

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE 26/08/2009

Planning Enforcement Cases

Please see attached Pages 1- 4 of the planning enforcement formal action spreadsheet, pages 3 & 4 were omitted from the agenda.

SCHEDULE B

Item 10 (Page17-38) –MB/07/01987/ARM– Silsoe College Farm and land at West End Road, Silsoe

Additional Consultation/Publicity Responses

Comments have been received from the highways officer in respect of the latest revised plans. He is of the view that the application is now acceptable as long as conditions are attached to any consent to cover such matters as short stay cycle parking, shared surfaces and the type and style of accesses leading to a few of the plots. (These conditions are to be advised to the Planning Committee). Other matters are to be dealt with under the Section 38 process by the highways section following any grant of planning permission. This will include matters such as the position of services and lighting in the service strips.

The highways officer is also advising that the Emergency access will need to be managed by a Traffic Regulation Order. Also, in view of the need to control parking on the highway the developer will need to be willing to implement a Traffic Regulation Order restricting the parking of vehicles on the highway as part of a section 38 agreement.

Additional Comments

Letter, e. mail and further revised plans received from the applicant dated: 7/08/2009 and 25/08/2009

Revised plans and an accompanying letter have been received from the applicant. These large scale plans show the minor consequential changes which have had to be made to accord with the changes made to the overall site layout as shown on drawing number 15851/2000/L. These drawings include ones relating to landscaping. Comments on these plans from the tree officer are to be reported to the Committee, Levels Drawings have also been submitted – these are read in conjunction with the previously submitted cross section drawings. These are acceptable to officers.

Drawings in respect of external works (driveways, parking areas, patios etc..) and plans of road construction details as well as ones showing details of the emergency access (with added signage to it) have also been submitted and any comments received from the highways office regarding these are to be reported to the Committee.

There is also an updated Conditions Position Statement and an updated Materials Schedule. Full details of materials are to be considered at a later stage by way of condition if this Reserved Matters is approved by the Development Management Committee. The applicant has confirmed in an e. mail dated 10/08/2009 that there will be a lot of commonality between Phase 1 and Phase 2 materials.

The applicant refers to the fact that the density of development being proposed in this phase is 30.45 dph and the outline permission stated that the density should be a minimum of 30 dph. He also states that Affordable housing is a legal requirement under the s106 agreement. The agreement has already set the 28% figure.

Additional/Amended conditions and description of development

Condition 2 is recommended to be removed since the details of the stone wall around plots 48 – 50 are shown on the submitted plans as part of this application and condition 20 of the outline planning permission ref: 03/01148 covers the enclosures around the Super Lap and the LEAP. Details in respect of these matters will thus be dealt with by officers at a later stage under condition submission.

The description of development is to be reworded so that it excludes reference to condition 9e of the outline planning permission ref; 03/01148/OUT.

9e refers to lighting to the development and this is to be dealt with separately as a condition discharge under the outline planning permission ref; 03/01148. Discussions are still taking place with the applicant regarding lighting.

Item 11 (Page 39-46) –MB/02/00242/OUT– Land south of Stotfold, Norton Road, Stotfold

Additional Consultation/Publicity Responses

There is nothing additional to report.

Additional Comments

There is nothing additional to report.

Additional/Amended Conditions

1. Removal of condition 8 and 10 due to other legislation covering issues within conditions.

2. Condition 7 to read:

All measures outlined in the approved July 2009 School Travel Plan that was submitted alongside the planning application shall be implemented in accordance with the timeframes outlined in the Travel Plan.

Within 6 months of occupation, the School Travel Plan should be reviewed and updated by the school and submitted to and approved by the Local Planning Authority. This shall include details of:

- Updated survey data
- Barriers to travelling sustainably to school
- Measures to provide information about walking, cycling and bus routes for all members of the school community and visitors
- Plans to provide all pupils with education about transport choices in the local environment as part of the curriculum
- Plans for annual monitoring, review and submission of the plan to the Local Planning Authority
- Measures to promote and support sustainable modes and reduce car use

There shall be an annual review of the Travel Plan (from the date of approval of the reviewed plan) to monitor progress in meeting the targets for reducing car journeys generated by the proposal and this shall be submitted to and approved by the Local Planning Authority.

