

Item No. 6

APPLICATION NUMBER	CB/11/03832/FULL
LOCATION	Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS
PROPOSAL	Demolition of 2 dwellings and re-development of site for 2 No. One bed dwellings, 4 no. Two bed dwellings, 4 no. Three bed dwellings, 2 no. Four bed dwellings and 1 no. Five bed dwelling, with associated garaging and parking.
PARISH	Harlington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Mark Spragg
DATE REGISTERED	11 November 2011
EXPIRY DATE	10 February 2012
APPLICANT	Hearne Holmes Developments
AGENT	Triad Planning & Design Ltd
REASON FOR COMMITTEE TO DETERMINE	An unresolved Parish Council objection to a major application. Deferred from the Council's Development Management Committee of 19th September 2012 to allow consultation with English Heritage.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

This application site comprises an area of 0.40 hectares, located to the west of Sundon Road, centrally within the village of Harlington. Most of the site lies within the Conservation Area, and currently includes 2 No. two storey dwellings contained within a single large Edwardian building which has had modern additions to its front and rear elevations. To the rear of the main building is a modern detached single storey ancillary building previously used as a grocers shop. Unlike the application site Sundon Road in general is characterised by modest buildings of differing though traditional vernacular styles, located close to the highway.

The site is served by a main access in the north east part of the site, and a secondary access in the south east corner, both accessing onto Sundon Road.

A public footpath, under the ownership of the current landowner, runs along the northern boundary of the site, beyond which is the car park serving the Carpenters Arms Public House and the rear garden of 5 Oak Close. To the west of the site are the rear gardens of No's 6-12 Oak Close, part of a modern housing development, whilst the southern boundary of the site abuts the Methodist Church and the rear gardens of No's 6 and 7 Shepherds Close.

The site has a number of trees located predominantly within the eastern part of the site, with evergreen hedging around the north, west and southern boundaries. A prominent wall with a hedge above extends along the eastern boundary of the site, fronting Sundon Road.

The site rises gently from west to east and from south to north and is in an elevated position in relation to Sundon Road.

The Application:

The application was previously reported to the Council's Development Management Committee on 19th September 2012, however the item was deferred to allow consultation with English Heritage, whom it was identified should have been consulted, as the development site area exceeded the 1000sqm trigger above which there is a requirement for them to be consulted.

The application is for the erection of 13 dwellings, comprising 2 No. One bed dwellings, 4 No. Two bed dwellings, 4 No. Three bed dwellings, 2 No. Four bed dwellings and 1 No. 5 bed dwelling, with associated garaging and parking. The two existing main vehicular accesses would be retained and widened to improve visibility. An electricity pole and traffic sign are proposed to be removed from the pavement outside the site to increase the pavement width at these pinch points.

An application for Conservation Area consent has also been submitted CB/11/03833/CA in respect of the demolition of the buildings on site and was also deferred from the aforementioned Development Management Committee.

The application is supported by a Design and Access Statement, a Planning Statement, Heritage Statement, Transport Statement and Appendices, an Archaeological Evaluation, an Arboricultural Impact Assessment and a Waste Management Plan.

A further letter has been received by the applicants Conservation Consultant in response to the comments of English Heritage (reported in consultation responses below). In summary the letter makes the following points:

- "The opinion which has been received from English Heritage must be given due weight and consideration. However, English Heritage can and do get things wrong and their advice must be considered, assessed and where necessary challenged just like any other professional opinion".
- The proposal has been assessed by other heritage advisors including those employed by the Applicant and the Council. Only the English Heritage advisor has expressed concern about the scheme.
- "In weighing up the perceived harm of the scheme English Heritage only make reference to the benefit provided by the provision of social housing. Failure to give weight to the positive social and economic benefits of the construction of private new homes suggests a poor quality assessment which does not meet the

requirements of the NPPF".

- "The fundamental point is that designation of a Conservation Area is not intended to prevent development or visual change and the NPPF makes it clear that development should only be resisted if it were to cause actual harm to what is actually special about the Harlington Conservation Area. Even if some less than substantial harm is caused the NPPF makes it clear that it should still be permitted if the development provides other social or economic benefit such as the construction of new homes for people to live in".

- "The Harlington Conservation Area has a number of special characteristics which are detailed in the conservation assessment prepared at the time it was designated and which have been identified by the Council Conservation Officer. However, it was not designated because it contains the existing house or the extant area of undeveloped garden land at 32 Hillside. The objective reality is that the proposed development will not cause any actual harm to what is actually special about this Heritage Asset and that the construction of new homes is of real and material benefit to our community."

