

16/10/2001

**Item**            **A1**

**Reg. No.**        **9 2001 0496 F**

**Applicant:**

Broughton Heath Golf Club  
Church Broughton Road  
Church Broughton  
Derbyshire

**Agent:**

Mark Blood  
Richard Robinson & Sons  
6 Brecon Close  
Spondon  
Derby  
DE217JD

**Proposal:**        **The formation of a golf driving range at Part Of O S Field  
6100 Broughton Heath Golf Club Church Broughton Road  
Hatton Derby**

**Ward:**            **Hatton**

**Valid Date:**      **24/05/2001**

**Site Description**

The site comprises a field adjacent to the existing golf course at Broughton Heath. The site would be accessed via the golf club. Public footpaths pass through and along the top of the field, separating it from the golf course. Hedges surround the site.

**Proposal**

The proposal is for a 10 bay driving range with a small office attached to the rear of the building. It would be constructed in plastic coated metal sheets the colour of which would be determined by the Local Planning Authority. The submitted plans indicate three floodlights mounted on the top of the building that would shine in a southerly direction. The plans indicate that the lights would illuminate an area of some 30 metres along the ground from the front of the range.

**Applicants' supporting information**

Following submission, the applicants have amended the form to accurately reflect the situation on the ground and to confirm that the operating hours proposed would be 0800 - 2200 hours each day. The maximum height of the structure would be 3.5 metres. The siting of the building has been revised to take account of the position of the footpath within the field.

**Planning History**

There is no relevant planning history for this field but the golf course on the adjacent land was permitted in 1996 and for the creation of floodlit tennis courts on land adjoining Miry Lane was permitted in 1998.

## Responses to Consultations

Although the application is in Hatton Parish, the site is in close proximity to the boundaries of Foston and Scropton Parish and Church Broughton Parish. Accordingly, those parishes have also been consulted.

Hatton Parish Council has no objection to the scheme as amended.

Church Broughton Parish Council objects on the following grounds: -

- a) The site is in close proximity to Footpath No 17 and it would appear that the proposed building would obstruct the footpath
- b) Light pollution would be a matter of concern, as it would cause light pollution in a rural area
- c) There is concern that the lights would cause distraction to drivers on the A50
- d) Conditions should ensure that the lights are switched off at 2200
- e) The site appears larger than the 1.4 hectares specified in the application document
- f) The parish council is concerned about the lack of information regarding the management of traffic and it is hard to accept that the proposal would not attract additional traffic. This would cause more traffic on the local roads around the village
- g) The ownership of the land is in dispute and this could prejudice access and parking provision.

Foston and Scropton Parish Council objects because:

- a) light would cause substantial pollution and endanger motorists on the A50 and the road over the A50. During the summer, trees may give some screening but this is not available in winter. Attention is drawn to lights at Belmont Drive from where lights can be seen for a considerable distance and the affect caused by lights on the Dove Valley Park
- b) The footpath is close to the range and golf balls could endanger the safety of walkers, more so than on the golf course where the hitting of balls is more intermittent.

The County Highways Authority has no comment on the development as amended having expressed concern to ensure that the line of the footpath was not prejudiced by the application as originally submitted. There was also concern about shielding the lights from drivers that would be difficult to achieve.

Severn Trent Water has no objection.

The Council's Footpaths Officer has noted that the line of Footpath No 17 appears to be potentially obstructed by the proposed structure. The revised siting meets these concerns

## Responses to Publicity

Four letters have been received objecting to the development for the following reasons: -

- a) The proposal would not blend into the countryside as the golf club has done.
- b) The lights will be a hazard as drivers on the A50 'rubberneck' to see what the source of the bright lights are. Lights at Anslow Golf Course are visible at night and that is about three miles away. An equivalent amount of light as produced by Belmont Golf Club's range would be quite unacceptable in the countryside. . This will add to the light pollution that will be caused by the permitted tennis courts. The use should be located to the north of the golf course where it would have less impact. The lights should not be allowed in a countryside area clearly visible from housing.

- c) The land is not in the ownership of the applicants and the facility should be located north of the golf course.
- d) There would be a danger to the users of the footpath.
- e) There is some concern that people with interests in the golf course work at the District Council and there is one that serves on the parish council.
- f) There would be a reduction in the value of homes in the locality.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Leisure & Tourism Policy 4.

Local Plan: Environment Policy 1, Recreation & Tourism Policy 1

### **Planning Considerations**

The main issues central to the determination of this application are:

- The need for the development
- The impact of the lights
- The impact on the footpath
- The impact on highway safety
- The hours of operation.

### **Planning Assessment**

The site is located adjacent to the existing golf course and is likely to be associated with the needs of the existing members of the golf course rather than attracting significant numbers of new people to the countryside. Golf requires considerable room and is therefore likely to be a rural activity. This further proposal would enhance an existing facility.

The proposed building is low key and would be equivalent to a field shelter. Clearly this would not be the case in the evening and nights when the lights are shining. The applicant's have stated that the lights would have a limited spread of intense illumination but this is not supported by details. This can be controlled by condition as was the case with the lights for the tennis courts on another piece of land nearby. The hours of operation of the lights can also be controlled in this way. So far as the effect on road users is concerned, the site is at a lower elevation than the A50 and the orientation of the lights would impinge most on drivers on the far side of the dual carriageway. The considerable intervening vegetation could be reinforced with additional planting. The net effect should be to create a minimal distraction to drivers.

The revised siting of the structure is such that the foot path could be continued to be used at the times the driving range is in use. The range is orientated such that only significantly sliced balls would fly toward the footpath.

The concerns relating to the ownership of the land potentially preventing the use of car parking and access could be controlled by condition.

The requested hours of operation for the range are not considered to be excessive for the summer months. However, in the winter period a limit on the operation of the lights to 2100 would ensure a reasonable period of darkness after the lights would have been shining for a number of hours.

### **Recommendation**

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 0141.01 Rev A received under cover of your letter dated 23 August 2001.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. Notwithstanding the details shown on the submitted drawings and before the development is commenced, details of the proposed lighting arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the light spread from the lamps in the form of light contours and measures to reduce glare to passing motorists.. Tthe lights shall then be erected on accordance with the approved details.

Reason: In order to ensure that the intrusion of light into the countryside and distraction to drivers of vehicles is minimised.

4. Between 1st October in one year and 1st March in the next, the lights permitted under condition 3 above shall be extinguished between the hours of 2100 on one day and 0800 the next day. On all other days they shall be extinguished by 2200 hours.

Reason: In the interests of the amenities of the area

5. Before the use hereby permitted is brought into use, signs shall be erected in each driving bay advising users of the existence of Public Footpath No 17 in the Parish of Hatton and advising users to exercise due diligence in the event that there are people using the footpath.

Reason: In the interests of minimising risk to users of the public footpath.

6. A sample of the materials of construction shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the structure is in keeping with its surrounding in the interest of the character and visual amenity of the area.

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The submitted scheme shall include provision for the creation of a 20 metre wide tree belt along the southern boundary of the site.

