

Item No. 07**SCHEDULE A**

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| APPLICATION NUMBER | CB/10/02629/FULL |
| LOCATION | Land at No.1 and The Chestnuts Friars Walk, Dunstable, LU6 3JA |
| PROPOSAL | Extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (Chestnuts) and redevelopment of the site to provide four detached dwellings |
| PARISH | Dunstable |
| WARD | Dunstable Downs and Watling |
| WARD COUNCILLORS | Cllrs Paul Freeman, Tony Green, Peter Hollick & Cllr Ann Sparrow |
| CASE OFFICER | Gill Claxton |
| DATE REGISTERED | 13 July 2010 |
| EXPIRY DATE | 07 September 2010 |
| APPLICANT | Visao Ltd |
| AGENT | Consensus Planning |
| REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION | Full Application - Refused |

Site Location:

The 0.56ha irregular-shaped application site lies on the south western side of Friars Walk, some 100m south west of the junction with High Street South (A5).

The site comprises the dwellings and grounds of existing residential properties at No. 1 (Priory Lodge) and The Chestnuts, Friars Walk. No. 1 has a frontage to Friars Walk of approximately 38m and a maximum depth of 27m. It comprises a 4-bedroom detached dwelling of red brick below a tiled roof. There is a 1.8m high brick wall along the road frontage with tree and shrub planting behind and off road parking in the north eastern corner of the site. As the depth of this plot is relatively shallow with the dwelling set back some 12m from the highway frontage, there is a small rear garden so the main private garden lies to the side of the dwelling adjacent to No. 5. The Chestnuts is a detached 3-bedroom bungalow plus garden situated to the rear of No. 1. The bungalow lies broadly within the centre of the plot surrounded by a large garden with many mature trees around the boundaries. The single width driveway runs along the north eastern boundary of No. 1, with the access onto the highway being adjacent to that serving No.1. The site is enclosed by hedges, walls and fencing of a variety of heights and styles.

The surroundings are primarily residential in character, except for the dental practice at No. 1A Friars Walk. To the west of the site are residential properties at No's 5 and 7 Friars Walk; while to the east lies a further dwelling at Conifers and the four storey flats at Viceroy Court, fronting High Street South. To the south east is an area of orchard within a larger area of land in the ownership of No. 9 Friars Walk beyond the rear garden of the property.

The site lies within the Bull Pond Lane/Friars Walk/The Avenue Area of Special Character. The South Bedfordshire District Council (land off Staines Square and The Chestnuts, Friars Walk, Dunstable) Tree Preservation Order No. 13/85 protects, among other things a group of three Horse Chestnuts within the garden of The Chestnuts and a further group of two Sycamore and three Lime trees beyond the rear garden boundary of that property, within land in the ownership of No. 9 Friars Walk.

The Application:

Planning permission is sought for the demolition of The Chestnuts and the erection of four detached dwellings plus extensions and alteration to No. 1 Friars Walk (Priory House) on the combined sites of the two existing properties. This would represent a net addition of three dwellings.

The new dwellings would be accessed via a new driveway with turning head, involving the creation of a new access on to Friars Walk, breaking through the existing front boundary wall at No. 1 and opening up views into the interior of the site. There would be one new dwelling, to the south west of the new access, located parallel with No. 5 with a further three dwelling situated within the rear portion of the site grouped around the turning head. The access road would be a private drive with a carriageway of 4.1m in width with a 0.5m footway on either side. The existing access for No.1 and The Chestnuts would be merged and modified to create a single access for No. 1, creating space for the parking of at least two vehicles and an enlarged side garden for the property.

The dwellings and garages would be of a traditional appearance and design with facing bricks below clay tiled roofs. There would be feature brickwork to add visual interest.

Plot 1

Plot 1 would comprise the retained four-bedroom dwelling at No.1. This property would be remodelled with the integral garage becoming additional living space with utility room behind plus alterations to the front elevation with the insertion of a bay window. There would be a small conservatory-style rear extension to create an enlarged dining room plus other reorganisations to the internal layout with additional windows on the flank and rear elevations. The private garden would be re-orientated and a new rear garden created. The existing 1.8m brick wall would be retained along the road frontage with the planting supplemented.

