

## **LATE SHEET**

### **DEVELOPMENT MANAGEMENT COMMITTEE – 17 JULY 2013**

#### ***Item 6 (Page 13-28) – CB/13/01785/VOC – Hillside, 32 Sundon Road, Harlington, Dunstable.***

##### **Additional Comments**

In respect of the concerns raised by the Parish Council about the impact of the semi-detached properties becoming detached on the levels of energy efficiency, it is relevant that all new homes would need to comply with the current building regulations sustainability requirements. As such the change to create two detached units 12 and 13 would not be material in this regard.

#### ***Item 7 (Page 29-42) – CB/13/01384/FULL – The Drovers, Flitwick Road, Steppingley, Bedford.***

##### **Revised proposed site layout plan submitted by applicant.**

The applicant has submitted on 12/07/2013 a revised site layout plan (12/072/210/B) which shows clearly that the upper terrace to the rear of the Pubic House/restaurant is to be removed and the land regraded - with only the lower terrace retained. This lower terrace is to be used as pub garden and this is annotated in green cross hatching on this plan. A 1.2m high fence is shown on the plan, to be erected along the rear boundary of this pub garden to clearly define its extent.

Cross sections through the lower terraced area (pub garden) have been submitted and these indicate that the pub garden area will be at one level across its width.

The existing access track along the west side is to be regraded and used only for servicing of the application site and the land to the rear.

The plan shows a hatched area along the side boundary of the site that is shared with the bungalow next door to the east and this is to be excluded from the pub garden area to safeguard the amenities of occupiers of this bungalow from overlooking and noise.

Plan 12/072/210/B is attached to this late sheet.

## **Additional/Amended Conditions**

### **Condition 2 to read:**

The beer garden use hereby permitted shall be restricted to the area cross hatched in green on plan number 12/072/210/B and shall not include the area hatched in black on plan number 12/072/210/B.

Reason: To safeguard the residential amenity of neighbouring occupiers and the character of the area.

### **Condition 4 to read:**

The access track to the west of the beer garden as shown on plan number 12/072/210/B shall only be used for maintenance purposes and shall not be used as a vehicular access to provide additional parking or in association with uses ancillary to the restaurant, public house or beer garden.

Reason: To safeguard the residential amenity of neighbouring occupiers and the character of the area.

### **Condition 10**

The beer garden as shown on plan number 12/072/210/B shall only be used for such purposes between the hours of 11am and 11.30pm on any day and no outside amplified music shall be installed or operated without the prior approval in writing of the Local Planning Authority.

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

### **Condition 11**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12/072/101, 12/072/103/A, 12/072/104, 12/172/105, 12/072/100, 12/072/102, 12/072/1000 and 12/072/210/B.

Reason: For the avoidance of doubt.

***Item 8 (Page 43-50) – CB/13/01437/FULL – Lark Rise, Mount Pleasant, Aspley Guise, Milton Keynes.***

**Additional details received from applicant by e. mail dated 11/07/2013 regarding existing and proposed floor areas and proposed ridge height.**

<u>Existing:</u>	Ground floor of the main house	86.42m squared
	Side utility (to be demolished)	3.06m squared
	Conservatory	17.94m squared
	Porch	0.97m squared
	First floor main house	86.42m squared
	<u>Total</u>	<u>194.81m squared</u>

<u>Proposed:</u>	Main house basement	32.10m squared
	Ground floor (incl extension)	122.19m squared
	Conservatory	17.94m squared
	Porch	0.97m squared
	First floor main house (incl extension)	122.19m squared
	Roof main house	60.13m squared
	<u>Total</u>	<u>355.52m squared</u>

The roof area has been measured to the dwarf walls at 900mm high and 1500mm within bathroom.

Existing footprint (measured externally and including porch, conservatory and side utility) is 123.99m squared.

Proposed footprint (including porch and conservatory) is 159.29m squared.

The applicant has also stated in his e. mail dated 1/07/2013 that the ridge height is to be raised to a max of 1.5m not 1.7m as stated in the officers report to committee. This figure is accepted and not disputed.

