

**Item No. 08****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/10/01470/FULL</b>
<b>LOCATION</b>	<b>The Five Bells, 2 Market Square, Eaton Bray, Dunstable, LU6 2DG</b>
<b>PROPOSAL</b>	<b>Conversion and extension of barn to form dwelling (plot 3) and erection of two additional dwellings (plots 4 &amp; 5)</b>
<b>PARISH</b>	<b>Eaton Bray</b>
<b>WARD</b>	<b>South West Bedfordshire</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Ken Janes &amp; Cllr Marion Mustoe</b>
<b>CASE OFFICER</b>	<b>Mr A D Robertson</b>
<b>DATE REGISTERED</b>	<b>26 April 2010</b>
<b>EXPIRY DATE</b>	<b>21 June 2010</b>
<b>APPLICANT</b>	<b>Miah Properties Ltd</b>
<b>AGENT</b>	<b>Hinton Cook Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Ward Councillor Mrs Marion Mustoe for reason of overdevelopment; access onto a busy road; risk of flooding; and change of use.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**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 former beer garden to the north of the main building and includes the outbuilding and link extension. It is irregular in shape with a frontage to Totternhoe Road of 65.0m, a depth varying between 24.5m towards the southern boundary and 8.0m at the northern boundary, and an area of approx. 0.1ha. Adjoining the northern section of the site is the residential curtilage of 1 Greenways whilst to the west is a large garage court and parking area.

## **The Application:**

Planning permission is sought for the development of the site by the erection of three detached houses each with an attached garage. The three bedroomed house on the southern part of the site would be attached to the retained outbuilding which would provide a kitchen/breakfast area, dining room and garage. The house in the centre of the site would have four bedrooms, one of which would be within the roofspace above the attached garage on the northern side of the dwelling. The three bedroomed house in the northern section of the site would include a single storey wing attached to its northern side, reflecting the form and scale of the retained outbuilding and providing a living room, dining room and garage. The proposed dwellings would be of a cottage style and would be of brick construction with areas of timber boarding to the single storey elements and would be roofed with either plain tiles or slates. Access would be onto Totternhoe Road, plots 4 and 5 having a shared access, and each property would have parking for at least three cars and a vehicle turning area.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPG13 - Transport.

PPS5 - Planning and the Historic Environment.

PPS 25 - Development and Flood Risk.

### **South Bedfordshire Local Plan Review Policies**

BE8 - Design and Environmental Considerations.

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

T10 - Parking in New Developments.

## **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development - Design Supplement 1: New Residential Development

Design in Central Bedfordshire: A Guide for Development - Design Supplement 5: The Historic Environment

Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy

## **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.

CB/10/1467/FULL	Permission granted for erection of single dwelling and garage.
CB/10/1474/FULL	Permission granted for demolition of store and yard and conversion of public house into dwelling.
CB/10/1479/CA	Consent granted for demolition of store and yard.

**Representations:  
(Parish & Neighbours)**

Eaton Bray Parish  
Council:

Recommend refusal for the following reasons:-

- Overdevelopment;
- Traffic/access;
- Natural drainage (will make existing flood plain worse);
- Change of use.

Neighbours:

1, 2, 3, 15 and 25 Greenways, 15 and 40 Totternhoe Road, 25 and 36 Wallace Drive, 22, 24, 42, 49 and 104 High Street, 15b and 21 The Nurseries, 6 and 16 Booth Place, 4 and 18A Mill End Close, 'Lol Cottage', Green Lane, 1 The Orchards, 7 Lords Mead, and 2 Dyers Road, Eaton Bray, 28 and 38 The Pastures, Edlesborough.

Object for some or all of the following reasons:-

- overdevelopment;
- 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;
- the site is in a Conservation Area and should be protected; 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 protection from developers;
- traffic through Eaton Bray travels much too fast to be safe and 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;
- the site is too close to a five road junction; there are two bus stops outside the Five Bells which cater for villagers and school children and this is an added safety concern;
- the development would cause additional parking problems and potential accidents as residents in the new houses would need space for their cars; parking is a particular problem in the area particularly when the Methodist Chapel is in use for services and meetings;
- insufficient standard of visibility due to restricted footway width leading to highway danger for users of the road and the new accesses;

- the area around Park Lane often floods and the proposed housing would make the situation worse;
- overlooking of bedrooms, living room and gardens to adjoining property and consequent loss of privacy and safety of children;
- the land would be better used as a public amenity or a farmers market.