Plot 2

A new three-bedroom, L-shaped dwelling would be created on Plot 2 on the Friars Walk frontage adjacent to No. 5, with a detached single garage to the rear and parking for two vehicles. Along the road frontage the existing brick wall would be reduced to 0.75m in height with new brick-on-edge coping and the planting trimmed back to 0.9m high. The side and rear garden boundaries would be enclosed by new 1.8m high close boarded fencing and hedge.

Plot 3

Plot 3 would comprise a four bedroom dwelling with rear conservatory. It would have an integral garage and parking for two vehicles to the front. It would be situated to the rear of Plot 1 with the rear and side garden boundaries enclosed by 1.8m high close boarded fencing.

Plot 4

Plot 4 would comprise a five-bedroom double-fronted dwelling with integral garage. It would be sited to the rear of Plot 2, at right angles to this plot and No. 5 Friars Walk. There is existing hedging at a height of between 2.5m and 3.5m around the western and south western boundaries of this plot which would be retained with the south eastern boundary being enclosed by the existing 1.2m high fence with new 0.6m trellis on top.

Plot 5

There would be a five bedroom double-fronted dwelling with conservatory on Plot 5, located to the south east of Plot 3. There would also be double bay windows at ground and first floor on the flank wall facing the orchard. There would be a detached double garage to the north east between the rear gardens to Plots 3 and 5. The existing 3m hedge on the boundary with Viceroy Court would be retained while the side garden boundaries would comprise a mix of 1.8m high close boarded fencing and 1.2m high fencing with trellis above as in the case of Plot 4.

The scheme has been amended since originally submitted with the following changes:

- Site Plan and Street Scene drawings amended to show the accurate height of the hedge on the common boundary with No. 7 Friars Walk;
- Internal reorganisation of the dwelling on Plot 4 to relocate one of the rear-facing bedrooms in order that the first floor windows at the rear of this property serve either bathrooms or ensuites. These windows would be obscure glazed and fixed shut to an appropriate height;
- Additional parking for Plots 3 and 4;
- Dimensions to parking spaces to accord with design guidance and standards;
- Internal dimensions for all garages adjusted to comply with Highway Engineer's requirements.

The application was accompanied by a Design and Access Statement, Arboricultural Survey and Planning Statement

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development;
PPS3 - Housing;
PPS5 – Planning and the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport

Bedfordshire Structure Plan 2011

None relevant

South Bedfordshire Local Plan Review (2004) Policies

SD1 - Sustainability Keynote Policy
H2 - Fall-In Sites
BE6 – Control of Development in Areas of Special Character
BE8 - Design Considerations
T10 - Parking - New Development

Supplementary Planning Guidance

Planning Obligations Strategy for Southern Bedfordshire – adopted by the Luton & South Bedfordshire Joint Committee on 23/10/09, effective from 05/01/10.

Design in Central Bedfordshire - A Guide for Development - adopted by the Luton & South Bedfordshire Joint Committee on 23/07/10

Planning History

None relevant

Representations: (Parish & Neighbours)

Dunstable Town
Council

Object as it is considered overdevelopment of the site. The total number of properties should be reduced to 4 no. Highway Engineer needs to be satisfied that the location of the vehicular access onto Friars Walk is safe and that sight lines are not obscured.

Occupiers of 4A, 5, 7
and a further property
Friars Walk and 11a
Bull Pond Lane

Object for some or all of the following reasons:

- Overdevelopment of the site and unsympathetic to the character of the area. Five dwellings on a site of less than 0.5ha represents overcrowding. Area of Special Character should be that the normally accepted distances between houses and neighbouring land should be greater;
- Requirements of Council's Highway Engineer for the access road and turning area has reduced the available space for building, further exacerbating the overdevelopment problem;
- Overlooking of established properties and their gardens, including orchards in Friars Walk from the dwellings on Plots 3 and 4. Existing hedges would mitigate some of the impact but if they were to be removed the degree of overlooking would be considerably worse;
- Proposal would worsen the existing situation in terms of traffic generation and highway safety. The access point would be situated on a bend in the road. The road is used as a rat-run all day for vehicles seeking to avoid congestion in the Town Centre and for school children accessing local schools in the morning and afternoon. At present the school children only have to cross accesses serving single dwellings but they pay little attention to the traffic on the road. Existing residents often having difficulty with egress and ingress to their own properties. The proposal would increase danger and hazard to residents, school children and other road users;

