

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



**TO EACH MEMBER OF THE
DEVELOPMENT MANAGEMENT COMMITTEE**

03 June 2014

Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 4 June 2014

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

Late Sheet

3 - 14

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4040.

Yours sincerely

Helen Bell,
Committee Services Officer
email: helen.bell@centralbedfordshire.gov.uk

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LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – Date 4th June 2014

Item 6 (Pages 13 – 25) – CB/14/01271/FULL – 126A High Street, Clophill.

Additional letters received from 126 High Street, Clophill.

- 1) The first letter refers to the incorrect setting out of the house on the site.

Comments from planning officer to this letter:

The setting out had been amended by the time of the site visit by committee members on 3/06/2014

- 2) The second letter dated 31/08/2014 refers to various matters regarding the siting of the house on the site in relation to their property and the impact on their amenities as well as inaccuracies in both the submitted plans and the planning officer's report to committee. (A copy of this letter is attached to this late sheet).

Comments from planning officer to this letter:

The neighbour refers to the area layout plan not being accurate. It appears that he is referring in his first paragraph to the Ordnance survey plan on the Committee agenda. This plan is for site identification purposes only. It is not an up to date plan of the site or the area and buildings around it.

The submitted planning application layout plan of the application site layout plans have been prepared by a company of land surveyors (Kempston Surveys Limited). The applicant has reaffirmed that the plans are accurate and officers have no reason to doubt its accuracy.

The location of the single storey kitchen /breakfast area on 126 High Street is shown in the correct position in relation to the shared boundary of the site and to the proposed new dwelling. The location of the single storey rear addition to number 128 High Street has been shown on the plans and is accurate. The location of the fitness studio on the adjoining site is shown on the submitted plans in an indicative form. The relationship between this studio and the proposed house is clear upon visiting the application site and has been fully taken into account in the consideration of this application.

The bungalow on the application site was built over 40 years ago and the planning history of this bungalow is not considered to be directly relevant to present day

planning considerations which are national planning policies in the NPPF and local planning policies on the Core Strategy and Development Management Planning Document.

Whilst the history of 126 High Street and the way it has been broken up into different uses is informative it is not directly relevant to the planning application under consideration this background has been fully taken into consideration in the assessment of this application by officers. The bungalow at 126A High Street is now an independent dwelling with its own front and rear garden.

With regards to the various policies in the adopted residential design guide this document has been referred to in the section entitled 'planning policy'. It is not normal procedure to outline all relevant sections of the adopted design guide within the officers report but these sections have been taken into account in the consideration of the application.

It is not disputed that the 'maximum' depth of the house is 14 metres (approx.) The full width of the site at the roadside frontage is 12.5 metres (approx). The plot varies in width from front to rear and the dimensions given in the officers report in respect of the gaps on either side of the house up to its shared boundaries with neighbouring properties are considered to be accurate.

The dimensions in the officer's report regarding the distance between the breakfast kitchen area and the west facing walls of the proposed house are accurate as the breakfast area/kitchen is shown correctly in the submitted plans. As stated in the officers report the proposed house is to be sited between 3.5metres (approx) and 4.4 metres (approx) from the east facing walls of the house at number 126 High Street. Also, the nearest part of number 126 High Street is 1.0 m (approx) from the shared boundary with the application site as stated in the officer's report

The plot is of irregular shape and planning officers have not therefore been able to measure accurately its overall area. However, the applicant has used a firm of surveyors called to carry out a full survey of the site and the figures given are not being disputed by officers.

Officers are fully aware of the fact that the house is end on to the road and that the main and front elevation of the house faces westwards. The use of 'side' is referring to 'side onto the road' which is the usual way of describing a development for planning purposes.

The paving of the front garden area to a property does not in itself normally require the benefit of planning permission. The loss of planting is always considered to be unfortunate.

It is clear from visiting the site that the land slopes away from the road to the numbers 126 and 128 High Street and further away to the fitness studio to the rear of number 126 High Street. In view of the differences in ground levels a street scene plan has been submitted which shows the proposed ridge height of the new house in relation to the ridge heights of numbers 126 and 128 High Street. It is to be a little higher than the ridge of number 128 High Street and a little lower than 126 High

street. This is considered to be acceptable and in keeping with the street scene in this part of Clophill.

