

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



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

25 April 2017

Dear Councillor

DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 26 April 2017

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

12. Late Sheet

To note representations as detailed in the late sheet to be circulated on 25 April 2017.

Should you have any queries regarding the above please contact Helen Bell, Committee Services Officer on: 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 – 26 APRIL 2017

Item 06 (Pages 15-34) – CB/17/00106/OUT – Oakridge, 13 Orchard Close, Upper Gravenhurst, Bedford, MK45 4JF.

Additional Consultation/Publicity Responses

Gravenhurst Parish Council has written to reinforce its previous objection to the application.

Six further letters of objection have been received, which raise the following issues:

- Concern of extra traffic and lorries
- The access to the road is dangerous
- Two storey development would reduce views over Shillington
- There is insufficient infrastructure in the village
- There would be traffic associated with the development
- The plans appear to be incorrect insofar as they relate to the boundary between No's9 and 11
- Existing residents should still be able to reverse their cars on to their drives
- There are water meters in the highway
- The highways situation for existing users of orchard Close would be problematic
- The development would not respect the character of the area
- This scheme should be bungalows
- There should be a flood risk assessment
- What would happen to the remaining land?
- There would be a loss of trees
- Children could be put at risk
- The development would not constitute limited infill
- The application lacks detail

Additional Comments

The first three words under the title 'Reason for Recommendation' on the first page of the report should read: 'the built development'.

References to two garage sizes in the Highways Officers comments refer to single and double garages.

Additional/Amended Conditions

- Bullet point 2 of condition 4 should continue '...or single storey dwellings with accommodation in the roof space'

Item 07 (Pages 35-56) – CB/17/00478/FULL – The Sugar Loaf, 25 High Street, Meppershall, Shefford, SG17 5LX.

Additional Consultation/Publicity Responses

Neighbours:

Further objections received from the following:

- 38 Orchard Close (x2)
- 58 High Street
- 10 Taylors Close
- Meppershall Church of England School
- Meppershall Pre-School
- 37 Monks Park, Wembley
- Additional Petition of 61 signatures

On the following grounds (in summary):

- Significant large extension would have impact on existing retail facilities in village
- In appropriate design (significant glazing and adverts)
- ATM and retail facilities exist and no further required
- Antisocial behaviour and noise as a result of the ATM and plant on store
- Highway safety and Traffic concerns
- Pedestrian safety and concerns over school pupils walking to school
- Loss of the only public house and Asset of Community Value (Contrary to Policy DM8)
- Save the Sugar Loaf have submitted viable business plans as alternative

In terms of the additional neighbour representations, these matters have been addressed previously in the officers report, where material.

Additional Comments

An additional marketing update was requested for the period since the last application submission which has been supplied for consideration which included the details of its marketing strategy for a targeted approach, marketing and mailing lists through Savills. 5 interests were made on the property but not in relation to its retention as a public house. In addition, the viability report was updated accordingly whereby the conclusion remains that the public house is unviable as a result of recessionary trends for wet led public houses and the lack of food on offer. In addition the update of the facilities and any associated extension requirements to allow the opportunity to provide food facilities would require substantial investment without confidence in its success.

Additional/Amended Conditions

None.

Item 08 (Pages 57-74) – CB/17/00293/FULL – Land at 118B High Street, Clophill, Bedford, MK45 4BJ.

Additional Consultation/Publicity Responses

1. Letter received from no. 114 raising the following comments:
 - The development should now be refused as the Council has a current 5 year land supply
 - If not refused, reduced the number of dwellings four so that they are all within the settlement envelope?
 - Limit the height to 1½ storey as per the existing dwelling;
 - If allowed as proposed, will lead to encroachment into the existing countryside;
 - If the application is approved, then consideration should be given to widening the PROW path adjoining the site to provide better access to the lakes and castle mounds;
2. Supporting documentation received for planning objection from no. 114b High Street; this is attached as Appendix 1.

Additional/Amended Comments

Insert 'Reason for Recommendation' at the beginning of the report.

The proposed development would conflict with Policy DM4 because part of the site is outside of the Clophill Settlement Envelope, within the open countryside. However, as the Council can demonstrate a 5 year land supply, appropriate weight can be attributed to Policy DM4. However assessed against the three strands of sustainable development described in the National Planning Policy Framework, the scheme would be a sustainable form of development.

