

Item No. 17**SCHEDULE B**

APPLICATION NUMBER	CB/10/01467/FULL
LOCATION	The Five Bells, 2 Market Square, Eaton Bray, Dunstable, LU6 2DG
PROPOSAL	Erection of a single dwelling and garage.
PARISH	Eaton Bray
WARD	South West Bedfordshire
WARD COUNCILLORS	Cllr Ken Janes & Cllr Marion Mustoe
CASE OFFICER	Mr A D Robertson
DATE REGISTERED	26 April 2010
EXPIRY DATE	21 June 2010
APPLICANT	Miah Properties Ltd
AGENT	Hinton Cook Architects
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward Councillor Mrs Marion Mustoe for reasons of overdevelopment; access on a busy road; risk of flooding; and change of use.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The Five Bells P.H is located on the north-western side of the junction between Totternhoe Road and Park Lane within the Eaton Bray Conservation Area. The building, which has its front elevation facing towards Totternhoe Road, is set within a large area of land which comprises a hard surfaced car park to the south and west of the building together with an open grassed area to the north. The combined site has an area of some 0.17ha, with a total frontage to Totternhoe Road of 100m and a frontage to Park Lane of 13m. The existing building has two storeys and is of white painted brick construction with a slate roof. Attached to the south side of the building is a garage/store of timber construction and to the north is a brick building with a clay tile roof, previously used as a functions room/restaurant, which is attached to the main building by a flat roofed link structure.

The application site comprises the car park to the south of the main building and includes part of the garage/store building. It is irregular in shape with a frontage to Park Lane of 13.0m and a depth of 20.0m.

The Application:

Planning permission is sought for the erection of a detached four bedroomed cottage style dwelling fronting towards the Totternhoe Road/Park Lane junction together with a detached single garage. The dwelling would be positioned close to the front boundary of the site with areas of garden on the Park Lane frontage and to the rear. The garage would be located towards the rear of the site immediately adjoining the northern site boundary. The dwelling would be 'L' shaped, the rear wing having a subordinate ridged roof, and would be of brick construction with a slate roof.

RELEVANT POLICIES:**National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPG13 - Transport

PPG15 - Planning and the Historic Environment

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV6 - The Historic Environment

ENV7 - Quality in the Built Environment

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review Policies

BE8 - Design and Environmental Considerations

H2 - Provision of Housing via 'Fall-in' Sites

T10 - Parking in New Developments

Planning History

CB/09/6425/CA	Application for demolition of outbuilding in connection with the erection of three dwellings - Withdrawn.
CB/09/6426/FULL	Application for demolition of outbuilding, erection of three dwellings and construction of vehicular accesses - Withdrawn.
CB/09/6434/FULL	Application for demolition of store and yard and conversion of public house to dwelling with garage - Withdrawn.
CB/09/6443/CA	Application for demolition of outbuilding in connection with the conversion of public house to dwelling and residential development - Withdrawn.

Representations: (Parish & Neighbours)

- Eaton Bray Council: Recommend refusal for the following reasons:-
- Overdevelopment;
 - Traffic/access;
 - Natural drainage (will make existing flood plain worse);
 - Change of use.
- Neighbours:
- 1 The Orchards: Comments as follows:-
- Pleased that The Five Bells no longer functions as a public house as it was a source of trouble on occasions when drunken customers left late at night intent on making a nuisance of themselves, but concerned that the building of so many houses will cause problems of a different nature;
 - High Street/Totternhoe Road is an increasingly busy road which is becoming more dangerous and already has more than it's fair share of traffic problems;
 - to build more houses on the site would immediately cause additional car parking problems and the prospect of accidents as the residents in the new houses would need space for their cars; families living in villages usually have more than one car to travel to

work and have access to goods and services which are not available locally; parking is a particular problem in the area when the nearby Methodist Chapel is in use for services and meetings;

- traffic through Eaton Bray travels much too fast to be safe, particularly HGVs;
- the proposed development is too close to a five road junction, and there are two bus stops outside the Five Bells which cater for villagers and school children and this is an added safety concern;
- the area around Park Lane floods in winter;
- the site is in a conservation area and the proposal would not change the appearance of the area for the better.

(Copy attached as an appendix)

'Lol Cottage', Green Lane:

Objection for the following reasons:-

- The Five Bells was a popular local pub and was trading until the purchaser took ownership, despite the proximity of The White Horse; the pub had a thriving dominoes and darts teams and a functions room where many local events were held; these facilities are not available at The White Horse; the present owner did not have any intention of running a business and only bought the premises as a development project;
- gross overdevelopment;
- too close to five junctions with two bus stops, including school bus stop, in close proximity;
- the area often floods and the proposed building would make the situation worse;
- Totternhoe Road has a vastly increased volume of traffic and is particularly bad at peak times; the proposed housing would make the situation worse and more dangerous;
- this is a conservation area and should be protected as the development would be detrimental to the environment and would not enhance the village; an area of common land which has had an open aspect for hundreds of years should merit "historic interest" and protected from developers;
- to build a house between two pubs would undermine the character and openness of this part of the village; if the pub is to be developed, the car park should be landscaped as part of the garden;
- the development of three houses would totally alter the character of this part of the village conservation area as it would not be complementary but would alter the skyline and the essential nature of the area.