Reason: In the interests of the appearance of the area and to reduce the passage of light to the adjacent highways in the interests of highway safety.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

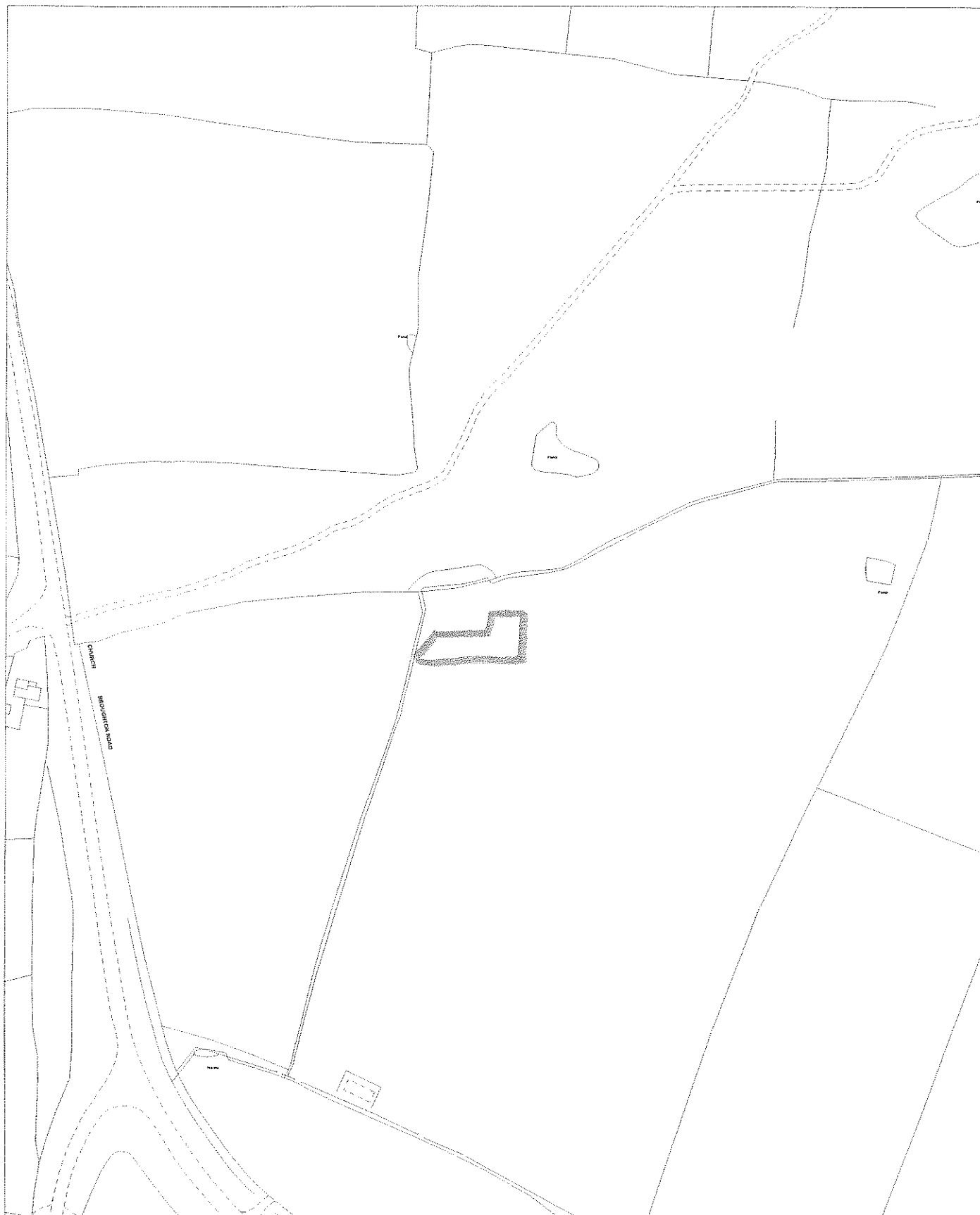
Reason: In the interests of the appearance of the area.


9. Vehicular access to the site shall be via the access to the Broughton Heath Golf Club off Church Broughton Road unless the Local Planning Authority has granted planning permission for an alternative access in response to an application made in that regard.

Reason: In order to minimise the number of accesses on to Church Broughton Road.

10. Parking provision shall be obtained from the adjacent car park serving Church Broughton Golf Club unless the Local Planning Authority has granted permission in response to an application made in that regard.

Reason: In order to reduce the amount of hardstanding in this rural location in the interests of the character and amenity of the countryside.



 <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH</p>		Date Plotted 18/10/2001	NORTH ↑
	<p>OS Field 6100 Broughton Heath Golf Club Church Broughton Road</p>	<p>Plot centred at 421633 332094</p>	<p>Scale 1:1250</p>
	<p>Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.</p>		<p>License No LA 079375</p>

16/10/2001

**Item**            **A6**

**Reg. No.**        **9 2001 0693 R**

**Applicant:**

Foston Farm Produce  
Hay Lane  
Foston  
Derby  
DE655PJ

**Agent:**

Alan Taylor  
Talbot Associates  
Talbot House  
18 Grange Close  
Ticknall  
Derbyshire  
DE73 1LF

**Proposal:**        **Variation to Condition 6 of planning permission  
9/2000/0094/F to seek to retain window openings at the  
premises of Foston Farm Produce Hay Lane Foston Derby**

**Ward:**            **North West**

**Valid Date:**     **17/07/2001**

**Site Description**

The application relates to one wall of a brick and tile building on the premises of the applicant company that forms the border between two land ownership's. The applicant's have requested that three windows be retained without complying with the approved method of ensuring that there is no overlooking on the adjacent courtyard from these windows. (See planning history below).

**Proposal**

The works to the windows have been carried out. There is a window of traditional appearance to the exterior behind which obscure glass blocks have been inserted. The intention is that the glass blocks obscure any opportunity to see out of the retained windows whilst still providing light to the office accommodation behind.

**Planning History**

There is a long and complicated planning history to this site. The relevant parts of which relate to an application submitted in 2000 for the conversion of the barn to office accommodation. Condition 6 of that permission required details to be submitted of the method by which windows to the courtyard would be treated to ensure there was no overlooking of the adjoining land. Details were submitted and approved that showed to window openings retained with a timber sheet, painted black, placed over the windows to ensure to achieve the above objective.

Later in 2000, a complaint was received that the windows were not in fact being treated in the approved manner. Investigation revealed this to be the case and the owners of the land were invited to either comply with the condition or submit an application to vary the condition. They have chosen the latter course of action.

### **Responses to Consultations**

Foston and Scropton Parish Council objects on the basis that the windows would encroach on the privacy of the neighbours.

The Environmental Health Manager has no objection subject to the windows being of the non-opening type. This is to ensure that the adjacent dwelling is not affected by noise such as ringing phones.

### **Responses to Publicity**

One letter has been received objecting to the development on the following grounds: -

- a) The agents to the owners contacted the adjacent property to ascertain what method of closure would suit the objectors. It was the objectors' wish that the windows be blocked in by brickwork. Subsequent detailed drawings showed windows retained for cosmetic purposes and internally the windows were blocked in. If the Council intends to change the position that was agreed between the objector and the applicants under the Party Walls etc. Act 1996, then there will be a need to pursue the matter under that Act and perhaps refer the whole matter to the Local Government Ombudsman. Afterall, the applicants proposed the method of closure on two occasions but chose to do something completely different although there was an agreed method of closure. The objectors' have a right to expect the agreed method to be implemented.
- b) The applicants have a total disregard for planning conditions in the past and the planning committee should enforce its reasonable conditions and require that the windows be blocked off in the manner agreed and that there should be no possibility of over looking from the windows.

### **Structure/Local Plan Policies**

There are no relevant policies.

### **Planning Considerations**

The main issues central to the determination of this application are:

- The impact of the retained windows on the amenities of the occupiers of the adjacent dwelling.
- If permission is refused, are there grounds to authorise enforcement action to seek compliance with the condition.