In response to further representations made by Harlington Parish Council (reported in representation below) the applicant has also submitted further comments which are summarised as follows:

Conservation issues:

- the Parish comments are based on pure preservation and not on accepted conservation principles.
- detailed discussions and alternatives were discussed during pre application consultations where it was concluded that a continuation of the linear form of development would create a sense of place, creating a strong relationship between the street, buildings and spaces that frame it.

Road safety

- the applicant is not aware of any accidents arising from previous use of the site when the farm shop was in operations, generating significant vehicle movements.
- The clearance at the point of the existing electricity pole would be increased from 780mm to 1180mm which would improve existing pedestrian safety.

Flooding

- neither the Environment Agency or Thames Water have objected.

Refuse and Emergency vehicles

- The principal vehicular access has been specifically designed to accommodate both entry and turning of refuse vehicles. The secondary access is provided with a bin collection point with the refuse vehicle parked in the road as is the norm.

Other matters

- This is an opportunity for Harlington to secure a good mix of much needed housing including smaller units suitable for accommodating single persons/couples.

Relevant Policies:

National Planning Policy Framework (2012)

Central Bedfordshire Core Strategy and Development Management Policies (2009)

CS1(Development Strategy)
CS2(Developer Contributions)
CS3 (Healthy and Sustainable Communities)
CS5 (Providing Homes)
CS7 (Affordable Housing)
CS14 (High Quality Development)
CS15 (Heritage)
DM2 (Sustainable Construction of New Buildings)
DM3 (High Quality Development)
DM4 (Development Within and Beyond Settlement Envelopes)
DM10 (Housing Mix)
DM13 (Heritage in Development)
DM15 (Biodiversity)

Supplementary Planning Guidance DS1- Design Guide for Central Bedfordshire
DS5 – The Historic Environment
DS7 – Movement, Streets and Places

Planning History

MB/90/01609/FA Erection of new grocery shop and storage area. Approved.
MB/92/00942/FA Erection of two storey side/rear extension and alterations to form attached granny annexe. Approved.
MB/97/00911/FA Change of use of shop to residential garage/outbuilding. Approved.

Representations: (Parish & Neighbours)

Harlington Parish Council Object to the application. The initial comments and further comments since the previous committee are summarised

as follows:

- Sundon Road has safety issues due to the restricted road width and narrow footpath which would be exacerbated by the development.
- The site sits along Sundon Road between two bends where the road is narrow and accidents occur.
- Sundon Rd is a designated Safer Route to School.
- With more traffic at peak times there will be an increased risk to the children
- The size and density of development would adversely affect the streetscene and be detrimental to the Conservation Area.
- Would be an overdevelopment of such an open site.
- The site is within a rural area and not an urban area.
- Concerns about removal of trees and affect to wildlife and amenities of Oak Close.
- The proposal will impact on listed buildings around the site.
- There are known to be bats in the vicinity of the site.
- Possible drainage issues.
- Inadequate car parking and impact on the surrounding streets which already suffer from commuter parking.
- Impact on the streetscene due to the proposed building heights onto Sundon Road and Oak Close.
- Loss of amenity to Oak Close.
- Inaccuracies in the plans in respect of materials and siting of adjoining houses in Oak Close.
- Emergency and refuse vehicles will not be able to access the site and this will result in bins being pushed onto Sundon Road for emptying.
- The appropriate consultation process was not taken before taking the application to Development Management Committee.

Harlington Society

Object on the following grounds

- incompatibility with the adjacent listed buildings.
- Impact on character of the Conservation area

Neighbours

15 letters of objection were reported to the application, including 5 letters of objection received

since the previous Development Management Committee. The comments made are summarised as follows:

- Highway safety issues along Sundon Road due to the busy road and narrow footway.
- Inadequate visibility at the accesses.
- Insufficient parking.
- Overdevelopment.
- Density out of keeping with the Conservation Area.
- Overbearing impact of houses due to them being built at a higher level.
- Drainage issues.
- Impact on privacy of 10, 11 Oak Close and 27 Sundon Road due to the higher level of the proposed houses.
- Overbearing impact on 27 Sundon Road
- Impact on light to 5 Oak Close
- Bats have been seen in the area.
- Impact of additional noise to properties in Oak Close.
- Concern about the loss of hedges along the Oak Close boundary.
- The adjacent public footpath should remain as such.
- On site work should take account of the adjacent Methodist Church.
- Concern regarding access for emergency vehicles

Consultations

Highways

No objection to the proposal subject to conditions.

Following the highway related objections from the Parish Council the Highways Officer has made the following further comments:

- The absence of a footway on one side is an existing situation and the proposed development will not increase the potential for road users to cross the road.
- There are bends along this road but from the points of access to the development adequate visibility (according to standards) can be achieved.

