

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 25 APRIL 2012

Item 7 (Page 3-93) – CB/11/03734/FULL – London Road Retail Park, London Road, Biggleswade.

Additional Consultation/Publicity Responses

Biggleswade Town Council

At meeting of the Town Council's Planning Committee of the 10th April 2012 the Committee discussed the proposed development of the retail park in Biggleswade.

The Council were very concerned that current retailers on the site were very unhappy with the proposed development and the impact that the development might have on the Town. Concerns were also raised about the 106 monies from the proposed development being insufficient.

Issues were raised around the proposed dualling of the roadway between the A1 and London Road.

The Planning Committee felt that changes had been made to the original planning application and had not come back to the Town Councils Planning Committee.

The Planning Committee **resolved** that Planning Conditions should be applied to any development proposal for London Road Retail Park.

1. No food outlets should be permitted other than for M & S, for snacks and special premium foods.
2. Only large retail outlets greater than 500 sq m shall be allowed and no permissions to subdivide.
3. Only retail will be allowable and all service facilities should remain in the Town Centre e.g. banks, pharmacies, post offices etc.
4. The Parking and bussing arrangements should be established together with the Town Centre for mutual benefit.

Note

Condition 1 is a condition of M & S and Limited to M & S.

Condition 2 Guarantees continuity in the Town Centre of small retail stores.

Condition 3 Town Centre remains the service centre

Condition 4 Common agreements limited to the two Biggleswade retail centres could benefit both.

The Town Council recommend that the above conditions are placed on the proposed development when it comes before Central Bedfordshire Council planning committee.

One letter from Peter Evans Partnerships on behalf Indigo Planning on behalf of Standard Life as follows:

We have been asked by Indigo Planning to review and comment on the highway, traffic, car parking and sustainability aspects of the above proposal.

The proposals seek the redevelopment of this key site on the basis of a comparison with Sainsbury's food store extension data for the food sales element of the Marks & Spencer's (M & S) ignoring the difference in trading of an M & S with bulky goods stores. This is inappropriate given the size of the development with multiple new units and the inclusion of an M & S. The inclusion of a new M & S store and the replacement of the existing retail units with new will affect the methodology for the Transport Assessment. The traffic analysis approach set out in the Assessment will significantly underestimate the traffic impact. There is traffic information for this type of redevelopment available in a number of databases including published research reports on similar sites that could have been used to more accurately assess of the impact of the scheme.

The traffic generation from the existing development in its current tired states can not be used as a basis of assessing the impact of a redevelopment of over 300,000 sq. ft of non food retail use. The analysis should consider a purpose built retail park.

The view is that methodology used to assess the impact of the development is inappropriate. The assessment submitted with the application is lacking in information, difficult to follow and does not adequately review the scheme. Specific criticisms are:

1. The development proposes a number of new junctions onto London Road and no assessment is undertaken of these junctions.
2. Despite the comments in the application to the contrary there will be a significant increase in traffic which is material and needs to be assessed on London Road and the A1 (T) London Road junctions. Without a justified assessment of the increase in traffic the scope and extent of the assessment set out in the application cannot properly be determined.
3. Sustainability, because of the increased car catchment area, in particular with an M & S which has a significantly greater trade draw than other users within the development. The development may encourage longer car trips as it provides traditionally town centre type development in an out of centre location. These uses could be better in Bedford or Biggleswade town centres.
4. Inadequate Travel Plan. Lack of improvements to public transport given the number of visitors to the site and lack of improvements to footpath and cycle routes in the surrounding area.

Traffic Generation

Given that the site is a redevelopment then the starting point should be an assessment from base principles. The existing units are tired, not all are fully occupied and are not designed for use as modern comprehensive retail park. It is accepted that some of this traffic will already be on the road network but because of the provision of town centre uses on the site such as M & S the car catchment area

of the site will increase. The provision of a new purpose built retail park will increase vehicle movements. This is not assessed in the Transport Assessment.