A further e. mail has been received from the applicant dated 15/07/2013 and this confirms that planning permission has not been obtained for the wooden shed which is situated just inside of the front boundary hedge. He will apply for consent for this if required to do so. This structure is referred to in the Design and Access Statement.

### ***Item 9 (Page 51-84) – CB/13/00728/OUT – Land off Steppingley Road, Froghall Road, Flitwick.***

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

There are no additional consultation or publicity responses.

## **Additional Comments**

A few errors have been identified within the Committee Report. These are corrected as follows:

### **The Application:**

Para 4 - The proposed residential density would be 35 dwellings per hectare net. A range of housing types are proposed between 1 and 5 bedrooms with ~~30%~~ 35% affordable in a range of housing within small clusters across the site. The building form is envisaged to be 'traditional' and predominantly two-storey, with the creation of different character areas within the site. Single storey dwellings would be arranged around a 'farmyard' courtyard located to the rear of the two existing cottages which front Steppingley Road and are proposed to be retained.

### **Consultations/Publicity responses**

#### Network Rail

No objection in principle to the development, but outline a series of requirements which must be met, especially with the close proximity to the electrified railway. These include ensuring surface and foul water drainage discharging away from the railway, 'fail safe' measures to prevent construction works interfering with the operation of the railway, provision of trespass-proof fencing along the boundary, sufficient buffering between development and rail land and appropriate lighting to prevent disruption, and the requirement of soundproofing to properties. Additional trips under the railway bridge may increase potential for 'bridge strikes' so recommend consultation with Asset Protection Project Manager to ascertain whether bridge protection barriers may be needed. Recommend conditions relating to drainage, boundary fencing, provision of a method statement, soundproofing, lighting and landscaping for reasons of safety, operational needs and integrity of the railway. ~~Other matters can be dealt with by an informative.~~

## **4. Traffic, Access and Sustainable Transport**

### Other Highway Issues

Para 2 - A contribution shall be paid through the S106 to upgrade Footpath 15 adjacent to the site. Within the site the Footpath 15 is located within a landscape corridor which will provide a green finger through the site.

### Sustainable Transport

Para 1 - The S106 Agreement has secured ~~in excess of £701,800~~ £586,800 towards Sustainable Transport measures. This includes contributions towards the cycle network, upgrade of Footpath 15, the A507 Crossing and Public Transport.

## 8. Planning Obligations

Impact on existing infrastructure and services is another key issue raised during the consultation of this application. Contributions can be secured to ensure that the additional impacts arising from the development can be mitigated in accordance with the statutory tests for Planning Obligations. Contributions cannot be used to remedy existing deficiencies of infrastructure and services in the area.

The applicants have agreed to provide the full financial contributions required under the Planning Obligations SPD (North). The total package to be secured via a Section 106 Agreement would include a contribution of around ~~£5.03~~ £5.06 million, provision of on site leisure, recreational and green infrastructure facilities, off site highway works (as detailed above) and the full 35% affordable housing provision (140 dwellings). The applicants propose a Tariff style payment arrangement on a per dwelling basis. Providing the statutory tests for Planning Obligations are met, this would allow the Council greater flexibility in deciding exactly how the contribution will be spent within the locality.

The breakdown of financial contributions is as follows:

Education	£2,335,665.00
Sustainable Transport	£586,800.00
Health Facilities	£480,000.00
Leisure, Recreational Open Space & Green Infrastructure	£1,249,200.00
Community Facilities & Infrastructure	£2,800.00
Community Cohesion	£7,600.00
Waste Management	£18,400.00
Emergency Services	£82,800.00
Public Realm and Community Safety	£88,360.00
Footpath 15	£85,000.00
A507 Crossing	£30,000.00
MUGA	£65,000.00
Highways Contribution	£33,375.41
<b>Total</b>	<b>£5,065,000.41</b>

The Leisure, Recreational Open Space and Green Infrastructure contribution will include contributions towards indoor and outdoor sports facilities as requested by Sport England. A contribution to provide an offsite MUGA is also included as part of the play provision for the site. It is anticipated that this will be provided on CBC land adjacent to the site.

