

Item No. 09

APPLICATION NUMBER	CB/16/02172/FULL
LOCATION	Lynmore House, Sharpenhoe Road, Sharpenhoe, Bedford, MK45 4SU
PROPOSAL	Formation of in-out drive with hardstand and landscaping in front of Lynmore House, including diversion of existing public footpath.
PARISH	Streatley
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Sarah Fortune
DATE REGISTERED	23 May 2016
EXPIRY DATE	18 July 2016
APPLICANT	Mr Dawkins
AGENT	Michael Hardiman & Associates LLP
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Tom Nicols on grounds of public concerns raised over the loss of an area that has been used for general public purposes as an 'amenity area of grass' for many years.
RECOMMENDED DECISION	

Summary of Recommendation.

This application is for the creation of an in and out driveway for the occupants of Lynmore House, and incorporates areas of planting, to give some form of privacy to these occupants whilst at the same time leaving the majority of the grass area for use by the general public. It includes the retention of the public bench. It also involves the relocation of the existing public footpath which runs across the site. Whilst the concerns raised by a number of local residents has been given very careful consideration in this revised application it is felt that a reasonable compromise has been reached both for the occupants of Lynmore House and the wider general public. The changes to the appearance of the land will not have an unduly adverse impact on the general openness of the site. The proposals are in compliance with planning policies in the South Beds Local Plan Review and there are no highway objections provided that conditions are complied with.

Site Location:

The site lies on the south eastern side of the junction of Sharpenhoe Road and Harlington Road and has a frontage to both roads. It supports a detached dwelling known as Lynmore House that was formerly a Public House known as 'The Lynmore'. It is being used as a dwelling house following the grant of planning permission within the last two years and has recently been extended . It lies in the Green Belt and the AONB.

The Application:

This application is in respect of the formation of a new vehicular entrance onto Sharpenhoe Road to create an in - out driveway with hardstand and landscaping in front of Lynmore House as well as the diversion of an existing Public Footpath. (It is not a countryside right of way). This is being enabled by the retention of the existing vehicle crossing on to Harlington Road.

The ownership of the land to the front of the former public house is not known but there are Highway Rights over the land. The application has been advertised by the applicant to allow an opportunity to claim ownership of the land but to date no one has come forward. We are aware that an application has been made to list the area as an Asset of Community Value.

The application has been advertised by the applicant in Beds on Sunday on 20/05/2016 and the planning officer put up a site notice next to the highway near to the site on 2/06/2016.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations
T10 Parking

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014):
Supp 7: House Extensions and Alterations

Relevant Planning History: relevant

Application Number	CB/15/00525/FULL
Description	Change of use of Public House/Restaurant to single dwelling, first floor side extension and erection of detached double garage.
Decision	Granted
Decision Date	2015.

Application Number	CB/16/00240
Description	Construction of brick piers and oak gates at existing vehicular entrance onto Sharpenhoe Road, the formation of a new vehicular entrance onto Sharpenhoe Road to create an in-out drive with hardstand and landscaping in front of Lynmore House and diversion of existing public footpath.
Decision	Withdrawn
Decision Date	04/05/2016
Application Number	CB/16/01981
Description	Construction of brick piers and oak gates at existing vehicular entrance onto Sharpenhoe Road. Granted: 5/07/2016.

Consultees:

Streatley Parish Council	Object: Would increase the risk of accidents with vehicles turning off Harlington Road and onto Sharpenhoe Road so close to the junction. Would like to point out that a police survey was carried out in October last year and confirmed that Harlington had over 42 000 cars using the road on a weekly basis. There is no justification for diverting a footpath in order to accommodate greater access for which there is no pressing need and which will only serve to increase the potential for traffic accidents. There is significant opposition to these plans for other residents of Sharpenhoe who realise the safety issues such plans could cause.
Highways Officer	No objections subject to conditions and highway Notes
Tree Officer	No objections
Rights of Way Officer	No objections
Ecology Officer	No objections to Stopping up Order for previous similar application.
Conservation Officer	No objections

Other Representations:

Neighbours	1. Objects: 43a Harlington Road, Sharpenhoe. Why has the enforcement officer not dealt with the reinstatement of the dropped kerb or the rear conservatory ? The in and out driveway will be dangerous. They do not own the land. Clear demarcation presently exists in the shape of the Public Footpath. They have access via the house to the rear parking area. They do not need to claim and alter the
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public grass to the front where the bench is and then park their vehicles all over the footpath. The open frontage does not need their landscaping.

