

Item No. 9**SCHEDULE C**

APPLICATION NUMBER	CB/11/02509/FULL
LOCATION	Land at No.1 and The Chestnuts Friars Walk, Dunstable, LU6 3JA
PROPOSAL	Extensions and alterations to No.1, and demolition of Chestnuts and redevelopment of the site to provide 5 dwellings amenity space, associated parking and landscaping.
PARISH	Dunstable
WARD	Dunstable Watling and Dunstable Central
WARD COUNCILLORS	Cllrs Hollick, Miss Sparrow & Mrs Hegley
CASE OFFICER	Gill Claxton
DATE REGISTERED	14 July 2011
EXPIRY DATE	08 September 2011
APPLICANT	Visao Ltd
AGENT	Consensus Planning
REASON FOR COMMITTEE TO DETERMINE	At the request of the Assistant Director of Planning
RECOMMENDED DECISION	Full Application - Granted

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 on 13 October 2010 (Ref: CB/10/02629/FULL).

Members may also recall that following a refusal of planning permission for 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 at the meeting on 30 March 2011, (Ref: CB/10/04522/FULL) permission was subsequently granted on appeal

With this application, planning permission is sought for the demolition of The Chestnuts and the erection of three new detached dwellings and a pair of semi-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 four 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 four 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 accesses 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, alongside the common boundary with Conifers, to the east.

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 existing 1.8m brick wall would be retained along the road frontage with the planting supplemented. The parking spaces for this property would be situated to the north 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, with a new hedge along the south eastern boundary.

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 western boundary having a post and rail fence at a height of 1.2m and the south eastern boundary being enclosed by the existing 1.2m high fence with a new 0.6m trellis on top.

Plot 5

Plot 5 would comprise a pair of semi-detached dwellings. Plot 5a would be a three-bedroom dwelling while Plot 5b would be a four bedroom dwelling with conservatory. There would also be double bay windows at ground floor on the flank wall facing the orchard, for the dwelling at 5b. There would be a detached double car port/garage to the north east between the rear gardens to Plots 3 and 5a. 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 application was accompanied by a Design and Access Statement, Project Brief for an Archaeological Evaluation and Arboricultural Survey.

In addition, supporting letters from the applicant's agent and Alexander & Co, Estate Agents, Surveyors and Valuers have previously been submitted in relation to application CB/10/04522/FULL. Both letters stated that following the resolution to grant planning permission subject to the completion of a Unilateral Undertaking in relation to the original scheme for extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (Chestnuts) and redevelopment of the site to provide four detached dwellings (CB/10/02629/FULL), the applicant has been reviewing the development. In particular, it is suggested that the previously proposed detached

five-bedroom 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...”

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.

Draft Luton and Southern Central Bedfordshire Core Strategy: Pre Submission 2011 - 2026 (November 2010 as amended) - adopted for Development Management purposes by the CBC Executive on 23/08/11.

Policies:

CS1 Development Strategy

CS6 Housing for all needs

CS8 Quality of design

CS11 Resource efficiency

Planning History

CB/10/04522/FULL	Permission granted on appeal for 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.
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	No objection. This proposal overcomes the concerns raised to the previous application (CB/10/04522) in respect of over development and vehicular access.
Occupier of 7 Friars Walk	Objects to the application on the grounds of overdevelopment and traffic access and road safety concerns. Specifically, it is stated: <ul style="list-style-type: none">• The whole site is blessed with a considerable number of beautiful trees, the most prominent of which are protected by Tree Preservation Orders.• The site has been designed to maximise the number of properties for the purposes of the financial viability of the development rather than sympathetically designed to enhance the "special character" of the area.• It is understood that the access road is an absolute necessity for this development, further reducing the land available to build upon.• The scheme seems to change on a regular basis, depending on the condition of the housing market at the time, rather than on planning suitability in this

area of "Special Character". Would ask the Planning Committee to consider that this site design is being driven by financial viability alone, disregarding the views of the Planning Officer, other statutory consultees, some local councillors and some local residents who have to live with the consequences of yet another part of the historic and beautiful town being lost forever.