(Copy attached as an appendix).

2 Greenways:

No issues with the proposed conversion of The Five Bells public house into a home but objects to the proposed building of houses for the following reasons:-

- overlooking of bedrooms, living room and gardens and

- consequent loss of privacy and safety of children;
 - loss of wildlife habitat;
 - insufficient standard of visibility due to restricted footway width leading to highway danger for users of the road and the new accesses;
 - density and modern design of the development is not in keeping with the village.
- (Copy attached as appendix).

Standard letter from 3,4,and 25 Greenways,6 and 16 Booth Place, 7 Lords Mead, 15 Totternhoe Road, 36 Wallace Drive, 15b The Nurseries and one unaddressed:

Object for the following reasons:-

- too close to five junctions;
- increased volume of traffic on already very busy road;
- close to two bus stops and school bus stops;
- area often floods;
- detrimental to conservation area;
- no consultation with villagers when pub was closed;
- pub was only closed when present owners purchased it and they then closed it as a business;
- loss of amenity;
- despite being close to The White Horse the pub flourished because it offered different amenities such as dominoes, darts, weekly quizzes and a function room which have never been offered at The White Horse;
- the area should be safeguarded, the original building should be a house with the brick barn becoming an annex or one single storey dwelling;

Additional points:-

- the land would be better used as a public amenity or a farmers market;
- loss of privacy and concern for children's safety;
- parking concerns.

Consultations/Publicity responses

Environment Agency:	No objection.
Environmental Health Officer:	No objection but recommends an informative in respect of potential land contamination.
Buckingham and River Ouzel IDB:	Comments on the means of storm water disposal and recommends the imposition of a suitable condition.
Highway Engineer:	Comments as follows:- <ul style="list-style-type: none"> – the proposal provides parking in full accordance with the Council's standards but suggests that cycle parking is provided to encourage the use of alternative modes of transport; – the surfacing of the junction of Park Lane and the carriageway serving the property frontage is breaking up and may be subject to further damage during construction work. Suggests that as part of the closure

and reinstatement of the redundant vehicle crossing the applicant makes good the surfacing at the main junction onto Park Lane;

- in order to provide a 4.5m radius on the north-western side of the junction onto Park Lane, some land will need to be dedicated as highway.

Requests the imposition of appropriate conditions

Conservation Officer:

Comments as follows:-

- the Five Bells and associated car park and beer garden lie within the northern part of the historic part of the village and conservation area:

- although not a listed building, the main pub building along with the outbuilding immediately to the north are traditional buildings which make a positive contribution to the character of the conservation area:

- along with the listed White Horse to the south-west, the Five Bells is the predominant visual feature of the open 'green' of the present village; the impact of this green open space is accentuated by its hedge lined approaches, at the northern end the plain-tiled Five Bells outbuilding terminates the hedge line of the beer garden and forms a visual pinch point or gateway from which the 'green' opens out beyond;

- such greens are a common feature of historic village settlements in rural south Bedfordshire and are typically lined by perimeter houses reflecting historic piecemeal settlement: The White Horse and Five Bells buildings look like such a settlement : beyond them considerable 20th century development (eg. Park Lane and Greenways) has less coherence in respect of the historic core , and has diluted the intimate, rural context of the 'green' and its historic settlement although the overall result is an interesting mix of building forms and contrasting rooflines which provides the immediate context of the proposed development of plots 3,4 and 5 (on the Totternhoe Road frontage):

-

Determining Issues

The main considerations of the application are:

1. Principle of the development.
2. Impact on the Conservation Area.
3. Access and parking.
4. Impact on residential amenity.
5. Flood Risk

Considerations

1. Principle of the development

The site lies outside the green belt and within the main built-up area of Eaton Bray. Accordingly the proposed development is considered to be acceptable in principle and is in accordance with national and local policies which encourage the development of vacant and under-used land in urban areas and villages well served by existing facilities. The site is directly adjoined by existing

development, to the west by existing housing in Park Lane, to the east by the public house building and to the south, on the opposite side of Park Lane, by The White Horse P.H.

2. Impact on the Conservation Area

The site lies within the northern section of the Conservation Area which includes the whole of the curtilage of The Five Bells, the adjoining pair of semi-detached houses in Park Lane and properties on the eastern side of Totternhoe Road. Previously used as a hard surfaced car park with no landscaping or meaningful boundary planting, the site does not in its present condition make a positive contribution to the character and appearance of the Conservation Area or the street generally. In determining the application it is therefore necessary to consider whether the proposed development would improve the character of the area. In this connection, lengthy pre-application discussions took place in order to ensure that any development would be of an appropriate siting, scale and design such that would be in keeping with the form of the existing adjoining development and would provide an open aspect on the Park Lane frontage in order to retain views to the west out of the Conservation Area. This objective has been achieved in that the proposed dwelling is of a cottage style of modest proportions and incorporates a large landscaped area of garden on the frontage to Park Lane. It is considered that the proposed development would enhance rather than detract from the setting, character and appearance of the Conservation Area.

