge strikes' so recommend consultation with Asset Protection Project Manager to ascertain whether bridge protection barriers may be needed. Recommend conditions relating to drainage, boundary fencing, provision of a method statement. soundproofing, lighting and landscaping for reasons of safety, operational needs and integrity of the railway. Other matters can be dealt with by an informative.

4. Traffic, Access and Sustainable Transport

Other Highway Issues

Para 2 - A contribution shall be paid through the S106 to upgrade Footpath 15 adjacent to the site. Within the site the Footpath 15 is located within a landscape corridor which will provide a green finger through the site.

Sustainable Transport

Para 1 - The S106 Agreement has secured in excess of £701,800 £586,800 towards Sustainable Transport measures. This includes contributions towards the cycle network, upgrade of Footpath 15, the A507 Crossing and Public Transport.

8. Planning Obligations

Impact on existing infrastructure and services is another key issue raised during the consultation of this application. Contributions can be secured to ensure that the additional impacts arising from the development can be mitigated In accordance with the statutory tests for Planning Obligations. Contributions cannot be used to remedy existing deficiencies of infrastructure and services in the area.

The applicants have agreed to provide the full financial contributions required under the Planning Obligations SPD (North). The total package to be secured via a Section 106 Agreement would include a contribution of around £5.03 £5.06 million, provision of on site leisure, recreational and green infrastructure facilities, off site highway works (as detailed above) and the full 35% affordable housing provision (140 dwellings). The applicants propose a Tariff style payment arrangement on a per dwelling basis. Providing the statutory tests for Planning Obligations are met, this would allow the Council greater flexibility in deciding exactly how the contribution will be spent within the locality.

The breakdown of financial contributions is as follows:

Education Sustainable Transport Health Facilities	£2,335,665.00 £586,800.00 £480,000.00
Leisure, Recreational Open Space & Green Infrastructure	£1,249,200.00
Community Facilities & Infrastructure	£2,800.00
Community Cohesion	£7,600.00
Waste Management	£18,400.00
Emergency Services	£82,800.00
Public Realm and Community Safety	£88,360.00
Footpath 15	£85,000.00
A507 Crossing	£30,000.00
MUGA	£65,000.00
Highways Contribution	£33,375.41

Total £5,065,000.41

The Leisure, Recreational Open Space and Green Infrastructure contribution will include contributions towards indoor and outdoor sports facilities as requested by Sport England. A contribution to provide an offsite MUGA is also included as part of the play provision for the site. It is anticipated that this will be provided on CBC land adjacent to the site.

The proposed affordable housing 'package' consists of 70% Shared Equity and 30% Affordable Rent tenure types. These would comprise a range of 1, 2, 3 and 4+ bedroom dwellings (including flats) pepper-potted across the site.

Amended Condition

Condition 38 has been amended for clarity only.

The development hereby permitted shall not be carried out except in accordance with the Approved Plans drawings numbers: Location Plan 16627/1003 prepared by Woods Hardwick , 46381000/P/3250/001 Rev A prepared by URS, 4638100/P/3250/005 Rev A prepared by URS, 46381000/P/3250/006 Rev A prepared by URS and 46381000/P/3250/007 Rev A prepared by URS.

Reason: For the avoidance of doubt.

Item 10 (Page 85-102) – CB/13/01693/FULL – Global Robots Limited, Beancroft Road, Marston Moretaine, Bedford.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

Item 11 (Page 103-108) – CB/13/01825/FULL – Crooked Oak, Bridle Way, Toddington.

This application has been Withdrawn.

Item 12 (Page 109-118) – CB/13/01879/FULL – 27 Western Way, Sandy.

Additional Consultation/Publicity Responses

Comments from Sandy Town Council – objects to the proposed development on the grounds that the neighbouring properties at 25 and 23 Western Way may suffer a loss of amenity to their properties in terms of loss of light and overshadowing.

One letter received in support of the proposal from No. 29 Western Way.

Email received from 25 Western Way dated 28 June 2013:

I wish to bring to your attention what I consider to be a lack of due diligence in the processing of the above application by your Planning Office.