- It is a route for school children but the development will not significantly increase the number of pedestrians or vehicular traffic along this highway.

- The access has been designed to (with parked cars) enable refuse and emergency vehicles to leave the highway in forward gear and turn and re-enter the highway in forward gear.

English Heritage

English Heritage have provided two responses. The first being an initial consultation response and the second being responding to the comments of the applicants Conservation Consultant (reported above).

In their first letter English Heritage commented:

“In the view of English Heritage, only the original late Victorian/Edwardian house on the site is of any interest, and while that dwelling has had a number of alterations and extensions over the years, it retains sufficient interest to continue to make a positive contribution to the character and appearance of the conservation area, though that harm may be considered to be less than substantial harm as set out in the NPPF, in which case it would be necessary to weigh the harm against the wider benefits arising from the application (as required by paragraph 134 of the NPPF)”.

“In our opinion the documentation supporting the application fails to properly assess the contribution made by the open garden, trees and the front boundary hedge to the significance of the conservation area. We conclude that the garden makes a very substantial contribution and its loss to the intensive development would result in harm. The garden is particularly important when approaching from the south. From this direction there are views over the mature beech hedge and across the site to a substantial tree sited on the footpath that adjoins the northern boundary. The intensive nature of the redevelopment would completely remove the open, green interlude that the garden currently provides in this part of the conservation area, and it is impossible to see how the proposals would either preserve or enhance the character and appearance of the conservation area. As such, English Heritage must question the whole principle of this development and cannot agree with the claims made in the supporting documentation”.

“Recommendation:

Hillside and its garden both make a contribution to the character and appearance of the Harlington Conservation

Area. In the case of the garden, the contribution is substantial. The demolition of Hillside and the intensive redevelopment of the site would result in harm to the significance of the conservation area and paragraph 134 of the NPPF requires that harm to be weighed against the wider public benefits arising from the proposal. In this instance the public benefits would include the provision of a maximum of 3 affordable homes. However, given the importance of this open space to the conservation area, English Heritage would ask that the LPA gives very careful consideration as to whether the benefits would truly outweigh the harm, especially if alternative sites might be identified for the provision of affordable housing. In the event that the LPA considers that the harm would not be outweighed by the wider public benefits then we would expect both applications to be refused”.

In their second letter English Heritage concluded:

“the development would result in harm to the significance of the Conservation Area, but that harm would, in the terms set out in the NPPF, be less than “substantial harm”. As such it would be up to the local planning authority to weigh all wider public benefits arising from the application against the harm to identified heritage assets”.

Conservation Officer The Conservation Officer supports the proposal.

“The proposed application site is located within Harlington Conservation Area which encompasses the historic core of the hilltop village. Sundon Road is characterised by rows of modest buildings in a mix of differing traditional vernacular styles. The 1972 Conservation Area Statement describes the road as, *“curving... with a jumble of roofs, informally placed buildings and constantly changing views up and downhill”*. There is a strong sense of enclosure, particularly as one moves down the hill from the village hall, due to the close grouping and informal positioning of built development along the curving road, particularly on the east side.

The application site itself is fairly open in character with 2 buildings set back from the road, on an elevated position and surrounded by a large garden. When the conservation area was first designated in 1972, the open site boasted views of the wider open countryside setting of the Conservation Area. However, this has been greatly marred by later development along the eastern boundary of the site which has completely enclosed the site and cut off views of the countryside beyond, thus considerably diluting the site contribution to the

Conservation Area.

Features which do make a considerable positive contribution to the enclosed character and historic grain of the Conservation Area are the ironstone boundary wall and hedge along the front boundary of the site which follows the established building line of this side of the street. Both these features were highlighted in the 1972 Conservation Area Statement as important features of Sundon Road and continue to have an important presence of the street scene.

The present buildings on the site include an Edwardian red brick gabled block with two storey bay window facing towards Sundon Road. The buildings have been unsympathetically extended in a piecemeal fashion which has led to a mix of different styles and inappropriate materials which have diluted their architectural quality. As such, the buildings are considered to make a neutral contribution to the character and appearance of the conservation area and setting of listed buildings and their demolition would not substantially harm the significance of the Conservation Area or neighbouring listed buildings, subject to the appropriateness of the replacement development.