Item 12 (Page47-56) –CB/09/00227/DC3 School Site, Land south of Stotfold, Norton Road, Stotfold

Additional Consultation/Publicity Responses

None

Additional Comments

None

Additional/Amended Conditions

None

Item 13(Page57-72) –CB/09/00907/FULL– Land at Hillfoot Farm, Hitchin Road, Shefford

Additional Consultation/Publicity Responses

N/A

Additional Comments

Additional comments from the applicant in a letter dated 19/08/2009 is response to the Shefford Town Councils comments received in respect of the application

The previous planning applications were for the replication of facilities historically available at the old STFC. This application is for what is actually needed in the town - following discussions with The Saints - and provides added value. The facility which is to be replaced/enhanced was a private facility utilised by STFC. It was not a public facility. As STFC no longer exists as a playing entity the guidance which has been historically forthcoming from Mid Beds DC is that the new facility could be occupied by Shefford Saints as this is the main club in the town.

Those running junior football in the town should have an idea as to whether the level of provision is acceptable or not. The Open Space Strategy has made it clear that the Saints have raised concerns over the lack of provision in the town.

It is accepted that the site is not flat but relatively flat and that course ground work will be needed and ground levelling in order to meet playing standards. One senior pitch or two junior pitches will be on the lower ground and the higher flatter portion will be for the other pitch.

The identity of the end user of the facility is not relevant to the planning merits of the application.

Additional/Amended Conditions

Item 14(Page73-88) –CB/09/05342/FULL– Flitwick Mill, Greenfield Road, Flitwick

Additional Consultation/Publicity Responses

English Heritage – Recommend application is refused. The proposal for conversion of the Mill to residential use would detract from the special architectural and historic interest of the listed building and harm the heritage values of the place and has not been justified.

SPAB – No response received

Natural England – No objection subject to imposition of condition

Environment Agency - No objection recommend advisory comments are attached.

IDB – Providing there is to be both no change to the existing storm water drainage arrangements and no increase in the impervious area of this site the Board will offer no objections to this development.

Highways – No response received

Additional Comments

An objection has been received from Flitwick and District Heritage Group. They believe there are many local volunteers to support running a mill at this site and that grant funding would be available to assist. They question the effectiveness of consultation on the application and suggest no decision should be made until the appeal against the previous refusal has been heard.

The agenda incorrectly records the site as being within the Ward of Flitwick West. This should read Flitwick East, and the relevant Ward Members should be recorded as Cllr James Jamieson and Cllr Andrew Turner.

Item 15(Page89-104) –CB/09/05343/LB–Flitwick Mill, Greenfield Road, Flitwick

Additional Consultation/Publicity Responses

English Heritage – Recommend application is refused. The proposal for conversion of the Mill to residential use would detract from the special architectural and historic interest of the listed building and harm the heritage values of the place and has not been justified.

SPAB – No response received

Additional Comments

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The agenda incorrectly records the site as being within the Ward of Flitwick West. This should read Flitwick East, and the relevant Ward Members should be recorded as Cllr James Jamieson and Cllr Andrew Turner.

Item 16(Page105-112) –CB/09/05421/FULL Centre Point, 2A High Street, Pulloxhill

Additional Consultation/Publicity Responses

Following revised consultation letters sent notifying residents and the Parish Council of the amended description to include the dormer window, the following comments have been received:

Pulloxhill Parish Council – Strongly object to application as the dwelling is too large for the plot at present and allowing further living space would be wrong.

Occupier of 3 Orchard Road – Re-iterates concerns already expressed in terms of loss of privacy and impact on the appearance of the property itself.

Additional Comments

N/A

Additional/Amended Conditions

N/A

Item 17(Page113-124) –CB/09/01015/FULL–1 Lincoln Way, Harlington

Additional Consultation/Publicity Responses

Additional information received from neighbour at 41 Church Road, Harlington. Please see attached to the end of the Late Sheet.

