

Item No. 7

APPLICATION NUMBER	CB/13/03477/OUT
LOCATION	Lower Wood Farm, Sundon Road, Harlington, Dunstable, LU5 6LN
PROPOSAL	Demolition of industrial buildings; redevelopment and estate road to provide thirteen dwellings and garages.
PARISH	Harlington
WARD	Toddington
WARD COUNCILLORS	CIlrs Costin & Nicols
CASE OFFICER	James Clements
DATE REGISTERED	23 October 2013
EXPIRY DATE	22 January 2014
APPLICANT	A & E Property Investments Ltd
AGENT	Wilbraham Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	The Parish Council have objected to this major application. Their concerns cannot be overcome through negotiation or a suitably worded condition.
RECOMMENDED DECISION	Outline Application - Approval

Summary of Recommendation

The proposal is in accordance with chapters 6, 7, 9 & 11 of the NPPF and Core Strategy and Development Management Policies CS2, CS3, CS4, CS5, CS11, DM3 & DM10. The proposed demolition of an existing employment site and the proposed erection of thirteen dwellings would provide a high quality development that would not harm the openness or visual amenities of the Green Belt and would improve the appearance of the site with regard to the setting of the Chilterns AONB. The proposal would provide an improved pedestrian route to Harlington Village, five affordable units and there would be no undue harm to residential amenity or detrimental harm to the supply of B1, B2 & B8 uses locally.

Site Location:

The proposal site is located at Lower Wood Farm, Sundon Road, Harlington.

The site is an existing employment site with a mix of B1, B2 & B8 units which was granted approval on appeal - planning ref. MB/02/005533/FULL. The site originally formed part of the adjacent Wood Farm. The site is not an E1 safeguarded site in the adopted Site Allocations DPD.

The site includes three steel portal buildings (divided into 5 units), which are steel clad buildings with a modern agricultural appearance. The largest building measures approximately 7.3m in height. The site also includes a brick building (former grain store) which has a lawful development certificate for steel fabrication - planning ref. CB/12/04311/LDCE. The total floor area of the existing buildings is approximately

1,960sqm

The appeal decision limited the units to named users due to highway concerns. This has created ongoing problems with regard to uncertainty for prospective new tenants and consequently the efficient functioning of the site as a business. Some tenants did not seek planning permission which has caused ongoing planning enforcement issues.

Current business at the site:

Units 2 & 3 occupied by A&E Investments (applicant);
Unit 4 – FVM horse box coach builders, relocating to a unit in Toddington;
Unit 5 (including former grain store) – T & G Fabrications;
Unit 1 – unoccupied;
Hard standing to rear of unit 5 – T Finley ground works.
Total current numbers of employment – 5

The Application:

Outline planning permission is sought for the demolition of industrial buildings, the construction of an estate road and redevelopment to provide thirteen dwellings and garages, including five affordable units. Access is the only matter to be determined as part of this outline application with and all other matters reserved for the detailed stage.

An indicative layout plan has been submitted with the application indicating 1&1/2 storey dwellings on the southern boundary (traditional agricultural in character) with dwellings up to 2-storey in a traditional cottage style on the northern side of the site. The plan indicates the retention of existing mature trees and hedging. A paddock area is shown to the west of the proposed dwellings.

Pedestrian access to Harlington would be taken from Harlington Footpath 4 which passes the western side of the site. It is proposed to divert the footpath to allow a hoggin type surface to allow pedestrian access throughout the year.

The following documents have been submitted with this application:

Design & Access Statement;
Protected species survey;
Affordable Housing Statement;
Statement On Construction Waste and Materials Recycling;
Supporting Planning Statement;
Envirocheck report.

A public exhibition was undertaken at Harlington Village Hall on 11th June 2014.

