

# **REPORT OF THE HEAD OF PLANNING SERVICES**

## **SECTION 1: Planning Applications**

## **SECTION 2: Appeals**

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).



## **1. PLANNING APPLICATIONS**

**This section includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 1995 (as amended) and responses to County Matters.**

<b>Reference</b>	<b>Item</b>	<b>Place</b>	<b>Ward</b>	<b>Page</b>
9/2005/0406	1.1	Linton	Linton	1
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9/2005/1053	1.3	Dalbury Lees	North West	18
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9/2005/1261	1.7	Dalbury Lees	North West	38
9/2005/1453	1.8	Hartshorne	Hartshorne & Ticknall	47
9/2005/1455	1.9	Hilton	Hilton	51
9/2005/1466	1.10	Swadlincote	Swadlincote	62
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9/2006/0100	1.12	Willington	Willington/Findern	68
9/2006/0142	1.13	Melbourne	Melbourne	71
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9/2006/0157	1.15	Hilton	Hilton	82

When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Head of Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Head of Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.



06/04/2006

**Item** 1.1**Reg. No.** 9/2005/0406/M**Applicant:**

Philip D Taylor  
 Church Farm  
 Church Street  
 Denby  
 Derbyshire  
 DE5 8PH

**Agent:**

Alf Plumb  
 D P D S  
 Gleneagles House  
 Derby  
 DE1 1UP

**Proposal:** The conversion of farm buildings to 10 live/work units with associated access and parking at Grange Farm Coton Park Linton Swadlincote

**Ward:** Linton

**Valid Date:** 31/03/2005

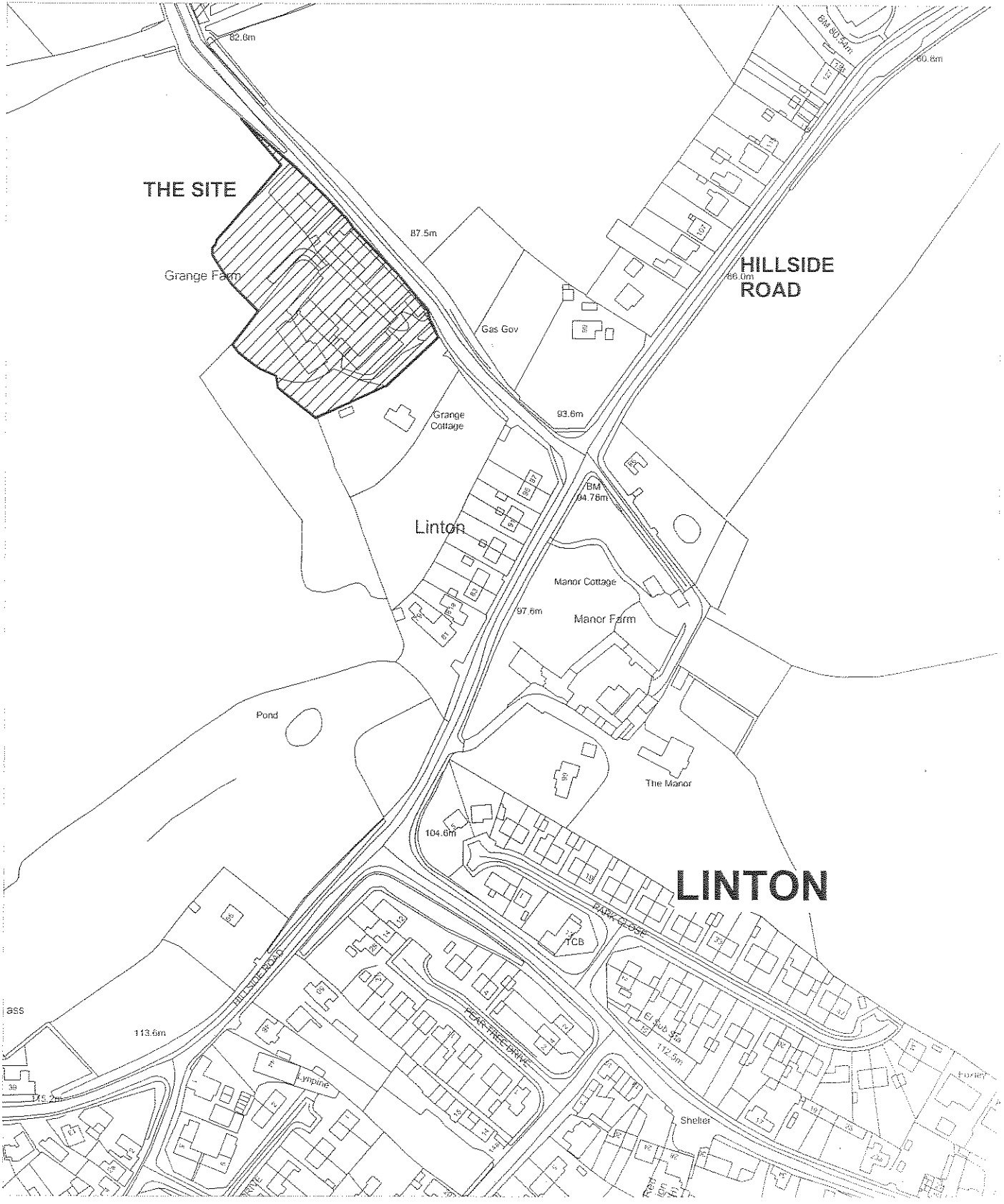
This proposal is brought before this Committee because Cllr Lauro has declared a pecuniary (personal prejudicial) interest in the application.

**Site Description**

Grange Farmhouse is a Grade II Listed Building that lies outside, but within some 260m from the village envelope for Linton. A substantial range of outbuildings form two courtyards and these buildings lie in a prominent position between the farmhouse and the highway. The outbuildings are listed by virtue of the fact that they are within the curtilage of the principal building. The farmhouse and the outbuildings are in poor repair albeit that the farmhouse is in the process of being renovated. Around half of the outbuildings are two storey. The remainder – including those closest to the farmhouse - are single storey.

**Proposal**

Two applications (planning and listed building consent) have been submitted for the conversion of a range of agricultural outbuildings into ten dwellings (one 3-bed, seven 2-bed and two 1-bed). Nine of the conversions provide a room that may be used as office/study space or additional living space. That is to say that the office/study in the two 1-bed units could be used as bedroom space and the units would become 2-bed, one 2-bed lends itself to becoming a 3-bed and in six of the remaining properties the space shown as office would readily serve as a dining room or an additional living room. One 2-bed unit makes no provision for any office/study. The conversion is wholly accommodated within the existing buildings and substantially utilises existing openings. Some covered parking is to be provided in an open fronted building that currently is flat



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

9/2005/0406/M & 9/2005/0407/L Grange Farm  
 Coton Park  
 Linton

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 OS Licence No. LA 100019461, 2005

Date Plotted 24/3/2006

NORTH

Plot centred at 427379 316957 Scale 1:2500

roofed. A pitched roof is to be constructed over this building to match the other buildings around the courtyard.

At the north western end of the site a new vehicular access will be constructed to serve units 1-9 whilst the existing access would serve unit 10. A footpath link is to be provided alongside the access to unit 10 at the south eastern end of the site for units 1-9 in order to provide a more direct pedestrian link to the village centre.

This report relates to planning matters and the following application, 9/2005/0407, relates to the works requiring listed building consent

### **Applicant's supporting information**

A substantial amount of supporting information has been submitted with the application. This includes a statement of support, reports on structural stability of the farmhouse and the demand for non-residential uses, two letters that expand upon the statement of support and a copy of a decision notice from a similar scheme elsewhere.

Taking each of the documents in turn these are summarised as follows:

The supporting statement and subsequent letters set out two main arguments for the proposal based on the need to repair the farmhouse and its ancillary buildings together with a suggestion that the office shown for each property is in line with the Government's aim to promote sustainable development in the form of live/work units. It also outlines the harm that commercial use would cause – e.g. extra traffic movements and noise. The statement goes on to promote the proposal from a sustainable location point of view listing all the services available within the village and concludes with a large number of National and Local Plan policies that support the proposal.

The structural survey sets out the condition of the farmhouse (that lies outside the application site) but does not include any of the outbuildings. It concludes that the house appears sound with areas of stressing, disruption and defects that need to be addressed.

The report on alternative uses sets out to demonstrate the position by asking key questions relating to this site:

- Is there a demand from the commercial sector to take leases or acquire a freehold interest in all or part of the converted barns?
- Will there be sufficient capital or rent return to warrant a developer sourcing and speculating capital to buy and create the commercial space?
- Will the existing buildings' configuration, fabric and listing restrictions have an effect on demand should demand exist?
- Is there precedence where rural non-residential uses work?
- What use will the market support at Grange Farm given it is not an option to do nothing?

The report finds that the buildings are poorly laid out and lack natural light. Their configuration and the listed status would have an effect on demand. The buildings lie within 800m of the sustainable settlement boundary for Swadlincote where there is

significant vacant office and industrial accommodation together with substantial tracts of land earmarked for development. Further opportunities for industrial and commercial space are in Burton upon Trent some 5.8 miles or a 17 minutes drive time away and included in current opportunities for commercial/office space is Bretby Business Park where space is offered at £4 psf. Rents in Linton would need to be lower to attract industry/commerce because it has poor access, the restrictive configuration of the buildings, isolation, lack of services, lack of parking etc. Such a rental is unlikely to be sufficient justification for acquisition and refurbishment as an investment project.

The report goes on to say that developments elsewhere that have been successfully re-used for commercial purposes are not on all fours with the application site. It concludes that whilst there is some demand for live/work units this is generally low usage and part time.

