

Item No. 8**SCHEDULE A**

APPLICATION NUMBER	CB/10/04522/FULL
LOCATION	No.1 and The Chestnuts Friars Walk, Dunstable, LU6 3JA
PROPOSAL	Extensions and alterations to No.1, demolition of Chestnuts and redevelopment of the site to provide 3 detached dwellings, 7 apartments, amenity, associated parking, communal amenity space and landscaping.
PARISH	Dunstable
WARD	Dunstable Downs and Watling
WARD COUNCILLORS	Cllr Paul Freeman, Cllr Tony Green, Cllr Carole Hegley, Cllr Nigel Young, Cllr Peter Hollick & Cllr Ann Sparrow
CASE OFFICER	Gill Claxton
DATE REGISTERED	23 December 2010
EXPIRY DATE	24 March 2011
APPLICANT	Visao Ltd
AGENT	Consensus Planning
REASON FOR COMMITTEE TO DETERMINE	At the request of the Assistant Director Planning
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 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. There is a further Tree Preservation Order protecting trees outside but adjacent to the boundary of the site within the grounds of Viceroy Court: Dunstable Borough Council Tree Preservation Order No. 1, 1958.

The Application:

Members may recall that a resolution to grant planning permission for extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (The Chestnuts) and redevelopment of the site to provide four detached dwellings, subject to the completion of a Unilateral Undertaking was made at the meeting of 13 October 2010 (Ref: CB/10/02629/FULL).

With this application, planning permission is sought for the demolition of The Chestnuts and the erection of three new detached dwellings and a block of seven apartments 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 nine dwellings.

All of the dwellings, including the retained property at No. 1, 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 the further nine units 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 points for No.1 and The Chestnuts would be closed with the pavement and grass verge to be reinstated and the boundary frontage treatment to comprise a 1.8m high wall with landscaping behind to match the existing.

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.

Two parking spaces would be located to the front of the property with a new timber pergola to be sited within the front garden to the north-west of the dwelling.

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

The remainder of the site would contain the L-shaped block of seven apartments which would comprise 1 x 1 bedroom units and 6 x 2 bedroom units. One flat would be housed within the roof void with dormer windows. To the rear of the building would be site an enclosed bin and cycle store and parking spaces for eight cars. The cycle/bin store and five spaces would be adjacent to four trees: two Sycamores and a Beech tree outside the application site and a small-leaved Lime within the application site. There would be a further car parking space parallel to the side garden boundary of the dwelling on Plot 3. The car parking ratio would provide one allocated car parking space per unit plus two visitor spaces. To the front of the building, alongside the garden to Plot 4 would be the amenity area of the occupiers of the flats accessed from a pathway leading from the building, circulating around the southern end of the turning head.

The building would be designed so that it would have no higher ridge height than that proposed for Plot 5 in the previous application, CB/10/02629/FULL although the footprint and overall size would be greater. It would have a central front door facing into the site and the applicant suggests that it would still have the appearance of a single dwelling unit.

It is suggested in the supporting documents that these would be suitable for the older age segment of the housing market where potential occupiers would be looking to downsize their living accommodation and would have lower levels of car ownership.

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

In addition, the application was accompanied by supporting letters from the applicant's agent and Alexander & Co, Estate Agents, Surveyors and Valuers. Both letters state that following the resolution to grant planning permission subject to the completion of a Unilateral Undertaking in relation to the previous scheme for extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (Chestnuts) and redevelopment of the site to provide four detached dwellings for (CB/10/02629/FULL) the applicant has been reviewing the development. In particular, it is suggested that the previously proposed detached dwelling on Plot 5 would suffer as a result of its close proximity to the adjacent flats at Viceroy Court in terms of outlook and privacy. Specifically, Alexander and Co state:

“As discussed ... the majority of the proposed detached houses appear ideal for what is one of the most desirable parts of the Dunstable market, namely Friars Walk, and will prove very popular with purchasers. The variety of sizes caters for the main demand in this location.

However, I am most concerned as to the viability and demand for Plot 5 and strongly recommend you should not build in its current form for the following reasons:

- Unattractive aspect over a less than desirable four storey block of flats to the rear (Viceroy Court)
- Significant overlooking from Viceroy Court with numerous large windows looking directly into what would be the rear garden and rear windows of the dwelling.