Impact of the proposed new development on the Conservation Area

With regard to the proposed replacement development, the layout for the site is considered appropriate with a row of terraced and semi detached buildings located along the established building line of this side of the road. The site itself is fairly raised behind the hedge making the buildings slightly elevated. This however, has been catered for in the plans and the proposed dwellings will be a suitable height and scale that would appropriately sit within the modest built environment of the conservation area and setting of listed buildings. The proposed design and materials, particularly the mostly easterly buildings, are also considered to be appropriate for the character of the conservation area. Other materials, notably the doors and windows would need to be high quality in accordance with the Council's Design Guide, and due to the buildings sensitive historic location.

On balance, it is considered that the proposed new development will be appropriate to the historic street scene in terms of height, scale and bulk. In addition, important features, notably the ironstone wall and hedge, will be retained and therefore the overall character and appearance of the conservation area and the setting of nearby listed

buildings will be preserved in accordance with Policy CS15 of the Core Strategy and Chapter 12 of the National Planning Policy Framework".

Further to the above comments, previously reported to committee the Council's Conservation Officer considers that English Heritage overstate the positive aspects of the existing character and quality of both the existing Edwardian house (regarded as more neutral rather than a positive heritage asset) and this part of the Conservation Area.

Anglian Water	No objection, subject to surface water disposal condition.
Ecology	Suggest that a condition be placed on any planning permission, to ensure that the removed fruit trees from the site are made available to the Beds Community Tree Trust to enable cuttings to be taken and that removal of trees be undertaken outside the nesting season.
Waste Services	Need more information on the layout and size of the bin collection point. Request that the sale or contract for the houses includes a requirement for bins to be stored in the rear of each property except on day of collection.
Tree officer	Agree that the trees proposed to be removed are of poor quality and value. However, concerns regarding the protection of the Beech Hedge (H1) and the Privet hedge (H5). Request that a Tree Protection Plan and Method Statement be submitted.
Environment Agency	No objection, subject to advisory note.
Archaeology	The proposed development site lies within one of the historic cores of Harlington. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage asset. This should be done by the implementation of a written scheme of archaeological investigation.

Determining Issues

The main considerations of the application are:

1. Principle of development
2. Impact of development on character and appearance of its surroundings, including the Harlington Conservation Area.

3. Impact of development on neighbouring properties
4. Highway safety implications
5. Planning Obligations Strategy
6. Other matters

Considerations

1. Principle of Development

Harlington is classified as a Large Village in the Core Strategy and Development Management Policies Development Plan Document (DPD) where policies CS1 and CS5 are applicable. This application site lies within the settlement envelope of Harlington wherein the principle of residential development is acceptable in principle subject to all other material considerations.

The National Planning Policy Framework (para 49) states that “housing applications should be considered in the context of the presumption in favour of sustainable development”. In the ten years from 2001-2011 there were a total of 17 housing completions in Harlington. The village has a good level of local services and excellent access to the railway station but is tightly constrained by the Green Belt and as such the delivery of such a housing development is considered a significant benefit.

A development of this site within the village settlement, close to amenities and Harlington railway station is considered a sustainable form of development.

2. Impact of development on the character and appearance of its surroundings, including the Harlington Conservation Area

Conservation Area

The application has been the subject of detailed pre-application discussion with Planning Officers and the Conservation Officer, in seeking to address the importance of the site and its prominent setting within the Conservation Area. The comments of the Conservation Officer have been reported in the consultation responses, as previously, and the recently received comments of English Heritage have also been considered.

It is apparent that there is a clear difference of opinion between the Council's own Conservation Officer's and English Heritage as to the importance of the house and its setting. In addition the applicants Conservation advisor also disagrees with the stance taken by English Heritage. It is therefore necessary to balance the points made by all parties in coming to a view.

As reported by the 1972 Conservation Area Statement Sundon Road is characterised by rows of modest buildings in a mix of differing traditional vernacular styles. The document describes the road as, “*curving... with a jumble of roofs, informally placed buildings and constantly changing views up and downhill*”. There is a strong sense of enclosure, particularly as one moves down

the hill from the village hall, due to the close grouping and positioning of built development along the curving road, particularly on the east side.

When the Conservation Area was first designated in 1972 the open site boasted views of the wider open countryside setting of the Conservation Area. However, in the opinion of the Conservation Officer this has been greatly marred by later development along the eastern boundary of the site, which has completely enclosed the site and cut off views of the countryside beyond. This in the opinion of the Conservation Officer considerably dilutes the contribution of the site to the historic character of the area.

English Heritage however consider that the garden still makes a substantial contribution to the Conservation Area and that a redevelopment would remove the “open, green interlude that the garden currently provides”. The Conservation Officer considers that the fact that the garden is well screened by the beech hedge and wall limits its sense of openness.

