

## **Item No. 9**

<b>APPLICATION NUMBER</b>	<b>CB/18/00643/OUT</b>
<b>LOCATION</b>	<b>Land East of 7 Biggleswade Road, Dunton, Biggleswade, SG18 8RL</b>
<b>PROPOSAL</b>	<b>Outline: Erection of two detached two-storey dwellings. All matters reserved except for means of access.</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>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>22 February 2018</b>
<b>EXPIRY DATE</b>	<b>19 April 2018</b>
<b>APPLICANT</b>	<b>Central Bedfordshire Council</b>
<b>AGENT</b>	<b>Brown&amp;Co Barfords</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Central Bedfordshire is the applicant and a third party objection has been received</b>
	<b>Outline Application - Recommended for Approval</b>

### **Summary of Recommendation**

The proposal, for two residential units falls within the Dunton village settlement boundary. It is considered to constitute infill development, which is considered acceptable in this location, according with Policies CS1 and DM4 of the Core Strategy.

It is considered that, subject to detailed consideration at the reserved matters stage, two detached dwellings could be adequately accommodated within the site without causing undue harm to neighbouring privacy and amenity or to the character of the area.

It is not considered that any harm to highway safety would arise from the proposed access, whilst the required parking and turning could be adequately provided within the site to serve two detached dwellings.

It is considered that the development could be carried out without harming the amenity value of the mature trees around the site subject to appropriate protection measures.

### **Site Location:**

The site is located within the western entrance to the village of Dunton, on the north side of Biggleswade Road, between No. 7 (to the west) and Beechcroft (to the east).

The site has a frontage width of approximately 20m, reducing to approximately 18m at the rear and a plot depth of 50m, incorporating a parcel of paddock land

extending to level with the rear garden boundary of Beechcroft. A mature Sycamore tree and mixed broken hedging extends along the road boundary. The east and north boundaries are formed by 1.8m close boarded fencing, with a low hedge to the boundary with Beechcroft.

An extant outline approval exists for a single detached two storey dwelling and detached garage within the same application site as the current proposal (16/02348/OUT) .

### **The Application:**

This application seeks outline planning permission for the erection of two detached two storey dwellings, together with the creation of a new access onto Biggleswade Road. All matters are reserved except for the means of access.

The reserved matters are defined by article 2 of the Town and Country (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting visual amenities of the site and the area in which it is situated
- Layout – the way in which building, routes and open spaces with the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

The application has been amended by omitting the detached garages (originally submitted). The application is accompanied by an indicative layout plan (illustrative only), to demonstrate how two detached dwellings could be accommodated on the site, served by the proposed access.

The application is accompanied by a Planning Statement and a Tree Report.

### **RELEVANT POLICIES:**

National Planning Policy Framework (March 2012)

National Planning Practice Guidance

Core Strategy and Development Management Policies (November 2009)

CS1      Development Strategy  
DM4      Development within and Beyond Settlement Envelopes

CS14 High Quality Development  
DM3 High Quality Development

### Central Bedfordshire Design Guide (2014)

### Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

### **Planning History**

16/02348/OUT - Outline. Erection of one detached 2 storey dwelling with detached garage and new access. Approved 10/8/2016.

### **Consultees:**

Dunton Parish Council No objections.

Highway Authority No objection subject to conditions. Raise concern about the tight parking and the turning area shown on the indicative plans.

Trees and Landscaping No objection subject to conditions.

Supplied with the application is a Tree Report that identifies trees on site along with their retention categories. It identifies trees that will be removed to facilitate development and trees that could be impacted by the development. Trees and hedgelines around the perimeters are generally to be retained and should be protected throughout development.

We require an Arboricultural Method Statement and Tree Protection Plan to be supplied as part of this application, this could be covered by condition and will detail access proposals where they pass through root protection areas

of retained trees.

Landscape and boundary treatment details will also be required.

Internal Drainage Board No comments.

### **Other Representations:**

Neighbours The occupiers of Beechcroft object to the application on the following grounds:

- Right to Light and Overshadowing
- Contradicts the basis of the previous planning application
- Highway issues
- Noise and disturbance
- Layout and density of building design

The Occupier of Sharrow raises the following point:

- The site would be more suited to a single dwelling.