1. Objects: 45 Harlington Road. Moving the footpath closer to the road will be to the detriment of pedestrian safety. The applicant has not made any attempt to find out who owns the land. Consider it belongs to the people of Sharpenhoe. It is morally wrong for them to take this land. The owners knew this property was a public house so can expect the occasional inquiry. The property no longer looks like a public house. They should put up a sign on the building stating it is no longer a pub. Sharpenhoe is an Area of Outstanding Beauty. We all have people looking through our windows at times. A new in and out driveway is not required to tidy up the area. No need to have parking area near to front door. They can access their rear parking area for their house. Concerns raised by local residential has to been taken into account by the applicants.

1. Objects: 47 Harlington Road: the grass area is public land which was grassed over when the road was straightened out - as indicated on old and new maps of the site. The moving of the bench - it has been used by villagers for many years. The relocation of the footpath will be more dangerous when crossing the roads. If the triangular area is landscaped it may block vision for drivers turning form Sharpenhoe Road onto either Barton Road or Sharpenhoe Road. Access to land owned by the National Trust will be blocked by the proposed gates at the other end of the site. May set a precedent for future developments which block views of the land to the rear of the site which is an AONB.

1. Objects: 57 Harlington Road: The land is not owned by the former Public House but is public footpath and grass verge. Planning notice not seen. Lynmore House has many existing parking spaces. Brick piers and gates would block access to the rear of Roberts farm. The bench should not be moved to a location that is not suitable. Loss of the current footpath would make crossing the road difficult. The whole planning application is out of keeping with the village.

1. Objects: 43a Harlington Road, Sharpenhoe: Outraged by the proposals. Does not appear to have been any public notification of the plans. They appear to be changing land that is surely public land - our village green - what right do you have to allow this to happen? The bench is a major contribution to the charm of the location. The gated drive would be a major problem to all traffic.

1. Objects: Sharpenhoe Farley Hill House: Ownership of the land is a major point of annoyance as this is seen as a village green and the centre of the village. It is used for social activities. We consider it to be amenity land as it is in an Area of Outstanding Natural Beauty owned by the Council. Did not see any site notice nor the newspaper advert. It would have been preferable to contact the Parish Council or advertise on village notice board. I would like to claim ownership of the land as have maintained it for many years. It will have a major visual impact to the village which no amount of planting will eradicate. There is already on site parking for 4 vehicles why do they need more? There is no main drainage. There are flooding issues to the front of the site. The existing dropped kerb is the subject of an enforcement notice and this should be enforced to be closed. The construction of the proposed development will lead to major issues at the junction of two very busy roads and put pedestrians at risk for the use of the pathways and crossing the road. We have already had our pub taken away and to take this away will destroy our community. We need somewhere to gather and take in the beautiful surroundings. This will be a blot on our landscape.

Objects: The Chapel: The land does not belong to the property but is public highway, it would have a detrimental effect to the look of the centre of the village, the dropped kerb should have been removed, part of the land is due to be used for works to alleviate flooding, the owners must have been aware when they purchased the property that their boundary ended at the front door, there is more than adequate parking to the rear. Further parking to the front would be excessive, the highways officer advised that this area was not for parking, many long standing members of the village have similar feelings. To allow land grab to the village green areas would open flood gates to anyone claiming our green spaces. Trust that when this has been rejected that outstanding matters for the original granted planning consent can be enforced.