- The Transport Assessment does not make reference to the rat-run status of the road or the school time peaks;
- The protected trees have not been correctly identified or accurately plotted on the plans. Some of the root systems of the trees will be adversely affected by the footings of the dwellings on Plots 4 and 5;
- There are other examples of misleading information on the forms and plans. In particular it is stated that no hazardous waste would be involved in the proposal. The Chestnuts contains asbestos and the demolition of this property should be strictly controlled;
- Residents opposite the site did not receive individual notification letters;
- No mention of the new road is mentioned in the description of development and this is misleading;

Occupier of Friars Walk
Dental Practice, 1A
Friars Walk

Comments as follows:

- Consider that the development is tasteful and appropriate to the area.

Occupier of 4 Friars
Walk

Comments as follows:

- Inevitable that the land would be redeveloped at some time and the proposal appears to be quite satisfactory and attractive.

Occupier of 103 Union
Street

Supports the application:

- The Chestnuts has been the family home for many years. The bungalow is no longer habitable and the narrow drive makes accessing the property difficult;
- The family wanted some control over the way in which the site was redeveloped and wanted a scheme to show off the Chestnut tree within the site which is currently hidden;
- The new driveway would have appropriate visibility and pedestrians and drivers would take more notice of it than the existing drives;
- All of the proposed dwellings have more generous frontages than many of the dwellings in Friars Walk. All have good-sized gardens. No trees with Preservation Orders on them would be adversely affected. The scheme would not represent the overdevelopment of the site.

Consultations/Publicity responses

Public Protection South

Has no reason to believe that this site is contaminated. Recommends an informative advising the developer to be aware of his responsibility to ensure that final ground conditions are fit for the end use of the site.

Tree & Landscape Comments as follows:
Officer

- The off-site Horse Chestnut tree, positioned to the southeast of Plot 5 and located in the neighbouring property, is now dead.
- The crown spread of T11 (identified within the Arboricultural Report) is inaccurately plotted on the site layout plan, but should still avoid encroachment and branch conflict with the unit on Plot 4.
- The garage serving Plot 2 encroaches close to a boundary beech hedge, which is a potentially sensitive hedge due to the screening properties it currently provides. If objections have been received from No. 5 Friars Walk regarding encroachment issues and loss of privacy, then the garage may need to be moved. However, the hedge is of internal interest only.
- The landscaping along the road frontage with Friars Walk is comprised of a mixture of tall ornamental shrubs and smaller trees of low individual amenity value and quality, but collectively form an excellent screen, which should be retained as much as possible. Although it is appreciated that a new access is to be installed through this planting belt, the remaining planting should not be removed unless absolutely necessary and should be protected by a condition.
- The proposed garage serving Plot 5 is being situated within the footprint of an existing garage and as such presents less constraints on the adjacent trees. However, a condition would need to be imposed requiring further details in respect of the proposed foundation specification for the construction of the garage in recognition that it would encroach into the Root Protection Area of the adjacent trees.

Overall, no objection to the application subject to conditions requiring the submission of a landscaping scheme and Tree Protection Plan, restricting the removal of trees and shrubs along the Friars Walk frontage to that required only for the new access and the retention of the other trees and shrubs and special foundation details in the vicinity of Plot 5.

Archaeologist

The proposed development lies within the bounds of the Roman town of Dunstable (HER 135), one of its associated cemeteries (HER 11284), within the medieval town (HER 16986) and close to the site of a Dominican Friary (HER 141). This is an extremely archaeologically sensitive area and it contains important local and regional heritage assets. This does not however present an overriding constraint on the development provided that the applicant takes appropriate measures to record and advance understanding of the significance of the heritage assets. This can be addressed by the imposition of a condition to secure a scheme of archaeological investigation.