We are of the view that the above factors will seriously affect its value and saleability and recommend that you should review this plot with a view to creating a building specifically designed to avoid being overlooked with their main aspect and windows not to the rear elevation. We suggest that this could be achieved by constructing a small cluster of larger apartments or mews style houses suited for those wishing to trade down from a much larger house who may have lived in Dunstable for many years. There is a distinct shortage of large luxury apartments located within a well designed block within Dunstable especially within walking distance of the High Street...”

RELEVANT POLICIES:

National Policies (PPG & PPS)

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

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV3 - Biodiversity and Earth Heritage
ENV7 - Quality in the Built Environment
T14 - Parking

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

CB/10/02629/FULL Resolution to grant permission subject to the completion of a Unilateral Undertaking for extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (Chestnuts) and redevelopment of the site to provide four detached dwellings.

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.

Occupier of 103 Union Street (Owner of The Chestnuts) Supports the application:

- The apartments would be aimed at the elderly/retirement sector who already live in Dunstable who will give up larger houses on the outskirts of town and possibly cars to move into an apartment within 2 minutes walk of the town centre;
- January/February edition of 'News Central' states that the Council are seeking to finalise a number of plans for the town's future including provision for older people and this scheme would support that;
- Have been approached by some widows who would like to move into an apartment in the grounds that they have known and visited over the years when my parents had this land;

- There are many groups and activities used in the main by the over 55s who meet in the vicinity of the site either at the Methodist Church or the Salvation Army in Bullpond Lane – The Gardening Club, The History Society, The National Trust and the Bowls Club for example;
- 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;
- It is unlikely that someone would purchase a 5-bedroom house with Viceroy Court looking down into their garden;
- There could be more cars with a large house than with smaller apartments occupied by elderly folk.

Consultation/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 and Landscape Officer Objects to the application on the grounds that the it will have an adverse impact on trees protected by a Tree Preservation Order and their contribution to a designated "Area of Special Character" typified by mature wooded gardens.

- The proposed refuse, recycling and cycle storage area is being positioned on ground previously conducive to good root growth, i.e. open ground not covered by any impervious surface. Even with special foundations, the coverage of the ground with such a relatively large building footprint will hinder water and gaseous exchange to the roots of the adjacent trees T7 to T10 (Sycamore and Beech trees in the grounds of Viceroy Court, Small-leaved Lime and Norway Maple within the application site. This is likely to exceed the 20% maximum allowance for the covering of an RPA (Root Protection Area) with an impervious surface, as stipulated in BS 5837:2005 "Trees in Relation to Construction".
- It is noted that the additional parking spaces being proposed to serve the new flats will encroach into the RPA of trees T6 to T9 (Two Sycamores, Beech in Viceroy Court and small-leaved Lime). Whilst it was recognised that the previous encroachment into the RPA by the garage of Plot 5 (which ran along the footprint of an earlier garage

construction) was acceptable in the earlier application, CB/10/02629/FULL, the proposed line of parking areas now presents additional problems. This is because a no-dig form of construction would be subject to the differences in level incurred by vehicles accessing onto the raised no-dig parking areas. This will be an incompatible arrangement unless the whole vehicle area was constructed in a no-dig form, which is impracticable.

- There is also evidence that the impact on trees within this revised scheme has not been seriously considered as a constraint, and this is apparent where a new pathway is being proposed within the RPA of Tree T11 (Horse Chestnut). No mitigation has been proposed in view of this, and although it may be considered by the developer that this could easily be overcome by a condition requiring a no-dig form of construction, it should be recognised that the surrounding paths would be of differing levels.

Archaeologist

Objects to the proposal as the application does not provide adequate information on the impact of the proposed development on the historic environment.