Objects: 359 Sharpenhoe Road: The tarmac footpath to the front was never used for parking of vehicles before the present owners took up residence, it is not hardstanding. Strongly against this area becoming hardstanding or a car park. it is the last remaining open space in Sharpenhoe and is used by walkers and cyclists etc.. for many years being a meeting place. The land should not be commandeered by an individual for their sole use. There is no need to walk along the road to get to the premises as there is a route from their garden to the rear parking area. Barton Road has a speed restriction of 40mph. The PC and residents have campaigned for years to get this reduced as vehicles speed regularly. To move the existing

footpath so close to the road would be dangerous for pedestrians using this footpath. The area is too small and dangerous to have an in and out driveway. The proposals have not been substantially changed from the previous application - they are very similar. There are 8 existing car parking spaces - not four. The site is currently vacant as it is an open area and public footpath. Consider that non residential floor space would be lost as this is common land used by the community and it will deprive them of a facility that has been used for many years.

Object: 33 Harlington Road: In and out driveway will be to the detriment of highway safety. Traffic speeds are high along the road. Driveway is very close to the Sharpenhoe Road. The new footpath is considered unsafe. New path will be unsafe for pedestrians. It will put people at a direct risk of being hit by traffic. How can the land be claimed by the residents. We do not see Beds on Sunday. Did not see the advert placed in the village near the site. If the land can be claimed so easily then this sets a precedent. Who do I contact to claim land that I maintain near to my property?

Objects: 13 Cromwell Road. Want this to be determined by way of a public hearing so that the following points can be addressed and the matter dealt with openly and transparently. Safety concerns as the site is next to a main through route and carries fast moving traffic between the villages of Barton and Harlington. The path to be removed is safe and provides a safer crossing and its removal will mean that the only path available to foot traffic will be the one on the side of the main road which is difficult to cross safely. The in and out driveway will create difficulty to traffic trying to negotiate this junction and it will lead to accidents. The land has always been community land and is a valuable feature of the village. It has a memorial bench upon it. If the council has sold the land it was done without transparency. The villagers of Sharpenhoe do not receive the newspaper in which the advert was placed. My parents want to know how to purchase land outside of their house. Consider the application should be advertised properly. We risk losing our history etc.. if people do not stand up to protect them. Please do not allow a central feature of the village to be destroyed. Needs an application for a change of use.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area and relocation of footpath;.
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Background and Principle

- 1.1 The Lynmore was a public house for many years until planning permission was granted in 2013 for its change of use to a dwelling house. That planning permission ref: CB/15/00525 required by way of a planning condition that the existing vehicular access onto Harlington Road be closed. This has not taken place as the applicant wants to create an in and out driveway which is the subject of this application.
- 1.2 Recently a planning application was submitted for the erection of piers and gates to the south western access to the site further to the south under CB/16/00240. That application also included the construction of an in and out driveway, the relocation of the bench and the realignment of the footpath around the roadside boundary. The application was withdrawn as there were a number of objections to the removal of the bench and the loss of the open area of grass to the front of the former pub from general public use to use by the owners of the former public house (now known as Lynmore House) - as a driveway to the front of their house.
- 1.3 More recently planning consent has been granted on 5/07/2016 for the erection of an oak gate and two 2.25m high brick piers to the southern access under ref: CB/16/01981. This access serves a parking area for the house.
- 1.4 The applicant still wishes to create an in and out driveway at the junction of Harlington Road and Sharpenhoe Road and has submitted this revised application which retains the bench in its existing location and incorporates some planting areas.
- 1.5 The owners of Lynmore House have advised that they are proposing the works to the frontage of their property so that a residential appearance and space separation is created between the front wall/windows of Lynmore House and the general public area. Since moving into the property the occupiers have experienced members of the public believing the property is still a public house and knocking the front door and peering through the windows. The proposed alterations to the frontage will provide a clear demarcation between the public realm and private residential space. The works will also tidy up and improve the frontage appearance with landscaping and improved hard surface materials. Also, they advise that the works will provide a closer relationship between car parking spaces and the front door to the house. The existing parking is remote from the dwelling entrance with pedestrian access only via the public road which

is not ideal for a family in a rural location after dark.

- 1.6 The site lies in the built up area of the village of Sharpenhoe and in the Green Belt where there are no objections in principle to carrying out extensions and alterations to properties provided that they are proportional to the size of the development in accordance with planning policies in the South Beds Local Plan Review and the NPPF. In this case various matters need to be given careful attention one being the principle of the change in the use of an area of grass that has been used by the general public for many years, the impact of the change in use, the changes to the driveway and the realignment of the footpath around the highway edge of the site on the amenities of neighbours and highway considerations regarding the acceptability of the new in and out driveway and the access areas to it etc..

