

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

Recommendation

That Planning Permission be delegated to the Head of Development Management to approve the application, subject to the satisfactory receipt of a signed Unilateral Undertaking: the payment of the appropriate legal fee and the following conditions and informatives:

- 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 Ampthill 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.

NOTES

(1) In advance of the consideration of the application the Committee were advised that a draft unilateral undertaking in relation to the planning obligations strategy for Southern Bedfordshire was received on Monday 10 October 2011. It had not been possible to perform the necessary considerations and assessment of the document and obtain a signed copy of the agreement prior to this meeting. Therefore authority be delegated to the Head of Development Management upon receipt of a signed Unilateral Undertaking and payment of the appropriate Legal fee.