### **Planning Assessment**

The objective of Condition 6 of the planning permission 9/2000/0094 was to ensure that the private amenity areas of the dwelling adjoining the application site were not adversely affected. To this end the proposals submitted by the applicants achieved this and were approved by the



Local Planning Authority. Given the sensitivity of the site, the neighbours were invited to inspect the proposals prior to them being approved. In this respect, the objectors are correct in stating that the applicant company has disregarded the approved method of closing the windows to achieve the objective of Condition 6 of the planning permission.

The present application arose from a complaint about the lack of compliance with the approved window details. The company has submitted this application to seek to regularise the situation. The Local Planning Authority has a duty to consider the alternative scheme on its own individual merits. Officers have visited the application site and viewed the windows in question. There is no doubt that the windows cannot be opened at all. Since the glass blocks are cemented into the internal window openings, there is no access to any opening light.

The next question is whether there are views through the windows that would compromise the private amenity of the adjacent dwelling. Officers have looked at each of the window openings both close up and at a distance. It is not possible to see anything of the adjoining land through any of the windows. Thus, while it may be possible for occupiers of the adjacent dwelling to see moving shapes through the windows, especially when lights are on in the building, the objective of ensuring their privacy is achieved.

If the Committee were minded to approve this alternative arrangement, it would be necessary to ensure that the retained windows cannot be altered without control of the Local Planning Authority.

For the reasons given above, the enforcement of the condition would be difficult to argue in the absence of the loss of privacy the now exists.

### **Recommendation**

**GRANT** permission subject to the following conditions:

1. The windows shown on the attached drawing 623/BR/5D on the southern elevation and described as the rear elevation on the plan shall not be altered in any way without the prior grant of planning permission by the Local Planning Authority in response to an application made in that regard. No new window openings shall be created in that elevation or on the rear roof slope except by the grant of planning permission by the Local Planning Authority in response to an application made in that regard.

Reason: In the interests of maintaining the private amenity space of the occupiers of the adjacent dwelling.

VARIATION OF CONDITION 6 - APPROVAL NO. 9.2000.0094.F.  
(WINDOWS TO REAR ELEVATION), NEW OFFICES, FOSTON FARM PRODUCE LTD  
LOCATION PLAN.

SCALE 1:2500

PLANNING SERVICES

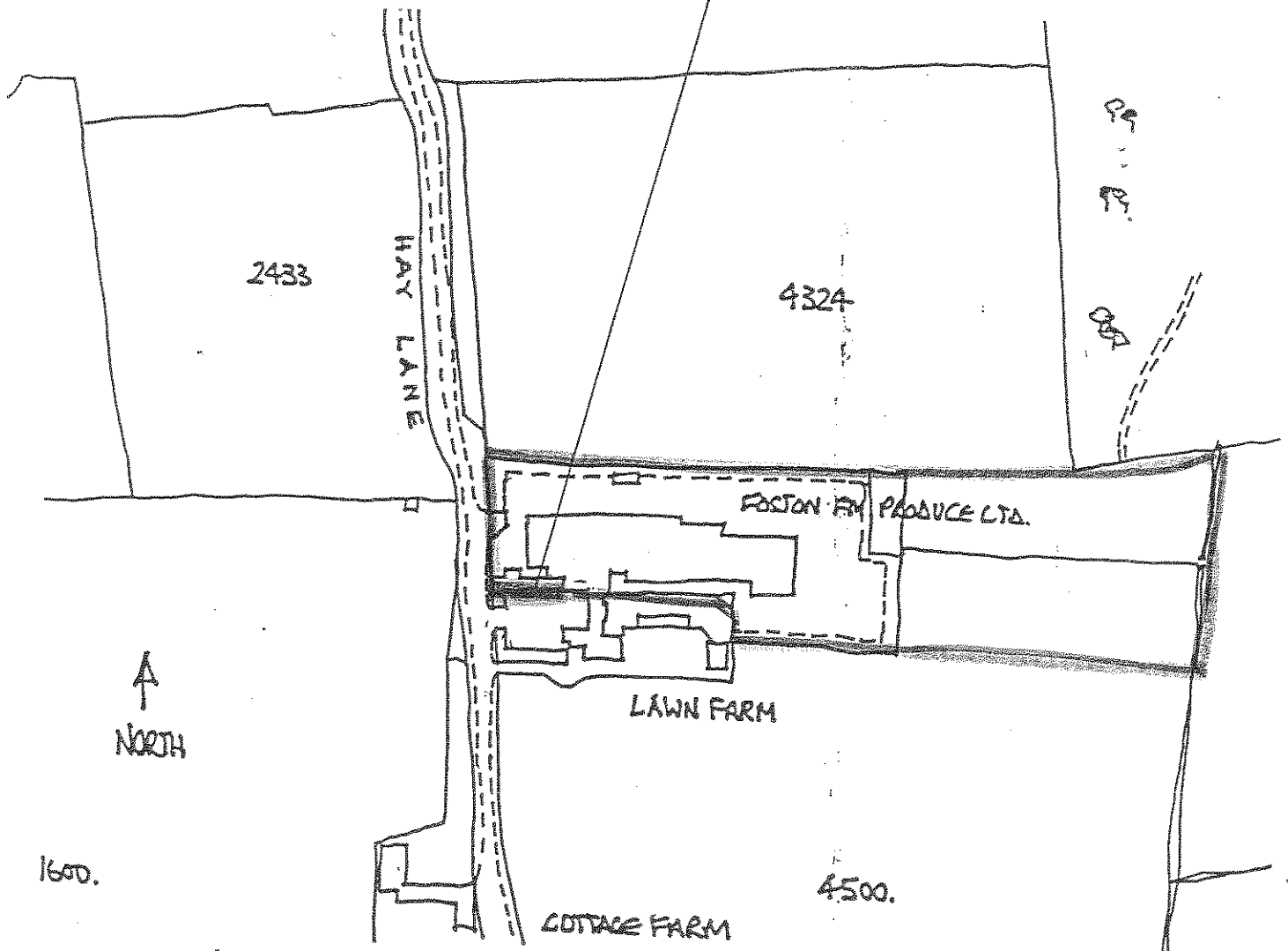
RECEIVED  
SDDC

2001 / 0 693 /

DWG. NO. 725/1

16 JUL 2001

existing window frames remain  
in place with backing / finish  
on office side of obscure glass  
blocks.



16/10/2001

**Item**            **A2****Reg. No.**        **9 2001 0584 F****Applicant:**

J Male  
Hardinge Arms, Main Street  
Kings Newton  
Derby  
DE731BX

**Agent:**

Matthew montague architects  
127A Derby Road  
Duffield  
Derby  
Derby  
DE564FQ

**Proposal:**        **The conversion of the public house and hotel into two dwelling  
and the erection of four dwellings on land at the rear of Kings  
Newton Ltd Hardinge Arms Main Street Kings Newton Derby**

**Ward:**            **Melbourne**

**Valid Date:**     **20/06/2001**

**Site Description**

The site contains a listed building to the street frontage, which is the original public house. To the rear there is a flat roofed extension, which is used as a function room, and there is a large car park. There is a detached former coach house that is used as overnight accommodation. The site is within the conservation area and mainly within the village confines.

**Proposal**

The proposal seeks to convert the listed building and the old outbuilding to two dwellings. Four new dwellings, arranged around a courtyard, are proposed to the rear. The flat roofed extension, known as the Monarch Suite would be demolished. Detail amendments have been made to the scheme to take account of the constraints imposed by the conservation area and the listed building.