The decision notice from elsewhere is simply a planning permission with no background information.

### **Planning History**

Applications 9/2004/0820/U and 9/2004/0821/L for the conversion of the barns into eight live work units were withdrawn.

### **Responses to Consultations**

The Conservation Officer advises that the scheme is acceptable in design terms  
Pollution Control Officer (Contaminated Land) states that a contaminated land survey is required

Severn Trent Water has no objection subject to conditions

Derbyshire and Derbyshire Dales Primary Care Trust requires a contribution of £444.00 per dwelling towards local medical facilities.

Derbyshire County Council does not require a contribution towards education

Derbyshire County Highways Authority raised concerns in relation to the originally submitted plans but they have been overcome by the amended plan to which subject to conditions they raise no objection.

### **Responses to Publicity**

No representations have been received in response to publicity

### **Development Plan Policies**

The relevant policies are:

RSS8: Policies 3 & 31

Joint Structure Plan: General Development Strategy Policies 1 & 4, Housing Policy 6, Environment Policy 10 and Transport Policy 1

Local Plan: Housing Policy 7 and Environment Policies 1 & 13



## National Policies/Guidance

The adopted Local Plan does not reflect up to date government policy and regard has therefore been given to Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7) and Planning Policy Guidance Note 15 -Planning and the Historic Environment (PPG15).

## Planning Considerations

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

- The protection of the countryside
- Sustainability
- The protection of historic buildings

## Planning Assessment

### The protection of the countryside

The Government's aims are to protect the countryside from unwarranted development, to direct new housing to locations that are served by a range of facilities in order to reduce dependence on the private car and to make use of brownfield sites before greenfield sites. The application site lies within an area where policies for the protection of the countryside apply but, notwithstanding this overall objective there is support in PPS7 for the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Whilst PPS7 acknowledges that residential conversions may be more appropriate in some locations and for some types of building it stresses that re-use for purposes that support the rural economy will usually be preferable and this government policy is reflected in the Joint Structure Plan.

Insofar as consideration of alternative uses that the buildings could be put to as required by policies for conversion are concerned, industrial and office use has been assessed in terms of comparison with premises available in Burton upon Trent and Swadlincote. It is considered that insofar as the report addresses the suitability of the buildings for industrial or offices uses, it draws an acceptable conclusion in that it would be difficult to attract the level of investment when units remain available in locations with better links, converted offices remain unlet at Catton Hall near Walton on Trent and reconfiguration could require substantial alterations to the buildings which could be unsympathetic to the historic character of the buildings.

The question in relation to economic re-use that was not fully addressed in the initial report from the applicant is whether the buildings could provide a complex of holiday accommodation operated by the occupant of the farmhouse. On the face of it, it would appear that conversion costs for the building works would be likely to be similar. The buildings lie within attractive countryside in the National Forest. Some of the units have no private amenity space and would therefore appear to lend themselves to holiday accommodation since there would be unlikely to be the same desire by occupants to enclose some personal outdoor space. It would also be unlikely that there would be

subsequent pressure for extensions/alterations, satellite dishes and other domestic paraphernalia associated with permanent occupation. In

response to this specific question the applicant states that 'holiday lets' receive no specific mention in PPS7 whereas paragraph 17 specifically states that residential conversions may be more appropriate and paragraph 18 makes reference to the provision of housing in accordance with PPG3. He accepts that paragraph 34 recognises the scope for tourist and leisure related developments but says that such proposals are linked to other factors that would be seen as desirable locations to visit and that Linton, as a serviced village, does not offer any of these qualities.

In the context of support for the local economy it is considered a case could be made either way. Occupants of permanent housing could support the local shops, public houses, schools, church, sports clubs and bus services whereas holiday makers would be likely to support some of the same facilities but would also be likely to support the tourist attractions in the area which in turn provide employment for local people. In conclusion it is considered that whilst the question of viability of a holiday complex has not been fully explored, occupation of the buildings either permanently or temporarily bring different needs both of which could be argued to support the local economy or local services particularly as in this instance the buildings lie on the edge of the village.

As to the character of the locality, the conversion works in themselves are sympathetic and many of the outward signs of domestic occupation such as much of the car parking would be located within the courtyards, which are protected from view outside the complex. Three of the units that have private gardens lie alongside the existing adjoining residential property and therefore cause no significant detriment to the rural character of the area and the fourth private garden is surrounded by an existing hedge. The remainder have no dedicated outside space other than car parking.

### Sustainability

In terms of sustainability, the dwellings as originally submitted were purported to be live/work units and were put forward as a more sustainable option to conventional homes. There is little evidence of how this concept operates and such guidance as there is takes the form of appeal decisions, save for Government advice in PPG1, PPG6 and PPG13 which are supportive of mixed use development on the grounds of sustainability, reducing the need to travel, improved security and the re-use of vacant buildings. There is no specific policy guidance as to what proportion of a live/work unit should be designated as workspace. However the units provided as little as 3.7% of floor space as work areas and a maximum of 19.6%. In all cases the spaces would be interwoven with the living areas so much so that it would be highly questionable whether it would be used as work space at all and monitoring/enforcement would be impossible. The agent was therefore requested to either increase and identify specific areas to create meaningful workspaces or remove the work element from the description. The application has been amended to omit the work space elements of all dwellings.

The applicant states that information endorsed by the Department of Trade and Industry indicates that there are over two million people in the UK using IT to work away from the traditional office environment. Removal of work space from the description of the application would not preclude a homeowner from using some space within the home for work because planning permission would only be required

where there is a material change of use. Removal of the work element of the proposal is not necessarily therefore a less sustainable option but simply leaves home working by the occupier as an option.

In terms of construction, the buildings are suitable for conversion without major alteration and indeed the scheme of conversion that has been submitted makes very little outward change to the buildings. The re-use of buildings is a specific component of sustainability, identified in the Structure Plan, PPG3 and PPS7 (in particular with regard to historic buildings).

In the wider context, the buildings are within walking/cycling distance of many of the services within the village and buses stop around 160m from the site.

#### The protection of historic buildings

As set out earlier in this report all of the buildings within the application site and the farmhouse are in need of repair. PPG15 states that generally the best way of securing the upkeep of historic buildings is to keep them in active use and often the best use is the one for which they were designed. Nevertheless it recognises that new uses may often be the key to a building's preservation and urges that planning matters should be exercised sympathetically where this would enable a historic building to be given a new lease of life.

In the supporting documentation that accompanies this application emphasis is given to the poor condition of the principal listed building, Grange Farmhouse, and the assistance that the conversion of the farmyard buildings would have in providing funding for its restoration. The farmhouse is in poor condition but is essentially wind and water tight and no case is made for essential enabling development which would ensure that the profits from this application site are used in the restoration of the farmhouse. This application must therefore stand or fall on its own merits.

The farmhouse faces away from the road and its back faces one of the courtyards formed by the outbuildings. The loss of the outbuildings would result in the less attractive elevation of the farmhouse fronting the highway. As listed buildings it is highly desirable to keep the substantial range of barns in good repair in their own right but their position alongside the principal building provides a mutual context for the setting and/or grouping of the buildings.

In design terms, the proposal is sympathetic to the structure and character of the buildings, is in accord with adopted Environment Policy 13 in the Local Plan and finds support in PPG15.

#### Conclusion

The proposal is particularly supported in Environment Policy 10 of the Structure Plan which states, amongst other things, that listed buildings should be retained in situ and protected from inappropriate alteration. It goes on to say that change of use will be permitted only where this would ensure their preservation without loss of character and the current scheme maintains the character of the buildings. Whilst there are other policies for the promotion of the rural economy it is considered that the applicant has provided sufficient information to demonstrate that it would be difficult to attract commercial investment to this location and in the event that a commercial use could be

found such uses would bring with their own issues including the provision of parking and adequate access for service vehicles. The proposal generally meets guidance in PPS7 and the additional weight given to the historic context of the buildings is supported in PPG15 and therefore subject to conditions the proposal is acceptable.

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 a Section 106 Agreement in respect of a contribution of £4,440 towards healthcare (£444 per dwelling) and to the following conditions:

1. The development permitted shall be begun before the expiration of three 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 nos. 2004-34-08 K, 2004-34-09 H, 2004-34-10.G, 2004-34-11.D and the un-numbered amended location plan that accompanied your agent's letter dated 13 March 2006.

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

3. No part of the development shall be carried out until samples of the facing materials to be used in the execution of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

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

4. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical 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.

5. The precise type and size of the proposed rooflights shall be submitted to and approved in writing by Local Planning Authority. The approved rooflights 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 buildings and the character of the area.

6. No work shall take place until precise details of the means of internal alteration of the existing buildings, together with a specification for the making good of any disturbed surfaces and historic features, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include all measures necessary to obtain approval under Part B of the Building Regulations. The work shall be implemented in conformity with the approved details.

Reason: In the interests of maintaining the character and internal integrity of the Listed building.

7. 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.

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

Reason: In the interests of the appearance of the buildings and the character of the area.

9. 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 buildings and the character of the area.

10. Pointing (and/or repointing) of the existing buildings 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).

11. A sample panel of pointed brickwork/stonework 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. The works shall be carried out in accordance with the approved sample.

Reason: In the interests of the appearance of the buildings and the locality generally.

12. 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.

13. No part of the development shall be carried out until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

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

14. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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.

15. All boundary walls shall have a traditional style of shaped clay or stone coping the details including a sample of which shall have been previously agreed in writing by the Local Planning Authority.