## **Considerations**

### **1. Principle of Development**

- 1.1 The site is located within the Settlement Envelope of Dunton, as defined by the Proposal Maps.
- 1.2 Dunton is defined as a Small Village under Policy CS1 of the Core Strategy and Development Management Policies (2009), whereby Policy DM4 states: "Within Settlement Envelopes in Small Villages, development will be limited to infill residential development and small-scale employment uses". The proposed dwellinghouses would be sited within the defined settlement envelope and would be considered to form infill development.
- 1.3 The proposal includes extending the garden at the rear of the site beyond the existing boundary hedge to the same point as the adjoining property Beechcroft and as approved in the previous outline consent. The extended land still falls within the designated settlement envelope.
- 1.4 Therefore the proposed development is considered to be acceptable in principle within the context of Policy DM4 of the Core Strategy and Development Management Policies (2009), subject to consideration of all other material matters. .

### **2. Impact upon the Character and Appearance of the Area**

- 2.1 The proposed dwellings are described as two storey detached houses. The surrounding area comprises a varied mix of two storey houses, both detached

and semi detached, on either side of Biggleswade Road.

- 2.2 Although the layout, scale and appearance of any subsequent development would be reserved for further consideration, it is considered that the indicative layout demonstrates that two dwellings could be sited within the site without causing harm to the general layout and character of the surrounding area. The indicative plans show the houses set back approximately 1m beyond the main front elevations of No.7 and Beechcroft, albeit set back approximately 2.5m behind the front gable projection of Beechcroft.
- 2.3 A gap of approximately 2m between the properties and 1m to each side boundary serving No.7 and Beechcroft is shown. No.7 and Beechcroft are currently set within spacious surroundings albeit outline consent exists for a single dwelling on this site (16/02348) and another dwelling on the other side of Beechcroft (16/02356), a narrower plot than the application site. Further permission (17/01392) also exists for a dwelling between 10a and No.8 on the opposite side of Biggleswade Road. Two new detached dwellings have recently been constructed at 5 Biggleswade Road.
- 2.4 Whilst outline permission was previously granted for only a single detached two storey dwelling and garage on the application site it is considered that having regard to the developments and approvals outlined above that the site is capable of accommodating two smaller detached two storey dwellings without garaging. However, there is still some concern that the scale of development shown for illustrative purposes on the indicative layout drawing appears somewhat cramped, particularly having regard to the more spacious nature of both adjoining properties within what is an edge of settlement location. However, it is considered that a more appropriate layout of two detached dwellings could be achieved within the site, the detail of which would form consideration as part of any subsequent reserved matters submission.
- 2.5 The site currently benefits from mature planting along the front boundary, includes a large Sycamore tree which along with the surrounding trees gives a semi rural appearance. The Tree Officer considers that a condition requiring an Arboricultural Method Statement and Tree Protection Plan should be required by condition to ensure protection of retained trees when providing the new access.
- 2.6 For the reasons outlined above, subject to conditions, it is considered that the proposed development subject to detailed consideration at the reserved matters stage would not cause harm to the character and appearance of the area, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

### **3. Impact upon the amenity and living conditions of occupiers of neighbouring properties**

- 3.1 It is considered that the closest affected dwellings to the proposal would be No. 7 and Beechcroft.
- 3.2 The previous outline approval included a detached garage extending well beyond the rear of Beechcroft. This current application as originally submitted included the provision of garages to the rear and parking to the side of the

houses. However this has now been amended with the garages removed and the parking shown located to the front of the houses.

- 3.3 It would be necessary to consider the impact of development upon the side facing windows of Beechcroft however it is not considered that a development comprising 2 No. two storey dwellings would necessarily result in an unacceptable loss of light/amenity to the occupants of Beechcroft which also has a window to the rear gable and a glazed door to the front gable. Whilst concerns regarding a right to light are made this is not itself a planning matter, impact on light and amenity would be a consideration that would form part of an assessment as part of any reserved matters application whereby the exact layout and siting of any proposed dwelling would be considered.
- 3.4 It is considered that in respect of privacy the closest dwelling could be designed without primary windows on the facing side elevation and any side windows could if necessary be obscure glazed. There is currently only a low hedge boundary between the application site and Beechcroft, however details of boundary treatment would also be dealt with at the reserved matters stage to ensure appropriate privacy is maintained.
- 3.5 The flank elevation of No. 7 is located over 10m from the site boundary and as such it is considered that a two storey development on the application site would not unduly harm the amenity of the occupiers of No.7, subject to appropriate design and with any high level flank windows being obscurely glazed.
- 3.6 With regards the access it is not considered that this stepped in 2m from the boundary with Beechcroft, would result in any undue loss of privacy or amenity to any neighbouring occupants.
- 3.7 For the reasons outlined above it is considered that the principle of the proposed development and the detail of the access are acceptable within the context of ensuring the residential privacy and amenity of the neighbouring occupiers, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