**Applicants' supporting information**

The applicant's planning consultant has provided the following statement:

**POLICY BACKGROUND**

The site lies within the development boundary for the village of Melbourne/Kings Newton as defined in the Adopted South Derbyshire Local Plan of May 1998.

Housing Policy 5 of the Adopted Local Plan advises that housing development in villages (with Melbourne/Kings Newton identified as a village) will be restricted to that which can be accommodated within the village confines as defined on the proposals map.

In principle therefore the redevelopment of the site for housing would conform to the strategy of the Adopted Local Plan.

In addition to defining the principles of the appropriate locations for development, Housing Policy 5 paragraph b requires that developments should be in keeping with the scale and character of the settlement.

This issue has been addressed through negotiations with the local Planning Authority and in particular the Council's Conservation Officer to ensure an appropriate design, scale and character for the submitted scheme. These negotiations and amendments to the scheme are considered to have developed the scheme to a point where it can now be considered to satisfy the requirements of Housing Policy 5 and supplemental policies, Environmental Policies 12 and 13.

In particular it is noted that one of the major current visual characteristic of the site is that of a large tarmac surfaced car park visible from the village street and from the wider open countryside. The car park is a dominant and inconsistent feature with the character of the Conservation Area and in particular the Listed Buildings within the site both in its own right when the Public House is closed to the public and also when in use as a car park where the parking of cars in a large area is inherently harmful to the character and appearance of the Conservation Area and the setting of the Listed Building.

The statutory provisions of Section 54A of the Town and Country Planning Act require that when making any determination under the Planning Acts regard is to be had to the Development Plan and the determination of such applications should be made in accordance with the Plan unless material considerations indicate otherwise.

It is submitted that the general conformity of the scheme to the provisions and proposals of the Adopted Local Plan provide a statutory presumption in favour of the grant of planning permission unless other material considerations would dictate otherwise.

In addition, Section 70(3) of the Town and Country Planning Act and Sections 66 and 67 of the Planning (Listed Buildings and Conservation Areas) Act confirms that the local Planning Authority are also required when dealing with Planning Applications relating to Listed Buildings and developments in Conservation Areas to have special regard to the preservation of Listed Buildings and their settings, and to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. This duty has established by case law that development which involves an enhancement of the character and appearance of the Conservation Area and the setting of Listed Buildings should be an additional material consideration weighing in favour of the proposals.

It is submitted that in this case the conversion of the Listed Building to residential use and the redevelopment of the car park would materially enhance the character and appearance of the Listed Buildings and ensure their long term preservation and also enhance the character and appearance of the Conservation Area and the setting of the Listed Buildings. Notwithstanding the considerable weight that should be attached to these two important statutory provisions which would weigh in favour of the proposals, other material considerations should be considered.

There are no technical constraints to the development of the site as proposed in terms of highway, drainage or other infrastructure and no undue affect on the amenity of immediately adjoining residence. Indeed the removal of the Public House use and the inevitably anti-social activity associated with it will represent a significant improvement in the residential amenity of immediately adjoining occupiers. In this regard it should be borne in mind that the existing Public House use has an extended Licence to allow functions until the early hours of the morning and playing of music.

As an existing developed site the redevelopment proposed would conform to the principles and objectives of national policy as expressed through PPG3 Housing. This seeks to direct development of new housing to locations where conversion or redevelopment of existing buildings can be maximised in preference to greenfield locations. The application proposals are clearly in conformity with this approach.

### LOSS OF COMMUNITY FACILITIES

It is alleged in some correspondence and representations submitted by third parties that conversion of the Hardinge Arms to residential use would result in the loss of an amenity serving the area of Kings Newton/Melbourne and the surrounding District. Whilst there are no specific policies in the Development Plan, either at Structure Plan or Local Plan level that could support this argument, it is clearly capable of being an other material consideration in the terms expressed in Section 54A. However, in terms of the statutory process it would need to be demonstrated that the loss of the Public House would have a seriously harmful impact on the availability of local services to the significant detriment of the locality for this issue to be of sufficient weight to outweigh the general policy presumptions in favour of the scheme.

Consideration of this matter relates to two broad issues which are:

- does the Public House in its existing form, or potentially in the future, form a valuable community function in the locality?
- are there other facilities in the locality that should the Public House cease to operate would provide reasonable and viable alternatives for the provision of such facilities?

The alleged value of the Public House as a local community facility appears to rest on two main elements. These being firstly the function room, known as the Monarch Suite which has been used for weddings, dances, corporate functions etc. in the past, and secondly, the value of the Public House itself as a centre for community life in the village and the focal point for local residents.

The use of the Monarch Suite for weddings and similar functions at its peak involved around 20-25 events per year. This has declined in recent times due to competition from other venues in the locality to only 5 bookings in the last financial year. The reasons for this decline are numerous but related to the relatively small catchment area of local people, and in the wider catchment area significantly increased competition from premises within Melbourne itself and beyond with new as built facilities near Lockington and the south side of Derby particularly providing more accessible and modern facilities. The Monarch Suite is not particularly well designed to meet modern conference centre needs in particular and a number of new facilities providing conference accommodation, notably at East Midlands Airport, have effectively precluded any prospect of future trade in this area.

Alternative wedding venues in Melbourne itself, notably the Coach House Hotel, The Melbourne Hotel and Park Farm, have absorbed the majority of trade from the more immediate locality.

In an effort to compensate for this loss of trade in the wedding/conference market, diversification into wider entertainment based activities in the form of live music and dances etc. has been introduced. Whilst this approach has had some limited success in sustaining the business in the short term, it is of an increasingly marginal nature and heavily reliant on other local events in the area particularly related to the Donington Park racing circuit. The Pub's relative isolation from settlements other than Melbourne again limits the market and the potential audience for such events and the availability of alternative attractions within Melbourne itself further erodes the customer base.

Bearing these factors in mind, the Monarch Suite provides very little if any benefit in terms of the provision of community facilities in the locality and much of its limited use is in reality related to customers from a wider catchment area of southern Derby and the surrounding towns and villages. Not only is this customer base extremely sensitive to competition from other sources, but travelling times, distances and costs are such that in the longer term this is neither financially or arguably environmentally sustainable.

The value of the Public House itself as a community facility and contact point is acknowledged as a potentially important factor. However, the Public House is in reality not well used by local residents, capturing much of its trade from an area beyond the immediate locality. Whilst there may be some debate as to the reasons for this, it cannot be disputed that the presence of an alternative Public House within 100 metres of the site is a significant factor. The limited catchment area of the village of Kings Newton is such that it is unlikely to be able to sustain two successful Public Houses catering for local trade. The Hardinge Arms has traditionally relied upon a wider catchment area but for the reasons identified above has suffered significant loss of trade from this wider area.

In our view it would be difficult to conclude that the Hardinge Arms does perform an important role in providing local community facilities. Its size and historic client base as evidenced by its large car park has tended to draw on a wider area due to the lack of a sustainable local market particularly bearing in mind competition with the Packhorse Public House and Restaurant.

Notwithstanding the above, the loss of the Hardinge Arms and any community facility role it may play would be offset by the availability of alternative premises in the locality. It must be recognised that Kings Newton, although clearly having a separate identity, is physically and geographically very close to and directly linked to the much larger settlement of Melbourne. By the most direct pedestrian route it is only 500 metres from the Hardinge Arms to the centre of Melbourne which contains a considerable variety of entertainment, restaurant and Public House facilities. There are over 12 Public Houses within the village, 7 of which are within 500 metres walking distance of the Hardinge Arms. In addition, Melbourne village centre contains the Royal British Legion Club and the Liberal Club also within 500 metres, and four licensed restaurants.