- The proposed development lies within an area of high archaeological potential. It is within the bounds of the Roman and Medieval towns (HER 135, HER 11284 and HER 16986), close to a late Roman cemetery (HER 11284) and the site of the Dominican Friary (HER 141). Under the terms of PPS5: *Planning for the Historic Environment* these archaeological monuments are all recognised as locally and regionally important heritage assets.
- Under the terms of PPS5: *Planning for the Historic Environment* the submission of a description of the significance of the heritage assets affected by the development and an assessment of the impact of the development on that significance should form part of the planning application.
- Without the inclusion of a heritage asset statement of significance and an impact assessment this application does not conform to Policies HE6.1 and HE6.2 of PPS5: *Planning for the Historic Environment* and therefore it does not provide adequate information on the impact of the proposed development on the historic environment.
- In order to allow the applicant time to obtain the required information on the heritage assets it is recommended that the application is withdrawn. If the information required is not forthcoming, the

application should be refused on the grounds that it is contrary to Policies HE6.1 and HE6.2 of PPS5.

Highway Engineer

Objects to the application as it contains insufficient information to show that proposed parking levels can be accommodated in a manner that would not cause increased danger and inconvenience to users of the highway.

- The applicant has stated in the application form that there will be a total of 21 parking spaces proposed and yet I can only count a total of 20.
- The current parking standards in Design Supplement 7 state that a one bedroom property requires one parking space, 2 bedrooms require 2 spaces, 3 bedrooms require 2 spaces and 4 bedrooms require 3 spaces. All the proposed houses comply with this standard however, the 7 flats would require a total of 13 spaces for residents and 2 spaces for visitors giving a total of 15 spaces; this represents an under provision of 6 spaces. It is important that the appropriate amount of parking is provided in this particular location as any indiscriminate parking occurring within the turning area will prevent large vehicles from leaving the site in forward gear, thus reversing out on to Friars Walk, which is unacceptable.
- I note that the applicant states that the apartments have been designed with the older segment of the market in mind. However, it does not necessarily follow that car ownership would reduce because of this.
- Design Supplement 7 does recognise that a lower parking standard may be acceptable in some situations; however it would have to be supported by evidence of car ownership statistics based on local census data and in accordance with the Communities and Local Government Residential Car Parking Research document (published May 2007). Unfortunately this information has not been included in the submission and therefore I cannot advise that this reduction in parking numbers is acceptable.
- If the applicant were to provide additional information to demonstrate that a reduction in the parking provision to this level is appropriate, then I would not wish to raise any highway objection to the application, subject to conditions. If this information is not forthcoming then I would suggest the application be refused due to insufficient information.
- The vehicular access to this development is similar to that of the previous scheme and is acceptable.

- The main turning area within the site has been altered, however, it is of sufficient size to accommodate a refuse size vehicle.

Waste & Recycling
Officer

Response awaited.

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. Archaeology
4. Access, highway & parking considerations
5. Tree considerations
6. Impact on the amenity of neighbouring residential occupiers
7. Other matters

Considerations

1. Principle of residential development

The policy most relevant to the determination of whether the development is acceptable in principle is Policy 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.

This has previously been accepted with the current resolution to grant planning permission for the extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (The Chestnuts) and redevelopment of the site to provide four detached dwellings (Ref: CB/10/02629/FULL) and accordingly, this is an important material consideration regarding the principle of 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

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 it's 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 Area of Special Character is defined by established, mostly detached dwellings situated on generous plots.

The density of the proposed development is low at 19.5 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, internal pathways and boundary fences, much of the site is given over to hard surfaces and hard landscaping eroding the existing extensive area of green space.

With the development as proposed, there is the introduction of flats which are not typical of the Area of Special Character. The new building on Plot 5 would have a large footprint, overall size, scale, bulk and massing considerably larger than that found elsewhere within Friars Walk in general and in relation to the other dwellings proposed on this site specifically. In addition, it would require a greater number of car parking spaces than the previously approved detached dwelling and a dedicated bin and cycle store. Taken cumulatively this would result in 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. Therefore, the overall impression is one of insufficient space about the buildings. This indicates that too many units have been proposed for the site.

Moreover there are a significant number of windows in the flank wall of the flats looking toward the orchard land to the south. While the previous dwelling on Plot 5 had some bay windows it would not be appropriate to have the building sited so close to this boundary (within 3.5 to 5m) with this much fenestration.