RELEVANT POLICIES:

National Policy Planning Framework (2012)

6. Delivering a wide choice of high quality homes
7. Requiring good design

- 9. Protecting Green Belt Land
- 11. Conserving and enhancing the natural environment

Bedfordshire Structure Plan 2011

None relevant

Core Strategy and Development Management Policies - North 2009

- CS2 Developer Contributions
- CS4 Linking Communities
- CS5 Providing Homes
- CS11 Rural Economy and Tourism
- DM3 High Quality Design
- DM10 Housing Mix

Development Strategy for Central Bedfordshire (pre-submission version 2014)

- Policy 1 Presumption in favour of sustainable development
- Policy 7 Employment sites and uses
- Policy 8 Change of Use
- Policy 9 Employment proposals outside Settlement Envelopes
- Policy 10 Rural Economy and Tourism
- Policy 26 Travel plans
- Policy 27 Car parking
- Policy 28 Transport assessments and travel plans
- Policy 31 Supporting an ageing population
- Policy 43 High quality development
- Policy 44 Protection from environmental pollution
- Policy 47 Resource efficiency
- Policy 48 Adaptation
- Policy 49 Mitigating flood risk

(Having regard to the NPPF, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in May 2013).

Supplementary Planning Guidance

Central Bedfordshire Design Guide - Design Supplement 4
 Planning Obligations Strategy

Planning History:

Case Reference	CB/12/04311/LDCE
Location	Former Grain Store, Wood Farm, Sundon Road, Harlington, Dunstable, LU5 6LN
Proposal	Lawful Development Certificate Existing: Steel fabrication and associated storage

Decision	Lawful Dev - Existing - Granted
Decision Date	08/02/2013

Case Reference	CB/11/02384/PAPP
Location	Lower Wood Farm, Sundon Road, Harlington, Dunstable, LU5 6LN
Proposal	Pre-Application Advice: Toilet facilities, site layout improvements, improvements to the external appearance of some buildings and new amenity building for Open Storage Area 7.
Decision	Pre-application Advice Released
Decision Date	02/08/2011

Case Reference	MB/08/01465/FULL
Location	Lower Wood Farm, Sundon Road, Harlington, Dunstable, LU5 6LN
Proposal	Full: Retain the use of units for B2/B8 use unrestricted to named occupants, retention of two portacabins and provide increased open storage area to rear of the site.
Decision	Refuse
Decision Date	31/10/2008

Case Reference	MB/06/00152/SE73
Location	Wood Farm, Sundon Road, Harlington, LU5 6LN
Proposal	Section 73 Determination: Variation of condition 1 (named occupier unit 3) Noted as unit 2 attached to planning permission 02/00553 dated 20/05/03 (appeal granted) for change of use of land and buildings for classes B2 and B8 (general industrial and storage) (retrospective)
Decision	Full Conditional Approval
Decision Date	07/08/2006

Case Reference	MB/06/00651/FULL
Location	Land Adjacent To Wood Farm, Sundon Road, Harlington
Proposal	Full: Temporary access road (retrospective)
Decision	Full Conditional Approval
Decision Date	24/07/2006

Case Reference	MB/03/00148/FULL
Location	Wood Farm, Sundon Road, Harlington, LU5 6LN
Proposal	Full: Retention of use of land and buildings for classes B2 and B8 (General Industrial and storage) retrospective.
Decision	Refuse
Decision Date	21/03/2003

Case Reference	MB/02/00553/FULL
Location	Wood Farm, Sundon Road, Harlington, LU5 6LN
Proposal	Full: Retention of use of land and buildings for Classes B2 and B8 (General Industrial and Storage) (retrospective).
Decision	Refuse
Decision Date	28/08/2002

Case Reference	MB/99/01248/AG
Location	Land Adjacent To Wood Farm, Sundon Road, Harlington
Proposal	AGRICULTURAL DETERMINATION: ERECTION OF GRAIN STORE

