

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	Cllrs 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.

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, the provision of Traffic Calming measures and a scheme to deal with sewage treatment..

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 and for the provision of sewage treatment plant necessary for the dwellings hereby approved.

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.

- 7 Notwithstanding the detail shown the proposed estate road access onto Harlington Road shall be 5.5m wide and provided with 6m radius kerbs and be constructed to the specification of the highway authority and satisfaction of the Local Planning Authority before occupation of any subsequent reserved matters development.

Reason: To ensure the provision of an access appropriate to the development in the interests of highway safety.

- 8 No reserved matters development shall be occupied until visibility splays have been provided at the junction of the estate road 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 estate road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed estate 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 access and to make the access safe and convenient for the traffic which is likely to use it.

- 9 No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 10 Prior to commencement of any subsequent reserved matters development details of the improvements to Footpath 4 shall be submitted to and approved by the Local Planning Authority and fully implemented prior to occupation of any development.

Reason: To ensure the provision of a suitable pedestrian link to the development in the interests of highway safety.

- 11 Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority, in both paper and electronic form where possible:

- a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
- b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils, gas and groundwater sampling.

- c) Where shown necessary by the Phase 2 investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.
- d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to the commencement of works. This shall include response to any unexpected contamination discovered during works. Any remediation scheme, as agreed in writing shall be fully implemented before the development hereby permitted is first occupied.

Reason: To protect human health and the environment.

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.
2. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicant is advised that it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

4. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the Highway Authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

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.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation responses and comments as detailed in the Late Sheets:
 - a. 68 people attended an exhibition for the development on 11 June 2014. 21 responses were received raising no objections but asking questions about the scheme.
 - b. Harlington Parish Council provided additional comments concerning the accident black-spot on Sundon Road due to collisions on the dangerous blind bends.
 - c. The government press release, on 16 June 2014, "Government initiatives to help build more new homes on brownfield land".
 - d. Chiltern Conservation Board would not be commenting on the application as the site was not within the AONB.
 - e. Additional conditions 7, 8, 9 and 10 relate to Highway issues.
 - f. Additional condition 11 relates to Contamination.
 - g. A sewage treatment plant arrangements will be part of the Section 106 agreement.
 - h. There are 3 additional informatives listed above.]