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

3. Archaeology

The Archaeologist advises that the proposed development lies within an area of high archaeological potential. It is within the bounds of the Roman and Medieval towns, close to a late Roman cemetery and the site of the Dominican Friary. These archaeological monuments are all recognised as locally and regionally important heritage assets.

In March 2010 Planning Policy Guidance (PPG) Note 16: *Archaeology and Planning* was replaced by Planning Policy Statement (PPS) 5: *Planning for the Historic Environment*. Under the terms of PPS5 all archaeological sites and monuments, historic buildings and landscapes identified as having significance meriting consideration in planning decisions are defined as "Heritage Assets". Heritage assets include nationally designated monuments, landscapes and buildings and locally identified assets; such as those recorded on Historic Environment Records (HERs) or local lists.

Where a development will affect a heritage asset or assets Local Planning Authorities should require applicants to provide a description of the significance of the heritage assets and an assessment of the impact of the development on that significance (PPS5, Policy HE6). This information should be submitted with the planning application; be proportionate to the importance of the heritage asset(s) and have been compiled using appropriate sources and expertise.

The proposed development lies within an extremely archaeologically sensitive area that has the potential to contain remains relating to the Roman and medieval towns, a Roman cemetery and the Dominican Friary of St Mary. These archaeological monuments are all recognised as locally identified heritage assets. The impact of the proposed development on any surviving archaeological deposits and the significance of the heritage assets will be negative and irreversible.

Within the present application there is no mention of the locally identified

heritage assets, nor is there any reference to PPS5. Both the heritage assets and PPS5 were highlighted in the archaeology comments on the previous application for this site (CB/10/02629/FULL) and therefore the absence of this key information within the present application is not acceptable.

As it is nearly a year since PPS5 super ceded PPG16 it is now reasonable to expect that all applications directly affecting locally identified or nationally designated heritage assets be accompanied by the information required in PPS5 Policy HE6.1 and HE6.2, even if this approach were not taken with a previous application submitted since PPS5 became effective. Without the inclusion of a heritage asset statement of significance and an impact assessment this application does not conform to Policies HE6.1 and HE6.2 of PPS5: *Planning for the Historic Environment* and therefore it does not provide adequate information on the impact of the proposed development on the historic environment.

4. Access, highways & parking considerations

The Highway Engineer is satisfied with the scheme in terms of the position of the new access point and the provision of a turning facility.

However, there is insufficient parking proposed for the seven flats. The current parking standards in Design Supplement 7 of the adopted 'Design in Central Bedfordshire - A Guide for Development' state that a one bedroom property requires one parking space, 2 and 3 bedrooms require 2 spaces and 4 bedrooms require 3 spaces. All the proposed houses comply with this standard. However, the seven flats would require a total of 13 spaces for residents and 2 spaces for visitors giving a total of 15 spaces. Nine spaces are shown on the submitted plans and this represents an under provision of 6 spaces. It is important that the appropriate amount of parking is provided in this particular location as any indiscriminate parking occurring within the turning area will prevent large vehicles from leaving the site in forward gear, thus reversing out on to Friars Walk, which would be unacceptable in highway safety terms.

The Design Guide acknowledges that in certain circumstances a reduction in the car parking standard may be acceptable. The applicant state that the flats will be aimed at older people whose levels of car ownership will be reduced. However, no evidence has been submitted to corroborate this assertion. In order for the Highway Engineer to be persuaded to accept a reduced standard evidence would need to be provided of car ownership statistics based on local census data and in accordance with the Communities and Local Government Residential Car Parking Research document (published May 2007). In the absence of such information it is not possible to conclude that the reduced car parking provision would not give rise to vehicles parking indiscriminately in the site and in the turning area in particular which would result in the potential for larger vehicles seeking to reverse out onto Friars Walk. This would in turn create conditions of danger and inconvenience to users of the highway.

The proposal does not accord with Policy T10, national guidance in PPS3 and the Council's Design Guide.

5. Tree Considerations

The Tree and Landscape Officer has significant concerns in respect of the adverse impact on existing trees caused by this scheme and queries whether they have been adequately considered by the applicant.

