

Item No. 11

APPLICATION NUMBER	CB/11/04496/FULL
LOCATION	Land rear of White Horse PH, Park Lane Eaton Bray, Dunstable, LU6 2DG
PROPOSAL	Development with 4 houses and all ancillary works and changes to existing pub car park
PARISH	Eaton Bray
WARD	Eaton Bray
WARD COUNCILLORS	Cllr Mrs Mustoe
CASE OFFICER	Abel Bunu
DATE REGISTERED	05 January 2012
EXPIRY DATE	01 March 2012
APPLICANT	Taylor French Developments Ltd
AGENT	BHD Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Marion Mustoe due to objections on the basis of over-development of site which is in a Conservation Area, poor access and loss of car parking spaces
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site comprises part of the rear curtilage, including car parking, of the White Horse Public House in Eaton Bray and a strip of land adjacent to a cottage to the west of the site. The site fronts onto Park Lane and is bounded by residential properties in the south and west and the Grade II Listed Building public house in the east. The site is within and forms the western boundary to the Conservation Area.

The Application:

seeks permission to erect four two storey dwellings as detailed below:

Plot 1

Would be situated next to Prune Cottage to the north western side of the application site. The dwelling would be detached and contain three bedrooms. A single storey detached garage would be located to the south east of this dwelling on the boundary with Plot 2 and a long garden would be provided to the rear .

Plot 2

This plot would comprise a four bedroom detached house with an integral garage to the side situated towards the rear and adjacent to Plot 3.

Plots 3 & 4

These plots would accommodate a pair of three bedroom houses with two detached

garages to the front.

Access and Parking

The proposed development would be served by a new vehicular access which would take off from Park Lane. The Public House is currently served by 44 car parking spaces. These would be reduced to 21. However, re-designing the car park of the public house would result in the creation of a total of 31 spaces taking into account three spaces located at the front of the building. Each of the proposed dwellings would have two parking spaces made up of a garage and drive way.

RELEVANT POLICIES:

National Planning Policy Framework (27 March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents PPS's and PPGs. The following sections of the NPPF are considered relevant to this application.

Paragraphs 6 to 17 : Achieving Sustainable Development.
Section 4 : Promoting Sustainable Transport
section 6 :Delivering a wide choice of high quality homes.
Section 7: Requiring good design.
Section 12: Conserving and enhancing the historic environment.

Regional Spatial Strategy East of England Plan (May 2008)

ENV6 The Historic Environment
ENV7 Quality in the Built Environment
H1 Regional Housing Provision 2001 - 2021
SS1 Achieving Sustainable Development

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure

South Bedfordshire Local Plan Review Policies

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them except policy T10.

BE8 Design Considerations
T10 Parking - New Development
SD1 Keynote Policy
H2 Fall-In Sites
H3 Local Housing Needs

Supplementary Planning Guidance

1. Planning Obligations Strategy, 23 October 2009
2. Design in Central Bedfordshire: A Guide for Development - Design Supplement 1: New Residential Development
3. Design in Central Bedfordshire: A Guide for Development - Design Supplement 5: The Historic Environment
4. Design in Central Bedfordshire: A Guide for Development - Design Supplement 7: Movement, Streets and Places

Planning History

CB/11/00803/PAPP	Pre-application advice: Erection of eight dwellings and access. Proposal unacceptable.
SB/02/00731	Permission. Retention of two security lights in car park.
SB/96/00764	Permission. Erection of detached dwelling with garage.
SB/95/00520	Refused. Erection of two semi-detached dwellings with integral garages.
SB/91/00331	Refused. Erection of four dwellings with garages (outline).
SB/84/00271	Permission. Extension to existing car park.
SB/83/00513	Withdrawn. Change of use of vacant land to beer garden.
SB/83/0514	Permission. Conversion of outbuildings to form bar, and extension of car park.
SB/83/00023	Listed Building Consent. Conversion of outbuildings to form bar, and extension of car park.