Five Year Land Supply

The officer's report should be updated as follows following the Council's recent 'Five Year Land Supply Statement' release (see below)

Amend paragraph 1.2 to read:

In line with the core principles contained within the National Planning Policy Framework (NPPF), there is a requirement for planning authorities to '*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.*' Paragraph 49 states, '*Housing applications should be considered in the context of the presumption in favour of sustainable development*'.

Amend paragraph 1.3 to read:

As of April 2017, the Council's position on the 5 year land supply has changed and we can now demonstrate a 5.88 years supply of deliverable housing. As such, the Council has realigned the weight it is able to give to policies relating to the supply of housing (including settlement envelopes).

Additional/Amended Conditions

None.

Item 09 (Pages 75-82) – CB/17/01397/FULL – 25 Dunstable Road, Houghton Regis, Dunstable, LU5 5DB.

Additional Consultation/Publicity Responses

Houghton Regis Town Council – Comments: Object. Members did not feel that the changes made to the plans would resolve the light issue to the neighbour's property, which was why the previous application was refused by CBC.

23 Dunstable Road, Houghton Regis –

'All the same objections as stated in the last two rejected applications for this property. I have been informed these plans have now been given government approval. This, in my opinion, has been granted by deception. Mainly: - Distances between neighbouring properties is incorrect. No mention in the plans regarding the removal or modification of the shared chimney. Photographs are misleading. Right to light law infringement of neighbouring properties not mentioned. Objections to plans not mentioned. There are many more misleading remarks in the plan schedule. I have been advised by my solicitor that IF these plans were approved they could immediately issue high court injunction (article 4 planning derivative) to have the building works stopped (or pulled-down if ignored) along the boarder of 23 & 25 Dunstable Road, because the Right to Light Law (which has been proven my property is covered by) would be broken. I am also in the process of having a restraining order served on the owners of 25 Dunstable Road by my solicitors because of the continuous damage caused to my property and, because of the owners aggressive and intimidating behaviour recently. This will prevent the owners or anyone associated with them from entering or damaging my property. Please note, I have requested the local Ward Councillor have this application referred to a committee for a final decision.'

Additional Comments

The neighbour's comments have been noted and addressed within the report. It should be noted that the part of the proposal that the neighbour has objected to has been granted a Certificate of Lawfulness following the two refusals. The comments relating to 'Right to Light' and Party Wall Act are outside of the planning remit. For clarity, behavioural issues between the applicant and the neighbour are considered civil matters and not material planning considerations. As is any subsequent damage which may or may not be caused between the two properties.

Additional/Amended Conditions

None.

Item 10 (Pages 83-98) – CB/17/01030/REG3 – Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ.

Additional Consultation/Publicity Responses

Campton and Chicksands Parish Council has issued the following response:

Campton and Chicksands Parish council have considered the above application and have no objection although they do request that the minimal number of trees and hedges are removed in the process. They are also interested to know whether the Council run a car share scheme and whether they would consider subsidising some bus routes to Priory House?

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Planning document to support the planning objection

From Gordon Layne

114 B High Street Clophill

Planning Application CB/17/00293/FULL

Please find further correspondence to be considered by the Development Management Committee on the 26th April 2017. Whilst approval of some development of this plot is expected, due to the current situation of the Local authority not having an approved local plan in place, the current proposal does need to be commented on further and I would like it to be considered at the meeting.

For the purpose of any objections I have used the Planning Policy Statements and Supplementary Planning Guidance which I am aware is used for extensions and not for new planning applications. This I have used as the closest advice available in the absence of a local plan for “new build” allowing new development, such as that proposed for 118B. There should be no discrimination between a new build or extensions on the aspects identified in this document for such areas as light, dominance etc.

I am aware that many of the areas of guidance are used in a subjective manner in the determination of cases. However, regarding “maintaining the same level of light” I have provided an objective assessment of the impact on 118 High Street that should lead to at least a revision to the plans currently proposed.

In order to assist I will put my comments in the relevant planning issues section.

1. Suitability of the site

The site is suitable for a development although any site to the south of the High Street would also fit into the same category. The local plan should control what is suitable but as we are all aware we are working without this. I would suggest that the proximity of Plot 3 and 4 to the River Flit should be a concern. These are sited beyond the village boundary, the line of which I understand was chosen with potential to flooding in mind. The proximity of plot 4 and possibly plot 5 to the drainage ditch to the west of the development will be an issue when heavy rain is on the High Street. These incidents occur about once every 6 years in my experience but it would only need to occur once to expose both plots to higher risk of flooding.

