

## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE 21/10/2009

#### ***Item 10 – Planning Cases where action has been taken***

##### **Additional cases where action has been taken**

Table containing details of Section 215 Notices served – **Appendix 1**

##### **Additional cases where works have been completed in response to letters threatening Section 215 Notices**

Table containing details of success stories – **Appendix 2**

#### **SCHEDULE A**

#### ***Item 11 (Page 49-54) – CB/09/05710/FULL – 64 Wallace Drive, Eaton Bray, Dunstable***

This application has been **DEFERRED** from the Agenda at the request of the Chairman to enable full consultation on amended plans and consideration of any comments received. The application will be considered at the November 18<sup>th</sup> Meeting.

#### **SCHEDULE B**

#### ***Item 12 (Page 55-68) – CB/09/05512/FULL – Land to the rear of 65 Shefford Road, Clifton.***

##### **Additional Consultation/Publicity Responses**

Clifton Parish Council:

We have just become aware that neighbours of this property who have objected to the application were recently mailed with supplementary information and given a period of time during which to comment on it.

Clifton Parish did **not** receive the supplementary information nor the invitation to comment.

Since we are statutory consultees we feel that the determination of this application should not go ahead until we have been provided with the additional information and a period of time in which to comment.

8 additional letters have been received. The main comments are with regard to the following:

It would result in an undesirable form of piecemeal development;  
Design concerns - out of character with Clifton village;  
Loss of amenity (overlooking, loss of privacy and light pollution);  
An increase in noise;  
Poor protection of existing trees and landscaping;  
Boundary concerns in relation to existing trees;  
Land ownership / boundary concerns;  
Concerns regarding surface water flooding;  
Highway concerns regarding the access;  
The proposed access to the site is out of character with existing development;  
Concerns regarding security and safety issues from increased development;  
Concerns regarding refuse collection;

### **Additional Comments**

The comments received from Clifton Parish Council have been considered carefully. Prior to the last Development Management Committee meeting the Council received additional information regarding tree protection measures, details of the method of construction for the driveway, and an updated landscaping plan taking account of the trees on the site which have recently been removed.

As the majority of this additional information is of a technical nature, the Council would not normally undertake any additional consultation with organisations outside the authority. Adjoining residents were only consulted in this case as some of the trees are sited on land outside the application site. As such, it is not considered that there are grounds to defer the determination of the application to allow further consultations.

Following representations from the occupier of 14 Alexander Close direct to the agent regarding the extent of their ownership, there has been a very minor change to the site boundary adjacent to plot 1. This has been indicated on a revised site layout plan. As the change is of a very minor nature, it does not affect the proposal or the recommendation for approval.

**Accompanying the late sheet is a copy of the previous appeal decision for the site (06/01386/Full)**



## Appeal Decision

Site visit made on 5 November 2007

by **Julia Gregory BSc (Hons) BTP MRTPI**  
MCM1

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
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Decision date:  
27 November 2007

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**Appeal Ref: APP/J0215/A/07/2049976**  
**65 Shefford Road, Clifton, Bedfordshire SG17 5RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs R Burton against the decision of Mid-Bedfordshire District Council.
- The application Ref 06/01486/FULL, dated 1 September 2006, was refused by notice dated 25 January 2007.
- The development proposed is the erection of seven dwellings with associated garages and parking and formation of a vehicular access.

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### Decision

1. I dismiss the appeal.

### Reasons

2. I have considered all the issues raised in representations but the main issues are the effect of the proposal on the character and appearance of the area, and the effect of the proposal on the living conditions of the occupiers of nearby dwellings in respect of privacy and overbearing appearance, and noise and disturbance. I shall focus my attention on the main issues.

### Character and Appearance

3. The dwellings would be located within the settlement envelope of Clifton where new residential development would in principle be acceptable under the provisions of policy HO6 of the Mid Bedfordshire Local Plan: First Review Adopted December 2005 (LP). This is subject to tandem development not having an adverse effect on the amenity of adjoining dwellings and the character of the area, and having a satisfactory access.
  4. LP policy DPS5 requires development to relate sensitively to the character and appearance of the area, for the amenity of local residents to be protected, and for appropriate and safe provision to be made for access. Care should be taken to retain attractive features and/or views in and out of the site.
  5. Residential development at depth has occurred elsewhere not far from the site and so this would not in principle be harmful to the character of the settlement. There is also variation in the design of dwellings locally and I consider that the style of the dwellings would not be objectionable. The height of the dwellings has been addressed by the use of rooms in the roof in most of the dwellings. I saw that there are other narrow backland schemes locally which have
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similarities with the layout of the appeal scheme. I do not know the planning history of these schemes to be able to reach conclusions on what led to them being built. I have to consider the layout and design of this scheme in relation to the site and its surroundings and in accordance with the provisions of the development plan unless material considerations indicate otherwise.