Decision	Agric.Det: Further details req'd
Decision Date	10/09/1999

Case Reference	MB/92/00165/OA
Location	Land Adjacent To Wood Farm, Sundon Road, Harlington
Proposal	OUTLINE: ERECTION OF ONE AGRICULTURAL WORKERS DWELLING (ALL MATTERS RESERVED)
Decision	Refuse
Decision Date	24/04/1992

Case Reference	MB/91/01710/FA
Location	Land And Buildings At Wood Farm, Sundon Road, Harlington
Proposal	FULL: CHANGE OF USE OF AGRICULTURALLY REDUNDANT FARM BUILDINGS TO CRAFT WORKSHOPS AND SMALL BUSINESS UNITS (B1) WITH KLARGESTER FOUL DRAINAGE UNIT
Decision	Full Conditional Approval
Decision Date	10/03/1992

Case Reference	MB/74/00666/RM
Location	Land On The South West Side Of, Sundon Road, Harlington
Proposal	RESERVED MATTERS: ERECTION OF TWO DWELLINGS
Decision	Reserved Matters
Decision Date	19/09/1974

**Representations:
(Parish & Neighbours)**

Parish/Town Council

Objection - no further development should be permitted on this site until current planning conditions for the existing buildings are adhered to. Furthermore, HPC has no confidence in any planning conditions being adhered to on any new application should permission be granted
no prior consultation has been entered into with HPC which fails Government guidelines that developers should consult with Town/Parish Councils before submitting an application the site is adjacent to the AONB and so consideration has to be given to this and it is also in Green Belt the access/egress from the site is onto a dangerous part of Sundon Road with blind bends the only pedestrian footpath from the site is across country ie FP4 with no alternative route being available the site is not connected to the main sewerage system as indicated in the application the drainage system is not sustainable it is understood that virtually all of the industrial buildings have asbestos in them the land in question is known to be heavily contaminated as batteries were buried in the land and tyres were all over the site; this was raised by HPC with CBC in the past.

Neighbours

Wood Farm

Sundon Road in this area is dangerous for pedestrians with blind bends and few drivers observing the 30mph speed limit

Footpath FP4 would not be used in inclement weather; a footpath should provide a pavement into Harlington.

The site is not connected to mains sewerage. The buildings to be demolished have asbestos sheeting - how will this be safely removed ?

Concerns regarding party wall where there are shared walls. Will the developer provide adequate fencing to replace the demolished walls ? Will the right of access for maintenance be upheld ?

91 Sundon Road

Unsuitable site with no footpath along the narrow and winding road into the village. Footpath FP4 is a rural footpath not useable in all weathers and pedestrians more likely to use the road.

Consultations/Publicity responses

Environment Agency	No objection
Chilterns Design Board	None received
Economic Development Officer	No objection provided that the existing users are to relocate.
Ecologist	No objections
IDB	None received
Highway Officer	No objection subject to conditions

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Design and landscape considerations
3. Residential amenity
4. Highway, parking and sustainable transport considerations
5. Economic development considerations - loss of existing employment site
6. Ecology
7. Planning Obligations
8. Other matters

Considerations

1. Principle of development

The dwellings would be outside any defined settlement envelope, it is within the open countryside and the South Bedfordshire Green Belt. The principle of residential development is unacceptable, unless it is for a rural worker, or Very Special Circumstances can be ascertained.

The National Planning Policy Framework (2012) states:

Paragraph 14

At the heart of the NPPF is a presumption in favour of sustainable development for both plan-making and decision-taking. For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

Paragraph 19

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

Paragraph 55

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraph 56

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 64

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 79

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 89

A local planning authority should regard the construction of new buildings as

inappropriate in Green Belt. Exceptions to this are:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Policy Conclusions:

The most relevant planning policy constraint relating to this application is its location within the South Bedfordshire Green Belt. The five purposes of the Green Belt are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The justification given within the application for allowing the demolition of the building and the erection of dwellings is Paragraph 89 of the National Planning Policy Framework, specifically this section:

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

Previously Developed Land within the National Planning Policy Framework is defined as:

Land which is or was occupied by a permanent structure, including the curtilage

of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Lower Wood Farm is an existing industrial site occupied by permanent structures used for B1, B2 & B8 uses. The site is considered to be a 'previously developed site' and in accordance with paragraph 87 of the NPPF the proposal is appropriate development in the Green Belt; provided that the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The indicative layout plan shows that the combined footprint of the proposed dwellings would be substantially smaller than that of the existing industrial units (existing approximately 1,960sqm - indicative proposed 1,018). The proposed dwellings would be a mixture of 1&1/2 and 2-storey and would be substantially smaller with regard to their scale. It is considered therefore that indicative layout plan indicates that a detailed housing scheme could be designed which would not have a greater impact on the openness of the Green Belt.

2. Design and landscape considerations

The proposed outline application seeks to determine the access with all other matters reserved for the reserved matters stage.

An indicative layout plan has been submitted with the application indicating 1&1/2 storey dwellings on the southern boundary (traditional agricultural in character) with dwellings up to 2-storey in a traditional cottage style on the northern side of the site. Existing mature trees and hedging is shown retained on the layout plan.

It is considered that the traditional/agricultural design stated on the indicative plan is an appropriate design concept for this location given its siting in open countryside in the setting of the Chilterns AONB.

There are no reasons to suggest that a detailed scheme could not satisfy the Building for Life 12 Assessment.

3. Residential Amenity

The siting of the dwellings shown on the indicative layout plan demonstrate that buildings could be sited a sufficient separation distance from its nearest neighbour - Wood Farm - to ensure that there would be no adverse harm to residential amenity with regard to loss of light, loss of privacy or overbearing impact.

4. Highway, parking and sustainable transport considerations

From a highway viewpoint there are two main considerations, traffic generation and the location in respect of sustainable transport.

When approving the industrial use of these former agricultural buildings the Planning Inspector was quite specific in allowing the development with a ceiling of 25 vehicle trips per day (25 in 25 out). In terms of residential development a single dwelling in a rural village could be expected to generate between 6 (3 in 3 out) to 10 (5 in 5 out) movements per day with the most likely figure being at the higher end of the range. Quite clearly a development of thirteen units would generate traffic movements far exceeding the figure the Inspector was prepared to accept.

Nevertheless, despite the probable increase in traffic movements, a residential development would reduce the amount of goods vehicles travelling to and from the site. It is these large vehicles that have a major impact upon the road through Harlington and their removal would, in my opinion offer an overall highway benefit. As such we consider that a highways objection based purely on traffic generation would not be justified and defensible through any further appeal process.

The site is approximately 300m from the southern edge of Harlington and there is not sufficient room for a footway along the highway to provide pedestrian access to Harlington. The applicant has therefore proposed to provide pedestrian access via Harlington Footpath 4, which passes the western side of the proposal site and terminates at the southern edge of the built up area of Harlington. A s106 contribution would provide significant improvements and a part diversion to the footpath which will ensure that the site has an appropriate pedestrian route to the village and can therefore be considered to be in a sustainable location.

The proposed highway conditions are to follow this report.

5. Economic development considerations - loss of existing employment site

Lower Wood Farm is an unallocated employment site. Draft Development Strategy Policy 8: Change of Use, states:

Proposals for non-employment generating uses on employment land as identified in Policy 6 will only be considered where suitable and detailed evidence is submitted proving that the following criteria can be met:

In relation to unallocated land:

- the site is not currently utilised for employment generating uses;
- there is no viable prospect of the site delivering an employment generating use;
- a change of use will not detrimentally impact upon the supply pipeline for B1, B2 and B8 uses within the locality.