It is disputed that the proposed house will come to within 0.5m of the breakfast room since the new house is to be a min of 1.2m at its closest to the shared boundary with number 126 High Street. Also, the front elevation of the proposed house is to be staggered so that the front elevations nearest to number 126 High Street are set behind the kitchen and breakfast room windows. Any potential for overlooking from the three tall lounge windows of the west facing elevation of the proposed house into the lounge area of 126 High Street (via the patio doors) can be protected by way of appropriate boundary treatment along this shared boundary with a condition attached to cover this matter. This has been recommended in the officer's report. The applicant can erect a fence on his side of the boundary and does not need to erect a fence on top of the neighbours unless they give permission for this to take place..

The obscure glazing to the bedroom window 4 is to be the subject of a condition and any submitted details will be assessed in relation to floor levels and the potential for any overlooking towards the neighbouring property at number 126 High Street.

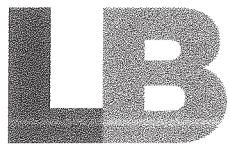
Officers remain of the view that there is to be a gap of 11m (approx) between the proposed front facing landing window to the front of the house and the first floor bedroom window in the east facing elevation of 126 High Street. However, whether the gap is 10m or 11m officers remain of the view that the gap, and the relationship between the proposed landing window and the existing bedroom window, is acceptable for there to be minimal potential for overlooking and loss of amenity. Officers have to consider each case on their own merits. The design guide is for guidance purposes only and judgments have to be made in each case for each site looking at the specific relationships.

The reference to fitness studio was taken from a previous planning approval for the site. The occupiers of number 126 High Street's comments regarding the way in which this studio is presently being used are not disputed. It is for a personal training facility and it is known as 'Personal Best One to One Fitness Studio'.

Additional letter received from planning agent for the application dated 2/06/2014. (copy attached)

This letter confirm that the dimensions on the application plans are correct the site having been surveyed by a company of land surveyors..

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Lee Butler

MRICS • FASI • FCIQB

Central Bedfordshire Council

Priory House

Chicksands

Shefford

Bedfordshire

SG17 5TQ

FAO: Mr K.C Mathews – Chairman Development Planning Committee

2nd June 2014

Dear Chairman,

Re: 126A High Street, Clophill, Beds

Application No: CB/14/01271/FULL

I would confirm that I received a copy of a letter from your planning department that was handed to them by the occupier of 126 High Street, Clophill, Beds, today.

I received it at 3pm and have to reply immediately as I understand that they need to address his concerns by 12noon on 03/06/14.

To this end I will answer the points I am able and hand deliver it to the planners before 10am on the 03/06/14.

I feel sure that they received the letter at this very late stage from the occupier of No 126 so as to give us a very short period of time to respond (where he has had several weeks to write this letter).

I can only really answer his questions on discrepancies; the other items are generally matters for the officers. I would point out that the property at 126A and its immediate surroundings i.e. part of 126 and part of 128 was carried out by a highway reputable company of land surveyors (Kempston Surveys Ltd) as can be seen on the title heading of their drawings as submitted, DRG. ID. 100 Plan No1 existing and DRG. ID. 100 Plan No 2, with my notes added.

The survey is extremely accurate and the comments made by the occupant of 126 quite frankly are mistaken. It may be that he used scaling from a reduced copy from the website which cannot be scaled. He gives his own dimensions that are inaccurate for example, I quote, 'the width of the plot at the road is 10.8m', the actual width is 12.6m. With regard to his paragraph 3, the point on the site where the full width of 9.7 occurs the plot width is 12m not 11.477.

I do not intend to mention any others as the same inaccuracies will apply.

With regards to his references to the officer's report, it is not for me to answer, however I will point out that he states that his breakfast room is not shown on the plan, my understanding is that it is and later on he states that the breakfast room is 1m from the boundary and not 1.9m. The drawing shows by scaling that 1m is correct, as it is shown on the plan, I do not know where he gets 1.9m from?

I would reiterate that the survey drawing is completely accurate and shows all that is needed.

It is obvious from his letter that he wishes to see this application refused.

I can only say that I have dealt with all items that the planners have asked me to address and that is why the provisional planners employed by your authority have recommended approval.

I can only leave it to the planning committee to make their decision on this application.