Further consultations have been carried out in connection with amendments to the scheme and any representations received will be reported at the Meeting.

### **Consultations/Publicity responses**

Landscape Officer:	Advises that the site does not contain any trees of merit or worthy of retention. The hedgerow along the Totterhoe Road frontage of the site is poor in quality and contains Ash, Hawthorn and Field Maple overgrown with bramble in places and has little landscape value. Raises no objection subject to a satisfactory landscaping scheme.
English Heritage:	Do not wish to comment but recommend that the application be determined in accordance with national and local policy guidance and based on the Council's specialist conservation advice.
Environment Agency:	No objection.
Environmental Health Officer:	No objection.
Buckingham and River Ouzel IDB:	Comment on the means of surface water drainage and recommends the imposition of a condition.
Highway Officer:	Comments as follows:- <ul style="list-style-type: none"> <li>– the three new accesses will require driver/driver intervisibility splays of 2m x 43m. To achieve this the existing footway should be widened which may require the applicant to dedicate as public highway a small section of land currently within the applicants ownership;</li> <li>– the driveways to plots 4 and 5 need to be extended and the accesses widened to 3m in order to allow ease of movement for vehicles entering and leaving the development.</li> </ul>
Conservation Officer:	Comments as follows:- <ul style="list-style-type: none"> <li>– 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;</li> <li>– 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;</li> </ul>

- 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);
- at the northern Conservation Area 'gateway' plots 3, 4 and 5 are formed from the former pub beer garden and retain a hedge frontage, plot 3 incorporating the important Five Bells outbuilding;
- the design of the proposed buildings conforms to the vernacular tradition, although the success of the scheme will depend on the quality of materials and detailing.

## **Determining Issues**

The main considerations of the application are;

1. Principle of the development.
2. Conservation Area considerations.
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, with housing estates to the north-west and north-east together with linear development on both sides of Totternhoe Road to the north before the open countryside is reached. Accordingly the proposed residential development of the site 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 served by existing facilities. The site also comprises the northern extent of the Eaton Bray Conservation Area on the western side of Totternhoe Road although the point must be made that the inclusion of land within a Conservation Area does not necessarily preclude the development of that land. Whilst in its undeveloped state the land makes a certain contribution to the character and appearance of the Conservation Area, there is no reason why an appropriate form of built development should not make an equally valuable contribution, whilst a high quality development scheme could be seen as enhancing the area.

Although objection has been raised on the grounds that the proposal constitutes an overdevelopment of the site, the density of development is equivalent to only 30 dwellings per hectare, which until the recent amendment to PPS3, was the minimum density recommended in that guidance note.

### **2. Conservation Area considerations.**

Subsequent to the withdrawal of the previous application for the development of the site which was considered to be unacceptable for a number of reasons, lengthy discussions have taken place with the applicants agent and the Council's Conservation advisers. Those discussions have sought to achieve an appropriate form and scale of development which takes account of the important features of the Conservation Area, namely the established 'gateway' nature of the northern approach to the Conservation Area and the existing outbuilding which is to be retained as an integral element of the plot 3 dwelling, and incorporates building designs that conform to the vernacular tradition.

The existing hedgerow on the Totternhoe Road frontage is identified by the Conservation Officer as an important feature as the 'green' area to the front of the Five Bells is approached and although currently poor in quality the incorporation of additional native planting would enhance its appearance and that of the Conservation Area generally. Having regard to the importance of retaining the hedgerow as a feature which defines the entrance to the main part of the Conservation Area the scheme has been amended to provide plots 4 and 5 with a shared access, thus minimising the length of hedgerow to be removed.

### **3. Access and parking.**

As mentioned above, the proposed development would be served by two accesses onto Totternhoe Road, each driveway incorporating a vehicle turning area. The Highway Officer, whilst raising no objection to the proposal, requires amendments to the access arrangements in terms of the driveway and access widths together with improvements to the footway width along the highway frontage and appropriate standards of pedestrian and driver visibility which are to be imposed by condition.

The level of off-street parking provision, i.e. three spaces per dwelling, is in accordance with the Council's standards.