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

16. No development shall take place until a site investigation to determine whether the land is contaminated and any associated remedial works have been carried out to the satisfaction of the Local Planning Authority. This will include:

- A. A desktop study of the area of the proposed development.
- B. An intrusive site investigation, its scope to be confirmed with the Local Planning Authority, prior to its commencement. The report should contain recommendations for any remedial or further works at the site.
- C. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.
- D. A remediation validation report along with a signed copy of the attached certificate. This should be supplied prior to the occupation of any buildings at site.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

17. No development shall take place until details of a scheme for the disposal of surface and foul 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 flood protecting and pollution control.

18. Before any other operations are commenced, a temporary access shall be formed into the site for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading

of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

19. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been approved in writing by the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.

Reason: In the interests of highway safety.

20. Prior to the first occupation of any dwelling on the site, the access at the north-western end of the frontage shall be provided in accordance with the design shown on the submitted plans. Visibility sightlines shall be provided extending from a point 2.4m back from the carriageway edge, measured along the centreline of the access, for a distance of 90m in each direction measured along the nearside carriageway edge. The land in advance of the sightlines shall be cleared and thereafter maintained permanently free of all obstructions exceeding 1m in height relative to road level.

Reason: In the interests of highway safety.

21. The access referred to in Condition 20 above shall be provided with 2m x 2m x 45° driver/pedestrian visibility sightlines measured relative to the rear of the Coton Park footway. Prior to the first occupation of any dwelling on the site, the land within the sightlines shall be cleared of all obstructions exceeding 1m in height relative to road level.

Reason: In the interests of highway safety.

22. The access serving Plot 10 shall be minimum 5m wide, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

23. Prior to the occupation of Plot 10, the frontage between the access and the dwelling shall be cleared of all obstructions exceeding 1m in height relative to road level for a distance of 2m measured from the rear of the Coton Park footway. Thereafter, the area shall be maintained permanently free of such obstructions.

Reason: In the interests of highway safety.

24. Prior to the occupation of any dwelling on the site, its associated car parking and manoeuvring space shall be provided in accordance with the submitted details. Thereafter, those facilities shall be maintained free of any impediment to their designated use.

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

25. Unless otherwise agreed in writing by the Local Planning Authority, the vehicular accesses to the site shall be surfaced with a solid bound material for a minimum distance of 5m from the rear of the Coton Park footway prior to the first occupation of any dwelling served by the access. Thereafter, the surfacing shall be so maintained.

Reason: In the interests of highway safety.

26. 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 of the Listed Buildings, having regard to the setting and size of the development.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 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. Pursuant to Sections 149 and 151 of the 1980 Highways Act the developer shall take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).

This permission is for conversion and it does not convey any right to demolition and replacement by a substitute building other than that shown on the approved plans. Any further demolition/replacement necessitated by on-site works should be first agreed in writing by the Local Planning Authority.



**Item** 1.2

**Reg. No.** 9/2005/0407/L

**Applicant:**

Philip D Taylor  
Church Farm  
Church Street  
Denby  
Derbyshire  
DE5 8PH

**Agent:**

Alf Plumb  
D P D S  
Gleneagles House  
Derby  
DE1 1UP

**Proposal:** The conversion of farm buildings to 10 live/work units with associated access and parking at Grange Farm Coton Park Linton Swadlincote

**Ward:** Linton

**Valid Date:** 31/03/2005

This proposal is brought before this Committee because Cllr Lauro has declared a pecuniary (personal prejudicial) interest in the application.

**Site Description**

This description is as set out in the preceding report and is reproduced here for completeness. Grange Farmhouse is a Grade II Listed Building that lies outside, but within some 260m from the village envelope for Linton. A substantial range of outbuildings form two courtyards which lie in a prominent position between the farmhouse and the highway. The outbuildings are listed by virtue of the fact that they are within the curtilage of the principal building. The farmhouse and the outbuildings are in poor repair albeit that the farmhouse is in the process of being renovated. Around half of the outbuildings are two storey. The remainder – including those closest to the farmhouse - are single storey.

**Proposal**

As reported in the previous item, two applications (planning and listed building consent) have been submitted for the conversion of a range of agricultural outbuildings into ten dwellings (one 3-bed, seven 2-bed and two 1-bed). This report relates to listed building matters and the preceding application, 9/2005/0406, relates to the planning consideration of the case.

The proposal is wholly contained within the existing buildings and largely utilises the existing layout of the buildings. The conversion works requiring listed building consent include:

- The formation of two new doorways

- The formation of two new windows
- New roof lights that, save for two, would not be visible from outside the site
- The replacement of a flat roof between units 2 and 3 with a pitched roof
- The provision of new windows and doors to all existing openings
- Small amounts of removal of internal walls
- The provision of new partitions within some of the large barns.

### **Applicant's supporting information**

Duplicate copies of the applicant's reports that accompanied the planning application were also submitted in respect of this application. Insofar as the listed building works are concerned comments are confined to the desire to find an alternative use for the buildings and the main thrust of the case is based on the need to repair the farmhouse and its ancillary buildings.

The applicant states that the rationale behind the desire to protect the outbuildings as an historic group is a requirement of their listing within the curtilage of Grange Farmhouse, the principal building. The supporting statements relative to the listed building aspects of the case highlight comments about alternative uses found in PPG15. As already stated previously in the report for the planning application the structural survey sets out the condition of the farmhouse (that lies outside the application site) but does not include any of the outbuildings. It concludes that the house appears sound with areas of stressing, disruption and defects that need to be addressed.

### **Planning History**

Applications 9/2004/0820/U and 9/2004/0821/L for the conversion of the barns into eight live work units were withdrawn.

### **Responses to Consultations**

The Conservation Officer advises that the scheme is acceptable in design terms

### **Responses to Publicity**

No representations have been received in response to publicity

### **Development Plan Policies**

The relevant policies are:

RSS8: Policies 3 & 31

Joint Structure Plan: General Development Strategy Policies 1 & 4, Housing Policy 6, Environment Policy 10 and Transport Policy 1

Local Plan: Housing Policy 7 and Environment Policies 1 & 13

### **National Policies/Guidance**

The adopted Local Plan does not reflect up to date government policy therefore regard has been given to Planning Policy Statement 7 – Sustainable Development in

Rural Areas (PPS7) and Planning Policy Guidance Note 15 -Planning and the Historic Environment (PPG15).

### **Planning Considerations**

The main issue central to the determination of this application is the protection of historic buildings

### **Planning Assessment**

As set out earlier in this report all of the buildings within the application site and the farmhouse are in need of repair. PPG15 states that generally the best way of securing the upkeep of historic buildings is to keep them in active use and often the best use is the one for which they were designed. Nevertheless it recognises that new uses may often be the key to a building's preservation and urges that planning matters should be exercised sympathetically where this would enable a historic building to be given a new lease of life.

The conversion works in themselves are sympathetic. The scheme of conversion has been amended including the removal of all proposed extensions and now there is to be very little change to the outward appearance of the buildings. Internally a substantial part of the original layout is retained. Two roof lights would be added to outward elevations, the rest being contained within inward facing elevations. Many of the outward signs of domestic occupation such as car parking would be located within the courtyards which are protected from view from outside the complex.

In the supporting documentation that accompanies this application emphasis is given to the poor condition of the principal listed building, Grange Farmhouse, and the assistance that the conversion of the farmyard buildings would have in providing funding for its restoration. As set out in the earlier report, the farmhouse is in poor condition but is essentially wind and water tight and no case is made for essential enabling development which would ensure that the profits from this application site are used in the restoration of the farmhouse. This application must therefore be considered on its own merits and not as ensuring the future of Grange Farmhouse.

As reported in the previous item, the farmhouse faces away from the road and its back faces one of the courtyards formed by the outbuildings. The outbuildings are in poor repair and their loss would result in the less attractive elevation of the farmhouse fronting the highway to the detriment of its historic setting and to the amenity of the locality. As listed buildings it is highly desirable to keep the substantial range of barns in good repair in their own right but their position alongside the principle building provides a mutual context for the setting and/or grouping of the buildings.

In design terms, the proposal is sympathetic to the structure and character of the buildings, is in accord with adopted Environment Policy 13 in the Local Plan and finds support in PPG15.

## Conclusion

The proposal is in accord with adopted Policies in the Local Plan. Additional support is found in Structure Plan Policy 10 which states that listed buildings should be retained in situ and should be protected from inappropriate alteration and unsympathetic development that would harm their character or setting. The additional weight given to the historic context of the buildings is supported in PPG15 and therefore subject to conditions the proposal is acceptable.

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** consent subject to a Section 106 Agreement in respect of a contribution of £4,440 towards healthcare (£444 per dwelling) and to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of three 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 nos. 2004-34-08 K, 2004-34-09 H, 2004-34-10.G and 2004-34-11.D  
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. No part of the development shall be carried out until precise details, specifications and samples of the facing materials to be used in the execution of works hereby approved have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken using the approved materials.  
Reason: To safeguard the appearance of the existing buildings and the locality generally.
4. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical 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 buildings would be acceptable.
5. The precise type and size of the proposed rooflights shall be submitted to and approved in writing by Local Planning Authority. The approved rooflights 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 buildings and the character of the area.

6. No work shall take place until precise details of the means of internal alteration of the existing buildings, together with a specification for the making good of any disturbed surfaces and historic features, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include all measures necessary to obtain approval under Part B of the Building Regulations. The work shall be implemented in conformity with the approved details.

Reason: In the interests of maintaining the character and internal integrity of the Listed building.

7. 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 buildings and the character of the area.

8. 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, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the buildings and the character of the area.

9. 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 buildings and the character of the area.

10. Pointing (and/or repointing) of the existing buildings 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 buildings.

11. A sample panel of pointed brickwork/stonework 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. The works shall be carried out in accordance with the approved sample.