Yours Faithfully,

Received by Mrs
3/6/14

Lee Butler

MRICS • FASI • FCIQB

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The Old Coach House, 3 Villa Gardens, High Street, Flitwick, Beds. MK45 1DS

Dear Cllr K C Matthews

URGENT

We were told via the parish council meeting we had at our property on Sunday, that the planning committee intend to have a site visit to 126a High Street, Clophill today 2nd of June. This is most pleasing for us but we feel you should have access to our premises at 126 High Street, to view the amenity and outlook issues we will suffer due to this proposal. Someone will be in all day and we are happy for your committee members to access our property with or without our presence, and we are more than pleased to give your committee access to our home.

Further to this, yesterday (Sunday) 2 persons visited 126a to set out the corners of the proposed house. Consistent with my letter dated 31st May which hopefully you should have received and which was in response to the planning officer's report, I find their setting out either incompetent or wholly misleading as by my calculations done with a laser.

1 – The 2nd orange marked corner right angle is up to 2.3m too far away from our boundary (126) and would mean the property had no bathroom and no front half of the kitchen?

2 - The corner timber angle laid out closest to our home is up to 200mm too far away from our boundary fence at (126) and should be closer to the boundary fence.

Both of the above distort the proposed application layout and position.

I have used the front line of 128 and the north east corner of the present bungalow as my set out points as indicated on the applicants drawing Topographic Survey as Proposed Rev 2

I hope this reaches you prior to your site visit as I believe significant incorrect facts are being presented to your committee and will certainly bias the prospective against our view point.

Please feel free to contact us directly by mobile Kevan 07889 598373 or Rachel 07932 832052 if it would be helpful for your committee to have diarised access to our home.

Regards


126 High Street

Clophill

Beds

MK45 4BL

Mr K C Matthews
Chairman Development Management Committee
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford

Ladymead House
126 High Street
Clophill
Beds
MK45 4BL

31st May 2014

Dear Chairman

Re: CB/14/01271/FULL Demolition of bungalow and erection of 4 bedroom detached dwelling at 126A High St, Clophill

We have informed the council that we wish to speak for 3 minutes duration, as representatives for the objectors, at the development management committee meeting on Wednesday 4th June 2014 at 10am.

However, we feel that there are some inaccuracies in the planning officer's report that we need to highlight prior to the meeting, as it will not be possible to do this in 3 minutes. We strongly feel that a site visit in this unusual situation, would assist the decision making process and help the members of the committee appreciate the full impact that this proposal will have on our end orientated house.

The points we would like to raise are as follows;

Agenda item 6, page 11. The area layout plan has several inaccuracies. Namely, it does not show our breakfast room on no. 126 which extends another 1m closer to the proposed development. It does not show the extensions on no. 128 that the planning officer refers to in her report. This is important because of the ground floor windows proposed in the two storey dwelling. The position and size of the fitness studio building shows only one third of its current size and being away from the fence, which it is not. Further, the boundary outline shows an incorrect frontage to 126A to the road.

Agenda item 6, page 14; Planning history-relevant Under the relevant planning application, the planning officer does not list ARDC/TP/69/49A which is the application for the building of the bungalow in the first instance. We have drawn the planning officer's attention to this application which was approved, subject to conditions in January 1970. The planning history is a material consideration and this decision is relevant to the considerations of this application. I believe the angle and direction of pitch of the existing bungalows roof is significant in respect to both amenity and outlook.

In addition, the fitness studio building is referred to as 126B. I would like to state that the plot of land that was once all one plot, now houses 126 Ladymead House (our home), 126 Ladymead Cottage (ie Sealawn Cattery) 126A the bungalow and 126B the studio!!!

Agenda item 6, page 17 - Background & Policy The four objection letters referred to by the planning officer written from our household, have referred to planning guidelines in particular DS1, intensification of small sites, page 24 (see appendix 1.1) Also DS4 – 4.05 and 5.01 and a subsequent email referring to the design in Bedfordshire section 5 and section 5.02 referring to 'achieving privacy through design'. These documents are not listed or identified in the report or indeed in the 'background policy' section of the agenda and yet are very relevant as they protect our amenity and outlook, particularly 5.02.03 which states "where housing is proposed as part of infill development, to avoid overlooking for existing housing, a minimum of 22m (rear to rear) or 13.7m (rear to flank) must be applied." See appendix 2.