A decision to permit development appears to have been made by your Planning Officer based on incomplete and incorrect data:-

The site plan which is crucial to understanding the relative position of the proposed development to the rear of my property is incorrect and was known by all concerned parties to be inaccurate one year before the current application was submitted;

The conclusion expressed by the Planning Officer to Lindsey Gilpin, a Member of the Royal Town Planning Institute, acting on my behalf, that the only room in my property to be adversely affected is one bedroom is incorrect, in fact the entire rear of my property is affected including bedroom, bathroom, kitchen, conservatory, patio and garden.

No further site visit has been made by the Planning Officer since 2012;

I am advised by Councillor Nigel Aldis that the Applicant sought advice from the Planning Officer prior to submitting this application but the advice given that a reduction of one metre in width may be acceptable is applicable to development where houses are side by side and is not relevant in this instance;

There is a failure to comply with Bedfordshire Best Practice guidelines that require consideration to be given to any negative impact on the neighbouring environment. In this case the negative impact through the loss of my amenity and that of subsequent owners can be quantifiable by a reduction in the value of my property of approximately £10,000 while the Applicant will benefit by an increase in the value of his property by approximately the same amount. A wholly inequitable situation that results from failure to consider the wider environmental impact.

All the above points are set out in detail in my Architect's letter to the Planning Officer dated 24 June 2013 to which we have not as yet received a reply. In fact the only communication I have received from the planning officer is an out of office email to my original objection.

Failure to show a duty of care by a professional council employee is obviously a serious breach of their responsibility to provide open and honest governance and a lack of compliance with governing rules, regulations and codes of practice that results in a planning recommendation which is hugely detrimental to an innocent party cannot pass any legal test of reasonableness.

I am honestly stunned that the Planning Department can consider that the erection of a two storey solid brick gable wall in such close proximity to the back of my house can have minimal impact on my environment. My contention is that if due diligence had been exercised and compliance requirements had been met then this proposed development would not be permitted. Despite my strong feelings that the application should be rejected, my Architects advised a reasonable compromise and last week Lindsey Gilpin advised the Planning Officer that I would withdraw my objection if the rear and side wall of the proposed extension was moved 1.3 metres within the existing building thus reducing the impact of the first storey extension and still providing my neighbour with an extra room and shower room of adequate size. This was rejected out of hand by the planning officer, a position that you may now want to reconsider.

I understand that the application is due to be determined by the Council's Development Management Committee and that I will be invited to make my views known.

Further email from No. 25 requesting copies of objection letter from Arnold Gilpin dated 27/06/13, email dated 28 June to Richard Carr and re-sent on 05/07/13 to be circulated to Members prior to the committee meeting.

Email dated 05/07/13:

Dear Mrs Boyd

Thank you for your email below. Unfortunately, this has increased my concerns and still does not address the issues raised previously.

Please advise if the letter sent to you by my Architect, Arnold Gilpin, Dipl.Arch. RIBA, dated 24/06/2013, and my email to Richard Carr, Chief Executive, dated 28/06/2013 and re-submitted 05/07/2013 will be distributed to the Committee by your office prior to the Committee Meeting. Or do I need to submit one set, or one set per Committee Member?

Letter from Arnold Gilpin Architect is attached to the Late Sheet as it includes an A3 plan.

Email dated 12/07/13 received from Applicants Architect Richard Beaty in response to Mr Arnold Gilpin's letter:

Thank you for the copy of Arnold Gilpin's letter submitted to the council. I wish to make the following comments on its contents.

To avoid repetition I will not go through the letter point by point but cover the general issues that Mr Gilpin has raised.