2. The design of the proposed

(i) General Comments and impact to the village

There is no doubt the quality of the housing and green credentials are excellent. However 6 4/5 bedroomed houses is excessive for the size of the plot, and to meet this number the design spreads the buildings to the extremities of the space available. This linked with the height of the properties means that when viewed from the High Street some of the buildings overpower current properties. Plot 6 in particular will clearly be visible above the ridges of 116 and 118 both of which are historic properties and contribute to the qualification of Clophill being a “Scenic Route” as signposted from both the A507 and the A6. Whilst this one development will not remove this designation, if we add this to the property recently passed for approval behind the thatched cottage at number 97 then I would offer it has a negative impact which may in future remove such a designation.

(ii) Location of Plot 1

The developers have clearly stated that the location of Plot 1 has been chosen to mirror the view from the road of the current property being demolished to gain access. But at the same time it also allows the space to be maximised to allow the 6 properties in the space. When looking at plot 1 we need to compare advantages and disadvantages of its current position and I would suggest the aesthetic benefit is small . I would suggest that the curve caused by the location of plot 6 will be a road traffic hazard being so close to the High Street and outweighs the developers suggested benefit.

(iii) Shortage of parking spaces

Looking at the national **guidelines** <https://www.planningni.gov.uk/downloads/creating-places.pdf>

The formula for the number of parking places to be provisioned is 24 where the site has currently only indicated 22. A further 2 spaces will be required on the road without affecting the turning point on the south of the development or impacting the curve formed by the location of Plot 1.

Plot Number	Number of Bedrooms	Number of in-curtilage parking provided	Number of parking places per dwelling
1	4	3	3.75
2	4	3	3.75
3	5	4	4.5
4	4	3	3.75
5	4	3	3.75
6	4	4	4.5
	Total Number of in-curtilage places	20	
	Total Number of on road parking places	2	
	Total Allocated	22	
	Total Required		24

- (iv) No footpath on the site.

There is no footpath available on the site in order to maximise the roadage and maximise the plot. This may also have a health and safety impact.

- (v) Original plan submitted

Whilst outside the purpose of the meeting the original design presented to Central Beds in September 2016 would be much more in keeping with the plot and would also remove a lot of the objections.

3. Loss of Light and overshadowing.

- (i) Loss of Light

The planning guidelines clearly state the following – I have highlighted the particular areas that I consider should be taken into consideration.

“A32 Sunlight and daylight are valued elements in a good quality living environment. Effective daylighting can reduce the need for electric lighting, while sunlight can contribute towards meeting some of the heating requirements of our homes through passive solar heating. **In designing a new extension or alteration to a residential property care should be taken to safeguard access to sunlight and daylight currently enjoyed by adjoining residential properties.**

A33 Where an extension is poorly sited or badly designed it can cast a shadow that may reduce a neighbour’s daylight and adversely affect their amenity to an unacceptable level. **It is important, therefore, that every effort should be made to avoid or minimise the potential for overshadowing to a neighbour when drawing up plans for an extension.** Overshadowing to a garden area on its own will rarely constitute sufficient grounds to justify a refusal of permission.

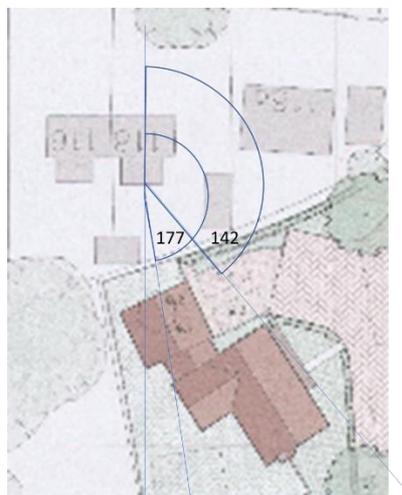
A34 In terms of daylighting, the effect on all rooms, apart from halls, landings, bathrooms and utility rooms will be considered. Where an extension would be likely to reduce the amount of light entering the window of a room, other than those indicated above, to an unreasonable degree, planning permission is likely to be refused.

A35 Significant problems of sunlight or daylight loss are most likely to occur in terraced or semi-detached housing situations and it is here that most care needs to be taken. An extension should be kept as far as possible from neighbouring windows and boundaries to minimise impact.