In addition to licensed premises, again within 500 metres of the application site, is the Melbourne Youth Centre owned by Derbyshire County Council, the associated Infant School/Junior School and School Hall, the Wesley Hall, the Baptist Church, Picture of Health Fitness Studio, the Melbourne Senior Citizens Centre, the Melbourne Library and approximately 600 metres from the site are the Melbourne Library and Leisure Centre. In the immediate

vicinity of the Hardinge Arms, i.e. on Packhorse Road, within 150 metres of the site, are the Bowls Centre and the Scout/Guide Hall.

It is clear from this analysis of alternative facilities within the immediate locality that the loss of the Hardinge Arms would not provide any hardship in terms of the availability of community facilities. This analysis would also seem to support the owners contention that competition, both in the immediate locality and in the wider catchment area, has significantly eroded the viability of the premises as a Public House.

We submit it is beyond question that the availability of alternative premises, notwithstanding the lack of any evidence that the Hardinge Arms provides any current community benefit, is such that there can be no overwhelming or over-riding case for considering the application proposals to be unacceptable or for overturning the policy presumption in their favour.

The applicant's business consultant states that:

For a number of reasons the Hardinge Arms attracts negligible local clientele. Wedding bookings have also declined dramatically from 20-25 in 1999 to 5 in 2001 due to the success of alternative venues (i.e. Coopers Arms and Park Farm at Melbourne etc). Recent press coverage has given the impression to clientele based in Derby that the premises would be closing in the near future and this has adversely affected trade. In view of declining trade through external events the applicant would be unable to sell the business as a going concern, since profitability has declined significantly since 1999. The following business plan is therefore proposed to be implemented in January 2002 if permission is refused:

- a) Erect promotional signage in the area, applying for consent and appeal where appropriate.
- b) Obtain quotes for initialling low flying balloon advertising.
- c) Promote the premises to a wider audience, particularly targeting Donington Park audiences. Aim to attract clientele from pop concerts, with an accommodation and music package to appeal to this audience. Target motorcycle audience, with a weekly National Bikers Night, since the car park is large enough to accommodate 200-300 motorbikes, offering their specialised music in the Monarch Room.
- d) Apply to extend the public entertainment licence from 12.30 a.m. Fridays and Saturdays to 2.00 a.m. and to include Thursdays. This together with the future proposed relaxed legislation on extended hours would enable the applicant to target the intended audience and increase takings substantially. Current 'Stars in Your Eyes' acts would be promoted nationally.
- e) Weekly hen and stag nights would be promoted offering 'Full Monty' nights featuring male and female strippers. These would be marketed to the Nottingham and Derby areas. Buses would be run from working men's clubs in these areas.
- f) A free taxi/bus service would be offered to younger clientele in Derby city centre in order to attract them to entertainment evenings. The transport would pick up from city centre pubs and licensed outlets at 10 and 11 p.m.
- g) If necessary planning permission would be applied for to hold car boot sales.
- h) The Monarch Suite and car park would be advertised as an auction facility for second hand goods and vehicles etc.
- i) Extra letting rooms would be applied for to accommodate guests using East Midland Airport, offering courtesy car transport to and from the airport.

The applicant's solicitor has made the following observations:

- a) Concern is raised over inaccuracies in a letter forwarded by Kings Newton residents Association.
- b) It is disputed that there are no other facilities in the area. Within a four mile radius there are Park Farm Hotel, The Coopers Arms, The Priest House, Melbourne Bowls Club, The Liberal Club and Leisure centre.
- c) It is denied that the proposed housing is not in keeping with conservation area as the developers have worked closely with officers.
- d) It is denied that the applicant does not permit wedding receptions. An expensive promotional brochure is supplied. For reasons that cannot be ascertained the number of bookings for wedding receptions has decreased sharply and that is why the applicant has introduced 'tribute bands' and Fridays and Saturdays.
- e) It is strongly refuted that the applicant has banned "a number of prominent and respected local people".
- f) When the applicant purchased the premises in 1999 he was very firm on not permitting after hours drinking. It was this factor that led to several of the locals no longer using the establishment and it is believed that these persons and their friends now patronise the Packhorse which is a matter of a few hundred yards away.

### **Planning History**

The Monarch Suite was permitted in 1964. Otherwise there have been only small scale alterations.

### **Responses to Consultations**

The Parish Council objects on the grounds of loss of amenity and the building of new houses in the car park.

Councillor Harrison gives full support to widespread opposition across the ward. The central grounds of his opposition are as follows:

- a) The principle of ribbon development in Kings Newton would be materially breached and, thereafter, set an unacceptable precedent in this designated conservation area.
- b) A long established and desirable local amenity would be irretrievably lost. None of the other public houses in the ward are able to offer comparable function facilities.

Melbourne Civic Society is whilst not objecting, deplores the necessity of the application and raises the following concerns and comments:

- a) The loss of the pubic house, whilst regrettable is probably inevitable, but the loss of the function room could cause problems since it is the only one its type in the immediate area.
- b) The conversion details to the listed building appear to be more drastic than necessary.
- c) The new dwellings appear to be in keeping with the character of the conservation area and the courtyard development id compatible with Kings Newton.
- d) There may be an increase in applications of this nature.
- e) There could be development of the adjacent disused nursery.



The Highway Authority and Severn Trent Water Ltd have no objection in principle.

English Heritage makes the following comments:

- a) The historic buildings on the frontage should be retained in situ.
- b) The internal plans should be considered carefully to ensure retention of historic features.
- c) It is important to consider whether the proposal would preserve or enhance the character or appearance of the conservation area and its impact on the setting of listed buildings.
- d) The development should be separated from the principal building.

The Georgian Group regrets the loss of a village amenity and makes the following detail comments:

- a) There is no objection to the demolition of the 20<sup>th</sup> century additions.
- b) The replacement of a door with a window to the front is objectionable.
- c) The proposed stairs may cause harm to the fabric of the building.

Kings Newton Residents Association objects as follows:

- a) The changes would result in the loss of a major amenity to the area of Kings Newton, Melbourne and the surrounding district. The function room, known as the 'Monarch Suite' is an excellent facility which can be used for weddings, dances, parties, corporate functions and entertainment, and is not matched by any other facility in the area.
- b) The proposed housing does not appear to be in keeping with the conservation area in which it would be situated, and could create a precedent for further development which could destroy the village.
- c) We have no church or village shop, so the Hardinge Arms which has access for people with disabilities, provides a focal point for the centre of the village which would be lost if the plans were approved.
- d) A number of local jobs would be lost.
- e) The 'Statement to Support Planning Application' is misleading, and is challenged on the following grounds:
  - 1) Apart from a short period, approximately 35 years ago, the Hardinge Arms has only become an entertainment centre over the last 12 months, since the current owner introduced the Friday and Saturday 'Tribute Acts'.
  - 2) The only reason that local people no longer use the facilities for weddings is that this is not permitted by the current owner. Similarly the reason there is negligible local trade is because a number of prominent and respected local people have been banned which in turn has alienated a number of other local customers.
  - 3) Individuals living adjacent to the Public House, have stated that friction with neighbours has only arisen over the last two years, and they had no significant problems with previous owners.
  - 4) The Packhorse Public House does not cater for local trade, as it is a much smaller specialised establishment, and does not have a function room of any sort.
  - 5) As the Hardinge Arms is on the main route to the East Midland Airport, its closure would have a minimal effect on traffic flow in the area.
  - 6) The document states that the listed front portion of the building has been poorly altered over the years, but one can see little evidence of this, and there is nothing in the plan to effect an improvement.