1. Accuracy of drawings.

He is correct in his assumption that the block plan is based on the Ordnance Survey plan. To carry out an accurate survey of the relationship of the two properties it would be necessary to have been taken the measurements predominately in the garden of No25. I assume that Mr Gilpin has now carried this out and produced the drawing attached to his letter Rj23 Ao(0)01. I have revisited the site and as far as can be established from your garden I would concur with the facts as represented by the drawing however due to copying and scanning it is not possible to take scaled dimensions. In reference to the inaccuracies, point 1 of the letter states that ' Any

decision based on this may be exposed to later challenge.' On examination of the original block plan and Mr Gilpin's drawings the discrepancies are relatively minor. There is a very slight difference in the orientation of the two buildings of around 250mm and the distance between the proposed extension and the bedroom window of No 25 is 7.5m (see point 4 of Mr Gilpin's letter) rather than the 7.35m on the submitted block plan. I don't believe that either of these could be seen as giving a false representation of the facts on the ground. Mr Gilpin's plan does refer to two bedroom windows facing towards No 27. There is only one the other being a bathroom.

2. Orientation of the Dwellings

Mr Gilpin identifies the orientation of the two properties as the main issue and draws attention to the small rear garden of No25. In most dwellings the rear garden is an important amenity space. No25 is located on an almost 90 degree bend in Western Way and has the characteristics of a corner plot with the large side garden to the east providing the amenity space. The occupants of No25, over the years, have acknowledged this by constructing an extension on the small rear garden closed to No27 and constructing a conservatory and patio area opening on to the side garden. This fact is recognised in point 11 of Mr Gilpin's letter. As No27 is to the north of No25 I do not believe there will be any effect on the main amenity space of No25.

3. Daylight and Sunlight

This issue is raised in points 6 and 7 of the letter. The BRE publication 'Site layout for daylight and sunlight, a guide to good practice' sets out various tests that have been approved by the Department of the Environment and are widely used by Local Authorities in considering development proposals. The proposed extension passes the simple 'rule of thumb' test. In respect of the other tests the two test tests relating to direct sunlight are not relevant as the proposed extension is to the north of the affected window of No27. The test relating to daylight says that the diffuse daylighting to a window will be adversely affected if after a development the Sky component is both less than 27% and less than 0.8 times its former value. As the proposed extension is directly in front of the original gable of No27 its is very unlikely that it will result in a significant reduction in the Sky component.

I hope that clarifies some of the issues raised in Mr Gilpin's letter. If you have any further queries please do not hesitate to contact me.

Letter from the applicant in response to Mr Gilpin's letter dated 11 July 2013:

Dear Members

No 27 Western Way, Sandy, Beds Proposed Extension Planning Ref CB/13/01879/FULL

We are unable to attend the meeting due to be held on Wednesday 17th July due to work and family commitments, but hope you are able to take the time to read this letter in place of us speaking at the meeting.

In the spring 2012 we decided to look into the possibility of extending our property. We contacted the Planning Department and Samantha Boyd came and gave advice

and thought that a first floor extension over the garage was feasible but advised us to consult with our neighbour. My husband visited our neighbour Ms Joan Fisher to ask her views on our potential planning application and after voicing some concerns regarding the resale of her property she agreed it would not be a problem. If at this stage she had raised specific objections we would have given it further consideration as to whether we would embark on this project.

Our application was withdrawn last year following objections from Ms Fisher. Our agent then drew up a revised plan moving the extension back one metre away from the boundary. We had been advised by the planning authority that this would probably be satisfactory to Ms Fisher. We then submitted this application.

When our application was passed to Sandy Town Council for consideration we became aware that Ms Fisher had commissioned an architect to comment on our application and this had been submitted to the council. As we had not been made aware of this report its contents were allowed to go unchallenged. Surely we should have been consulted on it beforehand. I attach an email from our agent that deals with the issues raised in this report.

More seriously we believe that ClIr Nigel Aldis should declare an interest in matters relating to our planning application. There have been a series of disputes between Sandy Football Club and ClIr Aldis regarding ClIr Aldis's conduct and as he is well aware I am the Secretary of Sandy Football Club.

Lastly I wish to make a general point that although I have tried to do everything in the correct way by contacting the planning authority from the outset and following their advice, my neighbour has opposed my applications with the support of my elected representative. Consequently I feel that I have been totally excluded from the democratic process.