#### **4. Impact on residential amenity.**

The residential properties most affected are nos. 1 and 2 Greenways which lie to the west of the plot 5 dwelling. When the application was first submitted we had concerns with regard to the potential adverse impact on the amenity of the occupiers of those properties due to the overbearing appearance of the proposed dwelling and possible overlooking and loss of privacy from rear facing first floor windows. These impacts were considered to be particularly significant due to the close proximity of the proposed dwelling to the western site boundary. Negotiations have taken place with the applicants and their architect in an attempt to resolve these issues, a number of alternative schemes having been discussed. The submitted revised plans show an amended house design incorporating a reduced ridge height, an asymmetrical roof with low eaves level to the rear elevation, no rear facing first floor windows but two small rooflights serving a shower room and stairwell, and a reduction in the depth of the single storey side projecting element of the proposed building in order to set it further away from the boundary with 1 Greenways.

#### **5. Flood risk.**

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

### **Reasons for Granting**

The proposed development of the site by the erection of three dwellings is considered to be acceptable in principle and in accordance with national guidance and policies in the South Bedfordshire Local Plan Review. The proposal provides the opportunity to deliver housing at an appropriate density, on an area of vacant and under-used land within the built-up area of the village and although the site is in the Conservation Area it is considered that the development would not have an adverse impact on the setting, character and appearance of the area.

The revised plans in respect of the plot 5 dwelling overcome our previous concerns in respect of the impact of the development on the residential amenity of the adjoining properties.

### **Recommendation**

That Planning Permission be GRANTED subject to the receipt of a unilateral undertaking in relation to the Council's Planning Obligations Strategy and 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        The existing trees and hedgerows shall be retained and protected in a manner to be approved in writing by the Local Planning Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or hedgerows removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced by trees or hedgerow specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or hedgerow specimens 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 comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard existing trees and hedgerows on the site.  
(Policy BE8 S.B.L.P.R).
- 4        Before the development is first occupied or brought into use, the parking scheme shown on Drawing No. 09-21-APP1-002D 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).
- 5        **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).**
- 6        **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.**  
**(Policy BE8, S.B.L.P.R).**



- 7 **Before development begins, details of the levels of the proposed 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).**
- 8 **Before development begins, the positions of the proposed dwellings shall be pegged out on site and their positions 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).**
- 9 The windows shown on Drawing No. 09-21-APP1-008D 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).**
- 10 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.**  
**(Policy BE8 S.B.L.P.R).**
- 11 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).**
- 12 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).**
- 13 **Development shall not begin until details of the junction of the proposed vehicular accesses with the highway have been approved by the Local Planning Authority and no building shall 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.**

- 14 Before the accesses are first brought into use a triangular vision splay shall be provided on each side of the new accesses 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 drives. 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 accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.
- 15 Visibility splays shall be provided at the junction of the accesses with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.  
REASON: To provide adequate visibility between the existing highway and the proposed accesses and to make the accesses safe and convenient for the traffic which is likely to use them.
- 16 No dwelling shall be occupied until the footway along the frontage of the proposed development site has been widened in accordance with details which shall previously be submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety and traffic movement.
- 17 The proposed vehicular access shall be constructed and surfaced in accordance with details to 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 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.
- 18 **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.**
- 19 **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 dwellings.**  
**REASON: To avoid the long term storage of refuse containers on the highway so as to safeguard the interests of highway safety.**

- 20 **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.**
- 21 This permission relates only to the details shown on the Site Location and Drawing Nos. 09-21-APP1-003, 09-21-APP1-004, 09-21-APP1-005, 09-21-APP1-006, received 26/04/10, Drawing No. 09-21-APP1-002D received 07/09/10 and Drawing Nos.09-21-APP1-003D and 09-21-APP1-008D received 21/09/10 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 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:-

#### **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 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 Condition 16 of this permission it may be necessary for the developer of the site to enter into a Section 278 (small works) Agreement and a Dedication Agreement with Central Bedfordshire Council as Highway Authority to ensure the satisfactory completion of the footway works. Further details can be obtained from the Highways Development and Control Department, Central Bedfordshire Council.

5. 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.
6. 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.
7. 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.
8. 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.
9. The applicant/developer is advised that this application is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

**DECISION**

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