## Responses to Publicity

82 signed copies of a standard letter produced by Kings Newton Residents Association (as above, with the exception of point 6)) have been received. Of these 60 are from Kings Newton and closely related parts of Melbourne, 7 are from other parts of Melbourne, 1 from Shardlow, 10 from outside the district and 4 have no origin.

13 standard letters have been received from people with addresses outside the district, the text of which is as follows:

- a) As you will see from my address I am not a resident of Kings Newton but I am very concerned to hear that there is a proposal to close the Hardinge Arms and build houses on the car park.
- b) The function room at the Public House is the best for miles around and I regularly attend the entertainment and discos held there at the weekends. I have also been to weddings, dances and other social events over a number of years. The pub itself has tremendous character and is an excellent place to have a meal or just call in for a drink.
- c) I cannot understand why anyone would want to close such a pleasant and potentially prosperous business and deprive the area of this unique amenity. As far as I am aware no other public house for miles can match the Hardinge Arms for its range and quality of facilities.
- d) It would be a major blow to those of us who use this Public House regularly and to the whole of the surrounding area if it was allowed to close and I urge the 'Planners' to reject these applications.

14 individual letters of objection received with following points raised:

- a) The public house could and should be retained as the heart of the village.
- b) The landlord took over a thriving business but alienated the village clientele, sacking two local and very efficient bar staff and banning locals.
- c) The apparent deliberate running down of the business was likely a precursor to the current redevelopment plans.
- d) The function room is an excellent and unmatched facility, providing the local community and surrounding area with a unique function venue.
- e) The only reason it is not used for local weddings is because the landlord does not allow it.
- f) Classic car meetings are held every month. There is no other suitable local venue for this.
- g) The pub has not caused local friction, other than those created by the current owner.
- h) The overall aspect of the building would not be improved.
- i) Reduction in traffic would be insignificant having regard to traffic levels in the village.
- j) The new development would be harmful to the character and appearance of the conservation area.
- k) The pub still has reasonably good clientele and is in easy walking distance of Kings Newton and Melbourne.
- l) The pub is well known in other areas.
- m) There are no churches, public meeting halls or shops in the village. The Hardinge has traditionally been used as the centre for all social activities, such as wedding receptions, parties, village meetings and fund raising activities by local organisations, including Melbourne Town Band, Kings Newton Bowls Club, Rotary etc.
- n) There would be a precedent for more residential development in the village.
- o) The site has been used as a local facility since the 16<sup>th</sup> century.
- p) Local jobs would be lost.
- q) The loss of the pub would be harmful to the character of the conservation area.

- r) Public access to one of the oldest buildings in the village would be denied.
- s) The proposal would tend to lead to coalescence of Kings Newton and Melbourne.
- t) The current owner's decorative and advertising regime has made the building less attractive to customers.
- u) The site provides a major amenity to the whole area of Melbourne, Kings Newton, Ticknall etc.
- v) The extension to the motel block would overshadow the adjoining garden.
- w) The proposal would infringe peoples' human rights.
- x) Two offers in the region of £500000 have been made to the owner who has turned them down.

8 letters (mainly from immediate neighbours) support/raise no objection. The following points are made:

- a) Existing noise disturbance from late night functions would be reduced.
- b) The pub presently lacks sufficient customers to make it viable.
- c) The Council should ensure that a precedent is not set.
- d) There are current problems of noise, litter and vandalism.
- e) The listed building is not fit to be in that category.
- f) There are function rooms in Melbourne and the surrounding area, which serve the residents of Kings Newton just as well.
- g) The housing would not be visible along Main Street and would be in keeping with the area.
- h) Other pubs have closed and it may be that there are too many pubs for the area to support.
- i) It is understood that locals boycotted the pub after being refused after hours drinks.
- j) The landlord has been as reasonable as predecessors in dealing with neighbours.
- k) Many local people meet in The Packhorse.
- l) Airport traffic is not signed to travel through the village. The traffic to the function room is a specific late night nuisance.
- m) Few of the landlords have been able to control late night noise from the function room and car park.
- n) Few have been able to sustain a profitable business without resorting to commercial activities that are not in keeping with the residential environment.
- o) Few local residents have patronised the premises and trade has had to be sought from the wider area to sustain the business and property, which has a capacity that far exceeds local requirements.
- p) The rear extensions added in the past are unsightly and these parts of the site are largely responsible for disturbance to neighbours.
- q) The ancient hedgerow to the west boundary should be retained.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Housing Policy 6 and Environment Policies 9 & 10.

Local Plan: Housing Policy 5 and Environment Policies 12 & 13.

## Planning Considerations

The main issues central to the determination of this application are:

- The principle of development.
- The impact on the character and appearance of the conservation area and listed building.
- Residential amenity.
- The value of the premises as a local community facility.
- Highway safety.
- Sustainability.

## Planning Assessment

The proposed new dwellings would be within the confines of Melbourne, a sustainable settlement. Therefore the principle of residential development on this brown field site is supported by the housing policies for villages.

The Monarch Suite and the large car park have a detrimental impact on the character and appearance of the conservation area, because of their scale and design. Were an application to be submitted to construct the Monarch Suite and car park in this village setting in the present day, having regard to contemporary planning policy relating to listed buildings and conservation areas it is likely that it would not be permitted. It is considered that the applicant's planning consultant's assessment of the situation in this regard is a valid one. The new development would as a corollary enhance the character and appearance of the conservation area and listed building, in its amended form.

The development meets the normal guidelines for space about dwellings. The proposed use of the site would be anticipated to lead to an improvement in the living conditions of neighbours.

There are numerous cases nationally relating to applications to change the use of existing public houses. It is clear from these, in respect of the issue of whether there would be unacceptable loss of local community facility, that inspectors are concerned to ascertain what alternatives are available to local people. The Hardinge is a peculiar case compared to others because of the intensity of its wider use by people outside the local area and there is little doubt that a great part of its function is to provide services for the urban population, evidenced by the large car park. The applicant's business plan would suggest that the urban audience would be likely to grow in the event of the premises remaining in the current use. Its availability for weddings and other sporadic functions is unlikely to be of sufficient weight as to justify its retention. There are other public houses and other facilities where people might gather (albeit not necessarily in premises with the same ambience). In these circumstances it is considered that it would be difficult to demonstrate any material harm to opportunities to visit a local public house or to arrange functions.

On the advice of the Highway Authority there would be no harm to interests of highway safety. There would be a significant reduction in the amount of traffic visiting the site.

The current use attracts custom from outside the local area. There is no evidence that this would reduce if the current use is maintained and it could increase significantly, as the owner would be compelled to make the business profitable. As such the development would be better placed to serve the interests of sustainability by reducing the need to travel by private car.

## Recommendation

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos.108-21C (site plan), 108-23B (pub conversion), 108-24A (motel conversion), 108-25B (unit 3), 108-26C (unit 5), 108-27B (unit 6), 108-28 (unit 4)

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. Notwithstanding the submitted drawing, large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

4. Samples of the following materials, and where necessary specifications for the pattern of laying, shall be submitted for approval in writing by the Local Planning Authority before work commences:

facing bricks;

stonework;

roof tiles;

cappings to walls and parapets; and

external hard surfaces.

The development shall be implemented in accordance with approved details.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

5. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight(s) shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

6. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area.

7. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the building(s).

8. A sample panel of pointing 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.

Reason: In the interests of the appearance of the building(s) and the locality generally.

9. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

10. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

11. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

13. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

15. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

16. No work shall take place on the site until details of a scheme for the disposal of foul and surface water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of pollution control.

17. No dwelling shall be occupied until space has been provided within the site curtilage for the parking, loading, unloading and manoeuvring of vehicles in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority prior to any such works taking place.

Reason: In the interests of highway safety.

18. The areas referred to in Condition 17 above shall be hard surfaced in a solid bound material at a gradient no steeper than 1 in 15 and shall thereafter be retained free of any impediment to their designated use.

Reason: In the interests of highway safety.

19. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking/garaging provision is available.

20. Notwithstanding the submitted application large scale drawings to a scale of not less than 1:20 of the following shall be submitted to and approved in writing by the Local Planning Authority:

eaves and verges;  
parapets, and  
chimneys.

The development shall be implemented in accordance with the approved details.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.



16/10/2001

**Item**            **A3**

**Reg. No.**        **9 2001 0594 L**

**Applicant:**

J S Male  
Hardinge Arms, Main Street  
Kings Newton  
Derby  
DE731BX

**Agent:**

Matthew montague Architects  
127A Derby Road  
Duffield  
Derby  
DE564FQ

**Proposal:**

The conversion into two dwellings of the public house and hotel including the demolition of the function suite and rear bar area together with the erection of four dwellings at The Hardinge Arms Main Street Kings Newton Derby

**Ward:**

Melbourne

**Valid Date:**        **20/06/2001**

See report 9/2001/0584/F

**GRANT** consent subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of five years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing. 108-21C (site plan), 108-23B (pub conversion), 108-24A (motel conversion),

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. Notwithstanding the submitted drawings large scale drawings to a minimum Scale of 1:20 of internal and external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

4. Samples of the following materials, and where necessary specifications for the pattern of laying, shall be submitted for approval in writing by the Local Planning Authority before work commences:

facing bricks;

stonework;

roof tiles;

cappings to walls and parapets; and

external hard surfaces.

The development shall be implemented in accordance with approved details.

Reason: To safeguard the appearance of the existing building and the locality generally.

5. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight(s) shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

6. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the building(s).

7. A sample panel of pointing 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.

Reason: In the interests of the appearance of the building(s) and the locality generally.

8. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

9. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

10. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.



2001/0584/

Site Location Plan 1:1250

# THE HARDINGE ARMS KING'S NEWTON

TITLE SITE AS EXISTING

DATE 22/03/01  
NO 108-01  
SCALE 1:200/1250

PLANNING  
REC  
SDCC  
20 JUN 2001

MATTHEW MONTAGUE  
ARCHITECT

16/10/2001

**Item**            **A5**

**Reg. No.**        **9 2001 0668 F**

**Applicant:**

Mr Mrs N & S Wileman  
9, Potter Street  
Melbourne  
Derby  
DE731DW

**Agent:**

Mr D Decamps  
20 Rowditch Avenue  
Derby  
DE223LD

**Proposal:**        **Convert stable to residential accommodation and erect a two storey extension at 9 Potter Street Melbourne Derby**

**Ward:**            **Melbourne**

**Valid Date:**      **11/07/2001**

**Site Description**

The property is a traditional end of terrace dwelling situated in the conservation area. There is a former stable block to the rear, which presently has a flat roof. The wall of the stable block adjacent to 11 Potter Street is to a height of some 4 m whereas the other side is lower at 2.5 m. The land slopes downwards to the rear.

**Proposal**

As initially submitted the proposal sought to continue the existing two storey part of the dwelling back into the site to join the stable block, which would have a pitch roof with eaves set at the existing higher side wall level. The stable would be used as extended living accommodation. The two storey extension would have had windows facing the properties either side. Following discussion with the applicant the two storey extension has been re-profiled so that it would be lower and the roof would pitch upward from the ground floor eaves.

**Responses to Consultations**

The Parish Council objects because there would be severe loss of light to the garden of 7 Potter Street.

Melbourne Civic Society has no objection but considers that neighbours may suffer overlooking and loss of privacy.

Councillor Harrison raises concern about the apparent dominant nature of the proposal on the adjacent property.

## Responses to Publicity

Three neighbours object in the following terms:

- a) The proposal would have a devastating effect on the neighbouring property.
- b) The two storey extension would be longer than the whole length of the neighbouring garden.
- c) It would be within 4-5 ft of the neighbouring boundary.
- d) There would be loss of sunlight.
- e) There would be overlooking and loss of privacy.
- f) The mass of the extension would be tantamount to an additional house.
- g) The neighbouring gardens would be totally enclosed and overshadowed.
- h) The site is in the conservation area.
- i) The window overlooking the garden to 11 Potter Street should be in opaque glass.

## Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 9.

Local Plan: Environment Policy 12 and Housing Policy 13.

## Planning Considerations

The main issues central to the determination of this application are:

- The impact on the character and appearance of the conservation area.
- Residential amenity.

## Planning Assessment

The amended design is acceptable and would preserve the character and appearance of the conservation area.

The impact on the living conditions of the occupiers of adjacent dwellings can be measured against the supplementary planning guidance on extensions. The nearest affected habitable room is the kitchen to No 7 Potter Street. As originally submitted the proposal would have introduced a full two storey height extension within 5 metres of the kitchen window of the neighbouring property. The revised scheme with the eaves at ground floor level would have a markedly reduced impact. There would be a distance of some 7.2 metres from the kitchen window of No 9 to the enlarged stable block. At this nearest point the stable block would measure some 3.7 metres to the eaves and about 4.9 metres to the ridge. If it were a full two storey building a minimum distance of 9 metres from the neighbouring kitchen window would be sought by the supplementary planning guidance. As this is a lower building the reduced distance of 7.2 metres is considered to be an acceptable balance. There would be no direct overlooking to neighbours' windows, although a window in the rear face of the stable block would have the potential to overlook the garden to No 11. However because this is a typical situation in residential environments there would therefore not be demonstrable harm.

## Recommendation

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

4. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the building(s).

5. Large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

6. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

7. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

8. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.



South Derbyshire  
District Council  
Civic Offices  
Civic Way  
Swadlincote  
DE11 0AH

9 Potter Street

Date Plotted 18/10/2001

NORTH ↑

Plot centred at 438662 325199

Scale 1:1250

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License No LA 079375

16/10/2001

**Item** A13**Reg. No.** 9 2001 0796 F**Applicant:**

Mr S Worthington  
28, New Street  
Church Gresley  
Swadlincote  
Derbyshire  
DE119PS

**Agent:**

B. Williamson  
Mr. B. A. Williamson  
Genista  
Broomhills Lane  
Repton  
Derbyshire  
DE656FS

**Proposal:** The erection of a pair of semi detached houses and two detached houses on land adjoining 28 New Street Church Gresley Swadlincote

**Ward:** Gresley

**Valid Date:** 10/08/2001

**Site Description**

The site is currently made up of the garden of no 28 which contains a number of other buildings (in a fairly poor state) which appear to have been in part domestic and part workshop use. The site is surrounded by residential property – to the rear bungalows fronting Allison Avenue, and to the north east houses fronting Wilmot Road.

**Proposal**

The plan originally submitted showed a pair of semi-detached houses on the front with a further pair and a detached house on the land at the rear. An amended scheme shows the pair of semi-detached houses on the front retained but the semi-detached houses at the rear replaced with a detached house (i.e. a net reduction of one on the site).

**Applicants' supporting information**

To accompany the amended scheme, the applicant's agent states that the two detached dwellings meet the various space about buildings standards and are sited 750mm further away from the dwellings to the north-west of the site.