The report does not justify the traffic generation assumptions made and an assessment should be undertaken on a Saturday and a Sunday when the development traffic flows are at their highest. Because of the size of the development the site traffic will be the main component of traffic flow on the local road network on Saturdays and Sundays. Generally traffic flows to this type of development are significantly higher on a Saturday or Sunday than a weekday as assessed.

Traffic Distribution

The traffic distribution is based on existing surveys. However with the provision of the M & S the catchment area will change.

The assumptions on link, pass-by and primary transfer trips are based on data that primarily relates to foodstores and DIY stores which is ageing. The current advice from authors of this information is that this information should be treated with caution and should not be used.

Car Parking

Due to the number of units that are empty or under occupied, the proposed parking provision needs to be assessed from base principles. The parking surveys undertaken have not been adjusted to allow for empty units or for the M & S. With the provision of M & S the car parking requirements will increase. The suggested provision is 42% lower than the maximum allowed and this is not justified in this assessment. In practice as more retail provision has been provided with greater choice shoppers will stay on site longer. As such a greater number of spaces need to be provided. This has not been assessed.

Sustainability

It is a requirement of national and local policy that an assessment of walking, cycling and public transport trips to the site should be undertaken and if necessary improvements made. However only the local roads have been considered and given the size of the proposal a more detailed assessment is required.

Reference is made to the community bus. However, based on the size of the proposal consideration needs to be made as to how the existing bus service can be enhanced to increase public transport use. Given the size of the proposal there could be 1000-1200 staff employed. A substantial number of staff could arrive by alternative means of transport to the car. No assessment has been undertaken of this which is contrary to guidance.

Only a framework Travel Plan is proposed. However given that Homebase will be retained and other existing occupiers will relocate with the proposals, surveys should be undertaken and these should form the basis of a detailed Travel Plan submitted with the application. The applicant should also confirm that the Travel Plan can be implemented with the existing occupiers.

If additional information on traffic impact analysis, parking demand and sustainability is not provided, then the application should be refused.

An email from Indigo Planning as follows:

We note that this application is currently on the agenda for Committee next week but that officers' report to Committee is still unavailable. Could you please confirm the Council's position on this in light of the significant concerns raised in our objection letters on behalf of Standard Life Investments. We note also that the Council's retail consultants (Savills) do not support this application in their report dated March 2012, which concludes that the proposed retail park redevelopment would have a 'severe impact' on the town centre, which according to Savills would suffer a 'severe loss of vitality and viability' as a direct result of the proposed development. Given this, support for this development would be contrary to requirements of the NPPF and subject to challenge.

A further letter from Indigo Planning as follows:

Indigo Planning act for Standard Life Investments, owners of Interchange Retail Park. We write further to our objection to the above application submitted on 13 April 2012 and wish to bring further matters to your attention following the publication of Savills' retail advice to the Council and the Officers' report to committee.

Standard Life Investments' concerns regarding this application have been set out in our earlier letter and are not repeated here. We are concerned, however, that the conclusions reached by Savills regarding impact on the town centre have not been given sufficient weight in the Officer's report.

Savills have advised that the proposal will have a "*severe impact*" on the vitality and viability of Biggleswade town centre, resulting in its "*irreversible*" downgrading from a town centre with a relatively full retail offer to one which is service and convenience dominated. Furthermore, Savills advise that "*it is difficult to envisage any significant market interest for retail premises in the town centre*" if this permission is granted. There will, therefore, be a significant loss of future investment.

Paragraph 27 of the NPPF states that where an application fails to satisfy the requirements of the impact test it should be refused.

Similarly, policy TCS8 of the Local Plan states that proposals at London Road must not have an "*unacceptable adverse impact*" on the town centre. In both cases, the wording is unequivocal. A "*significant*" or "*unacceptable adverse impact*" should result in refusal. We cannot understand how the "*severe*" impact of which Savills have advised can be considered by Officers to be less than significantly adverse, nor how it could be acceptable.