Additional Comments

An additional plan was received showing a street scene elevation.

A Unilateral Undertaking has not been signed and completed, however the Agent has confirmed by e-mail received 25 August that the payment for the legal and monitoring fees has been received by him and has been forwarded to the Council.

If members are minded to approve the application, it is requested members delegate the decision pending the receipt of a completed and agreed Unilateral Undertaking.

Mr Cooper of 39 Church Road, Harlington has sent in further details to the committee support his objection to the development. The information will be in the Members Despatch Bag on 25 August 2009.

The agenda does not include the Impact on neighbouring amenities under section 3 of Considerations. This should read:

The attached property at 3 Lincoln Way is not detrimentally affected by the single storey rear extension to the existing property as it is obscured from view by the existing flat roofed extension to the rear. It is not considered to be affected by the proposed dwelling.

The new dwelling will not have a detrimental impact on the existing dwelling at 1 Lincoln Way as a result of this property being extended to the rear, both properties are approximately the same length. Although a dining room window in the side of the proposed dwelling will face the existing dwelling at 1 Lincoln Way, a fence between the two properties will ensure a detrimental loss of privacy to the occupier of the new property will not result.

There are two other residential properties adjoining the application site. 41 Church Road is a detached bungalow and adjoins immediately to the west. The rear garden of 39 Church Road wraps around the rear garden of 41 Church Road and a corner of its garden meets the rear corner of the application site.

The application site is on a promontory and the new dwelling will be visible from the neighbouring property at 39 Church Road, however due to the separation between the two properties, a detrimental loss of amenities through loss of light privacy or overbearing should not occur as a result of the application.

The bungalow at 41 Church Road is set forward of the proposed dwelling and windows to the side and rear of this dwelling will not be detrimentally affected by a loss of light from the proposed dwelling.

Windows to the side of the bungalow serve a kitchen. The bungalow is at a lower ground level with the front garden of the application site sloping downwards towards the boundary. The proposed parking area to the front of the proposed dwelling is not directly in front of these side windows and should not cause a detrimental loss of outlook or loss of light. In any case parking of cars is not a permanent feature. Any noise caused by vehicles would be likely to be short term only, and in any event the existing dwelling could utilise the front garden in this fashion without planning permission being necessary.

Rooflights are proposed in the first floor side elevation of the property and these will serve bedroom 4 and the landing above the stairs. The window to the landing is high level and will provide light only. The window to bedroom 4 is primarily to provide light and not necessarily an outlook. As the window is set in the roofslope, views out of the window into the gardens of neighbouring properties will be restricted due to the angle of the window and the restricted head height. As such although close to the boundary it is considered that any views out of the window are unlikely to result in a detrimental loss of privacy.

Two of the windows in the ground floor side elevation of the proposed dwelling are high level and views out of them will be screened by the conifer hedge or boundary fencing. Windows in the first floor rear elevation of the rear elevation of the dwelling will overlook the far end of neighbouring gardens but the inset from the boundary will mean that a detrimental loss of privacy will not result. A further side facing window serves the entrance hall and any views out would also be screened by the conifer hedge or boundary fencing.

The boundary between the rear gardens of the two properties is marked by a conifer hedge which is within the application site and in the control of the applicant. The rear garden of the bungalow has an upper terrace which is approximately at the same ground level as the application site and a lower garden area which is lower than the application site by approximately one and a half metres. Although the proposed dwelling is on higher land than the garden to the bungalow it is not considered to have an overbearing impact on the garden to this property as the hedge serves to screen the dwelling from view. However the proposed dwelling is to come into close proximity to the hedge which could impact on the roots of the trees. The row of conifers could also be removed or die at a later stage.

Nevertheless it is considered that even if the hedge was not there but a two metre high boundary fence instead, given the section of the dwelling nearest the boundary is single storey with a roof sloping away from the boundary and is set in from the boundary by approximately two metres, the fence would obscure most of the dwelling from view from the rear garden and as such the proposal would not be considered overbearing .