2. Affect on the character and appearance of the area and relocation of footpath

- 2.1 This current application is in respect of some alterations to the land directly in front of the property so that land to be used in association with the house creating a more private feeling of residential frontage/garden to the property whilst retaining the bench and the open area of land between the bench and road for general public use. This land is presently covered with grass and has a tarmac footpath running through it. It has been used for many years by the general public for sitting upon the bench and meeting in groups.
- 2.2 The path and some of the grass area are to be removed and replaced with new black paved hard stand area as part of the driveway and new crossover to be created onto Sharpenhoe Road forming an in-out driveway for Lynmore House.
- 2.3 There is to be new planting within the site between the house and the road - between the routes of the two vehicular accesses on the house side of the public bench. The public bench is to be retained in its present location with a grass area between it and the highway with new planting to the immediate rear of the bench. There is to be new planting along the front of the house on either side of the front entrance porch. New planting is also to take place next to the east front boundary of the site near to Farley House. No gates, fences or walls are proposed at the front of Lynmore House.
- 2.4 These changes require that the existing footpath in front of Lynmore house be diverted so that it runs alongside Sharpenhoe Road and is 2m in width. Also, the land to the front of the house presently has Central Bedfordshire highway rights over it. The applicant will be required to extinguish highway rights over that section of land that is required to implement his proposals. A hatched plan has been produced by the highway officer that shows the area that is to be the subject of a Stopping Up Order. A number of relevant consultations have been carried out regarding this and any comments received will be updated to the committee.
- 2.5 It is considered that the proposed changes to the area to the front of the property will not have an unduly adverse impact on the character and appearance of the property itself or the wider street scene. They are in compliance with planning policies in the Core Strategy and the NPPF and will

not have an adverse impact on the openness of the Green Belt. There will still be open areas of grass to the front of the site

- 2.6 A number of concerns have been raised by local residents regarding the loss of what they consider to be community land, a village green and an open area of grass that has been used by local residents to meet and chat and for walkers to rest on the bench for many years. They consider that this area of land should be retained for use by the general public and not in any way enclosed or become part of the 'private area' associated with the Lynmore House. As a result of the strength of feeling about this a nomination has been received to make this area into an AVC - Asset of Community Value. This nomination has to go through a formal procedure and the outcome of the nomination will not be known until after the Planning Committee.
- 2.7 Whilst the comments of the local residents are fully understood and appreciated we are of the view that now the bench is to be retained and the majority of the grassed area in front of Lynmore House is to be retained for public use a compromise has been reached whereby the occupants of the former public house have some limited privacy at the front door of their house and the general public can still use this area of land albeit that it is of slightly reduced size. The new planting that is to be carried out will improve the appearance of this land to the front of the former public house which has a rather unkempt appearance.
- 2.8 There is local concern about the relocation of the footpath - which presently crosses the grass area - the road side boundary of the site. Local residents consider this will be dangerous for users of the path - especially the elderly - as they will be at risk of an accident as a result of the high speeds of traffic going around the junction of Harlington Road with Sharpenhoe Road.
- 2.9 Whilst these concerns are understood the siting of the footpath just inside the edge of the highway is a normal situation for most paths in this country and visibility is very good at this junction for road users and footpath users. The highways officer is not raising any objections.

3. Neighbouring Amenity

- 3.1 The changes to the front of the house will have minimal impact on the amenities of any neighbours as the nearest property is Fairley Hill House to the east which is near to the existing access onto Harlington Road and not near to the proposed new access onto Sharpenhoe Road. There is to be some small amount of new planting near to the shared north west front corner of this neighbouring property's front garden but this planting in itself does not require the benefit of planning permission. It will, however, help screen the works to the front of this the house from the neighbour.
- 3.2 Other neighbours are on the other side of Sharpenhoe Road at some distance from the proposals.

