

Item No. 15**SCHEDULE B**

APPLICATION NUMBER	CB/10/01474/FULL
LOCATION	The Five Bells, 2 Market Square, Eaton Bray, Dunstable, LU6 2DG
PROPOSAL	Demolition of store and yard and conversion of Public House into a dwelling with garage (revised application CB/09/06434/FULL)
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	
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 public house and includes part of the garage/store building together with an area of land to the rear of the building measuring 14.6m wide by an average 14.0m deep.

The Application:

Planning permission is sought to convert and refurbish the former public house to provide a four bedroomed dwelling. The existing attached garage/store and the link extension would be demolished and a detached single garage provided on the western side of the site adjoining the northern boundary.

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

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPG13 - Transport.

PPG15 - Planning and the Historic Environment.

PPS 25 - Development and Flood Risk.

**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.

H9 - Conversion of Property to form Dwellings.

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 Parish Council: See report on planning application no. CB/10/01467/FULL - Agenda Item ??

Neighbours: See report on planning application no. CB/10/01467/FULL - Agenda item ??

Consultations/Publicity responses

Environment Agency: No objection.

Environmental Health Officer: No objection.

Highway Officer: Advises that the land to the front of the public house is classed as common land and is also highway maintained at the public expense, the boundary being up to the face of the building and around the porch. No building works may be carried out on this land without the approval of the Highway Authority although the applicant may be able to plant in the areas either side of the porch if a licence is

Conservation Officer: applied for.
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):
- the former Five Bells building is retained and enhanced by the demolition of the "unfortunate outbuilding accretions". The proposed residential conversion respects the particular architectural qualities of the building.

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.

Considerations

1. Principle of the development.

The proposed conversion of the building for residential purposes is in accordance with national advice and the provisions of Policy H9 of the South Bedfordshire Local Plan Review. The Policy is based on the recognition that in urban areas and the larger villages the conversion or sub-division of suitable properties to provide additional units can be an important source of dwellings. The Policy states that the conversion of property to provide additional residential accommodation will be permitted where certain criteria are met, namely:-

- the building and its plot are of a suitable size and layout for conversion and are

not within an area of predominantly single family dwellings of a terraced, semi detached or small detached type;

- satisfactory provision is made for landscaped amenity space, parking and other services in appropriate locations;

- nuisance to neighbouring properties will not occur and there is a satisfactory separation, privacy and noise insulation between the proposed new units and any neighbouring properties;

- extensions necessary for the conversion are in accordance with the Council's residential extensions Policy.

It is considered that this proposal is in full accordance with these criteria.

Objections have been raised with regard to the loss of the public house having regard to its value as a local amenity. In this connection the Council does not have a specific policy in relation to such proposals, however the applicants have been requested to address this issue and in this connection have submitted a supporting statement which makes the following points:-

- whilst the village has a growing population, the village location of two pubs in close proximity augers badly for the ongoing viability of both pubs; due to the proximity of large urban centres there is a wider more eclectic choice of hostelrys making it more difficult for the traditional English pub to survive;

- since the introduction of ever more stringent drink/driving laws the level of customers driving from the surrounding village pubs has declined sharply;

- rural pubs generally attract a loyal following of some local people who frequent the pub because of ease of access, camaraderie and a taste for the beer on tap; the village pub probably commands more curiosity value these days and unless a 'bistro' themed pub of some culinary repute, cannot compete with more contemporary out-of-town venues;

- the Five Bells does not have a particularly strong character that would attract the 'transit' trade and with the 'hard core' beer drinker not now so prevalent , would not appear particularly attractive to many;

- the proximity of the White Horse with its restaurant and variety of beers and wines had a negative effect on the Five Bells in that the owners were unable to compete on the same level and could not find a viable way to meet the needs of potential customers;

- the pub was offered as a going concern but was not taken up by any potential purchaser; the pub has been closed for about a year and the current owners cannot see this public house as a viable option;

- as there are two other establishments within the village which both offer dining as well as drinks sales, a third drinking establishment would find it difficult to compete and be financially viable.

2. Impact on the Conservation Area.

The proposed conversion works would achieve the restoration of the former public house building and, as a result of the removal of the two attached outbuildings, would enhance the setting of the building and the contribution it makes to the character and appearance of the conservation area.

3. Access and parking.

The Highway Officer raises no objection to the proposal on highway safety grounds, the proposed means of access being over the section of public highway which serves the existing garage/store, Car parking is provided for up to four vehicles within the garage and the access drive and this level of provision meets the Council's standards.

4. Impact on residential amenity.

The only property affected by this proposal is the adjoining property to the west,

no 2 Park Lane. The rear of the converted building would face towards the rear garden of that property, the distance between the rear elevation and the site boundary being an average of 18m. The closest distance between the rear elevation of the converted building and the flank elevation of the adjoining property would be 24m. Having regard to the relationship between the two buildings it is considered that there would be no adverse impact on residential amenity.

Reasons for Granting

The proposed conversion of the former public house to provide a dwelling is considered to be acceptable and in accordance with national guidance and policies within the South Bedfordshire Local Plan Review. There would appear to be no prospect of the public house use being re-established, there would be no adverse impact on residential amenity and there are no highway or parking issues.

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. 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 any details submitted with the application, the proposed vehicular access shall be constructed and surfaced in accordance with details which shall previously be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the premises are first 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.
- 5 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the

adjoining highway.

REASON: To enable vehicles to draw off the highway before the gates are opened.

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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.

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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.

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This permission relates only to the details shown on the Site Location Plan and Drawing nos. 09-21-APP2-002, 09-21-APP2-007, 09-21-APP2-008 and 09-21-APP2-009 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.

H9 - Conversion of Property to form Dwellings.

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 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 Customer Contact Centre, 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.

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 Highways, Streetworks Co-ordination Unit.

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 this 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

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