Reason: In the interests of the appearance of the buildings and the locality generally.

12. 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.

13. No part of the development shall be carried out until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

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

14. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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.

15. All boundary walls shall have a traditional style of shaped clay or stone coping the details including a sample of which shall have been previously agreed in writing by the Local Planning Authority.

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

06/04/2006

**Item** 1.3**Reg. No.** 9/2005/1053/R**Applicant:**

Mr Mrs P J & G M Wilson  
Lees Hall Farm  
Boylestone  
Ashbourne  
Derbyshire  
DE6 5AA

**Agent:**

Mike Hardy  
15 Wheeler Gate  
Nottingham  
NG1 2AN

**Proposal:** The variation of condition 3 of planning permission 9/0879/0801 to allow the use of land for 30 static caravans, 20 touring caravans including extension to lawful site at Lees Hall Farm Boylestone Ashbourne

**Ward:** North West

**Valid Date:** 06/09/2005

**Site Description**

The site comprises a field in the open countryside associated with a farm. The field to the south is in use for up to 20 touring caravans and winter storage for 10 caravans. A substantial deciduous tree belt that effectively screens the site from most aspects to the north particularly during the spring and summer months encloses the north boundary. A public footpath follows the drive to the site passing the farmhouse to link with another path beyond the farmhouse. The farmhouse is a Grade II Listed Building.

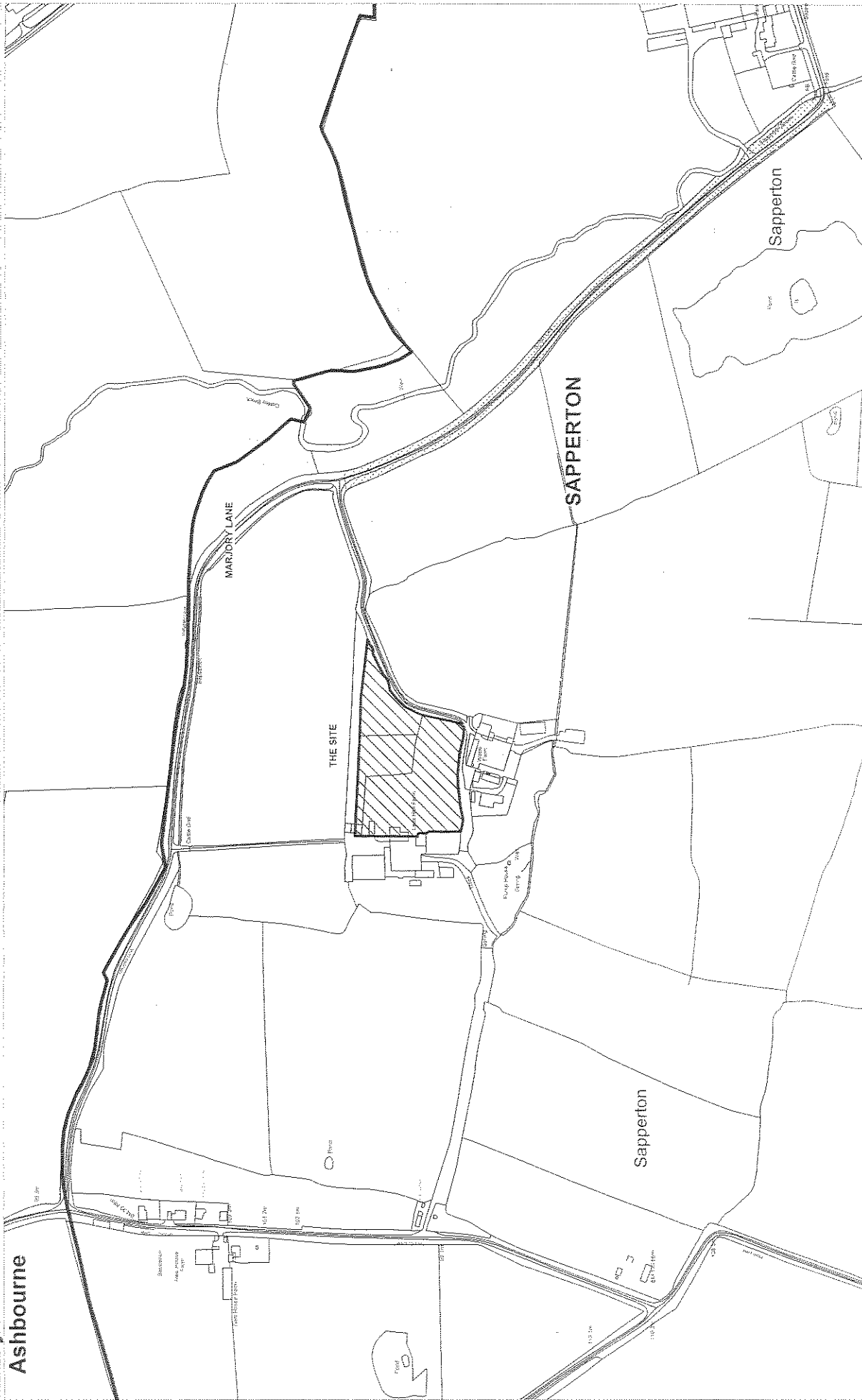
**Proposal**

This involves the siting of 30 static mobile homes on the site and involves the extension of the existing site into the adjoining field. The mobile homes would be spread throughout the enlarged site.

**Applicants' supporting information**

In the light of the Inspector's decision to dismiss an appeal for the expansion of the site for touring vans on the basis that the local roads are not suited to take the additional traffic, the applicants are now proposing the siting of 30 static caravans on the land that was the subject of the appeal as well as the existing land with planning permission. Having removed the County Highway Authority objection to the development, the appellants contend that the Inspector that dismissed the appeal comprehensively dismissed the visual intrusion objection that was raised to the previous application.

9/2005/1053/F Lees Hall Farm  
Boyleston  
Ashbourne



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DISTRICT COUNCIL  
CIVIC OFFICES  
CIVIC WAY  
SWADLINCOTE DE11 0AH**

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Date Plotted 24/3/2006  
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## **Planning History**

Permission for a touring caravan site was first granted in 1979, permission to allow up to 20 vans was granted in 1995 with winter storage for up to 10 caravans being permitted in 1985. There have been other permissions at the site relating to agricultural use of the site and land that do not relate to the consideration of this application.

## **Responses to Consultations**

Church Broughton Parish Council continues to object to the development on the grounds that the highway network is inadequate with insufficient room for two vehicles to pass, the screening to the site is inadequate and the local infrastructure is inadequate to service the development.

The County Highway Authority is satisfied that the movement of traffic to and from the site could be controlled subject to conditions.

The Environmental Protection Manager draws attention to the fact that the land may be contaminated as a result of agricultural activity. However the land in question has clearly been used for grazing or holiday caravan use over a number of years and as such the likelihood of contamination is remote.

## **Responses to Publicity**

One letter has been received objecting to the development on the basis that it would be impossible to control the use of the static caravans if they were to be on the site for 12 months. The potential for permanent occupation is there and if permitted the occupation of the caravans should be controlled to a maximum letting period. This is the case with other holiday accommodation in the locality. Without such restrictions the site would be occupied on a permanent basis.

## **Development Plan Policies**

The relevant policies are:

RSS8: Policies 6 & 8,

Joint Structure Plan: General Development Strategy Policy 4, Leisure and Tourism Policy 5,

Local Plan: Environment Policy 1, Recreation and Tourism Policy 1.

## **Planning Considerations**

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

- The Development Plan
- The impact on the character of the area
- The access to the site
- The control of the site if permission were granted.

## Planning Assessment

Provision is made for overnight and tourist accommodation in the above-mentioned policies. This is subject to the proposal not causing disturbance to local amenity by virtue of noise or traffic generation, having adequate pedestrian and vehicular access and of a scale and design that is appropriate and be well screened from its surroundings.

Subject to an appropriate means of controlling access and egress from the site by the static vans, the County Highway Authority would accept that the concerns of the planning inspector have been met.

This then leaves the question of visual intrusion. Again the Inspector considered this aspect in some depth when considering the appeal against the refusal for 30 touring vans on the extended site. The Inspector accepted none of the arguments advanced by the Local Planning Authority about the visual intrusion that would occur albeit that the appeal was dismissed on highway grounds. Given that the appeal was dismissed relatively recently it would be inappropriate to seek to resist this application on these grounds.

Accordingly, consideration has been given to means by which the use of the site can be controlled through the mechanism of conditions. A condition is recommended to control the siting and movement of the static caravans whilst acknowledging that the existing tourist use can continue along with limited winter storage of those vans. A condition is recommended that would limit the period that the caravans can be occupied at any one time and restricts occupation to the main holiday period. Details of the foul drainage arrangements are also a recommended condition.

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 three 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. The 30 static caravans hereby permitted shall be sited on the land in accordance with a plan that shall have received the prior written approval of the Local Planning Authority. The caravans, having been brought to the site, shall thereafter remain in place upon the site on the designated pitches unless the Local Planning Authority gives prior written consent for the caravan to be removed from a pitch for the purposes of maintenance or winter storage. The permission grants continued permission for the use of the land by 20 touring caravans and for the winter storage of 10 of the 20 touring caravans.

Reason: In the interests of minimising the traffic generation to and from the site on roads that are unsuited to additional traffic in the form of cars towing caravans in the interests of highway safety.

3. No work shall take place on the site until details of a scheme for the disposal of foul 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.

4. Notwithstanding the provisions of Part C, Class 3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the premises hereby permitted shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order without the prior grant of planning permission by the Local Planning Authority. The unit shall not be occupied by any individual or groups of persons for a continuous period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: The Local Planning Authority is only prepared to grant permission for holiday accommodation because the permanent occupation of the static mobile home as a dwellinghouse in this location would be contrary to the development plan and the objectives of sustainable development.