Additional Comments

Planning Officer's response to No. 25's email. Response dated 04/07/13:

Further to your email below and previous email dated 28 June 2013, I would comment as follows –

The block plan submitted with the application is correct in that it accurately shows the application site and the proposal. I am aware that your conservatory and garden shed are not shown on the plans, however the architect does not have the authority to enter your property in order to survey your garden and it's buildings. Ordnance Survey do not update their records regularly which is why Planning Officers undertake site visits so that we can check the submitted plans with what is actually on the ground while also assessing the impacts of any proposals.

From my site visit to 27 Western Way on 11 June this year, it was clear to me that there had been no change in the situation at your property since my last visit in June 2012. At the time of the last application I also visited your property and took photographs from your bedroom window facing No. 27 and the garden areas. These

are still on my files and will be included in the presentation to Development Management Committee.

In my conversation with Lindsay Gilpin, I mentioned that I felt the main impact from the proposed extension was to your bedroom window. This is because, in planning terms, bathroom and kitchen windows are not considered to be primary accommodation rooms therefore any impact on such windows would need to be severe. I also feel that the impact on your garden area is somewhat reduced given that your property is to the south of the extension (therefore sunlight is not reduced) and you have a ground floor flat roof extension and garden shed between your property and the flank wall of the proposed extension.

As you are aware the application is recommended for approval based on my judgement as a planning officer taking into account the existing situation at the site and the orientation of the houses and gardens. My reasons for the recommendation are fully explained in the Committee Report. A committee site visit has been requested therefore Members will be able to view the site for themselves prior discussing the application at committee. This is normally undertaken on the Monday before the meeting however the date has not yet been confirmed. Please be aware that a visit from Members to your property will be at the discretion of the Chairman.

The reduction in size of the extension was suggested by Lindsay Gilpin during our phone conversation, however as we would be recommending approval, I did not feel it necessary to request such revisions from the applicant. Should the application be refused, the applicant may need to reconsider their plans and this would be an option for them to consider.

Should you have any further queries please do not hesitate to contact me.

Kind regards Samantha Boyd Senior Planning Officer, MSc MRTPI Development Management

Additional/Amended Conditions

No amendments.

Item 13 (Page 119-128) – CB/13/01922/FULL – 1 St Johns Street, Biggleswade.

Additional Consultation/Publicity Responses

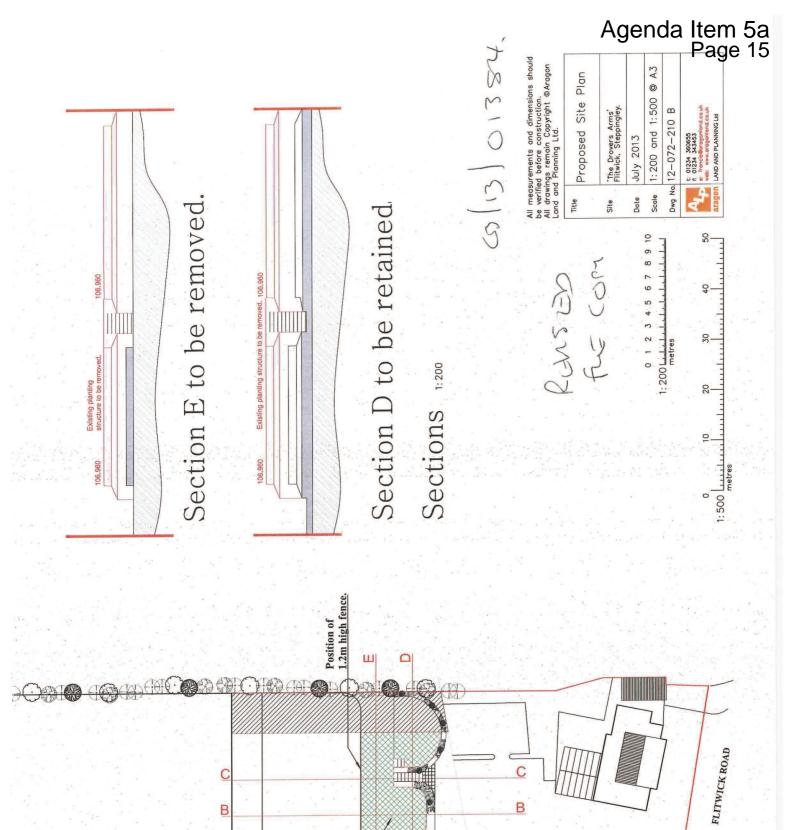
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None.