Highway Engineer

No objection subject to conditions and informatives.
Comments that:

- The new vehicular access complies with the Central Bedfordshire Residential Design Guide, Design Supplement 7.
- The development complies with Council's current parking standards and has been designed to accommodate a refuse vehicle. Would suggest that in order for the carriageway to withstand the loading of a refuse vehicle, the carriageway should be constructed to adoptable standards, even though the access will remain a private access. The applicant has accepted this principle and confirms this in his Design and Access Statement.

Determining Issues

The main considerations in the determination of the application are:

1. Principle of residential development
2. Impact upon the character and appearance of Area of Special Character and the locality generally in terms of density, layout, design and external appearance
3. Impact on the amenity of neighbouring residential occupiers
4. Access, highway & parking considerations
5. Tree considerations
6. Other matters

Considerations

1. Principle of residential development

The policy most relevant to the determination of whether the development is acceptable in principle is Policies SD1 of the South Bedfordshire Local Plan Review. Other material considerations include PPS1: Delivering Sustainable Development and PPS3: Housing.

Policy SD1 states that preference will be given to proposals on sites within the first four categories of the development strategy. The first category refers to previously developed sites and vacant land within urban areas. The supporting text to the policy makes reference to making the maximum use of land within urban areas.

A revised PPS3 - Housing was issued in June 2010 which amended the definition of previously developed land to specifically exclude private residential gardens, as in this case. Therefore, there is no longer a presumption in favour of development on sites such as this. However, this does not mean that there is a presumption against the development of sites which comprise private gardens and the changes in PPS3 do not necessarily mean that the proposal would be unacceptable in principle. The PPS still makes reference to making an effective and efficient use of land in urban areas, ensuring a site is suitable for housing, including its environmental sustainability and achieving high quality housing.

The site of the proposed development lies within the built up area of Dunstable adjacent to existing residential development; close to the town centre and a public transport route. The site lies within a sustainable location.

Therefore, it is considered that the residential redevelopment of the site would be acceptable in principle. However, further consideration of the specific details of the scheme in relation to Policies H2, BE6, BE8 and T10 along with national guidance in PPS5, PPS9 and PPG13 will determine whether this proposal is acceptable.

2. Impact upon the character and appearance of Area of Special Character and the locality generally in terms of density, layout, design and external appearance

Policy H2 states that within the built up areas excluded from the Green Belt provision of new housing by development of infill sites, redevelopment, conversion and re-use of buildings and subdivision of large properties would be approved provided, among other things:

- The development would make an efficient use of the site or building in terms of density and layout;
- Not result in loss of open space of recreational or amenity value or potential
- Respect and enhance the character of the surrounding area;
- Provide good quality living conditions for residents; be readily accessible to public transport and local services;
- Be acceptable in terms of highway safety and traffic flow.

Within the Areas of Special Character Policy BE6 states that planning permission will not be granted, for redevelopment to higher densities, subdivision of large plots, infilling or backland development which would result in, among other things, the loss of gardens or give rise to an over-intensive level of development, in a way which would unacceptably harm the special character of the area.

Policy BE8 aims to ensure that new development has regard to natural features, the opportunities to enhance or reinforce local distinctiveness, complement the character and appearance of the surroundings, have an acceptable impact on public views into the site, among other things.

In this case, it is considered that the proposed development would result in the overdevelopment of the site, having regard to its location in a designated Area of Special Character. While there is some variety in the width and depth of the plots, the Bull Pond Lane/Friars Walk/The Avenue Area of Special Character is defined by established, mostly detached dwellings situated on generous plots. With the development as proposed, there is a general lack of space about the buildings and a general erosion of green garden spaces when compared to the existing situation both at The Chestnuts and No.1 and in the wider surroundings.

The density of the proposed development is low at 9 dwellings per hectare. But density itself is not the only factor to be taken into account in deciding whether a scheme is acceptable. The density should be considered in the context of the surroundings and the juxtaposition of the dwellings within the area of the site available for development. The requirement for the access road with turning area in order to satisfy highway considerations reduces the net developable area. This means that taken together with driveways and boundary fences, much of the site is given over to hard surfaces and hard landscaping eroding the existing extensive area of green space. The dwellings on Plots 4 and 5 are also considerably larger than those typical of the locality. Moreover, the retained dwelling on Plot 1 (No. 1) and the new dwelling on Plot 2 have generous front gardens and fairly shallow rear gardens. Therefore, the overall impression is one of insufficient space about the buildings. This indicates that too many units have been proposed for the site.