Representations: (Parish & Neighbours)

Parish Council

Objection

- Over-development of site
- Overdevelopment in a Conservation Area
- Poor access
- Loss of car parking spaces

Neighbours

The Croft, 10,12,14,16
Park Lane, 33 Knights
Close, The White Horse
Inn,1 Market Square

Objection

- Loss of 50% of the Public House's car park
- Increased demand for parking on adjoining roads leading to congestion, nuisance and highway safety hazards
- Pub car park is normally full in the summer months
- Park Lane is a narrow road especially with on-street parking prevalent. It has no footway.
- New plots have inadequate parking provision
- Loss of patronage to the Public House due to loss of parking
- Combined with the Five Bells development, proposal constitutes overdevelopment of a small village

- Loss of privacy
- Opposed to the loss of the existing hedge

Neighbours

Casero, Plot adjoining 4
Park Farm Cottages

Support

- Development brings in much needed housing
- Benefit from tidying up the area

Consultations/Publicity responses

Highways Officer

Recommends conditions and informatives.

Tree and Landscape
Officer

No objection. Recommends a standard landscape condition.

Archaeological Officer

The proposed development is within the historic core of the settlement of Eaton Bray (HER 16884). This is an archaeologically sensitive area and a locally identified heritage asset with an archaeological interest as defined by the *National Planning Policy Framework*.

The applicant has now submitted a *Desk-Based Heritage Assessment* prepared by Albion Archaeology which describes the archaeology of the site and the surrounding area and considers the archaeological potential of the proposed development site. It also describes the impact of the proposed development on the archaeological remains and the significance of the heritage asset they represent. The application, therefore, conforms to the requirements of Policy 128 of the *NPPF*.

The *Desk-Based Heritage Assessment* concludes that the development site has low to moderate potential to contain archaeological remains of post-medieval date and low potential for remains of all other periods. It also suggests that any remains of prehistoric to medieval date would be of local to regional significance and that post-medieval and later remains would be of local significance. The quantity, type and extent of metal detector finds known from the surrounding area suggest that activity and occupation of medieval and post-medieval date in this part of Eaton Bray is likely to be substantial and not the result of casual loss as suggested by the *Assessment*. This means that the archaeological potential of the development site is greater than is indicated in the *Assessment*, with the potential for medieval and post-medieval being moderate to high rather than low or low to moderate. I would also maintain that on the basis of the published Regional Archaeological Research Frameworks the significance of finds of these periods is regional rather than local, particularly from clayland environments.

In assessing the impact of the proposal the *Assessment* says that the development will cause an irretrievable loss of surviving archaeological remains leading to a reduction in the significance of the heritage asset. It is suggested that this impact could be mitigated by a programme of archaeological investigation.

The proposed development site has moderate to high potential to contain archaeological remains of the medieval and post-medieval periods. Development will have a negative and irreversible impact on any archaeological remains at the site causing a loss of the heritage asset's significance. This does not represent an over-riding constraint on the proposed development provided that the applicant takes appropriate measures to record and advance understanding of the significance of the heritage asset. This will comprise the investigation and recording of any archaeological remains that are affected by the development. This is in line with Policy 141 of the *NPPF*.

In order to secure this please attach the following condition:

"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 in accordance with Policy 141 of the *National Planning Policy Framework*.

Conservation Officer

The application site falls fully within the designated village Conservation Area, the site's western boundary forming part of the western boundary of the designated area. The rural character of Park Lane, with its strong hedge line and view north-west to open countryside, forms the immediate setting of the Conservation Area in this part of the village.

The importance of the preservation and enhancement of Conservation Area character, and the importance of Conservation Area setting were both underscored formerly in PPS 5 ('Planning for the Historic Environment') core Policies HE7.5, HE 9.1 and HE 10 and now repeated in the National Planning Policy Framework.

In these terms, it is essential that proposed new development should fit well with the 'grain' of existing built form, in layout, scale and massing.

I am quite happy that the proposed development meets these criteria, and happy with the quality of the vernacular design of the proposed dwellings, providing this is matched with the selection of high-quality materials and the quality of detailing (in the case of weatherboarding, for example, the use of boards of sufficient width and depth to provide good 'texture' through shadow lines, and the use of a tar paint finish, not stain).