The bungalow lies to the west of the application site and it is not considered to be detrimentally affected by loss of light to its rear garden.

SCHEDULE C

Item 18 (Page125-130) –CB/09/05318/FULL– Aspley Guise Lower School, Spinney Lane, Aspley Guise

Additional Consultation/Publicity Responses

N/A

Additional Comments

N/A

Additional/Amended Conditions

N/A

Item 19 (Page131-138) CB/09/05330/FULL Northhill Lower School, Bedford Road, Northhill**Additional Consultation/Publicity Responses**

N/A

Additional Comments

A letter has been received from Elizabeth Simpson, head teacher of Northhill Lower School, in relation to the objection from a neighbour about the siting of the traversing wall.

Mrs Simpson wants to make it clear that the traversing wall is for children to climb horizontally, not vertically, and they will be facing the school playing field while doing this, not the neighbour's garden.

Mrs Simpson also notes that much thought was given to the placing of the wall considering all the neighbours. Its position is discreet, it will enable supervision during playtime and there will be the option to fence off the area to make it more secure if necessary.

Additional/Amended Conditions

N/A

Item 20 (Page139-144)CB/09/00959/FULL–Campton Lower School, Rectory Road, Campton**Additional Consultation/Publicity Responses**

N/A

Additional Comments

N/A

Additional/Amended Conditions

N/A

Item 21 (Page145-150)CB/09/01198/FULL Alameda School, Station Road, Ampthill**Additional Consultation/Publicity Responses**

Additional Consultation Responses;

Access Officer: No comments.

Highways Officer: No objections.

Additional Comments

N/A

Additional/Amended Conditions

N/A

Item 22 (Page 153-162) – CB/09/05223/FULL – Totternhoe Lower School, Church Road, Totternhoe, LU6 1RE

Additional Consultation/Publicity Responses:

1. Totternhoe Parish Council – No objections.
2. Buckingham & River Ouzel I.D.B. – It is unclear as to which watercourse the applicant intends to discharge additional storm water runoff from the proposed development. If this discharge results in increased flows to the IDB district the Board's statutory consent will be required. Recommend a suitably worded condition. (See Condition 4)

Item 23 (Page 165-173) – CB/09/05225/REG3 – Oak Bank School, Sandy Lane, Leighton Buzzard, LU7 3BE

Correction:

The site is in Leighton-Linslade Parish not Heath and Reach Parish.

Additional Consultation/Publicity Responses:

1. 21 Sandy Lane – Objection:
 - Concerned that the new sports hall involves a significant increase in size on both the existing buildings and the scheme already permitted and question the need for a sports building with three courts for a school of sixty pupils.
 - Whilst the design style is an improvement on that already approved, the use of composite panel walls and roof above a brick plinth is not in keeping with the area's natural beauty and will be intrusive – more akin to industrial buildings than a school facility in a secluded residential area. It is noted that improved landscaping is proposed that reduces the design's impact, but given that the development is within a designated Green Belt, it should at least retain the local character by being in brick to match the existing buildings.

In pre-application consultation, residents requested that consideration be given to an alternative location for the sports hall to the north of the existing school building, thereby limiting its impact

- on residents and effectively hiding the building's profile from Sandy Lane.
- Concerned about the inclusion of a plant room in the south east corner of the building. A sports hall of this size may require a substantial plant installation

to provide summer cooling for indoor sports and question how this will be designed to minimise noise impact to adjacent properties.

- Concerned about increased use of school facilities by sports groups and other bodies that will arise as a result of the proposal and the involvement of Sport Aid. The amenity and privacy of the area should be maintained by restricting the whole school facility use to term time when the school is officially open to students.
 - With regard to Green Belt policy, the sports hall proposal should not be treated as a special case – it is not a small-scale facility for outdoor sport use. It will have a substantial impact on the Green Belt.
2. Environmental Health Officer – Recommend informative.
 3. Environment Agency – No comment.
 4. Highways Officer – No objection.
 5. Sport England East – Withdraw objection. As a result of the amendments, the impact of the development on the playing field has been reduced significantly and would be compatible to the impact of the proposals made in the previous applications for this development. Consequently, the sports development benefits of the proposed sports hall would outweigh the detriment caused by the impact on the playing field. Withdraw previous comments made about the proposed badminton courts not meeting the standard dimensions of a badminton court because following consideration of accurate plans the proposed courts would meet the recommended dimensions.

