

## **Item No. 16**

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| <b>APPLICATION NUMBER</b>                        | <b>CB/13/00371/FULL</b>  |
| <b>LOCATION</b>                                  | <b>Land at Boot Lane, Dunton, Biggleswade, SG18<br/>8RP</b>  |
| <b>PROPOSAL</b>                                  | <b>Construction of 24 houses and associated<br/>garaging, roads and sewers</b>   |
| <b>PARISH</b>                                    | <b>Dunton</b>  |
| <b>WARD</b>                                      | <b>Potton</b>  |
| <b>WARD COUNCILLORS</b>                          | <b>Cllrs Mrs Gurney &amp; Zerny</b>  |
| <b>CASE OFFICER</b>                              | <b>Nikolas Smith</b>   |
| <b>DATE REGISTERED</b>                           | <b>05 February 2013</b>  |
| <b>EXPIRY DATE</b>                               | <b>07 May 2013</b>   |
| <b>APPLICANT</b>                                 | <b>Linden Homes Midlands</b>   |
| <b>AGENT</b>                                     | <b>NKW Design</b>  |
| <b>REASON FOR<br/>COMMITTEE TO<br/>DETERMINE</b> | <b>Objection on material planning grounds from the<br/>Parish Council that cannot be overcome by<br/>planning conditions</b> |
| <b>RECOMMENDED<br/>DECISION</b>                  | <b>Full Application - approval subject to conditions<br/>and s106</b>  |

### **Reason the application is recommended for approval:**

The development would cause no harm to the appearance of the site or the area, would cause no harm to living conditions at neighbouring properties and would cause no harm to the safe and free flow of vehicular and pedestrian traffic. Standards of accommodation would be acceptable and existing rights of way through the site would be protected. The impacts of the development on existing local infrastructure would be adequately mitigated and affordable housing would be provided in line with the Council's policy standards. The development would be in accordance with the objectives of the National Planning Policy Framework (2012), the Central Bedfordshire Core Strategy and Development Management Policies (2009), the Central Bedfordshire Planning Obligations Supplementary Planning Guidance (2009), Design in Central Bedfordshire (a guide for development) and Appendix F Parking Strategy of the Central Bedfordshire Local Transport Plan.

### **Site Location:**

An area of 0.77ha to the North West of Boot Lane, Dunton. There is existing, mature hedgerow along the Eastern, Southern and Western boundaries that limit views in to the site from the open countryside beyond. The land immediately to the North does not form part of the application site but does fall within the ownership of the applicant. A footpath passes through the site that links Boot Lane to open countryside accesses from a point on the Western boundary of the site. An informal, walked path appears to be used instead of the formal path. To the South of the site is Dunton Recreation Ground. The nearest neighbours to the site are No 37 Boot Lane (a two-storey, semi-detached house), to the South and No 22 (a single-storey, semi-detached bungalow), to the East. Both have side elevations facing the site. A sewer easement runs between the Southwest and Northeast corners of the site.

The site is allocated by Policy HA19 of the Site Allocations Development Plan Document (2011) for a minimum of 15 dwellings.

In addition to the general policy requirements in the Core Strategy and Development Management Policies DPD and appropriate contributions to infrastructure provision in the Planning Obligations SPD, development at this site will be subject to the following:

- Provision of satisfactory buffer landscaping to minimise the impact of development on the open countryside.
- Retention of the public footpath that traverses the site, providing a link to the countryside, and provision of a new footpath to Dunton Recreation Ground.
- A buffer zone created between the proposed development and the existing wastewater treatment facility and
- Acceptable visibility at the junction of Boot Lane and Cambridge Road.

### **The Application:**

Planning permission is sought for 24, two-storey houses made up of:

- 7 x 2 bedroom houses
- 8 x 3 bedroom houses
- 9 x 4 bedroom houses

8 houses (33%) (4 x 2 bedroom and 4 x 3 bedroom and 4 x Affordable Rent and 4 x Intermediate Tenure) would be affordable housing.

The development would have a density of 28dph.

Car parking would be provided at one space per bedroom and each house would be served by a rear garden.