We are aware that conditions have been proposed which restrict the proposed units in terms of the goods and services they can offer. These restrictions (which prevent the units from being used for internet cafes, funeral directors, travel agencies etc) will not protect town centre businesses from the loss of trade of which Savills warn. In other words, there will be less people in the town centre to support businesses there – including the internet cafes, funeral directors, travel agencies etc that the conditions

supposedly protect. Such a weak restriction cannot mitigate the “severe” impact which will result from these proposals.

If there is any doubt regarding this crucial issue, it would be wise to defer a decision to allow Savills to comment on whether the conditions, as proposed, would cause them to alter their advice.

Given the unequivocal wording of both TCS8 and the NPPF, we do not agree with the recommendation of Officers. The proposal will have a significant adverse impact on Biggleswade town centre and other material considerations are not sufficient to outweigh this. The application should be refused.

An email from Matalan as follows:

I have not seen the final report. I would hope that in it you have pointed out the inaccurate statements both in the application and in the letters to stakeholders with regard to the existing tenants at London Road being generally supportive of the application when they are not. In particular Matalan, Homebase, Halfords and Argos.

If that hasn't been pointed out I would ask that it is corrected at the meeting.

In addition a letter from Matalan has been received as follows:

I am writing to you on behalf of Matalan to reinforce our objection to the plans for the London Road Retail Park. For the avoidance of doubt, I reiterate that Matalan and other current tenants (including Homebase, Argos and Halfords) are generally opposed to the proposals and are very concerned that the Planning Application documents infer that we are in support.

Matalan has traded successfully at the Retail Park for over a decade and we employ 62 people, the vast majority of whom live locally. We have over 20,000 car holding customers from the Biggleswade area alone. These proposals will force us out of Biggleswade with the consequent loss of jobs and services to local residents.

At present, the London Road Retail Park and adjacent businesses compliments the town centre providing for the needs of the town as a whole. But this proposal will substantially change the nature and character of the Retail Park and will create a powerful rival to the town centre, leading to its inevitable decline.

We agree with C.B. Council's own consultants, Savills, who have reported to your Planning Officers that;

“Biggleswade lies at the extreme end of the spectrum of centres affected by out of centre facilities and, in the light of the trading implications guidance offered by the empirical study conducted by GVA Grimley, we take the view that the proposed retail warehouse park will have a severe impact on Biggleswade town centre.....The centre has limited retail attractions to resist being heavily impacted by an essentially high street scheme nearly four times the size of the town centre comparison sector”

The Savills report also make it clear that the proposals;

- are likely to impose a severe trading impact upon Biggleswade town centre with consequent implications for its vitality and viability and effect upon future investment, raising conflicts with central government and local policies
- would not be consistent with the health of the town centre but would have the opposite effect
- would have seriously prejudicial implications for the fulfilling of the Master Plan objectives

I urge you to reject the proposals so that existing Retail Park traders like Matalan can continue to operate and so that the recent Biggleswade town centre master plan can be implemented.

An email from a resident of Sandy, as follows:

I am writing this message as a resident of Sandy.

I note that the major planning application in relation to the London Road Retail Park at Biggleswade, is recommended for approval, (with conditions), by your Development Management Committee at its next meeting on 25th April 2012. The “anchor store” of this large-scale development is stated to be a Marks and Spencer, selling a full range of products including food.

The reasons for the recommendation include the following assertion (page 80), “Overall the proposal would not have an *unacceptable* adverse impact upon town centres within the catchment area...” [my italics]

Looking at the Retail Statement, I see that the town of Sandy is defined as being in Zone 1 of the catchment area. Paragraph 2.4.4 of the Retail Statement, which is dated after the grant by your Development Management Committee of full planning permission for a Tesco food store in Sandy, refers to food shopping in Sandy on a “top-up” basis. Paragraph 5.1.4 of the same document states, “**There will, of course, be diversions of trade from other stores and centre (sic) across the catchment area....However, these are not of levels which would give rise for concern....**”

That begs the question, “Of concern to whom?” This proposal clearly has some implications for Sandy. Could you please tell me if Sandy Town Council has been invited to comment on the application? An early reply would be appreciated in view of the impending committee meeting.

Additional Comments

No additional comments.

Additional/Amended Conditions

No additional or amended conditions.