English Heritage consider that the existing house makes a positive contribution to the Conservation Area and that its demolition would result in substantial harm. In contrast, the Council’s Conservation Officer is of the opinion that English Heritage overstate the positive aspects of the house, considering it to be plain and of average interest rather than special interest. It is considered to be a neutral rather than a positive heritage asset. The Conservation Officer considers that there is insufficient significance to require its retention.

The Conservation Officer considers that the features of the site which do make a considerable positive contribution to the enclosed character and historic grain of the Conservation Area are the ironstone boundary wall and hedge along the front boundary of the site, which follow the established building line of this side of the street. Both these features were highlighted in the 1972 Conservation Area Statement as important features of Sundon Road and continue to have an important presence in the street scene.

The application seeks to retain the boundary wall and hedge, apart from removal of a small 9m section, to facilitate an improved visibility splay to the main access and the three openings to provide direct pedestrian access onto Sundon Road from those properties. A length of hedge/wall of approximately 45m would be retained along the frontage, maintaining the sense of enclosure and acceptable to both the Conservation Officer and Tree Officer.

The Council’s Conservation Officer considers that the proposed row of terraced and semi-detached houses would continue the historical form of development fronting Sundon Road and which characterises the Conservation Area. The frontage houses would each have chimneys and small dormers set into the eaves, with a form of detailing which further reflects the design elements within the vicinity. The Conservation Officer also considers that the design and proposed materials of the houses, particularly those most prominent in the east part of the site fronting Sundon Road, are appropriate to the Conservation Area. It is also not considered that any harm would result to the setting of the closest

listed buildings located 20m to the north and 25m to the south of the site (10,12 and 14 Sundon Rd and The Old Sun Public House). The streetscene drawing submitted with the application seeks to demonstrate that the height of the houses would follow a logical height in respect of the buildings to the north, south, taking account of the sloping nature of Sundon Road. Whilst the proposed houses would, due to their elevated position, have their ridges approximately 1m higher than those on the opposite side of Sundon Road they have nevertheless been designed as relatively low properties with the upper floor windows of plots 7-11 cut into the eaves to keep the overall height to a minimum (6.8-7m high ridges). Whilst plots 1 and 2 would be higher, at 7.7m high they reflect the height of the existing property to the north. In addition it is indicated that the frontage properties would be set into the slope to reduce their height. The visual relationship of the proposed and existing houses on Sundon Road in terms of height and scale is considered acceptable.

The Conservation Officer concludes that the development would add to the sense of enclosure along Sundon road, whilst the design, height and scale of the proposed houses would respect the design principles of Design Supplement 5 (The Historic Environment).

English Heritage in contrast to the Council's Conservation Officer consider the principle of this development as failing to preserve or enhance the Conservation Area. However, notwithstanding this English Heritage conclude that the harm which they consider to be the case would "be less than substantial harm". They say that "it would be up to the local planning authority to weigh all wider benefits against the harm to identified heritage assets".

Whilst plots 4,5 and 6 would be larger properties, they would be generally located outside of the Conservation Area boundary at the rear part of the site. They have however been designed with half hipped roofs to reduce the bulk of their roofs. A streetscene drawing illustrates that the building heights would not however be materially higher than the properties in Oak Close.

In determining whether the development would preserve or enhance the character and appearance of the Conservation Area it is necessary to consider and balance the differing opinions of the professional Conservation advisors.

If one was to concur with the Council's Conservation Officer and the applicants Conservation consultant then the form of development would be acceptable. If however the view of English Heritage is taken then this would need to be balanced against any benefits arising from the development and a balanced judgement made accordingly.

3. Impact of Development on neighbouring properties and future occupiers

Due to the elevated position of the site the houses on the frontage, plots 1,2, and 7-11 would be higher than the existing properties on the east side of Sundon Road, albeit as illustrated by drawing 16 the frontage plots could be

sunk into the slope, thus reducing the height differentials. Given that the existing houses on the opposite side of Sundon Road are fronting onto a main road where there is limited privacy to their front elevations it is not considered that a separation distance of at least 12m is unreasonable in such an urban context, with some screening provided between ground floor windows by the 2.5m wall/hedge along the frontage. By virtue of the separation distance it is not considered that the new houses would appear unduly overbearing to such a degree that amenity would be unacceptably affected.

The proposed properties within the west part of the site (plots 4, 5, 12 and 13) would be located behind a retained 3m high conifer hedge, separating them from No's 6-12 Oak Close.