- With the space constraints of the access road and the issue of protected trees, the number of new houses planned for the site is clearly over-development and any decision to the contrary will "fly in the face" of common sense.
- Accept against own and the judgement of others, that the proposed new road was suitable for vehicular access to serve four houses, an additional property is pushing this beyond all reasonableness.
- Have read through many documents that form part of this and previous applications and note the consultations between the Highways Department and the applicant's representatives. However, nowhere in these papers does it bring together the potential hazards or a risk assessment of creating the first access road in Friars Walk, combined with a constant stream of school children between 8am and 9am and again at 3pm to 4pm; a road that is used as a "rat-run" for most of the day; the ridiculous speeds of a small minority of drivers; combined with a very awkward bend in the road around the access point of the site. Currently in Friars Walk, there are only individual property driveways which are safer to cross than junctions. An additional hazard will be created that will lead to more accidents.
- With the massive increase in traffic using the A5 through Dunstable, Friars Walk is increasingly being used as a short-cut to avoid the traffic lights in the town and to gain access to and from the heavily congested A5. Perhaps it is now an opportunity for our Planning Committee to impose traffic-calming measures to Friars Walk and charge the cost of these measures to the applicants of this proposed application.
- Previous successful applications, albeit against the stated wishes of the Planning Officer, other statutory consultees, some local councillors and some local residents have raised serious questions about the whole process and the involvement and influence of a local councillor, in the latest application. Sure that local democracy will prevail, but it is being seriously tested.

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	No objections to the application subject to the same conditions being imposed as per application CB/10/02629/FULL.
Archaeologist	<p>The Report for Archaeological Investigation submitted with the application is not sufficient for the impact of the development on the heritage asset to be considered. Further details have been requested and received and further comments will be submitted in due course.</p> <ul style="list-style-type: none">• 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: <i>Planning for the Historic Environment</i> these archaeological monuments are all recognised as locally and regionally important heritage assets.• Under the terms of PPS5: <i>Planning for the Historic Environment</i> 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: <i>Planning for the Historic Environment</i> 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.• The Archaeology Team have had some involvement with the recent intrusive archaeological evaluation at the application site, including undertaking a monitoring visit during the investigations.

- However, the archaeological report submitted with the application is not sufficient for a full understanding of the significance of the heritage assets to be made and an assessment of the impact of the proposed development on that significance to be undertaken. Further information has been sought and this request is in line with PPS5: *Planning for the Historic Environment*, Policy HE6

Highway Engineer No objection to the application subject to the same conditions and informatives as CB/10/02629.

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

The application is being reported to the Development Management Committee at the request of the Assistant Director Planning in order to maintain consistency with the way in which the previous applications (CB/10/02629 and CB/10/04522) were dealt with.

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. This would also be in accordance with Policy CS1 of the Draft Luton and Southern Central Bedfordshire Core Strategy.

Therefore, it is considered that the residential redevelopment of the site would be acceptable in principle. It would not conflict with national guidance nor policies in the Regional Spatial Strategy and Draft Luton and Southern Central Bedfordshire Core Strategy directing the location of new development. However, further consideration of the specific details of the scheme in relation to Policies H2, BE6, BE8 and T10 of the South Bedfordshire Local Plan Review along with relevant policies in the RSS and the Draft Core Strategy and national guidance in PPS5, PPS9 and PPG13 will determine whether this proposal is acceptable.

The principle of residential redevelopment has previously been accepted with the granting on appeal of the scheme for 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 (CB/11/04522) and the extant 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 planning history 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 be appropriate for the site, having regard to its location in a designated Area of Special Character. There is some variety in the width and depth of the plots and the Bull Pond Lane/Friars Walk Area of Special Character is defined by established, mostly detached dwellings situated on generous plots. The proposed development would not be out of keeping with the surroundings.

In relation to the recent appeal decision in respect of the scheme for a mix of three dwellings and seven apartments (CB/11/04522), the Inspector stated:

"The plots of the proposed detached houses would not replicate the length of the rear gardens generally present in the local area. However, the existing and proposed houses facing Friars Walk would retain the present plot depth of No 1 Friars Walk, and the plot widths would be similar to others in the street scene. The other two houses deeper into the site would have adequate gardens in relation to the sizes of both houses on the each plot. The open character of the frontages within the estate layout would be somewhat different from the more traditional street pattern nearby, but nevertheless would create a pleasant residential enclave preserving the green setting of the area." (Paragraph 12)

These considerations and conclusions are appropriate in the case of the current proposal.

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 does reduce the net developable area but not to the extent that the proposal would be regarded as resulting in the overdevelopment of the site. Nor would it be harmful to the character of the Area of Special Character, especially in the light of the comments of the appeal Inspector above.

It is considered that the proposal complies with Policies BE6, H2 and BE8 of the South Bedfordshire Local Plan Review , Policy ENV7 of the East of England Plan and Policy CS8 of the Draft Core Strategy.

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 may be considerable.