6. I acknowledge that the position of the boundary between No 65 and No 61 is in dispute and that no details of levels have been provided. Nothing that I have to say alters any private land ownership rights. Nevertheless, an access to a standard acceptable to the highway authority could be created, and this is shown on the submitted plans. Part of No 65 would be demolished and the access drive would be constructed close to No 65. A new 1.8m high panelled fence would be erected along the back edge of the service zone. This and the side elevation of the proposed extended dwelling and pool enclosure would create an austere appearance to the entrance to the estate on one side, softened only by trees and bushes on the opposite side much of which is not within the development site.
7. No report has been submitted to address the effects of creating the access drive close to trees, some of which are covered by Tree Preservation Orders. This adds to my concern about the effect of the access and fencing on the character and appearance of the area. Although the land lies within the settlement envelope, the length and comparatively narrow width of the site results in a development which is dominated by the access road and car parking with limited areas for front gardens on plots C, D, E, F and G. This would make the appearance of the plots dissimilar to those elsewhere in the immediate vicinity.
8. Access to plots A and B would be through a narrow 2.75m wide access between the two storey dwellings on plots C and D whose side elevations would be close to the drive dominating the street scene which would create a harsh built environment. The dwellings on plots C and D would back onto the front of plots A and B. This front to back relationship, whilst providing separation distances of some 20m to secure reasonable privacy, would not be an attractive feature of the layout with boundary fences and the side and rear elevations of the dwellings on plots C and D being prominent.
9. The layout would not in my view be sympathetic to the character and appearance of the area which is on the edge of the settlement where long rear gardens with landscaped boundaries dominate. The trees and shrubs on the boundaries have not been subject to a sufficiently detailed survey to identify which are within the application site and how they would be affected. I am not satisfied that there is space for planting and a fence to be erected on the boundary with No 61. The provision of a fence to form the boundary at the back of the service strip would add to the austere appearance of this small estate. I am also concerned about the potential effect on the oak tree on plot G which is an attractive feature of the site, since it would be close to the dwelling fairly central to the back garden and dominating this area. Even if protected during construction, its position could lead to requests to lop top or fell.
10. The layout plan shows how land at the rear of No 61 could be developed. This is not part of the application site and there has been no planning application to

develop the land. Nevertheless, the land also lies within the settlement limits and the plan shows one way that the site might be developed for housing. Using a separate access, dividing and developing the whole of the area that could be available for housing into two long narrow sites, both with elements of tandem development and in a layout that would be dominated by hard surfacing does not I consider relate sensitively to the character and appearance of the area. The development here would restrict the width of the site remaining and would thereby fail to take the opportunity to make efficient use of land, or make this a good place to live. PPS1: *Delivering Sustainable Development* specifies that design which is inappropriate in its context, or which fails to take opportunities for improving the character and quality of the area and the way it functions should not be accepted.

11. I acknowledge the protracted discussions that the appellant has had with Council officers and the measure of support that has been given, but the Council was entitled to reach a conclusion contrary to the advice of their officers so long as they have provided reasons for so doing. I conclude that the development would harm the character and appearance of the area contrary to LP policies HO6 and DPS5.