The actual line of the public footpath running through the site would be reinstated (as opposed to the as walked path) and a new path would be introduced at the South of the site that would provide access to Dunton Recreation Ground.

A landscape buffer area to the North of the site (that would be within the ownership of the applicant) would be introduced so as to seek to minimise the visual impact of the development from the open countryside beyond the site.

### **Relevant Policies:**

National Planning Policy Framework (2012)

Site Allocations Development Plan Document (2011)

Planning Obligations Supplementary Planning Guidance (2009)

Core Strategy and Development Management Policies (2009)

CS1      Development Strategy  
CS2      Developer Contributions

|      |  |
|------|--|
| CS3  | Sustainable and Healthy Communities                |
| CS4  | Linking Communities                                |
| CS5  | Providing Homes                                    |
| CS7  | Affordable Housing                                 |
| CS13 | Climate Change                                     |
| CS14 | High Quality Development                           |
| CS16 | Landscape and Woodland                             |
| CS17 | Green Infrastructure                               |
| CS18 | Biodiversity and Geological Conservation           |
| DM1  | Renewable Energy                                   |
| DM2  | Sustainable Construction of New Buildings          |
| DM3  | High Quality Development                           |
| DM4  | Development Within and Beyond Settlement Envelopes |
| DM10 | Housing Mix  |
| DM14 | Landscape and Woodland                             |
| DM15 | Biodiversity                                       |
| DM16 | Green Infrastructure                               |
| DM17 | Accessible Greenspace                              |

Design in Central Bedfordshire (a Guide for Development) (2010)

|     |                             |
|-----|-----------------------------|
| DS1 | New Residential Development |
|-----|-----------------------------|

Central Bedfordshire Local Transport Plan: Appendix F Parking Strategy (2012)

**Planning History:**

There is no relevant planning history at the site.

**Representations:**

Parish Council

My members did discuss your comments regarding the fact that the Highways Officers comment that a mini roundabout would be unsafe at this location. After a lengthy discussion I can confirm that my Council still do not have any objection to the proposed housing but they object to the proposed road layout/current alterations at Boot Lane for the housing development, they would still like to see a mini roundabout installed. Accordingly, the original objection due to the proposed road layout at Boot Lane junction still stands.

Neighbours

Six letters of objection were received, commenting as follows:

A site notice and a press notice were displayed

- There would be problems with privacy, traffic noise and access.
- It would be dangerous to cross Boot Lane.
- Windows would overlook existing back gardens.
- The layout would be cramped.
- The development could result in flooding.

- The junction with Cambridge Road would be dangerous.
- Boot Lane cannot accommodate additional traffic.
- Dunton does not have infrastructure capable of accommodating the proposed houses.
- The development would harm the rural character of the village.
- The Traffic Assessment was inadequate.

Three letters of support/comment were received, commenting as follows:

- More houses would be beneficial for the village.
- Local people could live near their families.
- The houses would be appropriately designed.
- The proposed junction works would make it safer.

### **Consultee responses:**

|                         |   |
|-------------------------|---|
| Highways                | No objection subject to conditions. The proposed junction works, together with a contribution towards traffic calming measures would result in a safe junction. A mini-roundabout in this location would be unsafe. |
| Housing Development     | No objection subject to affordable housing being provided in line with the Council's policy standards   |
| Internal Drainage Board | No objection subject to condition   |
| Rights of Way           | No objection subject to a contribution towards local rights of way  |
| Anglian Water           | No objection  |
| Environment Agency      | No comment  |
| Waste and Recycling     | No objection subject to condition   |
| Archaeology             | No objection subject to condition   |
| Public protection       | No objections raised  |
| Ecology                 | No objection subject to condition   |
| Trees and Landscape     | No objection subject to condition   |
| Sustainable Growth      | No objection subject to condition   |
| Contaminated Land       | No objection  |

### **Determining Issues:**

The considerations in the determination of this application are:

1. The principle of the development
2. The layout and appearance of the development and landscaping
3. The impact on living conditions at neighbouring properties
4. Traffic and parking
5. Rights of way
6. Quality of the accommodation proposed
7. Other material planning considerations
8. The impact of the development on existing local infrastructure and affordable housing
9. Human Rights and Equality

### **Considerations:**

#### 1. Principle

The principle of residential development at this site is established by the site allocation policy for at least 15 units. The density at the site would be 28dph which would be broadly in line with the standard for village infill development set out in the Council's Design Guide of 30dph. Subject to compliance with the site allocation policy additional requirements and other relevant policy and guidance, the development would be acceptable in principle.