The proposed affordable housing 'package' consists of 70% Shared Equity and 30% Affordable Rent tenure types. These would comprise a range of 1, 2, 3 and 4+ bedroom dwellings (including flats) pepper-potted across the site.

## Amended Condition

Condition 38 has been amended for clarity only.

The development hereby permitted shall not be carried out except in accordance with the Approved Plans drawings numbers: Location Plan 16627/1003 prepared by Woods Hardwick , 46381000/P/3250/001 Rev A prepared by URS, 4638100/P/3250/005 Rev A prepared by URS, 4638100/P/3250/006 Rev A prepared by URS and 46381000/P/3250/007 Rev A prepared by URS.

Reason: For the avoidance of doubt.

***Item 10 (Page 85-102) – CB/13/01693/FULL – Global Robots Limited, Beancroft Road, Marston Moretaine, Bedford.***

**Additional Consultation/Publicity Responses**

None.

**Additional Comments**

None.

**Additional/Amended Conditions**

None.

***Item 11 (Page 103-108) – CB/13/01825/FULL – Crooked Oak, Bridle Way, Toddington.***

This application has been Withdrawn.

***Item 12 (Page 109-118) – CB/13/01879/FULL – 27 Western Way, Sandy.***

**Additional Consultation/Publicity Responses**

Comments from Sandy Town Council – objects to the proposed development on the grounds that the neighbouring properties at 25 and 23 Western Way may suffer a loss of amenity to their properties in terms of loss of light and overshadowing.

One letter received in support of the proposal from No. 29 Western Way.

Email received from 25 Western Way dated 28 June 2013:

*I wish to bring to your attention what I consider to be a lack of due diligence in the processing of the above application by your Planning Office.*

*A decision to permit development appears to have been made by your Planning Officer based on incomplete and incorrect data:-*

*The site plan which is crucial to understanding the relative position of the proposed development to the rear of my property is incorrect and was known by all concerned parties to be inaccurate one year before the current application was submitted;*

*The conclusion expressed by the Planning Officer to Lindsey Gilpin, a Member of the Royal Town Planning Institute, acting on my behalf, that the only room in my property to be adversely affected is one bedroom is incorrect, in fact the entire rear of my property is affected including bedroom, bathroom, kitchen, conservatory, patio and garden.*

*No further site visit has been made by the Planning Officer since 2012;*

*I am advised by Councillor Nigel Aldis that the Applicant sought advice from the Planning Officer prior to submitting this application but the advice given that a reduction of one metre in width may be acceptable is applicable to development where houses are side by side and is not relevant in this instance;*

*There is a failure to comply with Bedfordshire Best Practice guidelines that require consideration to be given to any negative impact on the neighbouring environment. In this case the negative impact through the loss of my amenity and that of subsequent owners can be quantifiable by a reduction in the value of my property of approximately £10,000 while the Applicant will benefit by an increase in the value of his property by approximately the same amount. A wholly inequitable situation that results from failure to consider the wider environmental impact.*

*All the above points are set out in detail in my Architect's letter to the Planning Officer dated 24 June 2013 to which we have not as yet received a reply. In fact the only communication I have received from the planning officer is an out of office email to my original objection.*

*Failure to show a duty of care by a professional council employee is obviously a serious breach of their responsibility to provide open and honest governance and a lack of compliance with governing rules, regulations and codes of practice that results in a planning recommendation which is hugely detrimental to an innocent party cannot pass any legal test of reasonableness.*

*I am honestly stunned that the Planning Department can consider that the erection of a two storey solid brick gable wall in such close proximity to the back of my house can have minimal impact on my environment. My contention is that if due diligence had been exercised and compliance requirements had been met then this proposed development would not be permitted. Despite my strong feelings that the application should be rejected, my Architects advised a reasonable compromise and last week Lindsey Gilpin advised the Planning Officer that I would withdraw my objection if the*

*rear and side wall of the proposed extension was moved 1.3 metres within the existing building thus reducing the impact of the first storey extension and still providing my neighbour with an extra room and shower room of adequate size. This was rejected out of hand by the planning officer, a position that you may now want to reconsider.*

*I understand that the application is due to be determined by the Council's Development Management Committee and that I will be invited to make my views known.*

Further email from No. 25 requesting copies of objection letter from Arnold Gilpin dated 27/06/13, email dated 28 June to Richard Carr and re-sent on 05/07/13 to be circulated to Members prior to the committee meeting.