Agenda item 6, page 17 : Size, siting and design. Paragraph 1 – the width of the plot at the road is 10.8m. The proposed 9.7m house fills nearly all of the width, not just 'much' of the width as stated in the report.

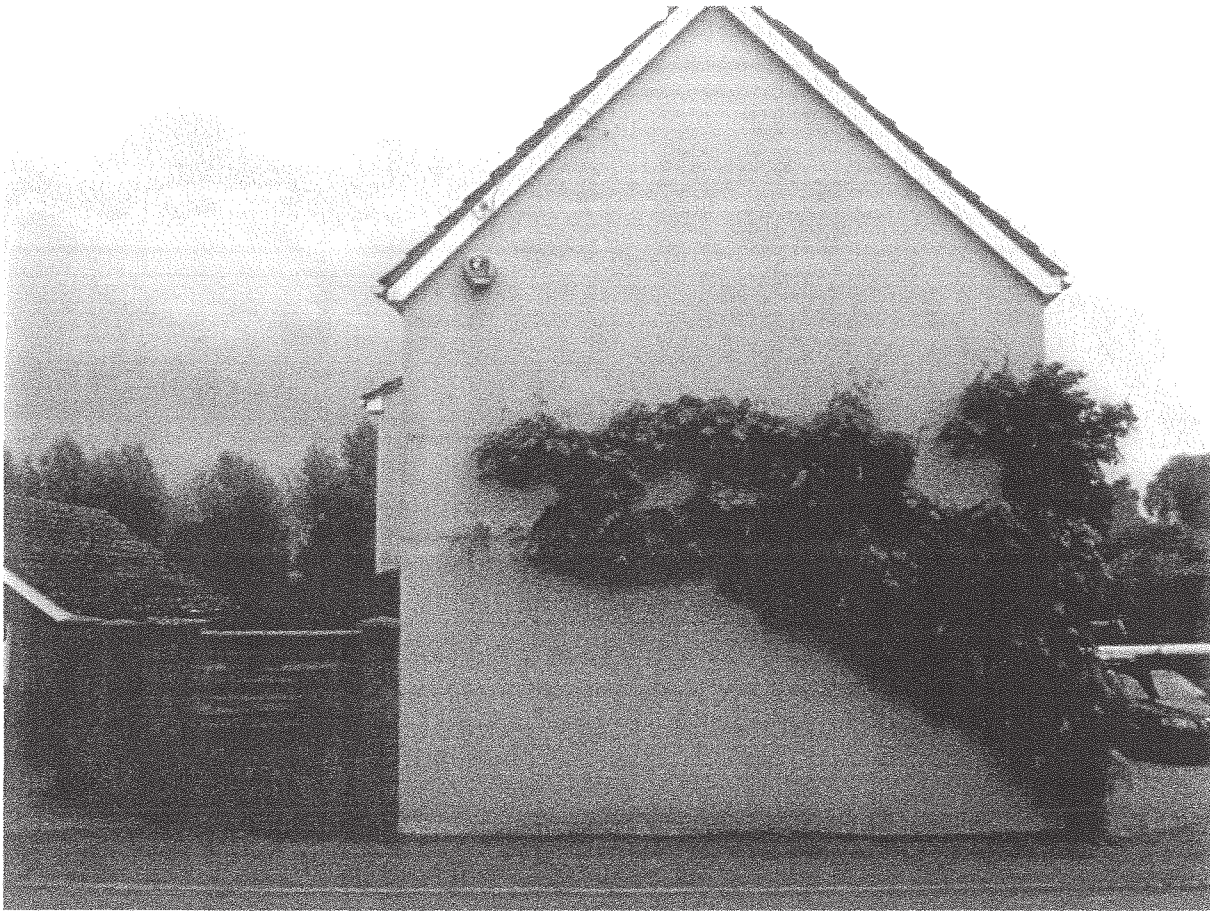
Paragraph 2 states the main depth of the proposed house is 13m. I wish to clarify that it is in fact 14.3m from the front of bedroom 1 to the rear of the lounge dining room.

Paragraph 3 – this suggests that the 9.7m wide house will have 1.1m and 1.2m either side of it, making a total width of 12m. Given that the plot width on the front line is only 11.477m wide as measured with a laser, this maths does not add up. These kinds of discrepancies are unacceptable, because of the consequence on our amenity. We also pointed

out to the planning department that the planning application states 600sq. m as the plot size, where it is in fact 513sq. m which is a 17% error.