Additional/Amended Conditions

None.



regraded service only access.

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Pub garden area.

Site Plan 1.500

The Drovers Arms'

Flitwick Road,

Steppingley, MK45 5BA.

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Development Management Priory House, Monks Walk Chicksands, Shefford, Bedfordshire SG17 5TQ Attn: Samantha Boyd

24/06/2013

Ref:Zj23 Your Ref: CB/13/01879/FULL

Dear Sirs.

First Floor Side Extension at 27 Western Way, Sandy.

400

We have been asked by May, to look at this proposed extension from the point of view of her neighbouring property.

- 1. Firstly I must point out that the block plan submitted with this application is incorrect possibly reliant on an inaccurate ordnance survey plan. The block plan submitted misrepresents the true effect on the light and outlook enjoyed from the windows to the bedrooms, kitchen and the conservatory of No 25. Any decision based on this may be exposed to later challenge.
- 2. We attach drawing Rj23 Ao(0)01 which more accurately shows the relative positions of the two houses and on the south elevation outlines the position of the windows to No 25 relative to its neighbour.
- 3. The main issue with the proposed extension to No 27 is the orientation of the houses. Were the houses to be in the more normal 'row' formation along the road this side extension would only affect the side of No 25, which would typically only have windows to circulation space and bathrooms along it, without posing a large problem.

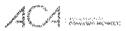
Arnold Gilpin Associates Ltd

River Bank 28A Ivel Road Sandy SG19 1AX Telephone 07545 956900 Emoil architect@a-g-a.co.uk www.o-g-o.co.uk









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- No 27 however is at right angles to No 25 which means that the proposed extension is the equivalent of building a 6.5 metre high brick wall only 7.5 metres from kitchen and bedroom windows.
- 5. As the Council will be aware, this orientation means that any normal policy of allowing first floor side extensions provided they are set back a metre to avoid a terracing effect, in these circumstances is irrelevant.
- 6. The size of the plots in this estate should also be noted.

 Most houses have a large garden to the rear which provide all the light and outlook required. This house has only 6.4m between the principal rear windows and the back wall and only 3.25 metres from the conservatory.

 Any diminution in outlook and daylight will have a profound effect on the amenity that the occupants of No 25 currently enjoy.
- 7. I assume that, in this unusual case, there has been submitted calculations performed under Building Research Establishment (BRE) publication "Site Layout for Daylight and Sunlight, a guide to good practice". I would be glad to have sight of this.
- 8. We have judged the proposal against the "Design in Central Bedfordshire. A Guide for Development. Design Supplement 4. Residential Alterations and Extensions".

"4.01

Proposals to alter or extend your home must have regard and respond positively to the host building, neighbouring properties and the wider context.

4.04

Alterations and extensions should work with the host buildings form, scale, massing and detailed design to produce a harmonious and respectful addition."

9. Looking at the relevant proposals and the above design guide, although the extension may be of huge advantage to No 27, whether it should be given planning permission is acknowledged to depend on the effect on the neighbouring properties.

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- 10. We would submit that this proposed first floor side extension is very detrimental to the amenities of the occupiers of No 25 in terms of its height and size, being so close to the rear wall of 25 and adversly affecting outlook and daylight.
- 11. There is also now a window proposed to the front bedroom which is some 3 metres nearer to the sitting out area of our client's garden than the present window of No 27, giving a much greater impression of overlooking.
- 12. I am aware that our client, out of consideration for her neighbour, has given thought as to how this design could be altered to ameliorate the impact on her property.
- 13. I would however look to you, as professional planners and Councillors, to balance the increase in amenity that this extension will deliver to No 27 with the harm to their neighbour at No 25 both current and future occupants, and ensure that as the proposal does not 'respond positively to the ... neighbouring properties' it is refused.

Yours faithfully



Arnold Gilpin Dipl. Arch. RIBA

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