Email dated 05/07/13:

*Dear Mrs Boyd*

*Thank you for your email below. Unfortunately, this has increased my concerns and still does not address the issues raised previously.*

*Please advise if the letter sent to you by my Architect, Arnold Gilpin, Dipl.Arch. RIBA, dated 24/06/2013, and my email to Richard Carr, Chief Executive, dated 28/06/2013 and re-submitted 05/07/2013 will be distributed to the Committee by your office prior to the Committee Meeting. Or do I need to submit one set, or one set per Committee Member?*

Letter from Arnold Gilpin Architect is attached to the Late Sheet as it includes an A3 plan.

Email dated 12/07/13 received from Applicants Architect Richard Beaty in response to Mr Arnold Gilpin's letter:

*Thank you for the copy of Arnold Gilpin's letter submitted to the council. I wish to make the following comments on its contents.*

*To avoid repetition I will not go through the letter point by point but cover the general issues that Mr Gilpin has raised.*

**1. Accuracy of drawings.**

*He is correct in his assumption that the block plan is based on the Ordnance Survey plan. To carry out an accurate survey of the relationship of the two properties it would be necessary to have been taken the measurements predominately in the garden of No25. I assume that Mr Gilpin has now carried this out and produced the drawing attached to his letter Rj23 Ao(0)01. I have revisited the site and as far as can be established from your garden I would concur with the facts as represented by the drawing however due to copying and scanning it is not possible to take scaled dimensions. In reference to the inaccuracies, point 1 of the letter states that ' Any*



decision based on this may be exposed to later challenge.' On examination of the original block plan and Mr Gilpin's drawings the discrepancies are relatively minor. There is a very slight difference in the orientation of the two buildings of around 250mm and the distance between the proposed extension and the bedroom window of No 25 is 7.5m ( see point 4 of Mr Gilpin's letter ) rather than the 7.35m on the submitted block plan. I don't believe that either of these could be seen as giving a false representation of the facts on the ground. Mr Gilpin's plan does refer to two bedroom windows facing towards No 27. There is only one the other being a bathroom.

## **2. Orientation of the Dwellings**

Mr Gilpin identifies the orientation of the two properties as the main issue and draws attention to the small rear garden of No25. In most dwellings the rear garden is an important amenity space. No25 is located on an almost 90 degree bend in Western Way and has the characteristics of a corner plot with the large side garden to the east providing the amenity space. The occupants of No25, over the years, have acknowledged this by constructing an extension on the small rear garden closed to No27 and constructing a conservatory and patio area opening on to the side garden. This fact is recognised in point 11 of Mr Gilpin's letter. As No27 is to the north of No25 I do not believe there will be any effect on the main amenity space of No25.

## **3. Daylight and Sunlight**

This issue is raised in points 6 and 7 of the letter. The BRE publication ' Site layout for daylight and sunlight, a guide to good practice' sets out various tests that have been approved by the Department of the Environment and are widely used by Local Authorities in considering development proposals. The proposed extension passes the simple 'rule of thumb' test. In respect of the other tests the two test tests relating to direct sunlight are not relevant as the proposed extension is to the north of the affected window of No27. The test relating to daylight says that the diffuse daylighting to a window will be adversely affected if after a development the Sky component is both less than 27% and less than 0.8 times its former value. As the proposed extension is directly in front of the original gable of No27 its is very unlikely that it will result in a significant reduction in the Sky component.

I hope that clarifies some of the issues raised in Mr Gilpin's letter. If you have any further queries please do not hesitate to contact me.

Letter from the applicant in response to Mr Gilpin's letter dated 11 July 2013:

Dear Members

### **No 27 Western Way, Sandy, Beds Proposed Extension Planning Ref CB/13/01879/FULL**

We are unable to attend the meeting due to be held on Wednesday 17<sup>th</sup> July due to work and family commitments, but hope you are able to take the time to read this letter in place of us speaking at the meeting.

