

Item No. 10

APPLICATION NUMBER	CB/18/01537/FULL
LOCATION	The White House, High Street, Eggington, Leighton Buzzard, LU7 9PQ
PROPOSAL	Removal of hedge & construction of panel fence facing highway with replacement yew (Retrospective)
PARISH	Eggington
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Aimee Matthews
DATE REGISTERED	26 April 2018
EXPIRY DATE	21 June 2018
APPLICANT	Mr Janes
AGENT	Mr C A Emmer
REASON FOR COMMITTEE TO DETERMINE	Applicant is Cllr Janes
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation:

The fencing has already been erected and therefore retrospective planning permission is sought. The applicant has proposed measures to mitigate the impact of the fencing in the conservation area and has also demonstrated the need for the fencing due to the use of the site as a care home. Therefore subject to the recommended conditions, the application is recommended for approval.

Site Location:

The irregular-shaped application site lies on the north western side of the High Street. The site has a frontage to High Street of 30m, a maximum width of 45m and an overall depth of 90m. The property is set back on the plot, some 30 –35m back from the highway frontage. It comprises a large detached two storey building of white painted brickwork below a steeply sloping plain tiled roof. There are dormer windows in the front and side elevations. It is used as an elderly persons residential care home, of 20 bedrooms plus ancillary facilities with the provision of rooms within the roof void. The rear and side boundaries are enclosed by a mix of high walls, fencing and hedges. The site rises up from the highway frontage.

To the west of the site lies White House Cottage and Pear Tree Cottage and to the north east Long Acre, all of which are residential properties. To the north lies open countryside. Opposite the site is St Michaels and All Angels Church

The site lies within the Green Belt and Eggington Conservation Area.

The Application:

The application seeks retrospective planning permission for the erection of a 2m close boarded fencing and a row of yew trees fronting the fence.

The fence spans 24m across the front of the site and then follows the access in a northern direction enclosing amenity land to the front of the site.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

7: Requiring good design

9: Protecting Green Belt land

11: Conserving and enhancing the natural environment

12: Conserving and enhancing the historic environment

South Bedfordshire Local Plan Review

BE8 Design Considerations

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policy BE8 is still given significant weight.)

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

High Quality Development
Development in the Green Belt

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Case Reference CB/18/00186/FULL
Location The White House, High Street, Eggington, Leighton Buzzard, LU7 9PQ
Proposal Removal of hedge to front of house facing highway & replace with panel fence (Retrospective)
Decision Application Withdrawn
Decision Date 22/03/2018

Case Reference CB/15/00162/FULL
Location White House Cottage, High Street, Eggington, Leighton Buzzard, LU7 9PQ
Proposal Demolition of single storey rear extensions and garage and construction of new two storey rear extension
Decision Full Application - Granted
Decision Date 03/03/2015

Case Reference CB/14/03498/FULL
Location White House Cottage, High Street, Eggington, Leighton Buzzard, LU7 9PQ
Proposal Demolition of single storey rear extensions and garage. Construction of new two storey rear extension.
Decision Full Application - Refused
Decision Date 06/11/2014
Appeal Decision Date 21/03/2015
Appeal Decision Allowed with Conditions

Case Reference CB/14/01151/FULL
Location White House Cottage, High Street, Eggington, Leighton Buzzard, LU7 9PQ
Proposal Demolition of single storey rear extension and construction of new two storey rear extension
Decision Full Application - Granted
Decision Date 16/05/2014

Case Reference CB/13/00242/FULL
Location The White House, High Street, Eggington, Leighton Buzzard, LU7 9PQ
Proposal Biomass boiler system to be installed.
Decision Full Application - Granted
Decision Date 28/03/2013

Case Reference SB/07/00982
Location The White House, High Street, Eggington, Leighton Buzzard, LU7 9PQ
Proposal Erection of two and three storey rear extension to provide six additional bedrooms and circulation space for residential care home.
Decision Full Application - Granted

Consultees:

Eggington Parish Council None received at time of writing report.

Conservation Officer (Retrospective application)

I firstly confirm that I have been made aware that there is a particular security requirement attached to the current use of the site directly necessitating the erected enclosure fencing.