A separation distance of 22m would be provided from the rear windows of plots 12 and 13 to the rear of 11,12 Oak Close, which is considered acceptable to prevent any undue loss of amenity or privacy. Due to the orientation of the plots to No's 6 and 7 Shepherds Close it is not considered that any harm to those properties would result. Plot 5, which would be 14m from the rear of 9 and 10 Oak Close would have no windows serving habitable rooms on its west elevation. Plot 4 would be 21m which would have first floor west facing windows would however be sited at a distance of 21m from No's 6 and 7 Oak ensuring reasonable privacy is maintained. No first floor windows are proposed on the north facing elevation of plot 4, closest to 5 Oak Tree Close, which is located approximately 1m lower than the adjacent footpath. The neighbouring property has only a small secondary window on its south facing elevation and due to the proposed siting of plot 4 and the existence of hedging of approximately 4m in height it is not considered that the proposal would result in any loss of light or amenity.

It is considered that the relationship of the proposed houses to each other would also be acceptable in terms of privacy or amenity, subject to obscure glazing on flank elevations where appropriate. It is also considered that adequate private outdoor amenity space would be provided for all new properties.

4. Parking and Highway Safety

Detailed consultation has taken place with the Council's Highway Officer and the application drawings have been amended accordingly. In addition a Transport Statement has been submitted.

It is considered that acceptable visibility splays can be provided from both accesses.

The application was submitted in November 2011 following pre application discussions which included the matter of on site parking provision. The parking requirement was, up until 2 October 2012, and at the time of this application initially going to Development Management Committee, based on the Council's Design Guide 7 (1 space per 1 bed unit, 2 per 2 bed, 2 per 3 bed and 3 spaces per 4+ bed dwelling and 0.25 visitor spaces per dwelling). This would have required a total provision of 32 spaces. Although during the course of the

application one of the small affordable units (unit 9) has changed to 2 bed by virtue of a very small single bedroom being added above the single storey wc extension it was not considered that the additional bedroom in this case warranted an additional parking space, given that the three units would still be served by 4 parking spaces.

The new parking strategy which was endorsed by the Council's Executive on 2 October would require the provision of 37 parking spaces (1 space per 1 bed, 2 spaces per 2 bed, 3 spaces per 3 bed and 4 spaces per 4+ bed).

However, the scheme as submitted was considered acceptable by the Council's Highways Officers and was considered compliant with the adopted Design Guide. In addition the site is in a relatively sustainable location, being centrally located in the village, approximately 400m from Harlington Railway Station and within 150m of 2 bus stops. On the basis of the above it is considered that in this instance the parking provision proposed is acceptable.

It is noted that the footpath outside the site on the western side of Sundon Road is narrow in places and that the development would increase the number of pedestrians using the footpath, in particular from the main access towards the village centre. Along this part of the pavement are two obstructions, in the form of a street sign and an electricity pole. The applicants have agreed to relocate both obstructions into the application site at their own expense and as such it is considered by Highways that this improvement to the existing situation would negate the increased use of the pavement in this location by enhancing pedestrian safety to existing users of the footway.

5.

Planning Obligations Strategy and Affordable Housing

In considering this type of development, the Council would normally require the applicant to submit a Planning Obligation in the form of a Unilateral Undertaking Section 106 legal agreement to secure financial contributions towards local infrastructure and affordable homes.

The applicant has agreed to make contributions towards all of the required areas which would include contributions towards the off site provision of play space facilities and the welcome provision of 4 affordable dwellings on the site, which would assist the delivery of affordable dwellings for local people.

6.

Other matters

Density

It is considered that the density of development at 32 dph is appropriate within such a village setting. Design supplement 1 recommends that within village infill

locations a density of 30-45dph should be sought, and as such the proposed development would be at the lower end of the prescribed indicative densities. It is relevant to note that the density is lower than the density of development at both Oak Close and Shepherds Close, surrounding the site to the south and west.

Trees and Landscaping

It is considered that the development allows for adequate space between buildings and for the provision of landscaping, adding to the hedging proposed to be retained around the boundary edges. The Council's Tree Officer is satisfied with the proposals in terms of its relationship with existing landscaping and the opportunities for additional landscaping.

Ecology

The application has been supported by a bat survey and protected species assessment and the Council's Ecologist is satisfied that subject to appropriate conditions that no harm to any protected species would result.

Archaeology

Whilst the site lies within one of the historic cores of Harlington the Council's Archaeologist raises no objection provided that the applicant takes appropriate measures to record and advance understanding of the heritage asset in the form of a written scheme of archaeological investigation.

Flooding

The Environment Agency and Anglian Water have both been consulted and have raised no objection subject to a condition requested by Anglian Water requiring details of a surface water strategy, to ensure that appropriate measures towards drainage of the site would be undertaken.

"Garden Grabbing"

At the previous committee meeting Harlington Parish Council raised the issue of 'garden grabbing' and queried how the development of the garden would comply with the NPPF.