#### 2. Layout and appearance

The layout of the site would be directed by constraints at the site, principally the footpath that runs from the Southeast to the Northwest and the sewer easement that runs from the Southwest of the site to the Northeast. The result would be four distinct pockets of development that whilst unusual and at odds with the established built character of Boot Lane, it would not be harmful because of the edge of settlement location of the site and the existing and proposed landscaping that would limit views of the site from the open countryside beyond it. Building types and sizes and the arrangement around a central area of shared surface would be irregular and would have an organic character that would help to create a visually vibrant and interesting built environment.

The buildings would be of a good design quality and the use of chimneys and fenestration detailing would help to ensure an acceptable standard of built development at the site. A condition would require amended elevational details showing headers and cills to windows so as to further enhance the design quality of the buildings.

A landscape buffer of tall trees to the North of the site would prevent a serious impact on the character of the open countryside. Existing hedging on the West and Southern boundaries would be retained. Opportunities for landscaping within the site would be fairly limited but that proposed would add to the quality of the development and would help to ensure that its appearance would be acceptable. The provision and maintenance of landscaping at the site, including the 'buffer zone' would be controlled by condition. The provision of this landscape buffer would meet the criteria set out in the site allocation policy.

Materials would be controlled by condition and the boundary treatment proposed would be acceptable.

The development would cause no harm to the appearance of the site or the wider area.

### 3. Neighbours

The nearest neighbour to the East would be No 22 Boot Lane, a semi-detached bungalow. The side elevation of that building would be less than 2m from the Eastern boundary of the site. The nearest proposed house to that neighbour would be at Plot 21 and 9.5m away and the orientation of that building would prevent any loss of light or outlook at No 22. The rear garden of Plot 21 would run along the boundary of the front garden of No 22 but there would be no development directly adjacent to its rear garden. There would be no side facing windows at Plot 21 so there would be no opportunity for overlooking. There would be 3 parking spaces located 4m away from the shared boundary with No 22 but the level of activity associated with those would not be so great as to cause serious noise and disturbance. The rear elevation of plot 24 would be at least 24m away from the front elevation of No22 and that distance would ensure that no unacceptable overlooking occurred.

The nearest neighbour to the South of the site would be No 37 Boot Lane and its side wall would face the site. There would be two parking spaces near to the boundary with that house but they would not create a level of activity that could cause significant noise and disturbance. The nearest proposed house would be Plot 1 and the side wall of that house would be around 4.5m away from the shared boundary with No 37. That distance, taken together with the siting and orientation of the buildings would prevent any harm in terms of loss of light or outlook. Side facing windows would serve bathrooms and so would be obscurely glazed to prevent overlooking problems. The rear elevation of plot 6 would be over 35m away from the rear of No 37 and would be orientated differently. This distance and orientation would prevent any harmful overlooking occurring.

Other houses on Boot Lane would be located far enough away from the development to prevent harm being caused to living conditions. The level of traffic using Boot Lane would increase as a result of the development, but not to the extent that noise and disturbance associated with car use could be considered harmful.

There would be no harm caused to living conditions at neighbouring properties.

### 4. Traffic and parking

The existing junction between Cambridge Road and Boot Lane serves a large number of existing houses but visibility is not in line with current standards. The junction would be adjusted by moving markings further in to Cambridge Road so as to increase viability for cars using the junction. This would result in a safe junction so long as drivers respected the existing speed limit. To promote the same, the developer would make a contribution that would provide two traffic calming signs to be installed within the proximity of the junction. The Parish

Council has suggested that it would prefer that a mini-roundabout be installed at the junction. That is not proposed as part of the application and the Council's expert officers are of the view that such an arrangement would be unsafe in this location. The access would be safe and would meet the relevant criteria as set out in the site allocation policy.