**Planning History**

Outline permission for the erection of a pair of semi-detached houses on the site frontage was first granted permission in 1990 and has been renewed ever since. Permission was most recently renewed in April 2001.



## Responses to Consultations

The County Highway Authority has no objection subject to the adequate provision of parking spaces and adequate visibility at the site access.

## Responses to Publicity

Eight letters have been received objecting to the development on the following grounds:

- a. The houses would overlook and overshadow neighbouring property leading to a loss of privacy and outlook. In some cases this is exacerbated by the fact that the proposed dwellings are houses and some neighbouring dwellings around the site are bungalows.
- b. There would be an increase in noise and disturbance from the traffic and pedestrian movements associated with the development and occupation of the properties which would be detrimental to neighbours quality of life. There is already noise from the road at the front of neighbouring houses.
- c. The development would be out of keeping with the area. All properties that surround the site follow the line of the roads without intrusion into enclosed garden spaces. If this application is approved it would set a precedent for others to develop their gardens.
- d. It is inappropriate to allow such piecemeal developments to take place. The site should remain as garden area as a valuable breathing space and with all trees retained.
- e. Problems already exist in the area with surface water. The development would make the situation worse.
- f. The development would result in serious loss of light and sunlight to neighbouring properties.
- g. The size and appearance of the buildings would not be in keeping with the surrounding area.

## Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 3.

Local Plan: Housing Policies 4 and 11.

## Planning Considerations

The main issues central to the determination of this application are:

- Whether the proposals conform with the provisions of the development plan and government guidance.
- The impact of the proposals on the residential amenities of the occupiers of surrounding properties.

## Planning Assessment

The site falls within the established urban area and constitutes previously developed land. As such its redevelopment for housing complies in principle with the provisions of the development plan and PPG 3. Although this is a backland site, it fulfils the government's objective of making more efficient use of land that meets the basic criteria.

The scheme incorporates a pair of semi-detached houses on the site frontage. However, these already benefit from planning permission and therefore the application essentially stands to be judged on the merits of the remaining two detached houses. The submitted scheme shows the main habitable rooms and blank side walls of the two houses set at the requisite distances from

main habitable room windows on adjoining properties in accordance with the minimum standards set out in the Supplementary Planning Guidance. This is largely as a result of one dwelling being omitted from the scheme originally submitted and the two houses being repositioned and redesigned to suit.

None of the other matters raised by neighbours are considered be of sufficient weight to make up sustainable reasons for withholding permission.

### **Recommendation**

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area.

3. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

4. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 5760.1A and 5760.5.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

5. The windows in the north east elevation of plot 4 and the south west elevation of plot 3 shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, none of the dwellings hereby permitted shall be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows shall be inserted into the side walls of the houses hereby permitted other than as approved under this permission.

Reason: In the interests of preserving the setting of the building and the character of the area.

8. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed by the Local Planning Authority in accordance with its published standards. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking/garaging provision is available.

9. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

10. Prior to the occupation of the dwellings, the accesses at the site shall be laid out in accordance with the amended drawing and paved in a solid bound material (i.e. not loose chippings) for at least 5 metres back from the highway boundary.

Reason: In the interests of highway safety.

11. Notwithstanding the submitted details, the entire site frontage shall be maintained clear of any obstruction exceeding 600mm in height relative to the nearside carriageway edge for a distance of 2 metres back from the highway boundary.

Reason: In the interests of highway safety.

Informatives:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

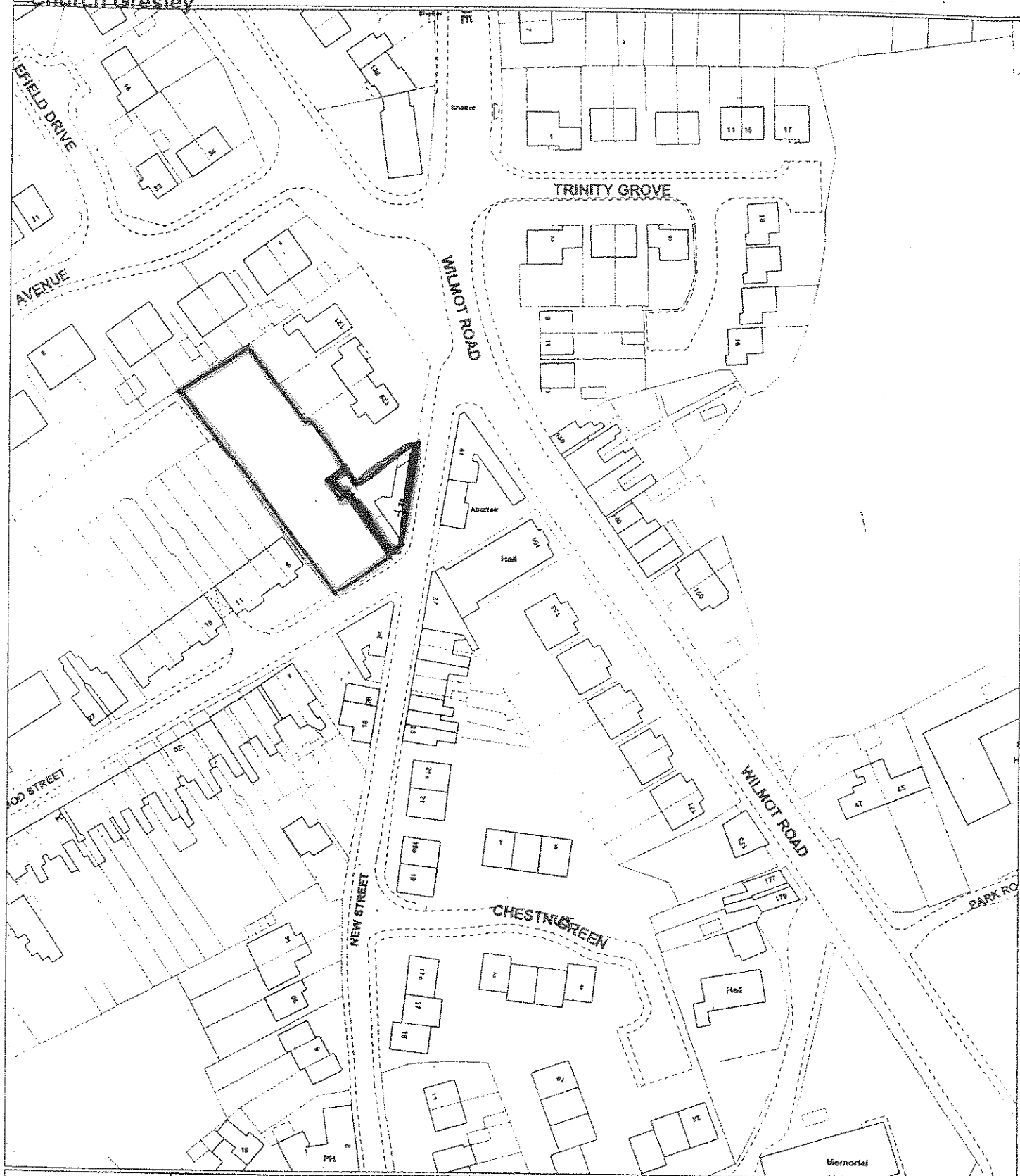
Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

Title : 28 New Street  
Church Gresley

10 AUG 2001

2001 / 0 7 9 6 /



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Scale 1:1250 Date Plotted 8 3 2001

Plot centred at 429844 318956

User : JM