5. 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.

6. 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 first of the static caravans 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.

7. The access to the site shall be provided with 10 metre radii with 2.4 x maximum achievable visibility sight lines accross controlled land and surfaced with a solid bound material before the development hereby permitted is generally commenced.

Reason: In the interests of highway safety.

8. Before development is commenced details of measures to prevent surface water crossing the adjacent public highway shall be submitted to and approved

in writing by the Local Planning Authority. The measures shall be implemented prior to the first occupation of a static caravan on the site.

Reason: In order to protect the public highway from the ingress of surface water from the site in the interests of highway safety.

06/04/2006

**Item** 1.4**Reg. No.** 9/2005/1228/F**Applicant:**

John & Elizabeth Goodall  
 The Lilacs  
 Botany Bay  
 Swadlincote  
 Derbyshire  
 DE12 8DY

**Agent:**

Mathew Hill  
 David Lewis Associates  
 Delf View House  
 Eyam  
 Derbyshire  
 S32 5QH

**Proposal:** The erection of a dwelling at Sealwood Cottage Farm  
 Seal Wood Road Linton Swadlincote

**Ward:** Linton

**Valid Date:** 21/10/2005

**Introduction**

Despite its small size, Sealwood Cottage is one of the most novel and unusual listed buildings in the District. Built c1773 by the Gresleys of Netherseal as a lodge or folly, originally in a woodland setting, its construction and fittings are of very high quality. It is built of re-used timber framing, originally with a thatched roof and massive chimney, and the interior sports a wine cellar, gothic doorways and a first floor prospect room with an original and unique 18<sup>th</sup> century pull-out bed. The building had previously escaped notice, both of the Government's listed building advisers and the District Council, because of its remote and unpromising location on a single track drive off an unmade road. Following its "discovery", it was listed Grade II in 2004.

**Site Description**

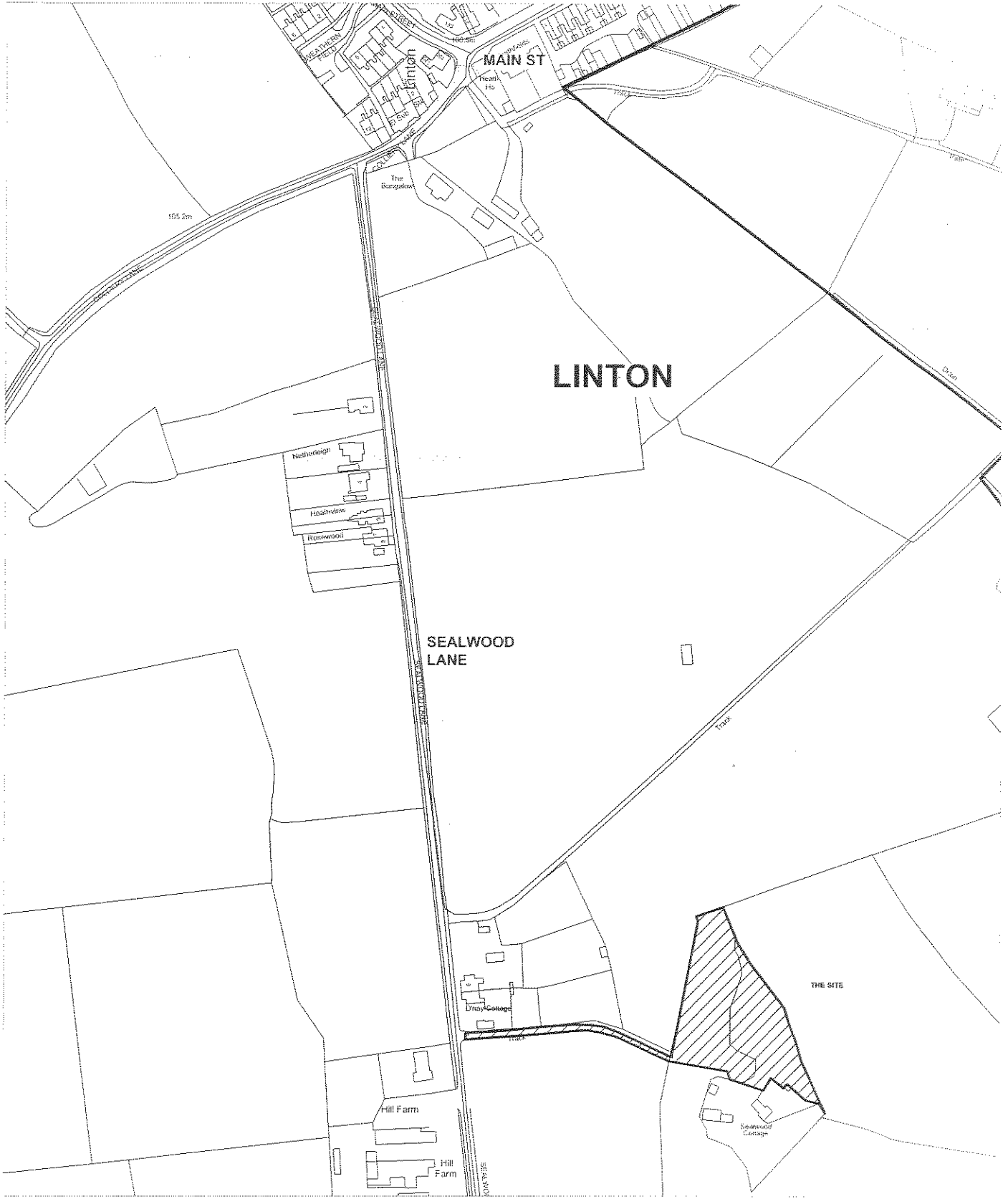
The house is unoccupied and lies in extensive grounds that, save for perimeter hedges and trees, are down to grass. It is largely surrounded by agricultural land within the countryside some 700 metres from the main street through the village of Linton.

The building is part timber framed, part brick and now has a tiled roof. It is in extremely poor repair.

**Proposal**

Three applications (two planning and one for listed building consent) have been submitted in respect of this site.

This report deals with all aspects of the three applications and the two subsequent reports contain recommendations and conditions only.



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

9/2005/1228/F Sealwood Cottage Farm  
Seal Wood Rd  
Linton

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Date Plotted 24/3/2006

NORTH ↑

Plot centred at 428038 315959 Scale 1:3000

Sealwood Cottage is to be divided into two one-bedroom self contained holiday homes. Applications 9/2005/1229/F and 9/2005/1230/L are submitted for planning permission and listed building consent for the works involved with the conversion. Application 9/2005/1228/F is for the erection of a four bedroom house and a triple garage in the grounds of the cottage.

The applicant is aware that should planning permission be granted for the erection of a new dwelling in the countryside against policies for its protection as a special concession in view of the circumstances set out in the planning assessment, it would be subject to:

- The revocation of an earlier planning permission for extensions to the cottage
- A Section 106 Agreement requiring:
  - 1) The restoration of the Listed Building before the new house is commenced
  - 2) An undertaking to allow limited public access to the Listed Building
  - 3) Strict limitations on usage of Sealwood Cottage(s) as holiday lets

### **Applicant's supporting information**

A considerable amount of supporting information has been submitted with the application. This primarily deals with the historical context for Sealwood Cottage and also includes a structural report. The structural report is mainly concerned with the repairs necessary to the 18<sup>th</sup> century part of the building as save for relatively minor problems at the interface between the two components and the poor state of windows, the 19<sup>th</sup> century part of the building is in a fair to reasonable condition.

### **Planning History and Background**

In 2004 substantial extensions were permitted to the cottage under application reference 9/2004/0207. The proposal would have resulted in the existing three bedroom cottage becoming a five bedroom dwelling and also made provision for a detached triple garage. Prior to implementation of this planning permission it came to light that there was more to this small isolated cottage than was first apparent. The building had originally been constructed as a hunting lodge or ornamental banqueting house by the owners of Netherseal Hall in around 1773. This timber framed part of the building comprises a large kitchen on the ground floor with steps leading down to a wine cellar that has brick constructed arched wine storage compartments. A winding staircase leads from the kitchen to a first floor banqueting room. The banqueting room has a large floor to ceiling window that would have once provided visitors to the building with a vista through woodlands towards Overseal. It has a pyramidal ceiling with decorative mouldings. This room is wood panelled below a dado rail part of which conceals a truckle bed. This unusual feature remains, although it is in need of restoration. The small building contains, for its size, a large number of other unusual features. The doorways are in a pointed gothic arched style, a curved storage cupboard with a curved door is located near the top of the spiral staircase, window shutters are stored between the cavity walls and run on wires for opening and closing. All of these features are in place and in need of repair. A large circular chimney has, for the most part, been removed.

Around 150 years ago a two storey extension was added to the lodge providing a kitchen, pantry and living room and a second staircase leading to two bedrooms above. It was then occupied as a single dwelling.

When the special history of the building with its unusual features came to light spot listing was requested and it was quickly confirmed as a Grade II Listed Building. The effect of this was that the planning permission could not be implemented without Listed Building Consent and a Listed Building Consent application for the same scheme would have damaged the special character of Sealwood Cottage. The Council's Conservation Team then worked closely with the owners to put forward a sympathetic scheme as now proposed.

### **Responses to Consultations**

The Council's Conservation Officers support the proposals on the basis that the scheme would safeguard the future of the building subject to the revocation of the earlier planning permission and to imposing the usual conditions to require a high standard of workmanship and finish and subject to the owner entering into a Section 106 Agreement in respect of the restoration of the cottage, restriction of it to holiday accommodation and to provide limited public access.