The applicant submitted a Project Design for Archaeological Evaluation with the application. However, the Archaeologist was not satisfied that this report would enable the impact of the development on the heritage assets to be properly considered and has asked for further information. A revised report has recently been received and a further update will be reported.

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.

The amount of car parking provision is acceptable.

Whilst the traffic generation levels for the net increase of four dwellings would be higher than that for The Chestnuts as a single dwelling, the Highway Engineer is satisfied that the proposal is acceptable. There has been no requirement for a specific financial contribution towards traffic calming with both of the previous applications, including the scheme that comprised a combined access for No. 1, three dwellings and seven apartments, so it would not be reasonable to seek such a contribution from the current scheme.

The proposal does accord with Policy T10, national guidance in PPS3 and the Council's Design Guide.

5. Tree Considerations

The Tree and Landscape Officer is satisfied with the proposal subject to the conditions as set out in relation to application CB/11/02629/FULL in relation to the submission of a tree protection plan; provision of a landscaping scheme; special foundation requirements and compliance with the submitted plan in relation to the removal of retention of trees and shrubs along the Friars Walk frontage.

The scheme would comply with national guidance in PPS9, Policies BE6 and BE8 of the South Bedfordshire Local Plan and Policy CS8 of the Draft Core Strategy.

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 £56,887. The Unilateral Undertaking was not submitted with the application, but the applicant's agent is preparing one and it is anticipated that this will have been concluded by the meeting.

The proposal is in accordance with PPS3 and Policy CS6 of the Draft Core Strategy in relation to the provision of Affordable Housing. For developments in Dunstable the threshold for the provision of Affordable Housing is 15 dwellings or more.

It is noted that the third party is querying whether the previous decisions relating to recent applications on this site have followed due democratic process. It is considered that by reporting all of the applications to the Development Management Committee that the applications have been dealt with in the most transparent way possible.

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the buildings in the interests of visual amenity.

(Policy BE8, S.B.L.P.R).

- 3 Before development begins, details for the proposed boundary treatment of the site and each individual property shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**

Reason: To safeguard the amenity of the area.

(Policy BE8 S.B.L.P.R)

- 4 Before development begins, a landscaping scheme to include any hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly show the species and sizes of appropriate trees and shrubs suitable for the size and scale of the development and Area of Special Character, along with the appropriate planting and maintenance specification. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

Reason: To ensure the satisfactory replacement of trees felled in the course of the development and to visually soften and integrate the scheme into the designated "Area of Special Character" typified by tree lined streets and mature wooded gardens.

(Policy BE8, S.B.L.P.R).

- 5 Before development begins, a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority, which clearly shows the position and build specification of tree protection around the Root Protection Area calculated for each retained tree as shown by the Tree Constraints Plan prepared by Merewood Arboricultural Consultancy, dated May 2010, and based on Table 2 of BS5837 : 2005 "Trees in Relation to Construction". This shall have the purpose of enclosing an area around the retained trees and thus form a "Construction Exclusion Zone" (as specified in Section 9 of BS5837 : 2005), which shall be demarcated by Protective Barriers (as specified by Figure 2 of the BS 5837: 2005), or where access is unavoidable, using Ground Protection measures (as specified by Figure 3 of BS5837: 2005). All Ground Protection measures used will be for the purpose of avoiding localised compaction of the rooting medium by evenly distributing the weight of pedestrians, plant and machinery that may access the area. The Ground Protection shall be engineered to support the type of access required to undertake construction operations. The development shall thereafter be carried out in accordance with the approved Tree Protection Plan.**

Reason: To safeguard the rooting medium, crown spread, trunk and health of retained trees.

- 6 **Before development begins, specific details of an appropriate special foundation for the garage serving the dwellings on Plot 5 (5a and 5b) shall be submitted and approved in writing by the Local Planning Authority. The foundation shall be designed by a qualified and competent engineer, with the purpose of providing a suitable foundation for the new garage that will serve to avoid any form of root severance of the adjacent trees, and be able to protect the soil structure from compaction damage. The development shall thereafter be carried out and completed in accordance with the approved details.**

Reason: To conserve the integrity of the rooting medium of retained boundary trees, of high strategic importance, in order to safeguard their health and stability.

- 7 The removal of trees and shrubs along the frontage with Friars Walk shall only be undertaken where indicated on the site layout plan (Ref. Drawing No. 909:916/PL102D), as prepared by Measures Scarfe Architects. Any further removal of trees and shrubs not indicated on this plan shall only be undertaken with the written approval of the Local Planning Authority.