Item 8 (Page 13-28) – CB/11/04262/FULL – Dunstable Baptist Church, St Mary’s Gate, Dunstable.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Reasons

None.

Item 9 (Page 29-40) – CB/11/04263/LB – Dunstable Baptist Church, St Mary’s Gate, Dunstable.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Reasons

None.

Item 10 (Page 41-56) – CB/11/04051/FULL – The Firs, 85 High Street, Ridgmont.

Additional Consultation/Publicity Responses

The owner of The Old Chapel has submitted a further letter dated 20/04/2012 advising that they are of the view that the submitted site plan is not of adequate scale and lacks clarity. She feels that the hatched areas as shown on the plan do not seem to accord with the grassed areas shown in the submitted photographs of the site. This neighbour has submitted photographs showing that in her opinion the use is too close to a private dwelling and that there is scope within the site for tables and chairs to be placed elsewhere and for none outside of the front door of the Old Chapel. Condition 3 is weak in its wording and will be difficult to enforce.

She also feels that details need to be submitted and approved by this authority of the existing extract system at the site to ensure that this can be properly controlled in order to safeguard the amenities of the occupiers of The Old Chapel – particularly since the ventilation of the kitchen is within the passage way between the Old Chapel and the application site. A condition is to be attached to cover this matter

Additional/Amended Conditions

Revised wording of condition 2 to require the submission of details of the extract system:

Within 2 months of the date of this decision a scheme for fume/odour control including details of the current extraction system shall have been submitted for the written approval to the Local Planning Authority including a timetable for its implementation. Thereafter all equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the scheme and/or manufacturer's instructions.

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

Revised wording to condition 4 to remove reference to 'side' of café garden area:

No outside area other than the area hatched green on Plan No. SE 2698/D shall be used as a café garden area for the customers of the café and the bed and breakfast accommodation. Before the outside café garden area hereby permitted is first brought into use, a detailed scheme for the provision of signage to each garden area and a picket fence to the rear of the café garden area, as indicated on drawing No. SE 2698/D, shall be submitted to the Local Planning Authority for its approval in writing. The approved signage and fence shall be erected before the café garden area is first brought into use and thereafter retained.

Reason: To ensure that the various uses of the site are clearly indicated with signage so that the amenities of occupiers of the nearby residential properties is safeguarded at all times

Amendment to wording of condition 8 to include reference to takeaway:

The café and takeaway shall only be open to the public between the hours of 08.00 – 15.30 Monday to Friday and 09.00 – 12.00 Saturday and Sunday and at no time on Bank or public Holidays.

Reason: To protect the amenities of the area.

Item 11 (Page 57-76) – CB/11/03760/FULL – Toddington Park House, Park Road, Toddington.

Additional Consultation/Publicity Responses

The Toddington Parish Path Co-ordinator has stated:

'In respect of the rights of way:

- On the proposal plans the public rights of way paths are not shown as per the Definitive Map
- Particularly, the walked path, and kissing gate, near the barn is too far away from the barn
- When the grasscrete was laid it was a requirement that no vehicles were parked on the route of the path – this may be an issue for the proposed new car parking
- If the horse paddock is converted into a car park, then the gates at either end (by barn and onto driveway) are no longer required
- The main house drive, which crosses the path, has had little traffic in recent years
- The new access to the rear of the barns has only been used infrequently for horse related vehicles, it is likely this will be used considerably more and design should be carefully designed to accommodate the path users.

There is a reference in the Planning Statement (p35) – “Landscape will also be planted to define the right of way for public walking across the hotel site.” It would be a shame to see a fence or hedge on one, or both sides, of the path. The path currently is open and has good views throughout the route, this should be maintained. The path crossing the site is part of the Monmouth way, a locally promoted walking route, which links the Icknield Way with the Greensand Ridge Walk. Another popular local circular walk – Lodge Farm which uses the same route, but seems to have disappeared off the website for some reason. Both routes could be adapted to encourage hotel guests to explore our local countryside’.