A36 To help assess the loss of light as a result of a proposed development to the front or rear of a residential property, the 60 degree and 45 degree lines, as shown in Figure 1 for single storey and two storey extensions respectively, will be employed. These lines will be taken from the centre of the closest neighbouring window. It should be noted that where the closest window is located at first floor level it may be more appropriate to consider this against the 60 degree line. The elevations and outline plans of adjoining properties should be shown on drawings, accurately scaled (in metric measurement) to allow proper consideration of this matter.

A37 The guidance in Figure 1 is not however a rigid standard which must be met in every case. Rather it is an assessment tool which will be used in conjunction with other relevant factors in order to gauge the acceptability of proposals in terms of the overshadowing / loss of light impact upon neighbouring properties. “

These are major issues caused by the site particularly from the proximity of Plot 6 on 114B / 116 and 118 High Street . Although Plot 5 will also have an impact on 114B. The guidance indicates a general rule but I have replaced this with a precise assessment of the impact on the building with the largest issue with regards loss of light ,118 High Street. I have presented the **BEST CASE** situation for 118 for your review. I have included the working and assumptions as an appendix 1. The highlights I have included below.



(a) Light into the windows

- a. For 2 Months per year (26th November to 20th January) there will be **no direct sunlight** into the window of 118 until 11.00.
- b. For 50% of these days daylight will not be available until 11.30
- c. For two days light will not be available until 11:50

Considering that during this time the sun sets between 3.30 and 4.30 in the afternoon the light is effectively reduced by 40 or 50% these days.

(b) Light in the garden at the base of the wall of the premises

- a. There will no light available in the garden until 11.30 between 12th November and 30th January.

(c) Assuming that we have sun 1/2 way down the garden the use of the garden for drying washing etc will only be available after the following times.

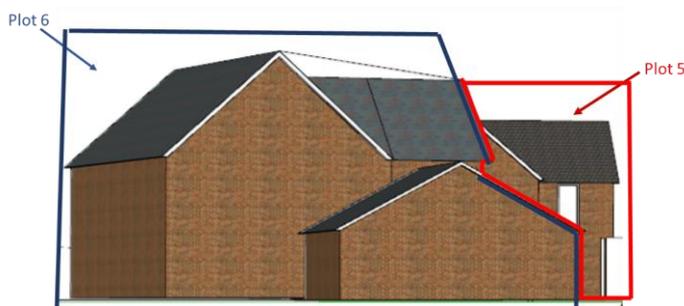
- a. 10.00 am – Between October 18th and 3rd March
- b. 09:30 am – Between October 10th and 10th March.

If you also wish to consider the window in the rear of the garage at 118 then there are days during the year where there is no light entering the premises.

(ii) Impact of “Dominance”

“Dominance is the extent to which a new development adversely impinges on the immediate aspect or outlook from an adjoining property. Neighbouring occupiers should not be adversely affected by a sense of being ‘hemmed in’ by an extension. This can often result from the construction of a large blank wall. Dominance can be increased when the neighbouring property is at a lower ground level to the development site.”

The design of the site adds additional ‘hemmed in’ feeling on 118 High Street as the arrangement of the buildings mean that the rear of the property is now faced by the gable end or basic brick walls of both plot 5 and plot 6. I have included a representation below



(iii) Overshadowing of 114B Property

With regards to an overshadowing then the proximity of Plot 5 and 6 to 114B High Street is recorded in the original information but I understand this may not be available to the committee so I have included this in appendix 2. This overshadowing will impact the enjoyment of the main garden and any sunny aspect in the spring (April) will only be available after 9.00.

(iv) Developers comments

It is interesting the documentation supporting the application notes they have purposefully included the garage as a separator between the accommodation on Plot 6 and 118 to reduce the dominance and possibly assist with the light. However, by then positioning the main ridge of the house at approximately 140 degrees they have done precisely the opposite. There is greater dominance on 118 and still no light caused by the angle. Meanwhile the angle has allowed the size of the rear garden on Plot 6 to meet with the regulations and conveniently also allows the same light that has been denied from 118 High Street.

4. Highway and Safety Issues

(i) Current High Street issues compounded by the development

The access to the High Street will without doubt increase volume of traffic at peak times two areas should be directly considered.

- The proximity to Townshott will increase the risk of accidents
- On leaving the site the visibility to the east will be impacted when vehicles, as permitted, are parked outside of 120 High Street thus causing a danger.