The NPPF recognises that garden areas do not fall under the definition of 'Previously Developed Land', however, paragraph 53 of the document states: 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. The ability of the Council to resist inappropriate development of residential gardens is already present in Development Management Policy DM3: High Quality Development, which states amongst others that: All proposals for new development will: be appropriate in scale and design to their setting, contribute positively to creating a sense of

place and respect local distinctiveness through design and use of materials, use land efficiently, respect the amenity of surrounding properties, provide adequate areas for parking and servicing, respect and complement the context and setting of all historically sensitive sites particularly those that are designated.

For the reasons already outlined in this report, It is considered that the proposal does not constitute inappropriate development of a residential garden where the development would cause harm to the local area.

Conclusion

Harlington is classified as a Large Village in the Core Strategy wherein the principle of residential development in the settlement envelope is acceptable in principle. Furthermore, the National Planning Policy Framework (para 49) states that “housing applications should be considered in the context of the presumption in favour of sustainable development”.

A development of this site within the village settlement, close to amenities and Harlington railway station is considered a sustainable form of development particularly given the constraints for future development imposed by the surrounding Green Belt and the limited opportunities for future development in the village.

Whilst the comments of English Heritage, Harlington Parish Council and others are noted the Council’s Conservation Officer does not concur with those comments and maintains that the proposal would preserve the character and appearance of the conservation area.

The objections relating to highway safety are noted, but again the Council’s Highway Officer is satisfied that the development would not cause any significant harm to highway safety and considers that appropriate visibility would be achieved. It is considered that the movement of the electricity pole and traffic sign away from the narrow footpath would improve pedestrian access at that point.

The Tree Officer has raised no objections to the loss of some trees within the site, whilst the proposal would however retain all trees and hedging around the perimeter of the site, whilst allowing for some additional landscaping within the site.

It is not considered that any harm to neighbouring privacy or amenity would result due to the careful design and layout of the development.

The Council’s Archaeologist and Ecologist have raised no objections to matters of archaeology and ecology respectively, whilst Anglian Water and the Environment Agency have raised no objections to flooding or drainage issues.

It is considered that on the basis of the above the development does accord with the Development Management Policies of the Core Strategy Adopted 2009, the Adopted Supplementary Planning Document, ‘Design in Central Bedfordshire’, 2010 and the Planning Obligations Strategy, Adopted 2008.

Taking account of its compliance with the above, the view of our own Conservation Officers that the development will preserve and enhance the Conservation Area (notwithstanding the comments of English Heritage), that taking into account the benefits of the provision of four affordable houses and the net gain of 11 houses on the site and the governments presumption in favour of sustainable development the proposal is on balance considered acceptable. It is therefore recommended that planning permission should be granted, subject to completion of a Section 106 agreement to secure the aforementioned affordable housing and infrastructure contributions.

Recommendation

That Planning Permission be **Granted** subject to the following:

- 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 **Development shall not commence until details of the materials to be used for the external windows, doors, walls, roofs and rainwater goods of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.**

Reason: To ensure that the development is in keeping with the character of the surrounding Conservation Area.

- 3 **No development shall commence until detailed drawings of all proposed new doors & windows to a scale of 1:20, together with a detailed specification of the materials, construction & finishes, have been submitted to & approved in writing by the Local Planning Authority.**

Reason: To ensure that the new development is sympathetic to the character & appearance of historic buildings within the Conservation Area and the setting of listed buildings.

- 4 **No development shall commence until details of surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved plans before any part of the development is brought into use.**

Reason: To ensure that adequate surface water drainage is provided to prevent water pollution and flooding.

- 5 **No development shall commence until all preliminary works, ground protection and protective fencing has been implemented in strict accordance with the Method Statement and Tree Protection Plan, as shown on the drawing "Tree Removal and Protection Plan" (Drawing No. 11-734-P-15) as prepared by Triad Planning and Design, unless otherwise agreed in writing by the Local planning Authority.**

Reason: To safeguard the integrity of the rooting medium, rooting system and existing canopy spread of retained trees and hedges, in the interests of maintaining the respective Root Protection Areas, good health and natural appearance of retained trees and hedging, thereby maintaining visual amenity and effective boundary screening.

- 6 Consent is being granted in recognition that no underground services are scheduled to be routed through the Root Protection Areas of retained trees and hedging. If any services are subsequently required to be routed through those areas 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 the integrity of the rooting medium and root system of trees and hedges in the interests of maintaining tree health, visual amenity and effective boundary screening.