4. Highway Considerations

- 4.1 The highways officer has advised that the creation of the new vehicle crossing will provide for a means for vehicles to enter and leave the frontage of the site in forward gear rather than reversing out onto Harlington Road. It will also comply with the current visibility standards for both the new vehicle access and the forward visibility around the junction for Harlington Road into Sharpenhoe Road.
- 4.2 No gates must be erected along the access points to the frontage of the property, in particular the existing Harlington Road access as this may encourage vehicles to park on that section of the existing vehicle crossing which spans the grass verge and hence cause obstruction to drivers exiting the Sharpenhoe Road junction. The applicant is reminded that the existing vehicle access across the grass verge is there to provide a means of access to the property and is not a parking space.
- 4.3 In order to implement the development the applicant will also require the existing public highway rights to be stopped up over that section of land which, for the avoidance of doubt, it is now shown cross hatched on the applicant drawing's numbered 2015/847/21. If planning permission is granted this can only be implemented once the applicant has applied for and obtained a stopping up order under section 247 of the Town and Country Planning Act 1990. If this is successful and highway rights have been extinguished, the land then reverts back to the original land owner.
- 4.4 The applicant is expected to enter into a Section 278 agreement for the provision of a new 2m footway to the frontage of the site along Sharpenhoe Road in order to maintain a pedestrian link from Harlington Road to Sharpenhoe Road for an approximate distance of 16m. This is shown on drawing numbered 2015/847/20/B annotated as points A and B.
- 4.5 In view of the above the highways officer is not raising any objections and is recommending that conditions be attached to any permission.
- 4.6 Comments raised by local residents about the fact that there is an existing parking area to the house and therefore no need for a further drive and parking area to the front of the house are appreciated but this existing provision and the lack of need for more parking area is not in itself a reason that could be used for refusal of the application.

5. Other Considerations

5.1 Human Rights issues:

There are no relevant issues under the Human Rights Act

5.2 Equality Act 2010:

There are no relevant issues under the Equality Act

- 5.3 With regards to planting, a condition is to be attached to the permission requiring

full details of the planting proposed to the front areas of the house and along the roadside boundary.

- 5.4 Comments have been raised about the flooding that sometimes takes place on land next to/in front of Lynmore House. However, the area is not in the Floodplain and no objections have been received from the drainage authorities.

Recommendation:

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted 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 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping.
(Sections 7 & 11, NPPF)**

- 3 No development shall commence until a 2m side footway has been constructed between points A and B as shown on the approved plan number 2015/547/20/B in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. The applicant will be required to enter into a section 278 agreement of the Highways Act 1980 in order to implement the scheme and any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

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

- 4 The development shall not commence until highway rights have been extinguished across the area of land hatched red on Drawing 2015/847/21, in accordance with a Stopping Up Order to be made by the National

Transport Casework team, Department for Transport, under Section 247 of

the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt.

- 5 No vehicle shall cross the highway until the junction of the proposed vehicular access and the resurfacing of the existing vehicular access with the highway have 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.

- 6 Before the access is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay 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.

- 7 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 23m in a northerly direction and to the limit of the site frontage in a southerly direction, 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 which is likely to use it.

- 8 The proposed vehicular access shall be constructed and surfaced in a stable and durable material and provide a means of drainage to prevent surface water run off from discharging on to the highway, in accordance with details to be approved in writing by the Local Planning Authority.

Reason: To avoid the carriage of mud or other extraneous materials or surface water from the site into the highway so as to safeguard the interest of the highway.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the rural amenity of the area.

(Section 7, NPPF)

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2015/847/01, 2015/847/21 and 2015/847/20/B

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. 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 Highway Engineer, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire. SG17 5TQ.
2. The development shall not begin until highway rights have been extinguished across the area of land shown hatched on the approved drawing number 2015/847/21, in accordance with a Stopping Up Order to be made by the National Transport Casework Team, Department for Transport, under section 247 of the Town and Country Planning Act 1990.
3. The applicant is advised that in order to comply with conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the proposed access and associated highway improvements and closure of the existing access. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chick sands, Shefford SG17 5TQ.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through early engagement with the applicant at the pre-application stage and during the application which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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