

Parish: LONG MELFORD

Location: Land East of Ardley House and Linden House, Hall Street

Proposal: Continued use of land as garden/amenity area for use by the George and Dragon public house.

Applicant: Greene King Pub Partners

Case Officer: Ben Elvin

Date for Determination: 17/04/08

This application is referred to the Development Committee at the request of a local member. A panel of members visited the site on 12 March 2008 to assess the impact of this proposal on local amenities.

SITE

1. The site forms an area of land to the rear of Linden House and Ardley House which is accessed via the side of the George and Dragon public house.
2. The buildings fronting Hall Street (including Linden House, Ardley House and the George and Dragon) are all listed buildings and the area is designated as a Conservation Area. To the east of the site is a small group of bungalows served off The Limes. The gardens of 3 of these bungalows (No's 12, 13 and 14) back onto this site. There is a further residential property to the north.

PROPOSAL

3. The application proposes the continued use of the land as a garden/amenity area for the George and Dragon Public House.

RELEVANT HISTORY

4. None.

NATIONAL GUIDANCE

5. **PPS1**: Delivering Sustainable Development
6. **PPG24**: Planning and Noise.

PLANNING POLICIES

7. The following Development Plan policies are applicable to the proposal:
 - **EN25** – Noise Generating Developments
 - **CN08** – Development in Conservation Areas
 - **HS36** – Residential Amenity

This report only includes policy references. For further details please see Page 4.

OBSERVATIONS

8. PC – object for the following reasons:
- The land was previously refused as a car park because of noise pollution.
 - Loss of privacy to adjacent properties.
 - The generation of noise complaints through late night use.
 - As the properties are listed, should this be the subject of listed building consent?
9. Environmental Health – No adverse comments. The provisions of the Environmental Protection Act, 1990, are available to control the use of the land.

REPRESENTATIONS

10. Four letters of objection have been received which make the following points:
- The playing of ball games on the land has caused annoyance and upset to occupiers of adjoining properties, including trespass and abuse.
 - Loud music and excessive noise.
 - The removal of the gates to the driveway makes it easier for people to congregate in the area.
 - Possible use of the land for bouncy castles and associated generators is not acceptable.
 - If this use is established the next step will be for a car park.
 - The increase in size of the garden area will make it more difficult to supervise.
 - The land was previously used as a domestic garden.

PLANNING CONSIDERATIONS

11. The site is within the Conservation Area and lies to the rear of existing dwellings. The issues to be determined in relation to this application are whether the continued use of the land would give rise to amenity issues to the adjoining properties or adversely affect the character of the Conservation Area.
12. Local Plan Policy HS36 indicates that planning permission for changes of use from residential to non-residential will not be granted where the proposal will have a detrimental impact on residential amenity, the surrounding environment, the Conservation Area or a listed building. Policy CN08 requires that development proposals within Conservation Areas should, inter alia, preserve or enhance the character of the area and ensure that important spaces are retained.
13. The land was previously used as a domestic garden in association with the George and Dragon public house. Representations have been received in respect of the proposed use. These raise particular issues in terms of the impact on the amenity of the occupiers of properties in The Limes. The problems cited include loud music, nuisance from ball games (including trespass from people retrieving balls) and the associated noise that results from use of an external area of this nature. It has also been noted that the garden area has been used for the positioning of a bouncy castle for a small period of the previous summer.
14. While these concerns are acknowledged the continued use of the land is beneficial to the operation of the public house and also makes the premises more attractive to visitors. As such the proposal can be supported. Environmental Health have raised no objection to the proposal and point out that the use of the garden area can be controlled via the Environmental Protection Act 1990.
15. In view of the above and subject to conditions being imposed in respect of the hours of use, the playing of external music, lighting and the construction of any structures on the site, the continued use is acceptable. No obvious conflict would therefore exist with the provisions

of local plan policy HS36. Furthermore the development would not have an impact upon the character of the Conservation Area.

16. Finally the land appears to have been separated from the adjoining listed residences at Linden House and Ardley House some time ago. This application proposes the continuation of a use of this land. It does not provide the Local Planning Authority with any opportunity to control the separation of this land from the listed buildings. The impact on these listed buildings, in terms of their setting, is not something that forms a material consideration in respect of this application.

REASON FOR APPROVAL

16. The continued use of the land as a garden/amenity area to the public house is not considered to be such that would give rise to a significant detrimental impact on the amenity of neighbouring properties by reason of noise, disturbance or intrusion. The proposal is therefore considered to provide a satisfactory use of this land, ancillary to the overall use of the site as a public house and consistent with the provisions of policies EN25, HS36 and CN08 of the Babergh Local Plan Alteration No.2 (2006) which would support the change of use of land where the impact of the area is not such that would give rise to detriment to amenity.

RECOMMENDATION

17. Grant planning permission subject to conditions, including –
 - Hours of use
 - No external music
 - Control of structures, seating and associated paraphernalia
 - External lighting