Amended Condition:

9. This permission relates only to the details shown on the Site Location Plan and Drawing Nos. 09-06-004, 09-06-005 and the Topographical Survey prepared by Milton Keynes Surveys Limited received 12/06/09, Drawing No. 09-06-003 received 04/08/09 and Drawing Nos. 09-06-001C and 09-06-002B received 14/08/09 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Additional Informative:

4. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Plan Authority to ensure that the site is made suitable for its end use. Further information can be obtained from Danielle Newnham, Public Protection, Tel:03003005068

The Planning Officer
Central Bedfordshire Council
Priory House
Chicksands
Shefford
SG17 5TQ

41 Church Road
Harlington
Dunstable
Bedfordshire
LU5 6LE

21 August 2009

Dear Sirs,

Re: Planning Application No: - CB/09/01015/FULL
Location: -1 Lincoln Way, Harlington, Dunstable, LU5 ▶ NB
Proposal: - Full: New Dwelling in rear garden and single storey rear extension to existing property

In response to your report received today, I wish to make further objections to the above.

Overbearing and visual impact

I only have a small dwelling.

This huge proposed building runs 2/3rd the length of my garden boundary and is only 0.5m to 2 m away from it. It will dwarf my bungalow and will be **overbearing** from all directions of my rear and garden aspect. Its **massive visual impact** on me and on the rear aspect of neighbouring dwellings along Church Road can only be lessened by **reducing its elevation,**

Contrary to report, the Leylandii High Hedge at 4m council suggested height **will not** lessen visual impact above, nor will the 2m fencing on its own. The roof mass, at 12.5 m length and predominantly 6 m height, with its 48 degree slope angle will not recess into the distance. The plan width of the building is 7.5 m wide, not 6.5m. The middle section at only 0.5 m from my boundary will also override any purported recessive perspective looking north or south down the boundary.

Contrary to report, there will be no screening effect of the proposed 4m Leylandii on the street scene. The apex (ski-slope) roof will be clearly seen from Church Rd/Barton Road approach.

Loss of light and Amenity

Contrary to report. The notorious Leylandii blots out my garden light in the morning now. The garden will be **entirely overshadowed** by the roof above this hedge. A council tree professional said that because the lateral roots are 5m with no tap root depth, they will be removed and nothing will grow for over a year because of nutrient loss

- therefore the building will be fully exposed **with loss of visual amenity** The Beech hedge on Lincoln Way new street scene already obscures light to my south east.

Contrary to report. There will be detrimental loss of outlook from within and impact on my property from the street if long, high sided commercial vehicles are allowed to hem me in on my easterly wall or parking spaces within 2m laterally to my kitchen window -as my building is set 1.5 metres below the level of the site's front garden. Vehicle access and manoeuvring will increase noise and disturbance at such short proximity.

Unconvinced from report. **Loss of privacy** from overlooking Bedroom 4 roof window, due to close proximity. People do hang out of them.

In short I would suffer severe amenity loss of all kinds along my entire eastern boundary, my little home and gardens becoming entirely dwarfed, bleak and hidden.

If the council sees fit to approve the proposal, I wish the following Planning CondiNons to prevail:

- i) Retained, maintained height, width and condition of both hedges to 4m.
- ii) No Commercial or high-sided vehicle parking adjacent to my building.
- iii) No windows in the roof to be opening
- iv) Acoustic retention fencing installed along site's western boundary during construction and part to remain, replacing poor present one along proposed parking space area.
- v) Working hours for construction restricted from Mon to Fri 9 - 5