

04/10/2005

**Item** 1.1**Reg. No.** 9/2005/0807/U**Applicant:**

Mr A Dawson  
The Hill Lodge Deep Dale Lane  
Barrow-on-trent  
Derby  
DE731NH

**Agent:**

Chris Thorp Planning Ltd  
20A Hazelwood Road  
Duffield  
Belper  
Derbyshire  
DE56 4DQ

**Proposal:** The change of use of outbuilding to office with alterations and the retention of hardstanding at The Hill Lodge Deep Dale Lane Barrow-on-Trent Derby

**Ward:** Aston

**Valid Date:** 06/07/2005

**Site Description**

The site is the former lodge to The Hill and is served by a private drive shared with that property. The subject building is substantially complete.

**Proposal**

The application seeks to regularise changes made to an earlier approved scheme and to undertake further alterations to make the building suitable for office use. The ground floor would be sub-divided into two offices measuring some 15 sq m each, and a lobby area of about 10 sq m. The first floor roof space would be used for storage. The external alterations subject to retrospective consideration involve an increased roof pitch (from 30° to 45°), an internal staircase, two rooflights, and a door and window in the east side elevation. In addition the proposals include a glazed screen to the front of the building and the retention of a hard standing to the rear.

**Applicants' supporting information**

The applicant has provided a planning consultant's statement, summarised as follows:

- a) The subject building is currently vacant. It was erected about 2 years ago with the benefit of planning permission for use as stables, but that use has not been taken up. Planning permission is therefore sought for an alternative beneficial use for the building.
- b) A previous application for commercial use was refused. The current application and statement addresses the reason for refusal and provides a reasoned justification to explain why it would be reasonable for permission to be granted.

9/2005/0807/U The Hill Lodge  
 Deep Dale Lane  
 Barrow-on-Trent



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Scale 1:2600 Date Plotted 22/9/2005

Plot centred at 428536 325343

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 Deep Dale Lane  
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- c) The office accommodation would enable the applicant to transfer business activity from the adjacent dwelling. The business involves the supply of sheet metal to building sites throughout the UK. All materials are obtained from source and then supplied direct to where they are required. Nothing passes through the site. The office is only the centre of operations.
- d) The business has grown since it was first established to the point where 3 people other than the applicant are engaged in running the business. These are a business partner who attends daily, a contracts manager who attends daily and an accountant who visits once a week.
- e) There is parking for 3 cars in addition to garage accommodation.
- f) Government places considerable emphasis on the need to secure sustainable development. In this case the applicant already lives and works on the site and his two business colleagues have been coming into the site for several years as their place of work. The proposed development would therefore not result in any net change in the amount of commuting taking place. On the other hand if the applicant is not able to use the building for his office the business activity would have to be relocated to a place where all three employees would have to travel to work. There would also be an unnecessary cost to a small business.
- g) Employment Policy 4 of the Local Plan and Economy Policy 5 of the Structure Plan both promote provision for small-scale business development in rural areas provided that no injury would be caused to local amenities or the environment. The policies also provide for the reuse and adaptation of rural buildings providing they are in keeping with their surroundings.
- h) As the stable was approved in accordance with the adopted Local Plan it has been deemed to be acceptable in terms of its general form, design and bulk. The proposed alterations to its appearance are modest and in keeping with the building and would not detract from the appearance of the countryside at this point. Moreover the building is not readily visible from the surrounding area in general and Deepdale Lane in particular, due to the presence of roadside hedges and a belt of mature trees to the west of the site.
- i) With regard to the impact of traffic on the area this would be negligible, well short of levels that can begin to have an adverse impact. Cars associated with the use would be two a day for five days per week and one additional car per week. This is well below traffic levels associated with the warehouse development to the south of the site that attracts commercial vehicles and lorries.
- j) The hardstanding has no impact on the appearance of the surrounding countryside as it cannot be seen from outside. It is reasonably necessary to the registered smallholding and would also serve the proposed use.
- k) The relevant policies do not require the proposed business use to be necessary to the operation of rural based activity. Moreover there is no conflict with the provisions of any other development plan policy.
- l) Storage of roofing materials has ceased and arrangements have been made to prevent re-occurrence.
- m) The temporary storage facility is required in connection with approved building operations and would not be required for more than 12 months, and will be removed once the need for it has passed.