Also in paragraph 3, I wish to dispute the 3.5m mentioned between our utility and kitchen windows and the proposed wall that faces it, which incorporates their kitchen window and kitchen door, as it is closer to 3m when you take into account the above paragraph and the fact that our breakfast room is still not shown on the site plan with which you have been provided. This means our home is 800mm closer to the boundary. Our breakfast room is 1m from the boundary fence, and NOT 1.9m. It is important that the dimensions are correct, due to the assessment that then needs to be undertaken.

Paragraph 4 – In this paragraph and in subsequent paragraphs, the planning officer refers to the ‘rear’ of our house as being the ‘side’ of our house. This clearly demonstrates a lack of consideration for the orientation of our home. It is NOT the side of our home which will face the proposed house, but the REAR of our home. This elevation contains 5 windows and a fully glazed door. The opposite elevation of our home, ie the FRONT contains 7 windows and a front door with side glazing. Please note photo below which shows the END/SIDE elevation of our home, as seen from the road and containing no windows. This is a fundamental misunderstanding and compromised the report.



this. They have 4 window openings facing forwards, backwards and towards number 128 High St, whilst they have 5 windows and a glazed door, facing 126.

shrubs and lawn, and contributes to an attractive street scene. The proposal suggests complete block paving and widening the driveway to the full width of the plot. This is not an advantage. The ‘Design in Central Bedfordshire’

this occurs sufficient planting should be provided to help soften the impact cars may have on the streetscape”.

inaccurate measurements and the fact that the planning officer is overlooking the orientation of the ‘end on’ to the road construction of our property, and that the planned development is an extension to the bungalow which in 1970,

Clearly, if this was your back garden, you would not feel happy for someone to build a 2 storey house gable end on, 8.1m high, 3m from your back wall, which is what is being proposed here.

Also in both 128 and 126 the floor levels reduce as you travel away from the road in No. 126 by 800mm on the ground floor (4 steps) and by 1000mm on the 1st floor (5 steps) something that does not happen in the proposed building leaving it over bearing by as much as 1m on floor levels. Also as you travel further away from the road to the studio another 3 steps and a sloping garden lead to an increase in height variation by a further 1m, this fact leaves the bungalow eaves only slightly lower than the studio ridge a fact that has been overlooked in the planning officer's studio comments later in this section, and would leave the proposed house with a 2m bias on the studio and up to 1m on the houses. We feel that the 51m Datum does not indicate the likely finished floor level within the proposed dwelling and related to the surrounding property finished floor levels.

Section 3. Page 18, paragraph 2 – Once again, the planning officer refers to the 'rear' of our home as the 'side' which is an unacceptable misrepresentation of the orientation of our house. I also dispute the siting of the proposed house to the two windows mentioned – it is NOT sited just to the rear of two windows and does in fact completely cover the kitchen window which is 2.1m **behind** the building line. In addition, it comes to within 0.5m of our breakfast room to the South East, clearly a fact which will without question cause a huge loss of outlook and light into these windows. The overlooking issue from the three tall lounge windows of the proposed house, are into our lounge area via our patio doors and not into our obscured windows as mentioned. The fence is already 1.8m tall and having stepped 'up' into our house, we can from our lounge windows and from our kitchen windows, clearly see over this height into the existing garage window, which is positioned as per the proposed lounge windows. We would like to point out that the fence belongs to number 126 and we weren't aware that the proposed development included modifying our fence, which seems to be missing the point somewhat.

Paragraph 3 – We note the proposal offers obscured glass to bedroom 4 to half height. Are they also to insist that no one above 5ft tall lives in the house?


Paragraph 4 – There is likely to be 10m and not 11m between our daughter's bedroom on the East elevation and the landing window of the proposed development. We note from the Design in Central Bedfordshire, achieving privacy through design document, 5.02.03.....13.7m rear to flank or 22m rear to rear 'must' be applied.

Page 19, paragraph 4 – This paragraph totally ignores the 'personal' training nature of the business – it is NOT a fitness centre. It is a personal training facility which involves the training of people who prefer not to go to big gyms and be overlooked. It also involves rehabilitation sessions with stroke victims, cerebral palsy and heart condition patients all of whom have had sessions within this environment. These are clients who are particularly sensitive to being overlooked. Many of the sessions involve lying on the floor which completely alters the view outwards and inwards from surrounding windows. All of this appears to have been overlooked in this paragraph.

