

Item No. 6

APPLICATION NUMBER	CB/13/01785/VOC
LOCATION	Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS
PROPOSAL	Variation of condition: Variation of condition 25 (approved plans) to allow rear wc additions to units 10 and 11, and 0.76m separation between units 12 and 13. Variation to planning permission CB/11/3832/FULL (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 one No. 5 bed dwelling).
PARISH	Harlington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Mark Spragg
DATE REGISTERED	22 May 2013
EXPIRY DATE	21 August 2013
APPLICANT	Hearne Holmes Developments
AGENT	Triad Planning & Design Ltd
REASON FOR COMMITTEE TO DETERMINE	This is a major application subject to an unresolved Parish Council objection.
RECOMMENDED DECISION	Grant subject to conditions and a s106 agreement

Reason the application is recommended for approval:

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.

Site Location:

This application site comprises an area of 0.40 hectares, located to the west of Sundon Road, centrally positioned 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 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:

This application seeks a variation to planning permission CB/11/3832/FULL which was approved at the Council's Development Management Committee on 21st November 2012.

The variation sought is in respect of Condition 25 of the above approval which referred to specified drawings. This application therefore seeks to replace the referenced drawings with the revised drawings in respect of plots 10,11,12 and 13. Numbers 10,11 and 12 being the affordable housing units.

The Government in its guidance, "Greater flexibility for planning permissions", seeks to simplify the process for making minor changes to planning permissions. Whilst the applicants had requested that the application be dealt with as a non material amendment, that would not have been subject to any public consultation. Given the changes proposed and taking account of the level of interest in the previous application it was considered that a Section 73 variation of condition in respect of the minor changes was the appropriate mechanism.

The planning approval granted last November was 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.

This application proposes no change to the description of the application, with no additional bedspaces being created. The changes sought are:

- the addition of a ground floor rear extension of approximately 2.6 x 2.7m to plots 10 and 11 to provide a ground floor toilet, separated from the kitchen and therefore enlarging the useable kitchen area.

- separating the affordable unit plot 12 and the market housing plot 13, previously shown as a pair of semi detached properties, by moving plot 12 a distance of 0.75m to the south.

The requirements for the changes result from the needs of the housing association, Grand Union Housing in respect of the design of the affordable units. They wish to allow greater flexibility in terms of internal layout in respect of plots 10 and 11 and in respect of plots 12 and 13 to avoid party wall structures outside the ownership of the housing association.

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 DS1- Design Guide for Central Bedfordshire

Planning Guidance 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.

CB/11/3832/FULL 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. Approved.

CB/11/3833/CA

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. Conservation Area Consent.

**Representations:
(Parish & Neighbours)**

Harlington Parish
Council

It is understood the original plans contained WCs for units 10 and 11 but the application was rejected due to overcrowding of the site/ Although it is appreciated that the housing association may have specific requirements such as WCs and may not want an affordable home to be attached to a private dwelling, it is felt that it should be the planning department which stipulates what should/should not be on the site and so it was questioned why CBC had not stuck by its original decision to refuse the application based on the overcrowding of the site.

In addition there are concerns with the semi-detached properties becoming detached in that the ECO standard set for houses are not met as semi detached properties take less energy to heat than detached.

Neighbours

One letter of objection received raising the following issues:

- Too many houses on the site.
- Impact on neighbouring properties on Sundon Road, Oak Close and Shepherds Close.
- 13 new dwellings would result in an increase in noise.
- Design not in keeping with the area.
- Increase in traffic.

Consultations

Highways

No objection.

English Heritage

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Conservation Officer

No objections - The proposed introduction of single storey extensions to units 10 and 11 will be to the rear and therefore the street elevations facing Sundon Road will remain unchanged. As such, the Conservation Area is not

considered to be significantly affected. In addition, the slight alteration to units 12 and 13 of separating into detached buildings is minor and will not impact on the Conservation Area.

Anglian Water	No objection.
Tree officer	No objection.
Archaeology	No objection subject to the same scheme of archaeological investigation previously conditioned.