Further email received 21st April from the Toddington Parish Path Co-ordinator:

There are actually three footpaths crossing the site – FP29, 30 & 27. Two of which are dead-ends which could be anomalies which could be resolved through appropriate planning conditions and/or S106 agreement. The Toddington Parish Council request for highways money, was dismissed in the report. However, I would highlight that the road from the Park entrance(s) towards Toddington village is narrow for large vehicles to pass, has regular issues with water laying on the road surface, and the road edge being eroded. There is also a double bend around which coaches and similar vehicles could be improved. There is no doubt that if the plan proceeds traffic on Park Road will increase. All external lighting should be of ‘full cut-off’ design to minimise upward light pollution.

Comments

The applicant has revised the plans in accordance with the above comments and is in discussions as part of a s106 Legal Agreement to improve and enhance Public Rights of Way in the area. A condition has been included to control all external lighting. As discussed in the Planning Committee Report, although there would be an increase in traffic generated by the proposed development, Highways have no objections and have not requested s106 contributions.

Additional Comments

s106 Legal Agreement

Following discussions with Strategic Planning & Countryside Access Officers regarding the s106 Agreement, it is recommended that the only contributions to be sought, should planning permission be granted, are towards improvements and enhancements to the local Public Rights of Way network and to Green Infrastructure (GI). It is considered that the other contributions recommended in the Committee Report would not be 'directly related to the development' contrary to guidance in the National Planning Policy Framework (2012), which replaced Circular 05/2005: Planning Obligations.

Tree Preservation Order

For clarification, Tree Preservation Order Group G20 is located adjacent to Park Road close to the main access and the proposed new entrance lodge. The Tree & Landscape Officer has confirmed that these will not be adversely harmed by the proposed lodge and has recommended 3 conditions (conditions 2-4 of the Committee Report).

Amended Conditions

Revised wording of condition 8 to state:

Before the development hereby permitted is commenced and notwithstanding the details submitted as part of the planning application, details of a scheme showing the provision of 220 interlinked off-street parking spaces to serve the new development shall be submitted to and approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and the approved scheme shall be implemented and made available for use before the development hereby permitted is brought into use and that area shall not be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

Revised wording of condition no.16 to state:

Before development begins, details of any proposed alterations in existing ground levels, to include all new buildings and landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.

Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.

(Policy BE8 S.B.L.P.R)

Revised wording of condition no.19 to state:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

EX-00, EX-00A, EX-00-A1/1, EX-00-A1/4, EX-01, EX-02, EX-03, EX-04, EX-05, EX-06, EX-07, EX-08, EX-09 Revision A, EX-10, L-01PR-00-A1/1 Revision D, PR-01, PR-02, PR-03 Revision E, PR-04 Revision A, PR-05, PR-06, PR-09 Revision A, PR-10 Revision A, PR-11 Revision A, PR-12 Revision A, PR-13 Revision A, PR-14, PR-15, PR-16 Revision A, PR-17 Revision A, PR-18, PR19, PR-20, PR-21, PR-22, PR-23, PR-24, PR-25-A1, PR-28, PR-28-A1, PR-29-A1, PR-26-A1, PR-27, PR-31 PR-33 Revision A, PR-34 Revision A, PR-35 Revision D, PR-37 & PR-38, MMX 45/L1, MMX 45/L2, MMX 45/L3 & MMX 45/L4.

Reason: For the avoidance of doubt.

Additional Condition

No development shall begin until details of the green roofs on the lodge buildings have been submitted to and agreed in writing with the Local Planning Authority. The approved details shall thereafter be carried out in full.

Reason: To protect the significance of the heritage asset, the character of the AGLV and openness of the Green Belt.

No development shall commence on site until details showing ventilation and extraction equipment within the site (including details of siting, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building hereby approved being first occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area and to protect the character, appearance and setting of the Listed Building.

Item 12 (Page 77-84) – CB/11/03761/LB – Toddington Park House, Park Road, Toddington.