The proposed refuse, recycling and cycle storage area for the flats would be positioned on ground previously conducive to good root growth: that is open ground not covered by any impervious surface. Even with special foundations, the coverage of the ground with such a relatively large building footprint will hinder water and gaseous exchange to the roots of the adjacent trees on the boundary of the site with Viceroy Court. This is likely to exceed the 20% maximum allowance for the covering of an RPA (Root Protection Area) with an impervious surface, as stipulated in BS 5837:2005 "Trees in Relation to Construction".

Furthermore, it is noted that the additional parking spaces being proposed to serve the new flats will encroach into the RPA of two Sycamore trees, a Beech and a Lime tree on this boundary. Whilst it was recognised that there would be encroachment into the RPA by the garage of Plot 5 (which ran along the footprint of an earlier garage construction) in scheme CB/10/02629/FULL, the proposed line of parking areas would present additional problems. This is because a no-dig form of construction would be subject to the differences in level incurred by vehicles accessing onto the raised no-dig parking areas. This will be an incompatible arrangement unless the whole vehicle area was constructed in a no-dig form, which is impracticable.

There is also evidence that the impact on trees with this revised scheme has not been seriously considered as a constraint, and this is apparent where a new pathway is being proposed within the RPA of a Horse Chestnut tree. No mitigation has been proposed in view of this, and although it may be considered by the developer that this could easily be overcome by a condition requiring a no-dig form of construction, it should be recognised that the surrounding paths would be of differing levels.

Accordingly the likely adverse effect on trees further reinforces that the scheme represents the over development of the site. The scheme would thereby have an adverse impact upon trees protected by The South Bedfordshire District Council (land off Staines Square and The Chestnuts, Friars Walk, Dunstable) Tree Preservation Order No. 13/85 and the Dunstable Borough Council Tree Preservation Order No. 1, 1958.

The scheme would be contrary to national guidance in PPS9 and Policies BE6 and BE8 of the South Bedfordshire Local Plan.

In order to seek to overcome the concerns of the Tree and Landscape Officer, an Arboricultural Implications Assessment and Method Statement has been submitted. This is being considered by the Tree and Landscape Officer and an update will be given at the meeting.

6. Impact on the amenity of neighbouring residential occupiers

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, loss of sunlight/daylight or overbearing effect. There may be a degree of mutual overlooking of the rear gardens of existing properties from first floor rear elevation windows but this would not be to an unacceptable degree.

7. 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 £69,700.

The Unilateral Undertaking was not submitted with the application.

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 Area of Special Character. The proposed development would appear overdeveloped with a likely adverse effect upon existing trees protected by Tree Preservation Orders and 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 Character and the locality generally, contrary to national guidance in PPS3: Housing and Policies BE6, BE8, and H2 of the South Bedfordshire Local Plan Review.
- 2 The proposed development lies within an area of high archaeological potential. It is within the bounds of the Roman and Medieval towns close to a late Roman cemetery and the site of the Dominican Friary. Under the terms of PPS5: *Planning for the Historic Environment* the submission of a description of the significance of the heritage assets affected by the development and an assessment of the impact of the development on that significance should form part of the planning application. A heritage asset statement of significance and an impact assessment was not submitted with this application. Accordingly, it does not conform to Policies HE6.1 and HE6.2 of PPS5: *Planning for the Historic Environment* and therefore it does not provide adequate information on the impact of the proposed development on the historic environment.
- 3 The proposed development would, by reason of the location of the refuse, recycling and cycle store, car parking spaces and new footpath serving the proposed seven flats have an adverse impact upon existing trees protected by Tree Preservation Orders to the detriment of the long term survival of the trees. The proposal would thereby have an adverse visual impact upon the character, appearance and setting of the Area of Special Character and locality generally. The proposal is thereby contrary to national advice in PPS9: Biodiversity and Geological Conservation and Policies BE6 and BE8 of the South Bedfordshire Local Plan Review.
- 4 The proposed development does not provide sufficient car parking to meet the Council's standards. There has been no evidence submitted with the application to show that proposed parking levels can be accommodated in a manner that would not cause increased danger and inconvenience to users

of the highway. The proposal is thereby contrary to national guidance in PPS3: Housing, Policy T10 of the South Bedfordshire Local Plan Review and supplementary planning guidance: Design in Central Bedfordshire - A Guide for Development .

DECISION

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