- 7 **No development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning, showing the species, sizes, position and planting specification of new trees, shrubs, climbers and hedging, to be planted during the planting season following completion of development. During each subsequent August for the first five years following initial planting, any losses of plants shall be checked and recorded and losses shall be replaced using the same species, planting size and planting specification in the following growing season (a growing season shall be deemed to be between 1st November to 31st March).**

Reason: To ensure a satisfactory establishment of landscape planting in order to enhance visual amenity and to integrate the development into the urban landscape.

- 8 **No development shall commence until details of the junctions between the proposed access roads and the highway have been approved by the Local Planning Authority and no dwelling shall be occupied until the junction which provides a means of access to it has been constructed in accordance with the approved details.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed access road.

- 9 No dwelling shall be occupied until visibility splays have been provided at the junctions of the access roads with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel of the public highway and 38m measured from the centre line of the proposed access road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed accesses and to make the accesses safe and convenient for the traffic that is likely to use it them.

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

Reason: To ensure that the proposed roadwork's are constructed to an adequate standard.

- 11 **No development shall commence until details of a scheme showing the relocated position of the street furniture and electricity pole has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the street furniture and electricity pole have been relocated in accordance with the approved details.**

Reason: In the interests of road safety and pedestrian movement.

- 12 Before any dwelling is occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 13 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.

- 14 The turning spaces for vehicles illustrated on the approved Plan (Drawing No 11-734-P-01 Rev F) shall be constructed before the development is first brought into use.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 15 **No development shall commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

- 16 **No development shall commence until a scheme detailing provision for on-site parking for construction workers 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.**

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

- 17 **No development shall commence until details of the final ground and slab levels of the dwellings hereby approved are 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 a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 18 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting

that Order with or without modification) no works shall be commenced for the extension of the building hereby approved nor any material alteration of their external appearance until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 19 **No development shall commence until details of all boundary walls and fencing have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

Reason: To safeguard the amenity of the area and ensure privacy between dwellings.

- 20 Tree felling and scrub clearance of the site should avoid the bird nesting season between March and August inclusive and consideration should be given during site clearance to the presence of hedgehogs.

Reason: To ensure the protection of wildlife interests within the site.

- 21 The first floor west elevation windows of plot 5 and the first floor east and west elevation windows of plot 3 shall be fitted with obscured glass of a type to substantially restrict vision at all times, and thereafter retained as such. No first floor windows or other openings shall be formed in those elevations or in the first floor north elevation of plot 4 unless approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of existing and future properties.

- 22 **No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme."**

Reason: To record and advance understanding of the archaeological resource which will be unavoidably destroyed as a consequence of the development. This is in line with policy 46 of the Draft Development Strategy for Central Bedfordshire.

- 23 **No development shall commence until a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented**

before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 24 Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority and implemented prior to the occupation of any dwelling.

Reason: In the interest of amenity.

- 25 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [11-734-P-01F, 02C, 03C, 04C, 05D, 06C, 07D, 08D, 09D, 10D, 11C, 13B, 14A, 15A, 16A].

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal is in conformity with the National Planning Policy Framework and policies CS1, CS2, CS3, CS5, CS7, CS14, CS15, DM2, DM3, DM4, DM10, DM13, and DM15 of the Development Management Policies of the Core Strategy Adopted 2009, as it preserves the character and appearance of the surrounding Conservation Area. The proposal would also have no unacceptable impact on the amenities of neighbours, highway safety, on any heritage, tree or ecological assets, subject to appropriate conditions.

It is also in accordance with the Adopted Supplementary Planning Document, 'Design in Central Bedfordshire', 2010 and the Planning Obligations Strategy, Adopted 2008.

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.
3. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
4. The applicant is advised that in order to comply with Conditions 1 and 5 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 Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
5. 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 Highways Development Control Section, 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.
6. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide for Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
7. 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 Guidance – July 2010".
8. In order to encourage biodiversity on the site native trees and shrubs should be included as part of any landscaping and bird and bat boxes and ladybird/lacewing boxes, should be provided as recommended in the Design

and Access Statement.

9. Prior to removal of any fruit trees from the site the developer is requested to contact the Council's Ecologist Liz Anderson on 0300 300 4869 so that arrangements can be made with the Beds Community Tree Trust to take cuttings, as it is possible that the trees could be examples of old Bedfordshire varieties.
10.
 - The proposal is situated over a Secondary aquifer.
 - Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
 - Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
 - Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.
 - Storage of domestic oil in above ground tanks >3500 litres must be undertaken on site in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Storage of domestic oil in above ground tanks <3500 litres must be undertaken in accordance with Approved Document J of the Building Regulations.
11. The applicant is requested to have it written into the sale of contract that bins must be stored in the rear of each property when not placed out on day of collection.