As discussed above, the constraints imposed by the appeal decision has created ongoing problems with the functioning of the site and the business. It is considered that this unallocated employment site would not detrimentally impact the supply pipeline for B1, B2 & B8 uses in the locality. The existing users will be either relocating locally or retiring:

Units 2 & 3 occupied by A&E Investments (applicant);
Unit 4 – FVM horse box coach builders, relocating to a unit in Toddington;
Unit 5 – T & G Fabrications, retiring and ceasing to trade;
Unit 1 – unoccupied;
Hard standing to rear of unit 5 – T Finley ground works, moving to a yard on Grovebury Road, Leighton Buzzard.

6. Ecology

The Ecologist has stated:

I have read through the protected species survey and I am satisfied that the proposals would not result in a detrimental impact to protected species.

I also note from the proposed layout plan and supporting planning statement that an existing area of bare ground to the west of the site is identified as a paddock / orchard. Bedfordshire has lost 95% of its orchards since the 1950s and as such any replacement of the habitat type is welcomed and would constitute a net gain for biodiversity from the development. The use of local varieties would be desirable and the Community Tree Trust may be able to supply these. I would hope that the provision of such a resource could be a condition of any permission.

I also welcome the proposed inclusion of bat boxes within the existing trees.

7. Planning Obligations - s106 Unilateral Undertaking

A draft s106 has been submitted with the application which includes the provision of five affordable dwellings and contributions towards education, off site play facilities and outdoor sport contribution and indoor sports and leisure. The applicant has also agreed to upgrade and part divert Harlington Footpath no.4, to link the site to Harlington Village. Discussions with the applicant are ongoing and an update will follow this report.

8. Other Matters

The adjoining neighbour has raised concern regarding the safe removal of asbestos sheeting, foul water drainage, the shared party wall, boundary treatment and a right of access for maintenance.

The demolition of the existing units and the safe removal of asbestos sheeting is not a planning matter. This comes under the remit of building control and will be dealt with as part of a Demolition Notice.

Party Wall disputes and rights of access are also not planning considerations and are legal matters between the two landowners.

Sewage from the existing units drains to a septic tank. Although it had been intended to drain the proposed dwellings to the mains sewer investigation has proved this not to be viable. Accordingly it is now intended to serve the dwellings by way of a new Biodisc package treatment plant which would be located in the

paddock to the west of the development where there is sufficient space for it. The existing septic tank will be removed as part of the development.

A boundary treatment condition is recommended in this report which covers those areas with a shared boundary with Wood Farm where the existing units would be demolished.

The Parish Council has raised concern that the applicant did not consult with them or the public prior to the application being submitted. A public exhibition did not take place until the 11th June 2014. Although the Council has guidance regarding public consultation, there is currently no mandatory requirement for public consultation. There are provisions within the 2011 Localism Act but these have not, as yet, been enacted by secondary legislation. It appears likely that the consultation requirement would apply to major residential applications of 200 dwellings or more.

Comments regarding contamination are to follow this report.

Human Rights issues

No significant issues have been raised by this application.

Equality Act 2010

No significant issues have been raised by this application.

Recommendation

To authorise the Interim Assistant Director Planning to issue the grant of PERMISSION subject to planning conditions outlined in this report and the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure contributions towards infrastructure, affordable housing and improvements/part realignment of Harlington Footpath 4.

RECOMMENDED CONDITIONS / REASONS

- 1 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.

- 2 **Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**

- **appearance**

- landscaping
- layout; and
- scale

Reason: To comply with Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

- 3 The dwellings located on or adjacent to the southern boundary shall be a maximum of 1 and a half storey. Elsewhere the dwellings shall be a maximum of 2 storey.

Reason: To ensure the openness and visual amenities of the Green Belt are protected.

- 4 For the avoidance of doubt, the paddock area indicated to the west of the site shall only be used for an agricultural use.

Reason: For the avoidance of doubt.

- 5 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Policy DM3)

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 961-HR-01 Revision B

Reason: To identify the approved plan/s and to avoid doubt.

Notes to Applicant

1. 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.

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

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore

acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.