I consider the quality of external materials, detailing and finishes to be essential to the overall success of the scheme, in both design terms and the consequent impact of the new development upon Conservation Area character, and request that this is therefore secured by Condition (see below).

The importance of the rural aspect of Park Lane, as immediate conservation setting contributing to Conservation Area character, is apparent upon site inspection. The character of the lane is largely 'carried' by the strong hedge line on the south side. This forms the northern boundary of the application site, and in the proposed development requires breaching to provide site access.

I am happy that, as shown on the submitted plot layout plan, the breaching is the minimum necessary and that, providing the vigour of the existing hedge is maintained (and secured by Condition for this purpose) the overall character of the lane, as described above, will not be adversely affected by the proposed development.

On the basis of the above, and on the understanding that the Conditions as summarised below will be applied to control the visual appearance, and impact, of the development in respect of conservation character and setting, I am able to fully support a decision of approval -

Recommended Conditions:

(Prior to commencement) - Agreement of all exterior materials and finishes (including proposed sections of weatherboard cladding).

Drawn details, at an appropriate scale, of porch canopy construction and detailing

The preservation, and maintenance thereafter, of a strong hedge line along the northern boundary of the development site - this is no doubt dealt with in the Trees and Landscape Officer's consultation response.

Environment Agency No objection.

Internal Drainage Board Following submission of a Flood Risk Assessment, no objection is raised.

Determining Issues

The main considerations of the application are:

1. Whether or not the proposed development is acceptable in principle
2. Impact on the character and appearance of the historic environment
3. Impact on residential amenity
4. Impact on off-street parking provision and highway safety
5. Other material considerations

Considerations

1. Principle of the proposal

The site lies outside the Green Belt and within the built-up area of Eaton Bray, with housing development to the north, south and west. Policies SD1 and H2 of the South Bedfordshire Local Plan Review encourage the use of such sites to provide additional accommodation. National advice contained in the National Planning Policy Framework encourages the re-use of previously developed sites such as this for more efficient use. Furthermore, the proposed development would preserve the character and appearance of the Conservation Area. 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.

2. Design

Policy BE8 of the South Bedfordshire Local Plan Review requires all development to, amongst other things, complement and harmonise with surrounding development, to carefully consider setting and to have no adverse impact upon amenity. Within the immediate vicinity of the application site, housing design is varied. The proposed development would therefore complement this heterogeneity of design styles to be found hereabout. Furthermore, residential densities in the village can be classed as ranging from medium to low and hence the proposed scheme, being of a medium density, would reflect the general character of the village. The existing hedgerow along the front boundary of the application site is recognised as making positive contributions to the appearance of the area. It is therefore proposed to retain the existing hedgerow feature by opening up only a single access point to serve all the four plots and replacing hedgerow as required to accommodate sight lines and footpath on the Park Lane frontage. Further landscaping is proposed along the boundary with the Public House car park. This would further enhance the appearance of the area.

3. Residential amenity

The proposed dwellings would have long rear gardens which would ensure adequate separation distances with the properties that front onto Park Farm Cottages and the common boundary with these properties is well landscaped. The existing houses fronting onto Park Lane have deep front gardens and the proposed dwellings would be set back substantially into the site hence increasing the separation distances with the existing houses. The proposed development would therefore have a satisfactory relationship with the adjoining residential properties and hence no material harm to residential amenities would result.

4. Highway and Other Issues

The main issue that has been raised by some local residents and the Parish Council concerns the remaining parking spaces for the public house. Following objections received regarding concerns about the loss of car parking for the Public House, the applicant commissioned a transport consultant to advise on the parking situation. The consultant's report concludes that the loss of the parking spaces would not result in an under provision of parking spaces having regard to the operational requirements of the public house and hence supports the findings of the traffic survey carried out by the previous landlord which concluded that the typical public house requirement is 17 spaces. The Highways Officer accepts the results of the transport consultant's report. The proposed development would make adequate provision for off street parking which would be secured by a planning condition as recommended by the Highways Officer. Furthermore, national advice contained within the NPPF states, at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5. Financial Obligation

Following the adoption of the Planning Obligations Strategy SPD on 23rd October 2009 which was applied to all applications received on or after 5th January 2010, with the support of Structure Plan policy 25, the Council requires either a Unilateral Undertaking or an agreement under S106 of the Town and Country Planning Act 1990 to be submitted with the planning application in order that new development makes commensurate contributions towards new and improved local infrastructure where that development will add to infrastructure needs and requirements. The applicant has signed the Unilateral Undertaking and consented to pay £19,396 in line with the requirements of the Planning Obligations strategy.