## Planning History

9/0390/1320/F - Stable block. Work commenced within five years of the grant of permission.  
 9/2002/1020/F - Conservatory. This has not been built.  
 9/2002/1038/F - Two storage sheds (one in the garden and one in the paddock) and revised plan for stables.  
 9/2002/1211/F - Hardstanding and access.  
 9/2003/0267/F Erection of feed store and tack shed to be attached to stable. Permission refused on the grounds of visual impact.  
 9/2003/0480/F - Conservatory and garage.  
 9/2003/1026/U - Change of use and alterations to stables for office use. Refused on the grounds of traffic and the visual impact of the proposed changes.  
 9/2004/0534/FH - The installation of a balcony, and alterations to previously approved shed.  
 9/2005/0194/F - Animal rearing shed. Refused on the grounds of visual impact.  
 9/2005/0040/F - Garage (revised elevations).

## Responses to Consultations

The Parish Council objects for the following reasons:

- a) There is continuing concern over business use at the site.
- b) The use is not appropriate to this location.
- c) The hardstanding area is inappropriate for 3 cars.
- d) There is concern over the number of applications made in respect of the site.

The Highway Authority has no objection on the basis of the information supplied in the application.

The Environmental Protection Manager has no objection.

## Responses to Publicity

A neighbour objects in the following terms:

- a) The objector has written many times about the unsatisfactory planning situation that has been escalating at the site and is very disappointed not to have been notified. *[Comment: the neighbour's occupied property does not fall within the approved procedure for personal notification]*.
- b) It has been pointed out over the last 3 years that the applicant intended to move his business from Derby to the application site. The applicant now admits that he has been carrying on his business at the site for several years.
- c) Refusal would be consistent with the previous decision to refuse permission for commercial use.
- d) Whilst the applicant contends that there is adequate parking the visibility splay at the access to neighbouring property is regularly blocked by parked cars.
- e) There would be no adverse impact on the business if permission were to be refused. The business could easily move to a suitable location.
- f) The changes to the roof pitch have enabled two-storey accommodation to be provided.

## **Development Plan Policies**

The relevant policies are:

RSS8: Policy 3

Joint Structure Plan: General Development Strategy Policies 1 & 4 and Economy Policy 5

Local Plan: Environment Policy 1 & Employment Policy 5.

## **Planning Considerations**

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

- The principle.
- Fallback position.
- The circumstances of the previous refusal.
- Impact on the character and appearance of the area.
- Residential amenity.
- Highway safety.

## **Planning Assessment**

In principle the use of an existing building for small-scale business use would not be in conflict with the development plan. Nevertheless the proposal would be the first use of a newly constructed building. The erection of a new commercial building in this locality would be more contentious in policy terms because of the associated visual impact, but not necessarily in conflict with Structure Plan Economy Policy 5 (this being the most up to date part of the development plan specific to Derbyshire). By enabling one of the three staff in daily attendance to work from home the proposal offers a small-scale opportunity to reduce the need to travel by private car.

If permission was refused the applicant would be in a strong position to revert to the approved plans for stables and therefore the general bulk and form of the building would continue to exist.

At the time of the previous refusal there was evidence of roofing materials stored at the site. Furthermore the application implied that there could be up to 10 vehicles at the site and that there could be visitors to the offices. These factors could have resulted in a different scale of operation to that now proposed. The matter of storage of roofing sheets has now been resolved.

The building is closely related to the applicant's dwelling and there is significant screen vegetation around the site. Compared with approved stable building the impact of the proposal on the character of the area would not be significant. The potential for associated materials to be stored on the land could be addressed by an appropriate condition. The use of the first floor for office space could also be precluded by condition. The two extra vehicles associated with the use would not cause significant impact.

The site is set well away from neighbouring dwellings and the living conditions of the occupiers would not be affected by the development.

On the advice of the Highway Authority there would be no demonstrable harm to highway safety interests.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

### **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 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 179 KR 001A received 19 September 2005.

Reason: For the avoidance of doubt.

3. The first floor of the building shall be used for storage only and in particular shall not be used as office space.

Reason: To ensure that the scale of the use is in keeping with its surroundings.

4. There shall be no goods or materials, associated with the business use, stored in the open within the application site.