Taking this into account, while not wishing to endorse close-board fencing as an appropriate and sympathetic boundary treatment in the context of a rural Conservation Area (particularly as in the current case the erected fence replaced a boundary hedge) I confirm I would not object to the currently proposed fence retention with amelioration through re-establishment of a frontage hedge providing there is adequate room, within the applicant's control, to allow the hedge to establish itself to a meaningful way, and then be carefully maintained thereafter (hedge and fence maintenance to be secured by Condition, as appropriate).

I would also recommend further amelioration of visual appearance through the application of an appropriate fence wood stain, and suggest the attachment of a (standard) Condition requiring written agreement of final finish (also to be maintained as such thereafter) to any approval issued by the Local Planning Authority, which shall be agreed and implemented prior to hedge planting.

On the matter of hedge establishment, and maintenance to be secured by Condition, I will defer judgement to the opinion of the Trees and Landscape Officer, who will no doubt advise the Planning Case Officer of the likely efficacy of the proposed frontage hedge as a screen to the erected fence, and the suitability and content of a Condition securing future hedge maintenance.

I suggest the Planning Case Officer makes final judgement on whether to grant approval, or not, on this basis, in tandem with consideration of the wood stain finish suggested above.

Tree and Landscape
Officer

I have examined the plans and documents associated with this application, including the planting proposals, and wish to state that I have no objections subject to the following condition being imposed:-

The planting of the Yew hedge shall be carried out in strict accordance with the planting height, positions and spacings as being shown on the Elevations and Location Plan, and this planting shall then be maintained for a period of 5 years until satisfactorily established, with any losses replaced as soon as is reasonably practicable, and in strict accordance with the planting plan.

REASON

To ensure a satisfactory standard of landscape establishment in the interests of visual amenity.

Highways Officer

The fence would appear to be in the same location of the centreline of the former hedge when comparing the views on street view fronting High Street. The hedge shown on street view in 2009 comes up to the entrance to The White House which was taken in April 2009, it would be my view that the height of the hedge would have been over 1m in which case small children could not have been seen although it is possible that adults could be seen.

The entrance in to the property is circa 7m from kerb line where visibility for cars is measured so there is no impact which vehicular traffic intervisibility and 2.4m x 43m is retained. A sign could be placed inside in the private access warning of pedestrian footway.

Please note the comments are based on a desktop exercise only as no site visit has been undertaken due to time constraints.

Other Representations:

Neighbours

Olde Timbers

'I object to this application for the following reasons:

1) I feel the fence is unsafe due to the height and structure bordering a public footpath. It is impossible for pedestrians to see or here vehicles coming down the drive of the White House, likewise it is impossible for drivers to see or hear pedestrians approaching on the footpath until the bonnet of their car is already across the footpath. This issue is exaggerated by the fact the road is a little distance away from the footpath as drivers have a tendency to only aim to stop at the roadside and not the footpath meaning they cross the footpath area at some speed.

2) The look is completely inappropriate for the surroundings. The combination of its height, location, and construction materials make this stand out significantly in a small village setting. No other fence has panels as high or concrete posts. Especially taking into account this is the centre of the village and the centre of the conservation area.

3) The construction completely outweighs the quoted reason in the application. 1 reason given is Due to the age demographic it is necessary to provide a secure fence and area in order to contain the residents on site The fence is ~7ft high, solid panel with concrete base boards and concrete posts, is this really required to contain elderly residents? Who are the residents Spiderman?'

Considerations

1. Impact Upon the Green Belt

This application seeks retrospective permission for the installation of a 2m high close bordered fence to the front of the site and along the driveway access into the site.

The site is located within the South Bedfordshire Green Belt, accordingly, Section 9 of the National Planning Policy Framework applies. However, the fencing seeking retrospective permission is not considered inappropriate development within the green belt.