6. Other considerations

The objections raised by the Parish Council and some local residents have been noted and addressed in the relevant sections of this report. The application was, as detailed in the Design and Access Statement, the subject of pre-application discussions in which the level of development was agreed. It is not considered that this amount of development constitutes overdevelopment of the site. It should also be noted that two local residents have written in support of the application. Furthermore, a similar development closely following the principles of the current proposal was approved by the Council at the Five Bells Public House, (reference **CB/10/01470/FULL**), that lies to the north east of the site, also within the Conservation Area.

Recommendation

That Planning Permission be **GRANTED** subject to the following:

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

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

- 2 **Before development begins and notwithstanding any details submitted with the application, further drawn details of the porch canopy construction and external finish and samples 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).**

- 3 **Before development begins, the positions of the buildings shall be pegged out on site and their positions approved in writing by the Local Planning Authority. The development shall thereafter be implemented according to the agreed positions.**

**Reason: To enable consideration to be given to the precise layout of the development.
(Policy BE8 S.B.L.P.R).**

- 4 **Before development begins, a landscaping scheme to include any hard surfaces and hedges and trees 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).**

- 5 **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 in accordance with Policy 141 of the *National Planning Policy Framework*.

- 6 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 dwellings 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/s in the interests of the amenities of the area.
(Policy BE8 S.B.L.P.R).

- 7 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 any of the properties hereby permitted 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).

- 8 **Development shall not begin until details of the junction of the proposed vehicular access 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. 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: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 9 **Development shall not begin until details parking arrangement for 10 cars within the confines of the site has been approved by the Local Planning Authority and no building shall be occupied until those parking spaces have been constructed in accordance with the approved details.**

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

- 10 The new vehicular access shall enter the public highway at the boundary at such a level as shall be agreed in writing by the Local Planning Authority. Any necessary gradient shall be constructed on the application site entirely outside highway limits.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.

- 11 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 25m 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 access and to make the access safe and convenient for the traffic that is likely to use it.

- 12 Visibility splays shall be provided at the junction of the existing car park access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 25m 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 car park access and to make the access safe and convenient for the traffic that is likely to use it.

- 13 **Development shall not begin until details of a scheme showing the provision of a 1.5m footway on the south side of Park Lane across the site frontage has been submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until the footway has been constructed in accordance with approved details. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.**

Reason: In the interests of road safety and pedestrian movement.

- 14 Any gates provided shall open away from the highway and be set back a distance of at least 5.0 metres 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.

- 15 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.

- 16 The development shall not be brought into use until a turning space for vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

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

- 17 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

- 18 **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.

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SC-001.7 Rev C, PL-012.7, SC-002.7 Rev C, SC-003.7 Rev C, SC-004.7 Rev A, SC-005.7, SC-006.7, SC-007.7 Rev A, SC-008.7, SC-009.7, SC-010.7 Rev A & SC-011.7 Rev A.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would enhance the character and appearance of the Conservation Area, would not be harmful to residential amenity and would not be prejudicial to highway safety thereby conforming with the development plan comprising Policies ENV6, ENV7, H1 and SS1 of the Regional Spatial Strategy for the East of England, Policy 25 of the Bedfordshire Structure Plan, Policies BE8, SD1, H2, H3, and T10 of the South Bedfordshire Local Plan Review and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010 and the Planning Obligations supplementary planning document.

Notes to Applicant

1. 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).

2. 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.
3. 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.
4. 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 9BD 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 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.
6. 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.
7. The applicant is advised that in order to achieve the vision splays required by this permission it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Highways Helpdesk on 0300 300 8308 to request the removal of the overhanging vegetation on the public highway.
8. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

DECISION

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