In the spring 2012 we decided to look into the possibility of extending our property. We contacted the Planning Department and Samantha Boyd came and gave advice

*and thought that a first floor extension over the garage was feasible but advised us to consult with our neighbour. My husband visited our neighbour Ms Joan Fisher to ask her views on our potential planning application and after voicing some concerns regarding the resale of her property she agreed it would not be a problem. If at this stage she had raised specific objections we would have given it further consideration as to whether we would embark on this project.*

*Our application was withdrawn last year following objections from Ms Fisher. Our agent then drew up a revised plan moving the extension back one metre away from the boundary. We had been advised by the planning authority that this would probably be satisfactory to Ms Fisher. We then submitted this application.*

*When our application was passed to Sandy Town Council for consideration we became aware that Ms Fisher had commissioned an architect to comment on our application and this had been submitted to the council. As we had not been made aware of this report its contents were allowed to go unchallenged. Surely we should have been consulted on it beforehand. I attach an email from our agent that deals with the issues raised in this report.*

*More seriously we believe that Cllr Nigel Aldis should declare an interest in matters relating to our planning application. There have been a series of disputes between Sandy Football Club and Cllr Aldis regarding Cllr Aldis's conduct and as he is well aware I am the Secretary of Sandy Football Club.*

*Lastly I wish to make a general point that although I have tried to do everything in the correct way by contacting the planning authority from the outset and following their advice, my neighbour has opposed my applications with the support of my elected representative. Consequently I feel that I have been totally excluded from the democratic process.*

### **Additional Comments**

Planning Officer's response to No. 25's email. Response dated 04/07/13:

*Further to your email below and previous email dated 28 June 2013, I would comment as follows –*

*The block plan submitted with the application is correct in that it accurately shows the application site and the proposal. I am aware that your conservatory and garden shed are not shown on the plans, however the architect does not have the authority to enter your property in order to survey your garden and it's buildings. Ordnance Survey do not update their records regularly which is why Planning Officers undertake site visits so that we can check the submitted plans with what is actually on the ground while also assessing the impacts of any proposals.*

*From my site visit to 27 Western Way on 11 June this year, it was clear to me that there had been no change in the situation at your property since my last visit in June 2012. At the time of the last application I also visited your property and took photographs from your bedroom window facing No. 27 and the garden areas. These*

*are still on my files and will be included in the presentation to Development Management Committee.*

*In my conversation with Lindsay Gilpin, I mentioned that I felt the main impact from the proposed extension was to your bedroom window. This is because, in planning terms, bathroom and kitchen windows are not considered to be primary accommodation rooms therefore any impact on such windows would need to be severe. I also feel that the impact on your garden area is somewhat reduced given that your property is to the south of the extension (therefore sunlight is not reduced) and you have a ground floor flat roof extension and garden shed between your property and the flank wall of the proposed extension.*

*As you are aware the application is recommended for approval based on my judgement as a planning officer taking into account the existing situation at the site and the orientation of the houses and gardens. My reasons for the recommendation are fully explained in the Committee Report. A committee site visit has been requested therefore Members will be able to view the site for themselves prior discussing the application at committee. This is normally undertaken on the Monday before the meeting however the date has not yet been confirmed. Please be aware that a visit from Members to your property will be at the discretion of the Chairman.*

*The reduction in size of the extension was suggested by Lindsay Gilpin during our phone conversation, however as we would be recommending approval, I did not feel it necessary to request such revisions from the applicant. Should the application be refused, the applicant may need to reconsider their plans and this would be an option for them to consider.*

*Should you have any further queries please do not hesitate to contact me.*

*Kind regards  
Samantha Boyd  
Senior Planning Officer, MSc MRTPI  
Development Management*

### **Additional/Amended Conditions**

No amendments.

***Item 13 (Page 119-128) – CB/13/01922/FULL – 1 St Johns Street, Biggleswade.***

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

None.

**Additional Comments**

None.

**Additional/Amended Conditions**

None.