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

04/10/2005

**Item** 1.2**Reg. No.** 9/2005/0948/TC**Applicant:**

Andrew Winson  
 SDDC Darklands Road Depot  
 Darklands Road  
 Sawdlincote  
 Derbyshire  
 DE11 0PQ

**Agent:**

Andrew Winson  
 SDDC Darklands Road Depot  
 Darklands Road  
 Sawdlincote  
 Derbyshire  
 DE11 0PQ

**Proposal:** The felling of a cherry tree at 35 Penn Lane Melbourne Derby**Ward:** Melbourne**Valid Date:** 09/08/2005

The application is brought before Committee because it affects Council owned property.

**Site Description**

The property is one of a group of Council owned flats, of modern design but within the conservation area. The subject tree is located adjacent to the Penn Lane frontage, adjacent to the gable end of No 35/37.

**Proposal**

The proposal is a notification of intent to fell the tree. This is a requirement for trees in conservation areas that have not previously been made subject to a Tree Preservation Order.

**Applicant's Supporting Information**

The application states that the tree fouls the roof of No 35, causes loss of light and there is decay.

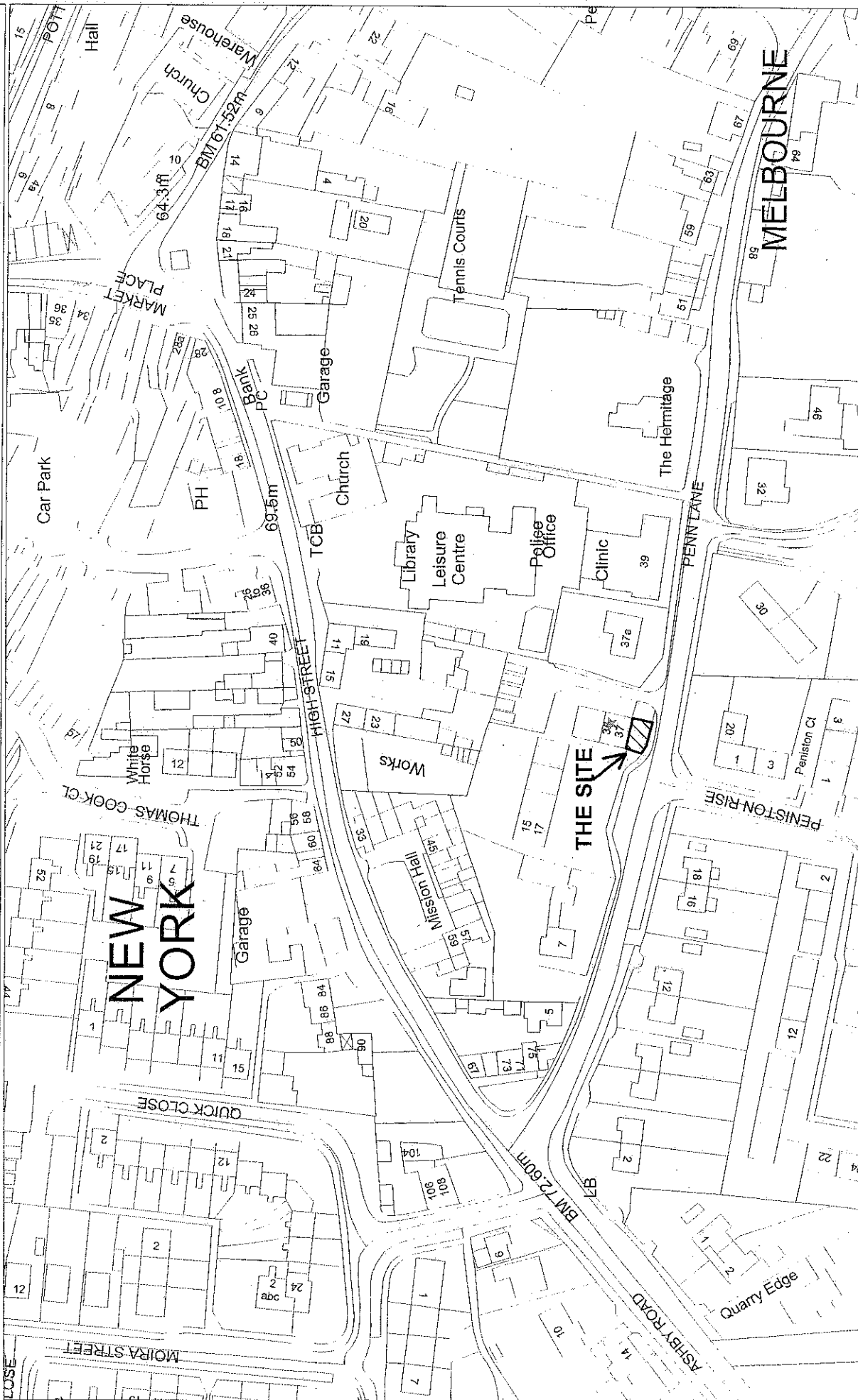
**Responses to Consultations**

Melbourne Civic Society considers that pruning would be adequate and that the removal of the tree would be a loss. The Society considers that landscaping around the Council houses in the locality is poor and should be enhanced.

The Local Planning Authority's consultant arboriculturist reports that the tree is not healthy and there is die back high in the crown of the tree. It is noted that branches foul the roof. He agrees with the proposal.

9/2005/0948/TC 35 Penn Lane

Melbourne



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Scale 1:1500

Plot centred at 428536 325343

Date Plotted 22/9/2005

9/2005/0948/TC 35 Penn Lane  
Melbourne





**Development Plan Policies**

No relevant policies.