Reason: In the interests of the visual appearance of the development.
(Policy BE8, S.B.L.P.R).

- 8 No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.

Reason: To record and advance understanding of the significance of the heritage asset(s) in accordance with Policy HE12 of PPS5: *Planning for the Historic Environment*.

- 9 No building shall be occupied until the access junction with the public highway has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 10 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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.

- 11 The proposed private drive shall be constructed and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud and other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.

- 12 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 13 The turning space for vehicles illustrated on the approved plans shall be constructed before the development is first brought into use.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 14 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 15 No development shall commence until a wheel-cleaning facility has been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the Site Developer(s) shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).

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.

- 16 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by**

the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 17 **Before development begins, details of the existing and proposed ground levels and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**

**Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy BE8 S.B.L.P.R)**

- 18 The first floor rear elevation windows for the dwelling on Plot 4 shown on Drawing No. 909:916/PL106A shall be permanently glazed with obscured glass.

Reason: To protect the privacy of the occupiers of adjoining properties.
(Policy BE8, S.B.L.P.R).

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be inserted into the rear elevation at first floor of the dwelling on Plot 4.

Reason: To protect the amenity of neighbouring residents.
(Policy BE8, S.B.L.P.R).

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the buildings hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To control the external appearance of the buildings in the interests of the amenities of the area and to ensure the adequate protection of trees covered by Tree Preservation Orders.
(Policy BE8 S.B.L.P.R.).

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the provision within the curtilage of the dwelling of any building or enclosure, swimming or ornamental pool required for purposes incidental to the enjoyment of the dwelling, or the alteration of such a building, enclosure, swimming or ornamental pool shall not be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To control the development in the interests of the amenities of the area and to ensure the adequate protection of trees covered by Tree Preservation Orders.
(Policy BE8 S.B.L.P.R).

- 22 Save as may be agreed in connection with Condition 3 above and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of the properties.

Reason: To control the development in the interests of the amenities of the area and to ensure the adequate protection of trees covered by Tree Preservation Orders.
(Policy BE8 S.B.L.P.R).

- 23 **Before development begins, details of the proposed method of foul and surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works as approved shall be constructed in accordance with the approved details before the development is first occupied or brought into use.**

Reason: To ensure satisfactory drainage of the site.

- 24 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 909:916/PL101C; 909:916/PL102D; 909:930/PL102; 909:930/PL103; 909:930/PL104, 909:916/PL105A, 909:916/PL106A, 909:916/PL109B; 909:916/PL111; 909:916/PL112; CBC/001 Site Location Plan and CBC/002 Tree Constraints Plan prepared by Merewood Arboricultural Consultancy Services.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal is acceptable in relation to national guidance, Policies SS1, ENV3, ENV7 and T14 of the East of England Plan and Policies SD1, H2, BE6, BE8 and T10 of the South Bedfordshire Local Plan Review. The principle of development is acceptable; there would be no adverse effect upon the character and appearance of the Area of Special Character and locality generally, the amenity of existing trees to be retained within the development, the amenity of neighbouring residential occupiers, and highway and parking considerations.

Notes to Applicant

1. This permission is subject to a Legal Obligation under Section 106 of the Town and Country Planning Act 1990.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure

Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

T14 - Parking

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

3. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
4. 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.
5. With regard to the demolition of the existing dwelling, The Chestnuts, the applicant/developer is advised that if asbestos or other hazardous substances are shown to be present they should consult the Health and Safety Executive (HSE) prior to the commencement of any demolition works. The local office for the HSE is Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW. Tel: 0845 345 0055. Please also be advised that the Control of Asbestos Regulations 2006 prohibit the importation, supply and use of all forms of asbestos.
6. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

7. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford, MK42 9BD.
8. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
9. The applicant is advised that Central Bedfordshire Council as highway authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
10. The applicant is advised that while the Council has no reason to believe that the site is contaminated and is not aware of any potentially contaminative past use, it is the applicant/developer's responsibility to ensure that final ground conditions are fit for the end use of the site. Any staining, odours or other indications of contamination discovered during development should be described to Central Bedfordshire Council, Public Protection, Priory House, Monks Walk, Chicksands, Shefford, Beds. SG17 5TQ. Tel: 0300 300 5068. Any imported material for gardens and landscaping must be of a quality that adheres to the British Standard for Topsoil, BS 3882:2007, as expected by the NHBC and other bodies.
11. Please note that the unnumbered drawings: Site Location Plan and Tree Constraints Plan prepared by Merewood Arboricultural Consultancy Services, submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

DECISION

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