Car parking would be provided in line with the standards set out in the Council's Parking Strategy (one space per bedroom) and garages would be large enough to accommodate a parked car and bicycle storage (in accordance with the Council's current parking standards). The layout of the site would prevent opportunities for cars to move too quickly through it.

The development would not result in harm to the safe and free flow of traffic and the work to the Boot Lane/Cambridge Road junction would improve safety there.

#### 5. Rights of way

An existing right of way runs through the site. An informal, walked route has been used rather than the formal route. The development would safeguard the formal route that would run from the entrance to the site to the Northwest corner. In addition, a path would be introduced at the South of the site that would allow access to Dunton Recreation Ground. A contribution would be secured to enhance the rights of way network around the site so as to improve opportunities for recreation for local people. A condition would secure the provision and retention of the rights of way.

#### 6. Quality of accommodation

All of the houses would be well laid out with good internal spaces and access to light and outlook. All houses would be served by rear gardens, some of which would be much larger than others. They would all be of a usable shape and the larger houses, more likely to be used by families would be largest. On balance, and taking in to account the proximity and improved access to the Recreation Ground to the South and a financial contribution towards improvements there, the quality of accommodation provided by the development would be acceptable.

#### 7. Other considerations

##### Drainage

Neither the Environment Agency or Anglian Water have raised objections to the development. A condition requiring the submission and approval of a method of dealing with storm water would prevent harm being caused in this respect.

##### Public Protection

One of the requirements of the site allocation policy was that the development would be sufficiently screened so as to prevent harm being caused by an existing nearby waste water treatment plant. The Council's Public Protection Team has offered no objection to the layout of the site or to the arrangement of existing and proposed landscaping and so no harm would be caused to living

conditions to future occupiers at the site.

### Archaeology

A condition would require the submission and approval of a Written Scheme of Archaeological Investigation so as to ensure that no harm would be caused to existing heritage assets at the site.

### Ecology

The Council's Ecologist is satisfied that subject to compliance with recommendations set out in the submitted Ecological Assessment, there would be no harm to local ecology. A condition would require that those recommendations would be complied with.

### Sustainability

A condition would ensure that the development achieved the Council's sustainability objectives through a reduction in energy consumption of 10% against the Building Regulations.

#### 8. s106 and affordable housing

33% of the houses at the site would be affordable and the housing and tenure mix would be broadly in line with the Council's objectives. The provision of affordable houses is particularly important in rural areas, like Dunton, where provision is typically low. At 33%, provision would be slightly below the Council's policy objective (35%) but given the number of units at the site (9 units would have resulted in 37.5%), this very modest shortfall would not be so significant as to warrant the refusal of the planning application.

Financial contributions would be secured through a s106 agreement broadly in line with the Council's Supplementary Planning Document (2009). Contributions would not be made to the Forest of Marston Vale or to emergency services but additional contributions would be made to the local rights of way network, traffic signage near to the Boot Lane/Cambridge Road junction and for improvements to Dunton Recreation Ground. Contributions would be made to education and healthcare so as to help mitigate the impact of the development on existing local infrastructure. The package of contributions provided would, on balance, be acceptable.

#### 8. Human Rights and Equality

No human rights or equality issues have been raised during the application process.

### **Recommendation:**

That Planning Permission be granted subject to the completion of a s106 agreement securing the above planning obligations and to the following conditions:

- 1 The development shall begin not later than three years from the date of this



permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall commence at the site before samples of bricks and roof tiles to be used in the construction of the houses have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the site would be acceptable.**

- 3 No dwelling shall be occupied at the site before boundary treatment has been completed in accordance with drawing number 1135-005 rev A.

Reason: To ensure that the appearance of the site and the standard of accommodation provided would be acceptable.

- 4 No dwelling shall be occupied at the site before the landscaping at the site and within the 'buffer zone' has been carried out in accordance with the submitted Landscape Proposals rev A and Landscape Schedules (revised April 2013).

Reason: To ensure that the appearance of the site would be acceptable.

- 5 **No development shall commence at the site before a Landscape Maintenance Scheme for landscaping at the site and within the 'buffer zone' for a period of five years has been submitted to and approved in writing at the site. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the site would be acceptable.**

- 6 Existing trees and hedges at the site shall be protected in accordance with the details shown on drawing numbers 2307.TPP and 2287.AIA for the duration of the development at the site.