Amended Condition

Amended condition no.4 to state:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

EX-00, EX-00A, EX-00-A1/1, EX-00-A1/4, EX-01, EX-02, EX-03, EX-04, EX-05, EX-06, EX-07, EX-08, EX-09 Revision A, EX-10, L-01PR-00-A1/1 Revision D, PR-01,

PR-02, PR-03 Revision E, PR-04 Revision A, PR-05, PR-06, PR-09 Revision A, PR-10 Revision A, PR-11 Revision A, PR-12 Revision A, PR-13 Revision A, PR-14, PR-15, PR-16 Revision A, PR-17 Revision A, PR-18, PR19, PR-20, PR-21, PR-22, PR-23, PR-24, PR-25-A1, PR-28, PR-28-A1, PR-29-A1, PR-26-A1, PR-27, PR-31 PR-33 Revision A, PR-34 Revision A, PR-35 Revision D, PR-37 & PR-38, MMX 45/L1, MMX 45/L2, MMX 45/L3 & MMX 45/L4.

Reason: For the avoidance of doubt.

Additional Condition

No works shall commence until details showing ventilation and extraction equipment (including details of their siting and appearance) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed details shall be carried out in full.

Reason: To protect the character, appearance and setting of the Listed Building.

Item 13 (Page 85-92) – CB/12/00605/FULL – 65 Shefford road, Clifton, Shefford.

Additional Comments

The applicant pointed out that the Officers original report omitted the word NOT from the first paragraph in section 1 of the report. This section of the report describes the Permitted Development allowances in force when the swimming pool building first began construction in 2007 ie: the total area of ground covered by the building would not exceed 50% of the curtilage of the dwellinghouse.

This criteria has been retained in the amended 2008 Permitted Development Rights for outbuildings and extensions within the curtilage of a dwellinghouse (Class A – extensions and Class E – outbuildings).

The applicant has submitted a further letter dated 22/04. The letter raises concern relating to the reason why the application was called into committee as there does not appear to be a sound planning reason for doing so, the reason being overdevelopment of the site. The Parish Council have stated that the site is overdeveloped and more than 50% of the garden has been used. This statement is incorrect – the attached drawing shows a calculation which proves that only 23% of the garden curtilage has been covered.

The total curtilage amounts to 1288 sq m, the original house 87.2sqm and outbuildings and existing extensions amount to 280sq m. therefore only 23% of the curtilage has been taken up by extensions and outbuildings.

The submitted plan is attached to the late sheet.

Item 14 (Page 93-106) – CB/12/00182/FULL – Reach Lane Quarry, Reach Lane, Heath and Reach.

Amendment to the Officer's Report

Page 100, paragraph below the Policy NE12 criteria to read (Correction shown in bold):

Whilst there is no information submitted with the application to demonstrate that the proposed development would satisfy the requirements of paragraphs **A** (i), (ii) and (iii) of Policy NE12 as set out above, it is considered that other material considerations exist to outweigh the policy harm and these are examined below.

Item 15 (Page 107-124) – CB/12/00440/FULL – Walkers Farm, Leighton Road, Great Billington.

Additional Comments

The applicant's agent has responded to the Parish Council's comments. These are included as Appendix 1.

Conditions

Condition 7, submitted plans: CBC/01 - 12

Item 16 (Page 125-138) – CB/12/00436/LB – Walkers Farm, Leighton Road, Great Billington.

Additional Comments

The applicant's agent has responded to the Parish Council's comments. These are included as Appendix 1.

Conditions

Condition 7, submitted plans: CBC/01 - 12

Item 17 (Page 139-152) – CB/12/00421/CA – Walkers Farm, Leighton Road, Great Billington.

Additional Comments

The applicant's agent has responded to the Parish Council's comments. These are included as Appendix 1.

Conditions

Condition 7, submitted plans: CBC/01 - 12

Item 18 (Page 153-160) – CB/12/00624/FULL – Fairfield, Hillside Road, Leighton Buzzard.