(ii) Road entry into the new estate

The major concern however relates to the location of Plot 1 coupled with no footpath on the plot. The plan provided indicates traffic will be parked away from the entrance of the site. This is a best case situation and will not be the defacto parking provision by the occupants and visitors to the site. Additionally since, indicated in section 2, the on road parking is only 50% of that required (2 parking spots allocated whereas there should be 4). Some on road parking needs to be allocated elsewhere on the estate and since the parking for plot 1 the norm would be for one car to be in close proximity of the building.

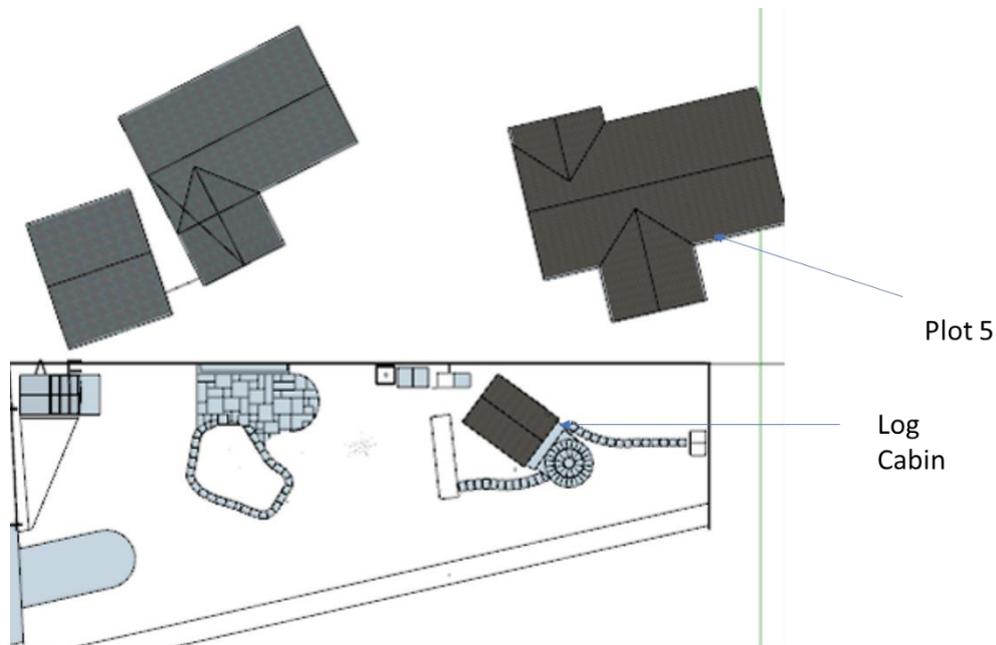
Vehicles will park between Plot 1 and the High Street and this will affect the view of any one entering the site particularly if parked on the bend brought about by Plot 1s position.

I would also offer up that the entrance will be used by parents on the school run, where unlike High Street / Townshott they will be unable to discharge children onto the pavement.

5. Effect on Residential Amenity

- (i) Impact to the general amenity established over the last 15 years.

The proximity of Plot 5 and 6 to 114B will have a massive impact to our residential amenity developed since moving to the site in 2001. Early morning is particular important, where I rise early and work either directly on the garden or work on my computer within the log cabin where I can be conversing with Indian personnel as my responsibilities in the company pension fund.



The new buildings will reduce any activity in the garden before possibly 8.00 or even 9.00 in the morning a time that is more comfortable to work.

- (ii) Overlooking of gardens

The Planning guidelines clearly state

“Overlooking of gardens may be unacceptable where it would result in an intrusive, direct and uninterrupted view from a main room, to the most private area of the garden, which is often the main sitting out area adjacent to the property, of your neighbours’ house. As a general rule of thumb this area is the first 3-4 metres of a rear garden, closest to the residential property. “

In the case of 114B the historical location for the main sitting areas is directly in front of Plot 5 and Plot 6, because of the availability of the sun adjacent to the house. Both plots have a Juliet Balconies in the current plan which indicates that the window would not simply be used to illuminate the properties but also as a sitting or standing area, this would directly impact the privacy of the residents of 114B

6. Noise Disturbance of and Odour Problems

(i) Noise Disturbance

The planning guidelines clearly state.

“A38 Residential areas can be sensitive to noise and general disturbance, particularly in the late evening when there is an expectation that surrounding background noise will remain low. An extension or alteration such as a balcony, roof-terrace or high level decking can all increase the level of noise and general disturbance experienced by residents of adjacent properties and will be subject to particular scrutiny.”