Reason: To ensure that existing trees and hedges are protected during construction.

- 7 The public footpath running between the South East and North West of the site shown on drawing number 1135-004 rev E and that running along the South of the site (including access points to the Recreation Ground) shall be made available for public use prior to the occupation of any unit at the site and shall be permanently retained unobstructed thereafter unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: To ensure that the right of way is available for public use.

- 8 **No development shall commence at the site before details of areas for the storage and collection of waste and recycling have been submitted to and approved in writing by the Local Planning Authority. The details**

**shall be carried out as approved.**

**Reason: To ensure that adequate facilities for waste and recycling are provided for future occupiers.**

- 9 The development shall be carried out in accordance with the recommendations contained within the Extended Phase 1 Habitat Survey and Protected Species Assessment updated in January 2013 and prepared by ADAS UK Ltd.

Reason: To ensure that local ecology is properly protected.

- 10 **No development shall commence at the site before an energy strategy which demonstrates how the development will achieve a reduction in energy usage of 10% against the standards set out in Part L of the Building Regulations has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the development would be sustainable.**

- 11 **No development shall commence at the site before details of the design and construction of methods to accommodate storm water have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To ensure that drainage is properly dealt with at the site.

- 12 **No development shall commence at the site before detailed plans and sections of the proposed roads, including gradients and method of surface water disposal have been submitted to and approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access to it has been constructed (apart from final surfacing) in accordance with the approved details.**

**Reason: To ensure that the proposed road works are constructed to an adequate standard.**

- 13 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 14 The proposed development shall be carried out and completed in all respects in accordance with the highway configuration illustrated on the approved plan and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning

Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 15 No dwelling shall be occupied at the site before details of modifications to the road markings at the junction of Boot Lane with Cambridge Road have been submitted to and approved in writing by the Local Planning Authority. The junction works shall be carried out as approved before any dwellings at the site are occupied unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: In order to provide an improved visibility splay in the interests of highway safety.

- 16 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 17 **No development shall commence at the site before details of a wheel cleaning facility at all site exits have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved. The wheel cleaner(s) shall be removed from the site once the road works 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.**

- 18 **No development shall commence at the site before details of a scheme detailing access provision to and from the site for construction traffic and provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period as approved.**

**Reason: To ensure adequate off street parking during construction in the interests of road safety.**

- 19 **No development shall commence at the site before a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

**Reason: To ensure that no harm is caused to archaeological heritage assets at the site.**

- 20 **No development shall commence at the site before details of existing and proposed site levels including cross sections through the development and houses on Boot Lane that adjoin the site boundary have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the site and the impact on living conditions at neighbouring properties would be acceptable.**

- 21 **Notwithstanding any details shown on the plans hereby approved, no development shall commence at the site before revised details of external sills and headers to windows on the houses have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the site would be acceptable.**

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [Extended Phase 1 Habitat Survey and Protected Species Assessment updated January 2013 and prepared by ADAS UK Ltd, Drainage Statement dated 31st January 2013 and prepared by iD Ltd, Site Investigation dated December 2012 and prepared by BRD, Planning01 rev C, 1135/GAR/01 rev A, 1135-006 rev A, 1135-005 rev A, 1135-004 rev E, Dntn - Topo 01, 2287.AIA, 2307.TPP, Planning01 rev B, AF3B-P01, AF2B-P01, Planning02 rev B, AF3B-P02, AF2B-P02, Planning01 rev C, Planning02 rev C, Planning01 rev B, Planning02 rev B, Planning01, Planning02, Planning, Design and Access Statement dated January 2013 and prepared by 3D Planning Ltd, Highway Impact Assessment dated February 2013 and prepared by Infrastructure Design Ltd, Highway Statement dated January 2013 and prepared by iD Ltd and Tree Survey received 4th February 2013].

Reason: For the avoidance of doubt.

#### **Notes to Applicant:**

1. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in

place.

2. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicant is advised that in order to comply with conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes - July 2010"

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**DECISION**

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