Additional Consultation/Publicity Responses

An e-mail has been received from the occupier of 'Medway', adjacent to the application site. The contents are as follows:

Dear Sirs

I am writing to complain in the strongest possible terms about the factual misinformation contained in the Report of the Case Officer to the Development Planning Committee now posted on your website. My annoyance is exacerbated by the Case Officer's misinterpretation of your stated planning policies during a meeting at my property on 9 March. Regrettably, such misinterpretation of such policies have been duplicated in the aforementioned Report. As a consequence thereof, the Committee are being advised to make a decision based on fundamentally flawed factual statements and the misinterpretation of your stated planning policies.

In particular:-

1. 'The originally submitted block plan ... was revised and is now considered to be in line with the Local Validation requirements'. The revised plan still makes no reference to Medway; does not accurately delineate the physical boundary of Medway in relation to the boundary with Fairfield; does not show the existing footprint of Fairfield in relation to the proposed development, and does not accurately reproduce the existing car park spaces.

2. 'There would still be sufficient separation between the dwellings to maintain the prevailing character of the street scene.' This is untrue. The Case Officer acknowledges earlier in the Report that 'the character of the area comprises large detached dwellings set upon large plots' and this development 'flies in the face' of that statement and is, in my submission, intended to mislead the Committee. Hillside Road is not a street of terraced houses and as such, maintaining the character of the

neighbourhood and separation commensurate with the street scene is of paramount importance.

3. It is preposterous for the Case Officer to state that 'the proposed first floor bedroom window would face directly toward the garden' of Fairfield and that 'loss of privacy (to Medway) would be minimal and 'it is considered that there would be no undue loss of privacy.' Those statements again are untrue and a distortion of the facts. There will be a total loss of privacy because this bedroom window will be within 2 metres of our back door and patio area on an elevated site and facing as much down the garden of Medway as Fairfield. This boundary is completely open without any screening from our back door and patio area whatsoever. See also point 4 below.

4. 'Views to the patio area would be lessened compared with the current situation.' That, quite simply I'm afraid, is a blatant lie specifically intended to mislead the Committee. My principal objection to this application is that by extending widthways at first floor level to within one metre of our boundary intensifies to an unacceptable degree the visual intrusion because the angle of view to our back door and patio area from the development is widened, not lessened. Please bear in mind that this is the Case Officer who told me at the aforementioned site visit that 'we cannot consider loss of privacy to gardens and patios' - you can, see policy H8 - and that with regard to privacy 'usable rooms in the home are our only consideration' - not so, see policy BE8. Please see the attached pictures and try to envisage the development filling the space between the existing boundary wall and the subject property. At first floor level both the building and bedroom window will be a gross invasion of privacy and represent a totally overbearing proximity issue in breach of current planning policies.

5. 'The proposed window on the first floor side elevation is ... to be obscurely glazed.' That is intended to represent a compromise to allay fears of loss of privacy but in reality that window does not overlook or encroach upon our privacy because it faces our flank wall. It is the rear bedroom window overlooking our back door and patio area that should be made obscure as a condition of any permission.

I specifically request that you place this e-mail before the Committee members as an addendum to the Case Officer's report as it cannot be fair and reasonable to allow such untrue factual statements to remain on the record.

I therefore await your confirmation of my request as a matter of urgency.

Yours sincerely

Peter Morgan

Additional Comments

None.

Additional/Amended Conditions

None.

Item 19 (Page 161-174) – CB/11/04171/OUT – Former Brogborough Sports and Social Club, Bedford Road, Brogborough.

Additional Consultation/Publicity Responses

None.

Additional Comments

Since completing the report, it has come to light that an additional plan needs to be included in condition number 24 in relation to the approved plans. The condition should read:

The access to the development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 763-100 Rev C; 763-101 Rev A; 763-102 Rev B, 25843/002/005 Rev A.

Reason: For the avoidance of doubt.

There are also some minor amendments to some of the other conditions. These are as follows:

Condition 5 should now read:

Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved, relative to adjoining land shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development, the adjoining land and public areas.

Condition 9 is no longer considered necessary as the approved access plan has been included within condition 24.

Item 20 (Page 175-190) – CB/12/00466/FULL – 2 High Street, Stotfold.

Application withdrawn from the Agenda. Appeal lodged and the application will be on the Agenda for the next Meeting.