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 the neighbouring properties
4. Parking/Highway safety implications
5. Other matters

Considerations

1. Principle of Development

The principle of the same description of development at this site has already been accepted in the approval of planning permission at the Development Management Committee on 21 November 2012.

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

The proposed extensions to plots 10 and 11 would, with a projection of just 2.6m and low pitched roof of 3.5m, be modest and in keeping with the existing properties. Furthermore given the positioning at the rear the extensions would not be visible from Sundon Road. Whilst the addition of the extension would create a slightly more cramped development at the rear of those units the fact that they would be screened from public view would mean that a refusal on such grounds could not be substantiated.

The separation of plots 12 and 13 would appear visually acceptable and being located to the rear of the plot and maintaining sufficient space, approximately 2.5m to the boundary would ensure an appropriate layout.

The Conservation Officer considers that the proposed changes would result in no significant impact on the Conservation Area.

3. Impact of Development on neighbouring properties and future occupiers

The changes to plots 10 and 11 would have no impact on any residential property outside the application site. Similarly the separation to plots 12 and 13

would, as previously the case, maintain a separation distance of 22m from the rear windows of 11,12 Oak Close, which is considered acceptable to prevent any undue loss of amenity or privacy. Also as in the approved scheme the orientation of the plots to No's 6 and 7 Shepherds Close would ensure that no harm to those properties would result, being located behind a retained 3m high conifer hedge.

The rear garden areas of plots 10 and 11 would as a result of the extension be reduced slightly to approximately 20 and 24sqm respectively. Whilst the previous approval was amended to increase the amenity areas by approximately 7sqm it is necessary to consider whether the variation proposed would represent a form of development where a refusal on grounds of amenity would be justified. Given that both properties would be one bedroom and as such not classified as family houses there is no minimum garden size stipulated in the Council's Design Guide. It is considered that the rear gardens would nevertheless still provide a suitable sitting out area for future occupiers, with access to sunlight from the south and west. Additionally both plots benefit from a small private amenity space at the front, which would retain a degree of privacy due to the retained boundary hedge and elevated position. As such it is considered that the amenity areas would on balance be acceptable and that there would be no justification to refuse the application on the grounds of a shortfall in amenity provision.

4. Parking and Highway Safety

The proposal would not increase the number of bedspaces or generate any additional parking requirements from that previously approved. Access to and from the site and within it would remain unchanged.

5. Other matters

A Section 106 legal agreement to secure financial contributions towards local infrastructure and affordable homes has been submitted varying the previous agreement reference but still agreeing to the same contributions towards all of the required areas including off site provision of play space facilities and the welcome provision of 4 affordable dwellings on the site.

It is considered that the amendments still allow for adequate space for the provision of landscaping and the Council's Tree Officer is satisfied that the proposal would not prejudice retention of the existing boundary hedging in the proximity of plots 12 and 13.

Conclusion

The changes proposed as part of this variation are considered to be modest and would not represent a significant change to the appearance of the site or to the character of the Conservation Area. Similarly it is not considered that any new neighbour amenity, highway or parking issues would result.

Recommendation

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

RECOMMENDED 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 **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 submitted as part of planning permission CB/11/3832/FULL).**

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 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 roadworks are constructed to an adequate standard.

- 10 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.

- 11 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.

- 12 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.

- 13 The turning spaces for vehicles illustrated on the Drawing No 11-734-P-01 Rev F submitted with approval CB/11/3832/FULL) 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.

- 14 **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.

- 15 **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.

- 16 **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.

- 17 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.

- 18 **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.

- 19 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.

- 20 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.

- 21 **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.

- 22 **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.

- 23 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.

- 24 The development hereby permitted shall not be carried out except in complete accordance with the plans previously approved as part of planning permission CB/11/3832/FULL as varied by the submitted plan numbers 13-795-P01A, P02B, P03B.

Reason: For the avoidance of doubt.

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 Ampthill 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. 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 to the rear of each property when not placed out on day of collection.

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

Planning permission has been recommended for approval for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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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