The adjacency of Plot 5 and 6 to the main area of amenity of 114B is highlighted in section 5, but the problem of the dominance, loss of amenity caused by these plots is clearly further compounded by noise issues which is directly associated with balconies.

7. Planning Policy and government guidance

I am aware that if a local plan was in place then there would be sufficient local rules in place that would allow such applications to be vetted in a more rigorous fashion. But in the absence of such a plan current applications are assessed on much looser guidelines issued by central government. I will not comment further on this. However, any decisions made with regards to this site may lead to precedent being set that could cause issues once the plan has been agreed.

I have therefore not included planning policy.

End of Main Document

Appendix 1

Derivation of Light Calculation.

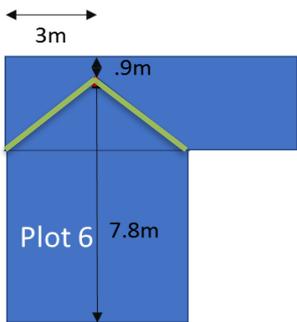
In section 3 the reduction in light incident on existing buildings was discussed. Whilst there is a general guidelines in existence I have made a detailed study of the light based on the plans provided below I have sketched out the general method.

Plot 6 on 118 High Street.

Statement –

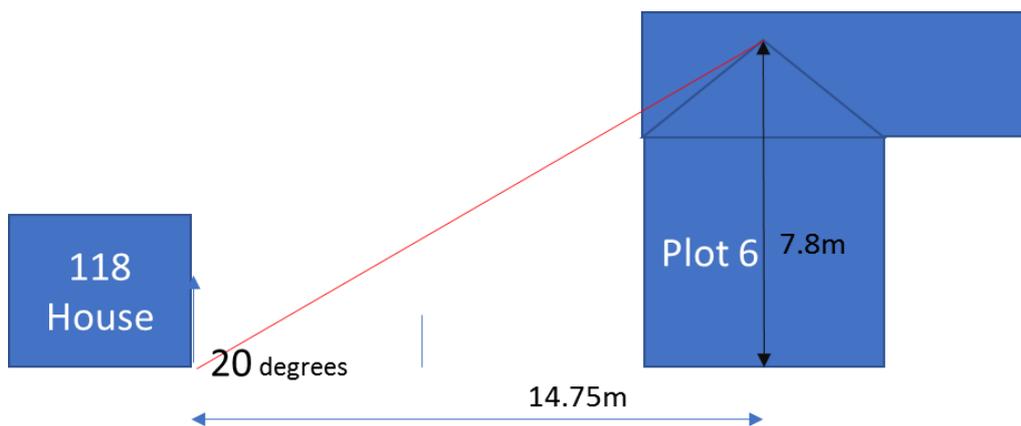
1. 118 High Street is adjacent and virtually to the North of Plot 6.
2. From the plans submitted to support the development the following dimensions have been estimated. Please note to ensure the best case and not the worst case the dimensions have been takes from the secondary ridge identified in Red and not the maid ridge, which is circa 80cm below the main ridge and 3 metre further South.