The County Planning Department considers that whilst the proposed development would conflict with the requirements of General Development Strategy Policy 4 and Housing Policy 6 of the Derby and Derbyshire Joint Structure Plan, the exceptional circumstances surrounding this planning application and the potential damage to a valuable listed building if the planning permission to extend the structure is not revoked are sufficient to override those requirements. The County Council considers it essential that the earlier planning permission for the extensions to the listed building is revoked prior to commencement of construction of the proposed new dwelling through planning condition and legally binding agreement.

The County Highways Authority has no objections.

The Pollution Control Officer recommends a site investigation as there is a possibility that contaminants may be present.

The Environment Agency raises no objection subject to conditions.

### **Responses to Publicity**

One letter has been received objecting to the proposal generally on the grounds that:

- It is unwarranted development in the countryside
- Highway safety
- Precedent

### **Development Plan Policies**

The relevant policies are:

RSS8: N/A

Joint Structure Plan: General Development Strategy Policy 4, Environment Policy 10 and Housing Policy 6

Local Plan: Housing Policy 8 and Environment Policy 13



## **National Policies/Guidance**

The adopted Local Plan does not reflect up to date government policy hence regard has been given to Planning Policy Guidance Note 7 – Sustainable Development in Rural Areas and Planning Policy Guidance Note 15 -Planning and the Historic Environment (PPG15).

## **Planning Considerations**

The main issues central to the determination of this application are the protection of the countryside from unwarranted development and the protection of historic buildings

## **Planning Assessment**

The Government's aims are to protect the countryside from unwarranted development, to direct new housing to locations that are served by a range of facilities in order to reduce dependence on the private car and to make use of brownfield sites before greenfield sites. The application site lies within an area where policies for the protection of the countryside apply and none of the usual exceptions apply wholly to this case.

The rationale for the erection of the new dwelling contrary to policies for the protection of the countryside is rooted in the desire to protect the listed building, Sealwood Cottage, from extensions that would be harmful to its character that depends partly on it being small and free-standing. Its roof form is particularly distinctive and the extension would have spoiled it.

The position and design for the new dwelling are sympathetic to the cottage having received extensive advice from the Council's Conservation Team. Its size and the provision of the garage reflect the accommodation that the owner would have expected to enjoy had planning permission granted under reference 9/2004/0207 been implemented. In terms of its position alongside the Listed Building, the curtilage is quite large, and the impact of the new house can be softened by landscaping.

Insofar as the use of Sealwood Cottage for holiday lets is concerned this part of the proposal finds support in paragraph 34 of PPS7 which urges Local Authorities to explore leisure and tourism in rural areas as such activities would support the local rural economy. On the face of it holiday accommodation would appear to be an eminently suitable use since temporary occupation would be unlikely to bring about subsequent pressure for extensions/alterations, satellite dishes and other domestic paraphernalia associated with permanent occupation. Furthermore, in the context of support for the local economy it is considered that holiday makers would be likely to support some local facilities and would also be likely to support tourist attractions in the area which in turn provide employment for local people.

Environment Policy 10 in the Structure Plan says that listed buildings should be protected from inappropriate alteration and unsympathetic development that would harm their character or setting. The revised works for the conversion of the building are sympathetic to the existing structure having been drawn up with assistance from

the Council's Conservation Officers. PPG15 provides additional weight for the conversion stating that generally the best way of securing the upkeep of historic buildings is to keep them in active use and often the best use is the one for which they

were designed. Nevertheless it recognises that new uses may often be the key to a building's preservation and urges that planning matters should be exercised sympathetically where this would enable a historic building to be given a new lease of life.

As set out earlier in this report the cottage is in urgent need of repair. In the supporting documentation that accompanies this application emphasis is given to the poor condition of the cottage and the fact that the erection of a dwelling alongside it would provide funding for its restoration. However, no case is made for essential enabling development which would ensure that the profits from this new dwelling are used in the restoration of the farmhouse. The proposal must therefore be considered in the context of whether a Section 106 Agreement will be sufficiently robust to bring about the repair of the building and thereafter provide for its future.

### Conclusion

The desire to renovate and maintain the Listed Building is a material consideration that carries sufficient weight to over-ride the general presumption against the erection of a new dwelling in the countryside. Furthermore, the conversion of the Listed Building into holiday homes is compliant with policies for supporting the local rural economy and will provide some public access to a Listed Building that would otherwise be appreciated only by its owners. In addition it is intended that this limited access may be enhanced by allowing the building to be more widely open on Heritage Open Days albeit that this would have to be by appointment as the building is too small to cope with large numbers at any one time.

Sealwood Cottage is an exceptional building, not a run-of-the-mill Grade II Listed Building, and it is appropriate to take an exceptional approach. This exceptional approach justifies the position taken in respect of requiring an exemplary standard of repair to the existing building, to higher and more exacting standards than would normally be required in a listed building application.

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 a Section 106 Agreement to secure the revocation (as uncontested by the applicant) of planning permission 9/2004/0207 and the restoration and conversion of Sealwood Cottage in accordance with permissions 9/2005/1229/F & 9/2005/1230/L and the following conditions:

1. The development permitted shall be begun before the expiration of three 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. 1766 11B.

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

3. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflights 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.

4. Large scale drawings to a minimum Scale of 1:10 of eaves, verges and external joinery, including horizontal and vertical 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.

5. All external joinery, including the garage doors, shall be of painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority. Windows shall:

- be set back from the face of the wall by a minimum of 20 mm,
- have segmental brick arches (unless they are located directly underneath the eaves) and unless otherwise agreed by the Local Planning Authority,
- be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),
- have a traditional brick/stone/tile cill. Integral timber cills are not acceptable.

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

6. 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. The development shall be completed using the approved materials.

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

7. B9 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.

8. 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.

9. 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.

10. Traditional copings to walls. All boundary walls shall have a traditional style of shaped clay or stone coping, the details of which, including a sample, shall have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate standard of detailing.

11. 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.

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

12. No part of the development shall be carried out until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason: To safeguard the setting of the Listed Building.

13. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

14. Pointing of the proposed buildings shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joints 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).

15. 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,

finish 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.

16. No development shall take place until a site investigation to determine whether the land is contaminated and any associated remedial works have been carried out to the satisfaction of the Local Planning Authority. This will include:
- A. A desktop study of the area of the proposed development.
  - B. An intrusive site investigation, its scope to be confirmed with the Local Planning Authority, prior to its commencement. The report should contain recommendations for any remedial or further works at the site.
  - C. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.
  - D. A remediation validation report along with a signed copy of the attached certificate. This should be supplied prior to the occupation of any buildings at site.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

17. Notwithstanding the originally submitted plans no work shall take place on the site until details of a scheme for the disposal of foul 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 because the originally submitted details are unacceptable.

#### Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).

For the discharge of the site investigation, as a minimum, the report should include:

- a) Details of an overview of the initial walkover survey to including the identification of contaminants from other sources e.g. gases emitted from natural organic deposits such as coal, or structures such as disused drains.
- b) Detailed on site sampling to identify any contamination.

- c) The locations of any contaminated zones within the site including details of more extensive and geographically wider investigation of these zones. This will provide a more reliable picture of the distribution of contamination on the site and reduce the risk of failing to discover a hot spot of contamination.
- d) An assessment of any off site impacts such as the effect on watercourses etc.
- e) A thorough explanation of the chosen remedial measures including depth, breadth of excavation and details of soil replacement.
- f) Plan of action if further contamination is identified during remediation.
- g) Details of the measures to verify that the contaminant has been removed to an acceptable level.
- h) The identification as to whether a long-term monitoring and maintenance programme is required, if so, details of the plans.
- i) Details of the long and short term risk to human health including the construction phase and post-development.
- j) Details of the British Standards or other guidelines used in both the assessment and remediation measures proposed.

Further guidance can be obtained from the following:

- I. Model Procedures for the Management of Land Contamination CLR 11
- II. CLR Guidance notes on Soil Guideline Values, DEFRA and EA
- III. Sampling Strategies for Contaminated Land, CLR4 1994, DoE.
- IV. Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
- V. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
- VI. Guidance for the Safe Development of Housing on Land Affected by Contamination' Environment Agency. ISBN 0113101775.

Soil contamination or the potential for it is a material planning consideration and must be taken into account by a local planning authority in the determination of a planning application. This site is suspected to be contaminated with chemicals associated with farming. The responsibilities for providing information on whether and how a site is contaminated rests with the developer, as does the subsequent safe development and secure occupancy of the site. Under these circumstances, you should undertake a site investigation and submit the results and remediation proposals as part of the planning application.

If a reclamation strategy is submitted and agreed by the planning authority compliance with it will be condition of any subsequent approval.

The developer will also be required to sign a completion certificate confirming that the works of reclamation have been carried out in accordance with the agreed strategy.