3. Access and parking

Vehicular access to the proposed dwelling would be taken from the section of access road which runs in front of the site and serves the existing garage/store building. This road is designated as highway land and although its surface is not ideal, the proposed access is considered by the Highway Officer to be of an appropriate standard to serve the development. The proposal provides the opportunity to secure improvements to the existing access arrangements.

A total of 4 car parking spaces would be provided within the curtilage of the site, ie, one space within the garage and three on the drive, and this level of off-street parking is in accordance with the Council's standards.

4. Impact on residential amenity

The only residential property affected by this proposal is no. 2 Park Lane which lies to the west of the site. This property has its flank wall set some 9.0m from the rear boundary of the site with a minimum total distance of 16.4m between the rear elevation of the proposed dwelling and the flank elevation of no.2 Park Lane. Accordingly it is not considered that there would be any adverse impact on the residential amenity of the adjoining property.

5. Flood Risk

Neither the Environment Agency or the Internal Drainage Board have raised objections to the proposal on the grounds of the potential risk of flooding.

Reasons for Granting

The proposed development would be likely to result in an improvement to the overall setting, character and appearance of the Conservation Area and would not have an adverse impact on the residential amenity of the adjoining residential property. Additionally there are no objections to the proposal either on highway or flood risk grounds. The proposal is accordingly in accordance with government guidance and Local Plan Review policies.

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, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. 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 a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R).
- 3 Before the development is first occupied or brought into use, the parking scheme shown on Drawing No. 09-21-APP3-002 shall be completed and thereafter retained for this purpose.
REASON: To ensure provision for car parking clear of the highway.
(Policy T10, S.B.L.P.R).
- 4 **Notwithstanding the details submitted with the application, before development begins, a scheme for screen fencing and/or screen walling 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).
- 5 **Before development begins and notwithstanding any details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building 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 building.
(Policy BE8, S.B.L.P.R).
- 6 **Before development begins, details of the levels of the proposed dwelling 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).
- 7 **Before development begins, the position of the proposed dwelling shall be pegged out on site and its position approved in writing by the Local Planning Authority.**
REASON: To enable consideration to be given to the precise layout of

**the development.
(Policy BE8, S.B.L.P.R).**

- 8 The windows shown on Drawing No. 09-21-APP3-004 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).
- 9 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 building 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 building in the interests of the amenities of the area.
(Policy BE8, S.B.L.P.R).
- 10 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property 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.
(Policy BE8, S.B.L.P.R).
- 11 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), any garage, car port or parking space hereby permitted shall be kept permanently available for the parking of motor vehicles.
REASON: To ensure that off-street parking is retained in the interests of highway safety.
(Policy T10, S.B.L.P.R).
- 12 **Development shall not begin until details of the junction of the junction between the access road fronting the site and Park Lane have been approved by the Local Planning Authority and the dwelling shall not be occupied until the junction 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.
- 13 Before the access serving the driveway 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.
- 14 The dwelling shall not be occupied until a visibility splay has been provided at the junction between the access road fronting the site with Park Lane. The

minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the access road from its junction with the channel of the Park Lane and 25m measured in a north-westerly direction from the centre line of the access road along the line of the channel of Park Lane. The vision splays required shall, on land in the applicant's control, be kept free of any obstruction.

REASON: To provide adequate visibility between the access road and Park Lane and to make the access safe and convenient for the traffic which is likely to use it.

- 15 The vehicular access shall be constructed and surfaced in accordance with details to previously be approved in writing by the Local Planning Authority for a minimum distance of 5m into the site, measured from the highway boundary, 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 or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 16 Before the vehicular access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

REASON: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 17 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

REASON: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 18 **Before development begins, details of a bin storage/collection point shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented before the first occupation of the dwelling.**

REASON: To avoid the long term storage of refuse containers on the highway so as to safeguard the interests of highway safety .

- 19 **Before development begins, details of the proposed method of 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.

- 20 This permission relates only to the details shown on the Site Location Plan and Drawing Nos. 09-21-APP3-002, 09-21-APP3-003 and 09-21-APP3-004 received 26/04/10 or to any subsequent appropriately endorsed revised plan.

REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), 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:

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV6 - The Historic Environment

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review

BE8 - Design and Environmental Considerations

H2 - Provision of Housing via 'Fall-in Sites'

T10 - Parking in New Developments

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), 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).
3. 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.
4. The applicant/developer is advised that in order to comply with Conditions ____ and ____ of this permission it will be necessary for the developer of the site to enter into a small works agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Central Bedfordshire Council.
5. The applicant/developer 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 Central Bedfordshire Council Customer Contact Centre.
6. The applicant/developer 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.
7. The applicant/developer is advised that whilst 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 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's Public Protection Service. Any imported material for gardens and landscaping must be of a quality that adheres to British Standard for Topsoil BS 3882:2007, as expected by the NHBC and other bodies.

DECISION

.....

.....