It is considered that the proposals fail to comply with Policies BE6, H2 and BE8 of the South Bedfordshire Local Plan Review.

3. Impact on the amenity of neighbouring residential occupiers

It is noted that a number of the neighbouring residents have raised concerns about loss of privacy and overlooking. While it would be possible to see the new dwellings from the existing dwellings it is considered that the distances involved would not give rise to an unacceptable degree of overlooking. The dwelling on Plot 2 would be largely parallel with the existing dwelling at No. 5. There may be a degree of mutual overlooking of the rear gardens of these properties from first floor rear elevation windows but this would not be to an unacceptable degree. The dwelling on Plot 3 and its garden would be sited at right angles to the property at The Conifers. Again there would not be an unacceptable degree of overlooking. The dwelling on Plot 4 and its garden would be sited at right angles to No. 7. The distance between the rear elevation of the property at Plot 4 and the side garden boundary of No. 7 would be 12 metres. Even allowing for the presence of first floor bay windows at No. 7 it is considered that this distance would be sufficient to ensure that overlooking would not be an issue, particularly as the first floor rear element of this dwelling has been redesigned to ensure that only obscure glazed and fixed windows would be present. If the scheme were otherwise acceptable, this could be regulated by condition. While the dwelling on Plot 5 with its double bay windows may give rise to an element of overlooking of the orchard that forms part of the land at No.9 it is not considered that this would be unacceptable.

4. Access, highways & parking considerations

The Highway Engineer is satisfied with the scheme in terms of parking provision traffic generation and highway safety, notwithstanding the comments of third parties. He considers that the new vehicular access complies with the Central Bedfordshire Residential Design Guide, Design Supplement 7. In addition, the development complies with Council's current parking standards and has been designed to accommodate a refuse vehicle. In order for the carriageway to withstand the loading of a refuse vehicle, it is recommended that the carriageway should be constructed to adoptable standards, even though the access will remain a private access. The applicant has accepted this principle and confirms this in the Design and Access Statement. The proposal accords with Policy T10, national guidance and the Council's Design Guide.

4. Tree considerations

The Tree and Landscape Officer has considered the scheme and has advised that he has no objections subject to conditions. The scheme would adequately safeguard those trees protected by the Tree Preservation Order.

The garages serving Plots 2 and 5 have been modified to take account of the comments of the Tree and Landscape Officer.

Accordingly, we are satisfied that the scheme would not have any adverse effect upon trees.

6. Other matters

In accordance with the requirements of the Planning Obligations Supplementary Planning Document the scheme requires the submission of a Unilateral Undertaking for the provision of financial contributions toward education and social infrastructure. This scheme would generate a requirement for financial contributions of £47,965. The Unilateral Undertaking was not submitted with the application but the applicant’s agent is currently drawing this up and we understand that it is the applicant’s intention to have this matter concluded prior to the Committee meeting.

The recently submitted revised plans have addressed the points about anomalies with the accuracy of the plotting of trees on the site layout plans.

Matters such as potential site contamination and archaeological investigation can be regulated by condition were the scheme otherwise acceptable.

The neighbour notification process followed the Council’s custom and practice and statutory requirements with those neighbours directly abutting the site receiving individual letters. Two site notices were also displayed.

The description of the development does not specifically refer to the creation of the new access but it is sufficiently comprehensive to indicate the level of development proposed.

Recommendation

That Planning Permission be refused for the following reasons:

- 1 The proposed development would, by reason of the siting, design and scale of the dwellings, fail to reflect the existing pattern of development in this part of the Bull Pond Lane/Friars Walk/The Avenue Area of Special Character. The proposed development would appear overdeveloped with insufficient green space about the dwellings in relation to the character and appearance of other properties in the locality. The proposal would thereby be detrimental to the character and appearance of the Area of Special Charcater and the locality generally, contrary to Policies BE6, BE8, and H2 of the South Bedfordshire Local Plan Review.

Notes to Applicant

DECISION

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