2. Design and Impact on Conservation Area

The White House lies within the Eggington Conservation Area. The Eggington Conservation Area Appraisal 2010 looks closely at the attributes which positively contribute towards the conservation area in Eggington with particular reference to the boundary treatment in the west section of the village stated to be *'Boundary treatments in this area vary from attractive hedges to Osborne Cottage and Pear Tree Cottage and the agricultural character of the post and rail fence to fields on the south side of the road to the suburban screen block wall of Bella Vista, blank red brick walls to Claridge's and the rather incongruous red brick and concrete panel wall and iron gates of Claridge's Farmhouse.'* The White House is noted as a positive building and further, is noted within the Eggington Conservation Area Appraisal stating: *'The White House – a former parsonage in the village – became a home for displaced children during and after the war. In the late 1970s it became a care home for the elderly.'*

The White House is still in use as a care home for the elderly. As stated above the application seeks planning permission retrospectively to remove the boundary hedge which has been replaced by a panel fence and yew hedging to soften the fencing. It should be noted that proposals location within the conservation area should seek to enhance and protect the character of the area and sit well within the streetscene. In this instance, it is noted that whilst the boundary treatment in this area is varied as detailed in the Eggington Conservation Area Appraisal, there are other examples of fencing of a similar nature within the vicinity, these too are set further back from the road and weathered in appearance.

An objection has been received regarding the height and design of the proposal. The Conservation Officer has not objected to the proposal providing the fencing is softened through the planting of a yew hedge to the front and muted colouring of the panels by way of condition is implemented to improve the visual appearance of the boundary treatment.

In this instance, as established above, the use of the site has been as a care home for approximately 40 years and as such, it is important to note that the application is accompanied by a supporting statement explaining the legislation and industry standards that care homes are bound by in which a secure and private external area for residents to exercise is required. This includes 'The Care Act' and 'Key Lines of Enquiry'. The care home have occupants who are vulnerable because of both physical and mental health reasons including

dementia. As such, a more 'permeable' boundary treatment would not meet the criteria placed on the care home to ensure the residents safety, especially during outdoor recreational activities, such as gardening.

Considering the above, noting the potential impact of the proposal which is considered to result in less than substantial harm to the designated heritage asset, in this case the Eggington Conservation Area, would be outweighed by the public benefit given the care homes continued use and improvement of safe facilities to residents. This is that the fencing's appearance can be softened through the use of planting and finishing; and maintained by condition to be appropriate in visual appearance in its rural surroundings and considered that it would relate well to the surrounding area.

Further to the above, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving conservation areas. The Design and Conservation Officer for Central Bedfordshire Council have reviewed the proposal and have made no objection. Therefore, subject to the above mentioned conditions, it is considered that the impact of the proposal on the character and appearance of the Conservation Area would be acceptable. The proposal is therefore considered to accord with policy BE8 of the South Bedfordshire Local Plan Review, the Central Bedfordshire Design Guide and Sections 7 and 12 of the NPPF.

3. Impact on Neighbouring amenity

The fencing erected runs across the front of the site and up along the driveway towards the care home itself. Therefore, the proposal is not considered to result in a detrimental impact on the amenity of the adjoining properties.

4. Other Issues

Highways

An objection has been raised regarding the visibility of pedestrians. However, the information submitted has been reviewed by a Highways Officer and it is noted that the replacement fencing does follow the previous hedgeline along the same boundary line where visibility would have been restricted due to the height of the hedging. Given the distance to the road being set back the vehicular visibility is not considered to be restricted and no objection to the fencing has been raised by the Highways Officer as per the comments detailed above.

Trees and Landscape

The Tree and Landscape Officer has considered the information submitted and raises no objection to the proposal providing that the recommended condition be attached as detailed above.

Human Rights issues

The proposal would raise no Human Rights issues.

Equality Act 2010

The proposal would raise no issues under the Equality Act 2010

Recommendation

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS

- 1 The planting of the Yew hedge shall be carried out in strict accordance with the planting height, positions and spacings as being shown on the Elevations and Location Plan by the end of March 2019, and this planting shall then be maintained for a period of 5 years until satisfactorily established, with any losses replaced as soon as is reasonably practicable, and in strict accordance with the planting plan.

Reason: To ensure a satisfactory standard of landscape establishment in the interests of visual amenity.
(Section 12, NPPF)

- 2 Within three months of the date of this permission details of the final finishing for the fencing hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out only in accordance with the approved details within 6 months of approval of details. Details shall include a full and detailed specification of all materials to be used in the works.

Reason: To ensure that the special interest and integrity of the conservation area is conserved and maintained.
(Section 12, NPPF)

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2017/06 01 02 and 2017/06 01 01 Rev A .

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

INFORMATIVE NOTES TO APPLICANT

1. 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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant during the determination process 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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