06/04/2006

**Item**            **1.5**

**Reg. No.**        **9/2005/1229/F**

**Applicant:**

John & Elizabeth Goodall  
The Lilacs  
Botany Bay  
Swadlincote  
Derbyshire  
DE12 8DY

**Agent:**

David Lewis Associates  
Delf View House  
Church Street  
Eyam  
Derbyshire  
S32 5QH

**Proposal:**        **The conversion of an existing cottage into two holiday cottages at Sealwood Cottage Farm Seal Wood Road Linton Swadlincote**

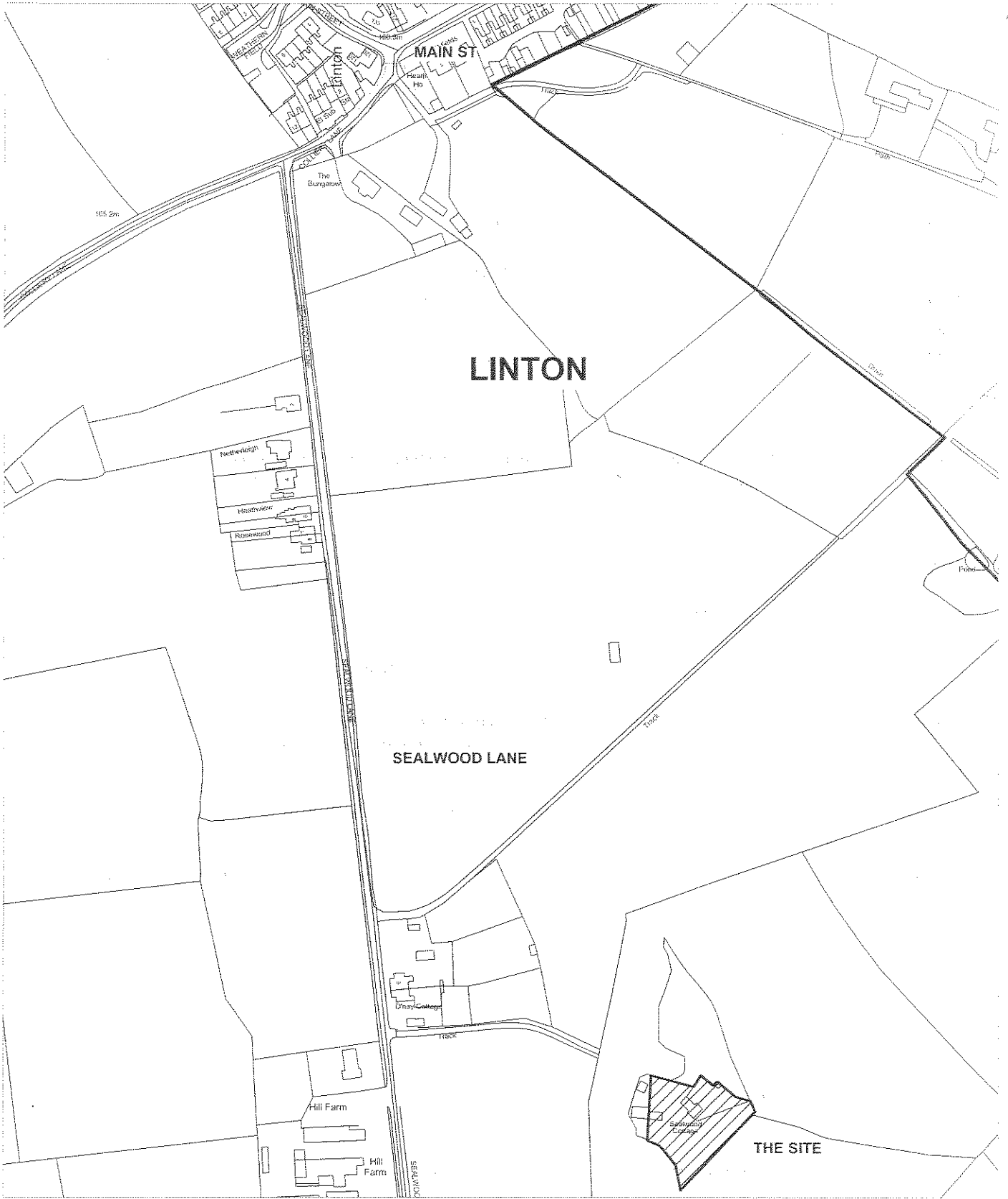
**Ward:**            **Linton**

**Valid Date:**     **19/10/2005**

The report for this application is set out in the preceding application.

**GRANT** permission subject to a Section 106 Agreement to secure the revocation (as uncontested by the applicant) of planning permission 9/2004/0207 and the following conditions:

1. The development permitted shall be begun before the expiration of three 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. This permission relates to amended drawings 1766 11B and 1766 23B, superseding drawing nos. 1766 11A and 1766 23A.  
  
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Large scale elevational drawings to a minimum scale of 1:10 of replacement external joinery, new internal joinery and associated ironmongery shall be submitted to, and approved in writing by, the Local Planning Authority before building work starts. The joinery shall be constructed in accordance with the approved drawings which, in the case of external windows, shall include horizontal and vertical sections, precise constructional details, method of opening, and cill and lintel details (where these are to be altered). The details shall also include include the arrangement of lead comes and saddle bars to the staircase window in unit 1.



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

9/2005/1229/F Sealwood Cottage Farm  
Seal Wood Rd  
Linton

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South Derbyshire District Council  
OS Licence No. LA 100019461. 2005

Date Plotted 24/3/2006

NORTH ↑

Plot centred at 428078 315958 Scale 1:3000



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

4. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing and flooring materials to be used in the construction of the works 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.

5. The extent of repointing works shall be agreed in writing by the Local Planning Authority before any such works are commenced.

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

6. A sample panel of pointed brickwork 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. The works shall be carried out in accordance with the approved sample.

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

7. 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.

8. 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.

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

9. No part of the development shall be carried out until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason: To safeguard the appearance of the Listed Building

10. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

11. All works described in the approved listed building consent application and drawings shall be carried out in full prior to the occupation of any part of the development, with no departures or omissions unless prior agreement is obtained in writing from the Local Planning Authority.

Reason: To safeguard the appearance of the Listed Building.

12. A specification of the proposed decoration for the whole of the exterior and interior, including the colour scheme, shall be submitted to, and approved in writing by, the Local Planning Authority before implementation, and shall be carried out prior to occupation of any pt of the development. No changes to the approved decorative scheme, internally or externally, shall be made without the prior agreement in writing of the Local Planning Application.

Reason: To safeguard the appearance of the Listed Building.

13. No part of the development shall be carried out until method statements for the repair of the first floor structure to the bedroom of unit 1, and for the installation of the new steelwork to support the unit 1 chimney, have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To safeguard the Listed Building.

14. The proposed additional support to the principal beam under the bedroom fireplace in unit 1 shall be constructed of brick as shown on drawing no 1766 12A, and not by timber posts as shown on drawing no 1766 15A.

Reason: To safeguard the Listed Building.

15. 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, finish and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced. The routing of face-mounted pipes or cables over the fair-faced brickwork in the sitting room of unit 1 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.

16. Notwithstanding the originally submitted plans no work shall take place on the site until details of a scheme for the disposal of foul 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 because the originally submitted details are unacceptable.

06/04/2006

Item 1.6

Reg. No. 9/2005/1230/L

**Applicant:**

John & Elizabeth Goodall  
The Lilacs  
Botany Bay  
Swadlincote  
Derbyshire  
DE12 8DY

**Agent:**

David Lewis Associates  
Delf View House  
Church Street  
Eyam  
Derbyshire  
S32 5QH

**Proposal:** The conversion of an existing cottage into two holiday cottages at Sealwood Cottage Farm Seal Wood Road Linton Swadlincote

**Ward:** Linton

**Valid Date:** 19/10/2005

The report for this item is set out under application number 9/2005/1228

**Recommendation**

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

1. The works to which this consent relates shall be begun before the expiration of three 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. This permission relates to amended drawings 1766 11B and 1766 23B, superseding drawing nos. 1766 11A and 1766 23A.  
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Prior to the commencement of any works large scale elevational drawings to a minimum scale of 1:10 of replacement external joinery, new internal joinery and associated ironmongery shall be submitted to, and approved in writing by, the Local Planning Authority. The joinery shall be constructed in accordance with the approved drawings which, in the case of external windows, shall include horizontal and vertical sections, precise constructional details, method of opening, and cill and lintel details (where these are to be altered). The details shall also include the arrangement of lead comes and saddle bars to the staircase window in unit 1.  
Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

4. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing and flooring materials to be used in the construction of the works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved materials.

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

5. The extent of repointing works shall be agreed in writing by the Local Planning Authority before any such works are commenced.

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

6. A sample panel of pointed brickwork/stonework 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. The works shall be carried out in accordance with the approved sample.

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

7. 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.

8. 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.

9. No part of the development shall be carried out until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason: To safeguard the appearance of the building.

10. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

11. All works described in the approved listed building consent application and drawings shall be carried out in full prior to the occupation of any part of the development, with no departures or omissions unless prior agreement is obtained in writing from the Local Planning Authority.

Reason: To safeguard the appearance of the Listed Building.

12. A specification of the proposed decoration for the whole of the exterior and interior, including the colour scheme, shall be submitted to, and approved in writing by, the Local Planning Authority before implementation, and shall be carried out prior to occupation of any part of the development. No changes to the approved decorative scheme, internally or externally, shall be made without the prior agreement in writing of the Local Planning Application.

Reason: To safeguard the appearance of the Listed Building.

13. No part of the development shall be carried out until method statements for the repair of the first floor structure to the bedroom of unit 1, and for the installation of the new steelwork to support the unit 1 chimney, have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To safeguard the Listed Building.

14. The proposed additional support to the principal beam under the bedroom fireplace in unit 1 shall be constructed in brick as shown on drawing no 1766 12A, and not by timber posts as shown on drawing no 1766 15A.

Reason: To safeguard the Listed Building

15. 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, finish and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced. The routing of face-mounted pipes or cables over the fair-faced brickwork in the sitting room of unit 1 shall be agreed in writing with the Local Planning Authority before development is commenced.

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

16. Notwithstanding the originally submitted plans no work shall take place on the site until details of a scheme for the disposal of foul 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 because the originally submitted details are unacceptable.