#### **4. Amenity and Living Conditions of future occupiers of the proposed dwelling.**

- 4.1 The indicative layout plans indicate rear gardens of approximately 30m incorporating 20m of additional paddock land to the rear.
- 4.2 As such it is considered that a development comprising 2 No. two storey dwellings could provide an acceptable standard of amenity for future occupiers, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

#### **5. Highway Safety and Car Parking**

- 5.1 It is considered that the indicative plans demonstrate that parking and turning could be provided for two cars for each dwelling within the site albeit some concern is raised by the Highway officer that the area appears tight and may benefit from being increased as part of any subsequent application. Whilst the

number of bedrooms is not stated in this outline application it is considered that the level of parking shown could accommodate a two/three bed dwelling in accordance with the Central Bedfordshire Design Guide (2014).

- 5.2 The proposed access, which forms the only matter for detailed consideration as part of this outline application is considered to be acceptable in highway safety terms and the Highway Officer has raised no objections subject to conditions.
- 5.3 Therefore in terms of highway safety the proposed access accords with Policy DM3 of the Core Strategy and Development Management Policies (2009).

## **6. Trees and Landscaping**

- 6.1 The application is accompanied by a tree report identifying trees on site, their retention category and root protection areas.
- 6.2 The proposal will result in the construction of a vehicular access within the root protection area of trees, therefore it is considered necessary, relevant and reasonable to impose conditions that would ensure no dig construction within such areas, in the interest of safeguarding trees and the visual amenity of the locality. New service routes and soakaways will need to avoid root protection areas of retained trees.
- 6.3 The Local Planning Authority will seek to retain as much mature landscaping as feasible. Whilst the layout of the development and landscaping are reserved matters, it is considered that there is sufficient space within the site to achieve an acceptable landscaping scheme whilst providing two detached dwellings..

## **7. Equality and Human Rights**

Based on information submitted there are no known issues raised in the context of Human Rights/ The Equalities Act 2010 and as such there would be no relevant implications.

## **Recommendation**

That Outline Planning Permission be **GRANTED** subject to the following Conditions:

### **RECOMMENDED CONDITIONS**

- 1 **No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development within that area (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.**

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval

of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The landscaping scheme approved under Condition 1 as a reserved matter shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure the implementation of an acceptable standard of landscaping, in the interests of the visual amenities of the locality, in accordance with Policy DM3 and DM14 of the Core Strategy and Development Management Policies (2009).

- 4 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.  
(Section 7, NPPF)**

- 5 **No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained tree(s), has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in the positions shown on the approved details. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.**

**Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended.  
(Sections 7 & 11, NPPF)**

- 6 Planning permission is being granted in recognition that no underground services are scheduled to be routed through the Root Protection Areas of the retained trees and/or hedgerows (as identified by the Tree Survey Plan). If any services are subsequently required to be routed through the designated



area protected under the Tree Protection Plan, then this work shall be carried out in full accordance with the National Joint Utilities Group (NJUG) Volume 4 "Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees".

Reason: To safeguard existing trees and hedgerows.  
(Sections 7 & 11, NPPF)

- 7 **No development shall commence until details of the junction of the modified/widened vehicular access with the highway have been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall not be occupied until the modified access has been constructed in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.**

- 8 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for the provision of off-street parking in accordance with the Council's published standards.

Reason: To enable vehicles to draw off and park clear of the highway, thus minimising danger, obstruction, and inconvenience to users of the highway and of the premises.

- 9 This consent relates only to the details shown on the submitted plans, numbers C813P Location Plan, 17060/1007 Access Plan, C813P Tree Survey.

Reason: To identify the approved plans and to avoid doubt.

## **INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicants attention is drawn to concern about the indicative layout, which is considered somewhat cramped, having particular regard to the distance to the boundary with Beechcroft. Furthermore, the indicative plans also appear tight in respect of the parking/turning layout. Such matters should therefore be taken into account with the submission of any detailed application.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant 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) Order 2015.

**DECISION**

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