**Planning Considerations**

The main issues central to the determination of this proposal is whether the tree is worthy of a Tree Preservation Order.

**Planning Assessment**

On the advice of the consultant arboriculturist the tree is not worthy of an Order, because of its condition and close proximity to the bungalow, which could result in danger.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

**Recommendation**

**RAISE** no objection

04/10/2005

**Item** 1.3**Reg. No.** 9/2005/0965/FH**Applicant:**

M & D Buxton  
 67 Pack Horse Road  
 Melbourne  
 Derby  
 DE73 1BZ

**Agent:**

M & D Buxton  
 67 Pack Horse Road  
 Melbourne  
 Derby  
 DE73 1BZ

**Proposal:** The erection of extensions and alterations at 67 Pack Horse Road Melbourne Derby

**Ward:** Melbourne

**Valid Date:** 12/08/2005

**Site Description**

The property is a detached house, within an established residential area. It has a cruciform roof structure, with the highest part running roughly centrally, gables facing front and back. The lower roofs (by about 0.5m) present their gables to the neighbouring properties. The neighbouring dwelling to the south (51 Queensway) is a bungalow situated at right angles to the application dwelling. It is set at a slightly lower ground level and has a shallow (about 5m depth) rear garden. The bungalow has a conservatory attached to the kitchen, and bedroom and living room windows looking onto its rear garden. The living room also has a principal window facing on to the Queensway frontage. The rear windows to the conservatory are less than 5m from the subject two-storey house.

**Proposal**

The application proposes a single storey pyramidal roof garden room extension and a hip roof dormer extension in the existing roof, to form an en-suite bathroom. The top of the dormer would be about 0.75 m below the ridge to the roof of which it would form part and about 1.25 m lower than the highest part of the dwelling.