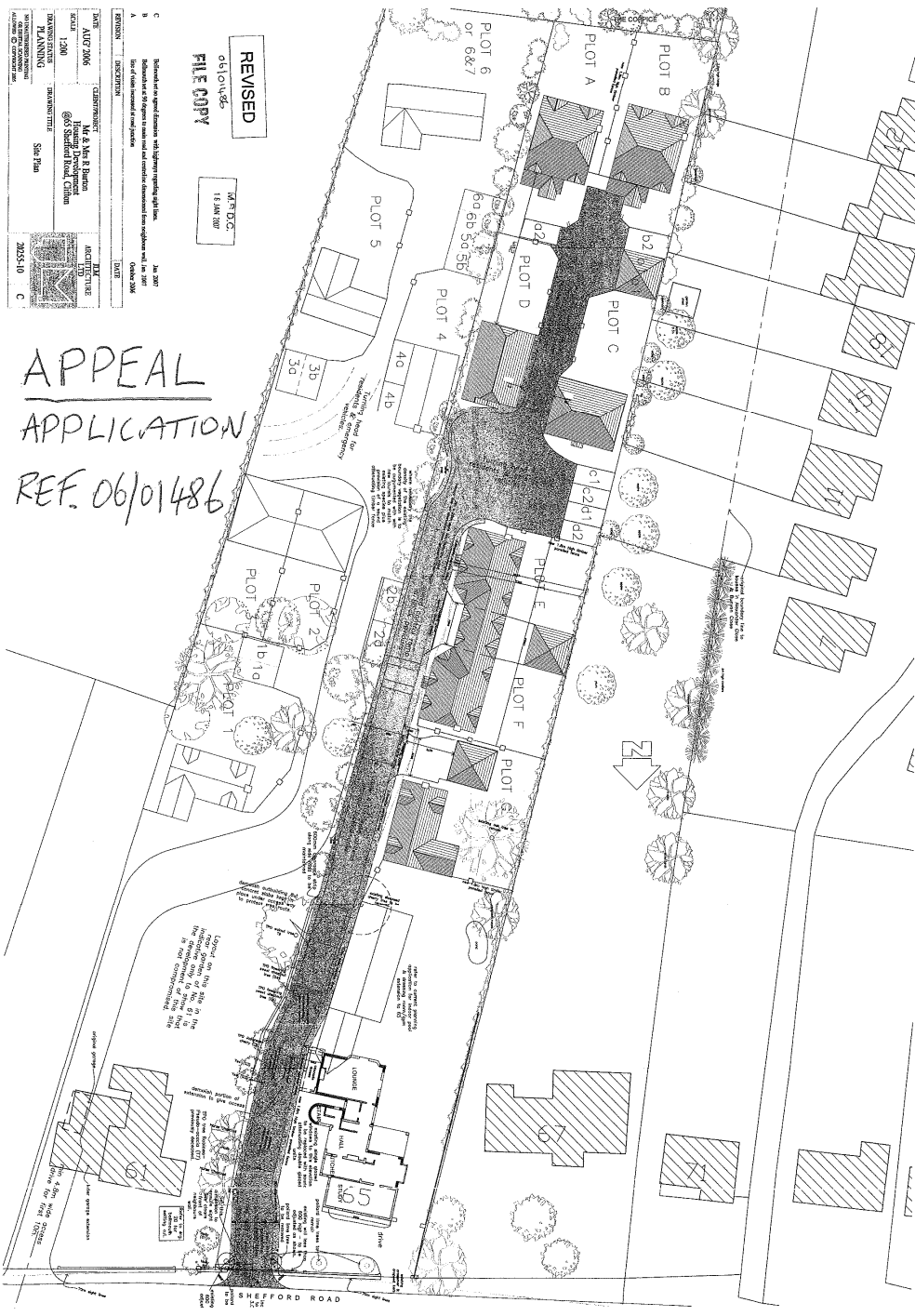
**Living Conditions**

12. The site would adjoin the gardens of properties in Shefford Road, in Bunyan Close and in Alexander Close. The access would run between No 65 and No 61 Shefford Road. There would be some side separation between the access road and No 61. Most of No 65 would be away from the access. Having looked at the noise information submitted, I am satisfied that the vehicular and pedestrian traffic from seven dwellings would not cause significantly harmful noise and disturbance. Whilst the general residential activity on the site would increase, I am satisfied that the relationship of gardens and dwellings to those existing would not be so close that noise and disturbance would be unacceptable.
13. The side elevations of the dwellings on plots A and D, although close to the boundary with No 61 Shefford Road, would not cause overlooking or be overbearing. The relationship of the front elevations to the end of the rear garden would not be unreasonable. Whilst the dwellings on plots E, F and G would be sited close to and facing the boundary with No 61, there are existing trees and bushes on and close to the common boundary. Nevertheless, I am concerned that within the application site itself there is little space available for planting to augment what already exists and the erection of a fence could result in some loss. I consider that the amenity of the occupiers of No 61 has not been protected and therefore that the proposal does not comply with LP policies HO6 and DPS5.
14. No 67 has a long rear garden and a common boundary would adjoin plots E, F and G. Whilst outlook would change somewhat from the house, this would not be direct. I acknowledge that the dwellings would have relatively short back gardens, slightly less than suggested by Council guidance, but the dwellings would not be so close as to unacceptably harm privacy.
15. Undoubtedly the outlook would change from those properties facing the site in Bunyan Close and Alexander Close, but these dwellings have relatively long

rear gardens. The dwellings at plot B and C would have their side elevations close to the site boundary but this would not be unreasonably overbearing or harm privacy from any dwelling. A garage block would be close to the rear of No 18 Alexander Close in close proximity to a summer house, but this relationship would not be overbearing or cause disturbance or loss of privacy.