Page 20, paragraph 1 - The planning officer has summarised that loss of amenity is not sufficient as to sustain a refusal. Since there will be a massive loss of outlook, amenity and light to us, we disagree with this statement. The proposed house is a bigger one than our own on a considerably smaller plot and due to our orientation there is no conceivable way that our amenity and outlook will be unaffected.

The current bungalow is single storey, 7m away from our rear elevation and has a roof that slopes away from us thus maximising light, outlook and amenity. The proposal is 3m away from our property, 8.1m high at the ridge and overlaps 3 of the 6 openings, shadowing 2 further ones and also overlooks 1 bedroom at an oblique angle. We don't understand how this won't be oppressive to us.

Yours sincerely

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5.00 Residential Development

5.01 Introduction

5.01.01 This Supplement addresses aspects of design with respect to individual houses, groups of houses in a street, and the environment immediately around the house, most notably private front and rear gardens.

5.01.02 Guidance on these aspects of a development are considered important as together, individual houses and the private space immediately around them contribute significantly to the quality and character of the overall new development.

5.01.03 It is essential also to consult the main Design Guide Supplement on Placemaking Principles which outlines the suggested approach to analysing a site and its surroundings and forming an understanding of the overall character of a new development, and provides guidance on the overall layout of the development.

5.01.04 Once the strategic guidance within the Main Supplement has been considered and applied, the more detailed guidance within this supplement, pertaining to individual homes and the private space around it, becomes important to factor into the preparation of planning applications and reserved matters. Together, the application of the guidance in the Main Supplement and this Residential Supplement (as well as the other supplements) will ensure sustainable, high quality developments are delivered



Fig 01 Good street-making: subtly different houses with clearly defined and well overlooked frontages. (Amphihill)

5.01.05 This supplement therefore focuses on the provision of practical advice and guidance that will contribute to the creation of high quality developments insofar as the design of housing and the private spaces around them is concerned, with respect to:

- Achieving Privacy through Design
- Community Safety
- Space Standards and Storage (including garages)
- Bin Storage and Collection
- Gardens and Private Amenity Space
- Frontage Conditions/Setbacks
- Boundary Treatments
- Housetype Design
- Architectural Style and Elevational Design
- Incorporation of Renewable Energy
- Internal Layout for Passive Solar Capture
- Infills and Backland Development

5.02 Achieving Privacy through Design

5.01.06

This supplement should be seen as an agenda for developers and designers and it should be addressed at pre-application meetings with planning officers.

5.02.01

The achievement of absolute visual privacy is usually not possible and is not necessarily desirable, as it would reduce social contact and could lead to a feeling of insecurity, having no passive surveillance of the public realm or one's neighbour's property. In conventional suburban environments, a 'rule of thumb' of approximately 21 metres distance between the rear of one 2 storey property and the rear of another facing it (at first floor level in both instances), is an acceptable norm.

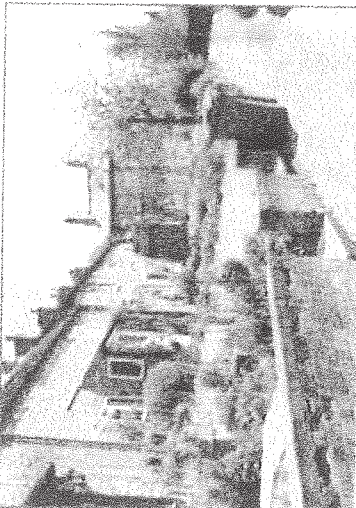


Fig 02 Learning from local precedent: attractive grouping of cottages (Tabworth)

5.02.04

'2.5' storey and above heights would require an increase in distance if this basic standard was applied.



Fig 03 Achieving privacy and defensible space in higher density housing (Linslade)

5.02.02

Side and rear boundary treatment should be at least 1.8m in height which will supplement this basic level of privacy.

5.02.03

Where housing is proposed as part of infill development, to avoid overlooking for existing housing, a minimum of 2.2m (rear-to-rear) or 13.7m (rear-to-flank) must be applied.

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