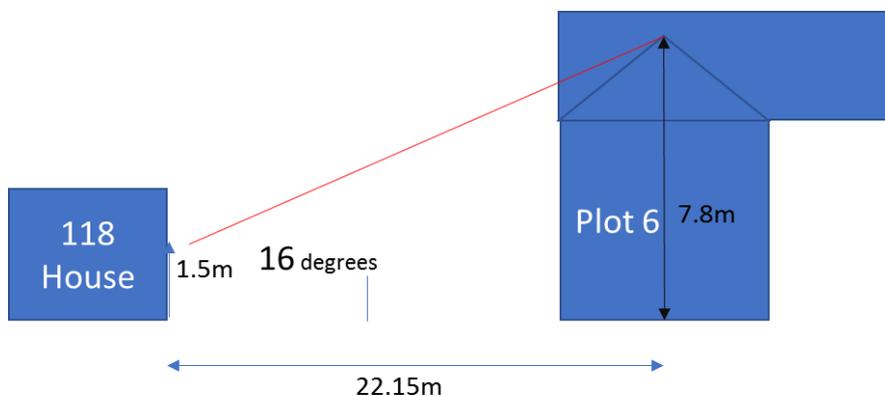


3. From these the following angles have been calculated.

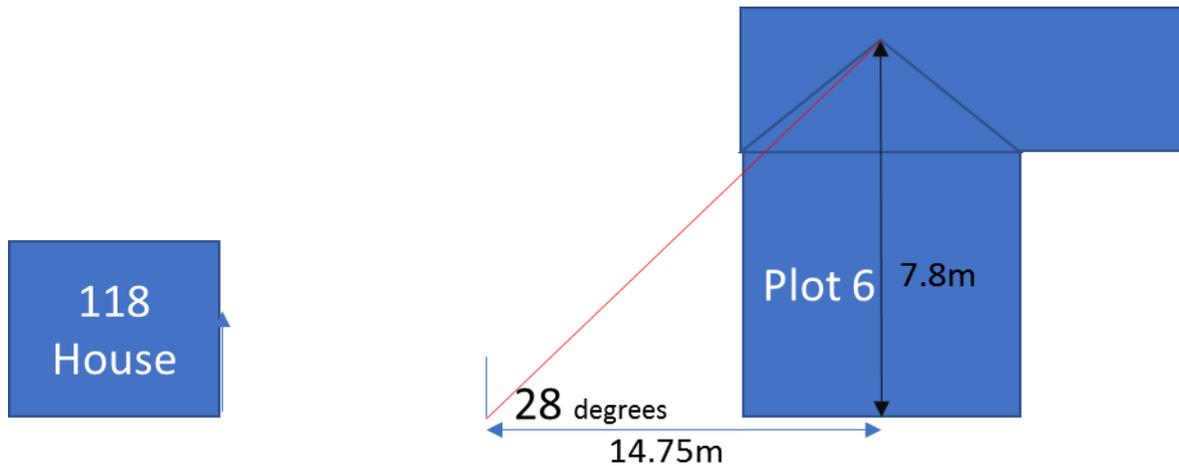
(a) Base of the wall to the main premises



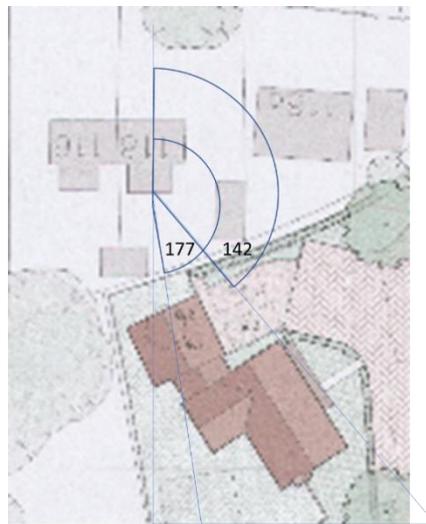
(b) Window height 1.5 metres above (a)



(c) Fence Boundary.



4. From the diagram the best case angle is between 142 from Due North and 177 from Due North.



5. Taking calculations from the <http://susdesign.com/sunangle/> using co-ordinates

The Latitude, Longitude of MK54BJ is: **52.0242848,-0.7766406000000643** following was derived.

(a) Light into the windows

- a. For 2 Months per year (26th November to 20th January) there will be no light into the window of 118 until 11.00.
- b. For 50% of these days light will not be available until 11.30
- c. For two days light will not be available until 11:50

(b) Light at in the garden at the base of the wall of the premises

- a. There will no light available in the garden until 11.30 between 12th November and 30th January.
- (c) Assuming that we have sun 1/2 way down the garden the use of the garden for drying washing etc will only be available after the following times.
- a. 10.00 am – October 18th and 3rd March
 - b. 09:30 am – October 10th and 10th March.

Appendix 2

The following diagrams were added to the original submission and support the case of overshadowing , noise , and dominance of Plots 5 and 6 to the main garden amenity of 114 High Street.

The following projections use the existing plan of the garden of 114B High Street, with plot 5 and 6 buildings superimposed. The scale has been derived from the plans provided within the application. We have only presented the hard landscaping within the garden for simplicity but the overall planting is available on request.

Diagram 1 and 2 shows the dominance to Plots 5 and 6 to our garden, log cabin is utilised as an office often used in the early morning.

Diagram 3 and 4 shows the sight line from the upper windows at a height of 1.5 Metres indicating little privacy whilst in the garden. The person in the back ground is 1.8 metre in height. The Southern fence has been removed to assist with the presentation purposes,

Diagram 1



Diagram 2



Diagram 3



Diagram 4