*Julia Gregory*

INSPECTOR



REVISED  
06/10/86

1/4" = 1'-0"  
1/8" = 1'-0"

DATE	DESCRIPTION	BY	SCALE
AUG 2006	REVISED	MAE & MRS. BARNES	1/8" = 1'-0"
DATE	DESCRIPTION	BY	SCALE
AUG 2006	REVISED	MAE & MRS. BARNES	1/8" = 1'-0"
DATE	DESCRIPTION	BY	SCALE
AUG 2006	REVISED	MAE & MRS. BARNES	1/8" = 1'-0"

APPEAL  
APPLICATION  
REF. 06/01486

SHEPHERD ROAD

***Item 13 (Page 69-82) – CB/09/05708/REG3 – Land adjacent 94 Ampthill Road, Flitwick.***

**Additional Consultation/Publicity Responses**

Public Protection has made comments in relation to the proposal and confirms that subject to conditions that the proposal is acceptable. The additional conditions have been included at the bottom of this update.

**Additional Comments**

Please note that there is an error on Page 4 of the Development Management Committee Report Pack as this application was not submitted by Flitwick Town Council. To confirm the planning application to be considered is a Central Bedfordshire Council application.

In addition amended plans showing additional windows have been received in relation to this planning application to ensure that the pavilion would provide natural surveillance to both the grass pitches and the car park. It is considered that the amended plans provide a more acceptable form of development in terms of community safety and aesthetic appearance. As such the amendments are considered to be acceptable.

**Additional/Amended Conditions**

The additional conditions shown below would ensure that the proposed development would not result in an unacceptable detrimental impact upon existing neighbouring amenity in terms of either noise or light. If planning permission was granted these would be added to any decision notice.

- 21. Prior to the commencement of development details of a scheme to adequately protect neighbouring residents from noise, vehicles and machinery or plant associated with the use of the proposed car park shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be completed prior to the facility hereby approved coming into use.**

**Reason: To protect the amenity of nearby residents.**

- 22. No development shall commence until a Code of Construction Practice has been submitted to and approved by the Local Planning Authority which shall detail methods that all developers, contractors and sub-contractors will employ at all times during demolition, construction and other engineering operations on site. The Code of Construction Practice shall include:**



- i. Measures to be used to control and suppress dust;
- ii. Measures to be used to reduce the impact of noise & vibration arising from noise generating activities on site, in accordance with best practice set out in BS:5228:1997
- iii. “Noise and vibration control on construction and open sites”;
- iv. The siting and appearance of works compounds;
- v. Site working hours.

The implementation of the development shall only be undertaken in accordance with the approved Code of Construction Practice.

**Reason: To safeguard the amenities of adjoining occupiers and to protect the surrounding countryside.**

23. 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 Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment.

***Item 14 (Page 83-96) – CB/09/00337/DC3–Land to the side of Flitwick Leisure Centre, Steppingley Road, Flitwick.***

**Additional Consultation/Publicity Responses**

N/A

**Additional Comments**

N/A

**Additional/Amended Conditions**

N/A

***Item 15 (page 97 – 112) – CB/09/00830/FULL – 129 Clophill Road, Maulden***

**Additional Consultation/Publicity Responses**

The following responses have been received following the submission of revised plans by the applicant:

150B Clophill Road – The Inspector's report on the Development Plan Document removes the application site from the Settlement Envelope. In addition, the proposed house (plot 1) is too close to the boundary with 127a Clophill Road, the new layout is cramped with not enough room for traffic to move about or room for delivery lorries and vans, a condition requiring a sprinkler system to the houses would be avoided by the developer, the proposed dwellings would cause additional parking and traffic problems and the visibility splays onto Clophill Road would be inadequate.

129a Clophill Road – The proposed drive should not be located adjacent to 129a Clophill Road and the proposed planting should not encroach onto the land in the ownership of 129a. The security of occupiers of 129a will be affected.

123A Clophill Road – Part of the land included within the site edged red along the boundary between the application site and 123A Clophill Road is owned by 123A Clophill Road.

**Additional comments**

The applicant has confirmed in writing that the site edged red for the application follows the line as indicated on the title deeds for the property.

The applicant has submitted a Waste Audit in respect of this proposal. Comments are awaited from the Waste Strategy Team on the acceptability of the submitted document.

The total contributions required for this development come to £28,326 rather than the figure printed in the Committee report. The reason for this change is the reduction in the number of bedrooms proposed through revisions received since the original submission. This will necessitate a re-drafting of the Unilateral Undertaking and therefore the recommendation to Committee continues to ask for delegated powers to grant planning permission subject to a Unilateral Undertaking being agreed by the local planning authority and the submission of an acceptable Waste Audit and Site Waste Management plan.