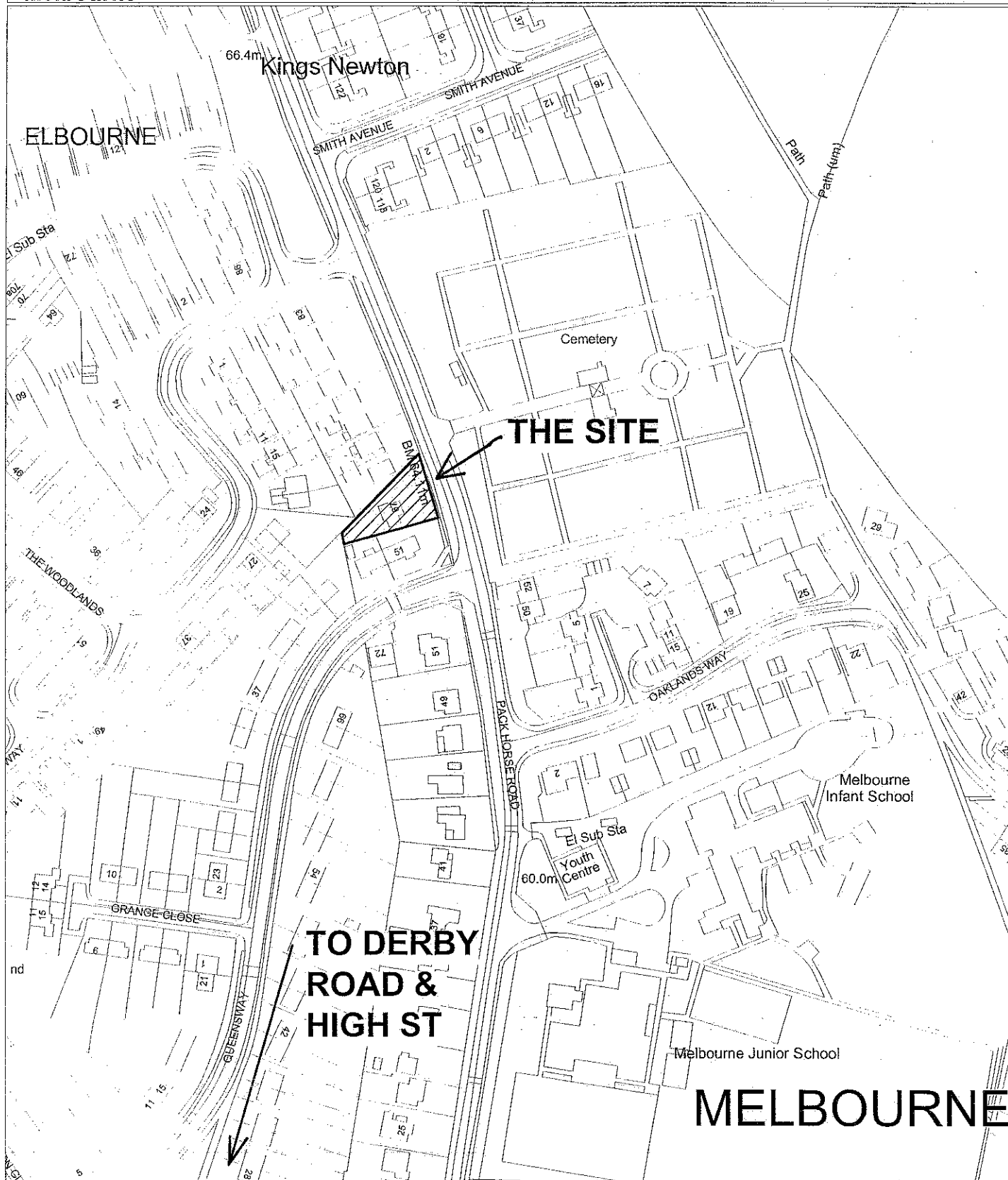
**Responses to Consultations**

The Parish Council and Melbourne Civic Society have no objection.

**Responses to Publicity**

None.

9/2005/0965/FH 67 Pack Horse Road  
Melbourne



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Scale 1:2000 Date Plotted 22/9/2005

Plot centred at 428536 325343

9/2005/0965/FH 67 Pack Horse Road  
Melbourne



## Development Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

## Planning Considerations

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

- Impact on the general character of the area.
- Residential amenity.

## Planning Assessment

The proposals are in keeping with character of the host dwelling. Furthermore the rear of the house is secluded from public view. Thus there would be no harm to the general character of the area.

Because the dormer would be at first floor level the proposal falls to be tested against the supplementary planning guidance for overshadowing. The relationship of the existing house with No 51 Queensway does not meet the separation distances in the supplementary planning guidance; so neither would the proposed dormer. Therefore it is appropriate to consider whether the dormer would have increased impact, based on its own merits. Presently, because of the close relationship of the two properties, the occupants of the bungalow at 51 Queensway would not see the skyline over the roof of the applicant's house, unless they were standing close to the window and looking up. The proposed dormer would be of small volume (about 4 cubic metres), set within the existing roof slope and would be viewed against the roof slopes. In these circumstances the demonstrable impact of the dormer would be very limited, avoiding increased overshadowing or dominance. No objection has been received from the nearest relevant neighbour.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

## 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 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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