### **Additional/ Amended conditions**

It is considered appropriate to attach the following condition to any approval:

**No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.**

No dwelling shall be occupied until the visitor parking bay and the car parking bays for Plot 1 and Plot 4 have been allocated as illustrated on approved drawing 1090/09/4H.

Reason: To provide adequate parking for visitors and occupiers of the dwellings.

It is also considered appropriate to attach the following informatives to any approval:

1. No works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, PO Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

2. The requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group, Central Bedfordshire Council Highways, Streetworks Co-ordination Unit, PO Box 1395, Bedford MK42 5AN

3. Photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

4. The closure of existing accesses shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with the Central Bedfordshire Council's Customer Contact Centre (Tel: 0300 300 8049). No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access(es).

5. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - August 2006"

***Item 16 (Page 113-124) – CB/09/01212/FULL – Land to the rear of 61-63 Arthur Street, Ampthill.***

**Additional Consultation/Publicity Responses**

N/A

**Additional Comments**

The agenda contains conflicting information on page 116 regarding the size of the proposed garden area. This is confirmed as being 10.5m long and 8.5m wide, retaining a garden to numbers 61 and 63 of 10m long.

Delegated powers are requested to issue the decision notice, should the application be approved, as the applicant has still to submit sufficient evidence of title for the Unilateral Undertaking to be agreed as acceptable to the Council.

**Additional/Amended Conditions**

N/A

## **SCHEDULE C**

### ***Item 17 (Page 125-130) – CB/09/00707/FULL – 9 Cherrytree Way, Ampthill***

#### **Additional Consultation/Publicity Responses**

N/A

#### **Additional Comments**

N/A

#### **Additional/Amended Conditions**

N/A

### ***Item 18 (Page 131 - 136) – CB/09/05425/FULL 193 Poynters Road, Dunstable.***

#### **Additional Consultation/Publicity Responses**

N/A

#### **Additional Comments**

N/A

#### **Additional/Amended Conditions**

N/A

### ***Item 19 (Page 137-144) – CB/09/05647/FULL – Hadrian Lower School, Hadrian Avenue, Dunstable, LU5 4SR***

#### **Additional Representations (Parish & Neighbours)**

1. Occupiers of 104 Hadrian Avenue – comment as follows:
  - It cannot be denied that the purpose and cost for an extension could only be justified to create bigger classes for more pupils attending the school.
  - More pupils means more parents bringing their children to school and increasing the already difficult parking situation that exists outside of Hadrian School - in the Avenue.
  - It is not acceptable to residents to introduce draconian regulations which also restrict residents parking etc. It is in fact quite common to see teaching personnel regularly parking outside of the school gates (in the Avenue) which only adds to congestion.

- If this planning proposal is to even be considered, it is mandatory that the opportunity be taken to incorporate new and increased parking facilities within the school grounds.
- Both national and local government must be very aware of the considerable distrust the electorate have in their ability to listen to the people who placed them in office, and indeed every opportunity should be taken to adopt their obligations to public opinion.

### **Additional Consultation/Publicity Responses**

1. Highway Engineer – No objection.

### **Additional Comments**

The applicant's agent has submitted further comments on behalf of the School in response to the representations from neighbouring occupiers. In summary it is stated that:

- The proposed extension is purely for providing enhanced facilities for existing 'Foundation' and 'Year 1' pupils and not to increase class sizes.
- Currently, the two classrooms in question are smaller than the other eight classrooms within the School. The rooms can often be cramped, especially when certain activities are being taught and particularly where children have experienced more spacious rooms in previous years.
- The proposed small two metre extension will dramatically enhance the quality of education for children using the two classrooms, through increased opportunities for learning. The extension will provide a 'wet floor' area. This will enable the School to provide a dedicated, permanent Art and Design Technology area within the classroom.
- Externally, the identified paved and sheltered area on the plans directly outside the classroom will facilitate greater outdoor learning all year round.
- Each room currently has a class size of 28 pupils. Even with the new extension the maximum that could be taught (under OFSTED and Building Bulletin 99) is 30 pupils. A potential increase of up to 4 pupils in total, 2 per class.
- Therefore, the extension is not part of plans to increase the pupil intake.
- It must also be pointed out that a certain amount of noise and traffic is expected from and immediately around a school entrance. Those purchasing a property in close proximity to a School should be aware that there will be disruption at certain times of the day, in term time.

Therefore, given the fact that the proposal would not substantially increase pupil numbers, potentially leading to a maximum increase of 4 children and the comments of the Highway Engineer, it is not considered that there is a sustainable highways objection to the scheme neither is it appropriate to impose a condition requiring the provision of additional car parking on-site.