06/04/2006

Item 1.7

Reg. No. 9/2005/1261/F

**Applicant:**  
A S Thompson  
Dovecote House  
Heage Lane  
Etwall  
Derbyshire

**Agent:**  
B. Williamson  
Gilson Design Consultants Ltd  
48 Coach Way  
Willington  
Derby

**Proposal:** Demolition of existing two dwellings and the erection of two detached dwellings on the Site of Olivette and The Briars Dalbury Lees Ashbourne

**Ward:** North West

**Valid Date:** 24/10/2005

#### Site Description

Two dwellings currently occupy the site fronting on to the road that runs through the village. One dwelling is a bungalow; the other has very much the appearance of a wooden hovel but records indicate that the building was occupied as a dwelling. The site slopes away from the road towards the open countryside beyond.

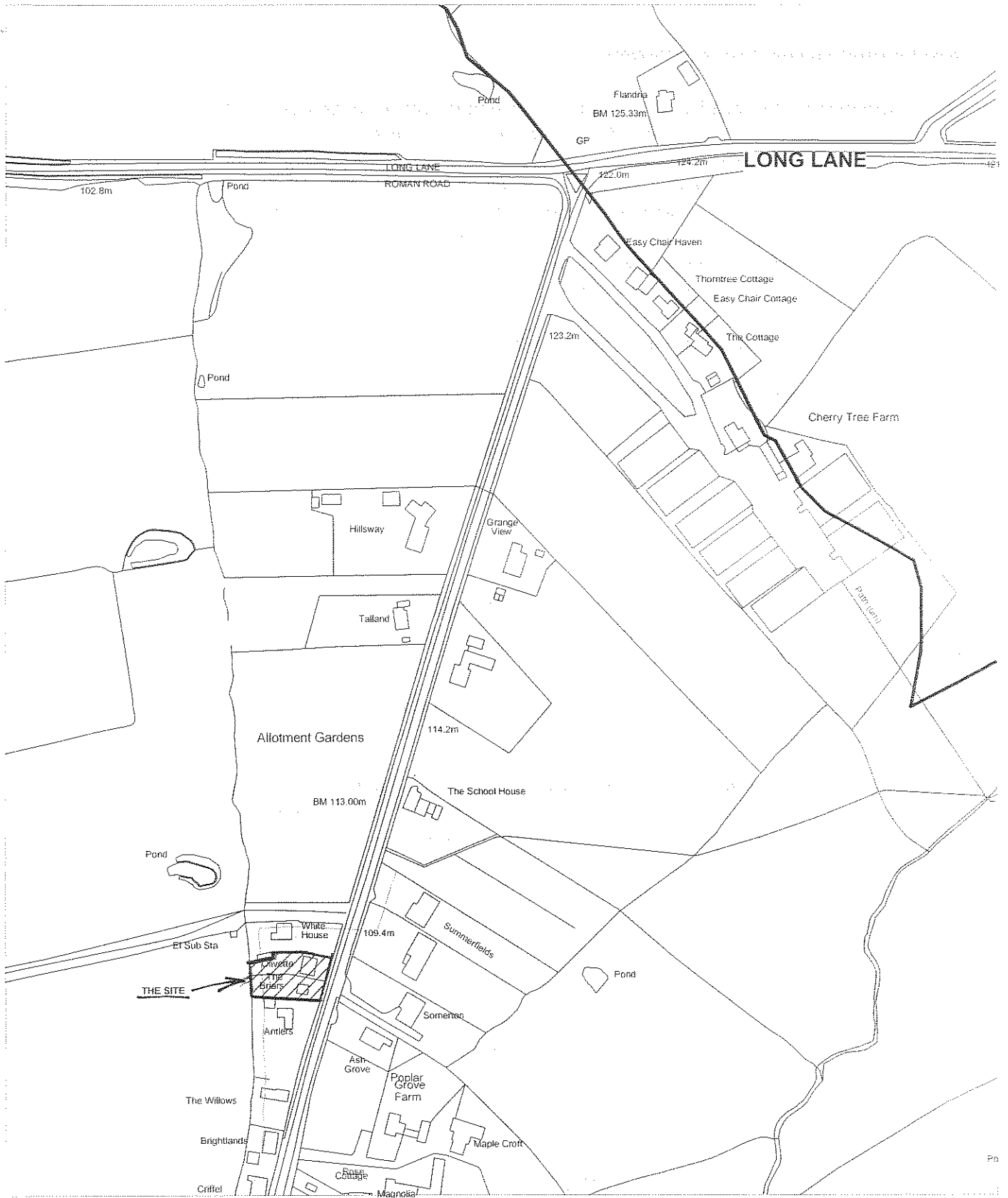
Existing dwellings flank the site. White Cottage is a traditional cottage that has been considerably adapted and extended from its original form as a pair of 1-up and 1-down cottages. It has main habitable room windows that look towards the site that arise from its original occupation referred to above. However, the extensions that have occurred to the original dwellings mean that there are alternative windows to the habitable rooms that look towards the road and the countryside that lies to the west. 'Antlers' is the dwelling that lies to the south of the site. It has some windows in the side that look north over the site. One of these is the only window to a bedroom on this side of the house. The remaining windows and doors in this flank elevation are to stores or bathrooms.

There are dwellings on the opposite side of the lane but these are set well back from the road.

#### Proposal

The applicants are proposing to replace the two single storey dwellings with two traditional dwellings that would be sited close to the site of the existing dwellings and would be located further back into the site than the existing dwelling.

Access to the plots would be from the lane.



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

9/2005/1261/F Olivette & The Briars  
 Dalbury Lees  
 Ashbourne

Date Plotted 24/3/2006

NORTH ↑

Plot centred at 426517 337834 Scale 1:2500

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 South Derbyshire District Council  
 OS Licence No. LA 100019461. 2005

## **Applicants' supporting information**

Since submission the application has been amended twice to reduce the scale of the proposed dwelling that would lie adjacent to the White Cottage and to reflect accurately the distance between the existing and proposed dwelling. It introduces a one and a half storey element to the proposed dwelling that lies close to the boundary of the site. It would present a 3.25 metre high gable wall to the boundary at a distance of 5.0 metres from the White Cottage. The two-storey element of the building would be 12 metres from the main windows in the White Cottage. A 1.8 metre high close-boarded fence is proposed between the two dwellings along the boundary.

The dwelling that is proposed adjacent to Antlers has not been amended

The second amendment was submitted to clarify the distance between the 2-storey element of the dwelling on Plot 2 adjacent to the White Cottage. The application drawing is marked that the minimum distance between the White Cottage and 2-storey element on Plot 2 will be 12 metres. The assertion is made on the basis of an actual measurement of the site and the land available.

## **Planning History**

There is no recent relevant planning history on the site.

## **Responses to Consultations**

Dalbury Lees Parish Council strongly objects to the development as proposed for the following reasons:

- a) The number of dwellings in the village has nearly doubled in the past years and this is directly contrary to the provisions of PPS 7. The development that has taken place and is now proposed is not in keeping or of a scale that is commensurate with its location nor is it sensitive to the character of the countryside and local distinctiveness. This requirement is repeated in Housing Policy 5 of the adopted Local Plan. The density of the development that has been permitted is akin to that seen in an urban area and is utterly out of context with a small rural village.
- b) There is no basic infrastructure in the village to sustain this continued expansion. There is a pub but the nearest shops are in Mickleover some 5 miles away. Access to junior schools is by car and school busses provide access to the senior schools. Public transport is limited to a morning and afternoon service three times a week together with the community bus. The majority of movements to and from the village are by car and given the nature of the properties, most have 2 or 3 cars.
- c) The local and affordable housing needs of the locality are not being met by any of the development that has taken place or has been recently proposed.

Specific to the development of the application site the Parish Council has the following objections:

- a) The submitted plans are not to scale and misrepresent the position of the adjacent dwellings. This makes it difficult for neighbours to assess the impact of



- the development on their properties and for the District Council in determining the validity of the application.
- b) Both properties are so close to the boundaries of the site such that the development is fundamentally in breach of the requirements of the Housing Design and Layout SPG document published by the District Council. The ridge height of Plot 1 would be considerably higher than the adjacent dwelling, 'Antlers' and Plot 2 would cause major detriment to the light and enjoyment of the White House.
  - c) The existing buildings are small and one is a wooden shack. The proposals involve a massive increase in the number of bedrooms from 3 to 8, which it is suggested would be contrary to the tenets of PPS 7 and Housing Policy 5 of the Local Plan.
  - d) Neither property has been occupied for at least 15 years (25 years in one case); thus there would be an additional increase in the number of vehicle movements through the village as there would be at least 2 or 3 cars present at and it is almost inevitable that vehicles would reverse out onto the highway from the dwellings causing a traffic hazard.
  - e) The Parish Council considers that one modern dwelling should be erected on the site of the dwellings. However, if 2 are to be permitted then they should both be single storey and be of a size commensurate with the relatively small size of each site.

The County Highway Authority notes that accesses could be formed without planning permission under permitted development rights. Accordingly, there are no objections to the proposals as they are a one for one replacement of the existing dwellings subject to conditions covering the provision of the accesses, pedestrian intervisibility splays, a visibility splay across the site frontage, construction of a footway across the site frontage and provision of parking space.

The Environmental Protection Manager has no objection.

### **Responses to Publicity**

Two letters were received in response to the original consultation and a further one, from an original objector, to the reconsultation. The objections can be summarised as follows:

- a) The ridge height of both dwellings will be considerably higher than the adjacent property and there would be a flank wall very close to the boundary that would shade a bedroom window in that wall that is the only source of light to that room.
- b) Surface water already drains from the site into the adjacent dwelling and the proposed soakaways would certainly worsen the situation, if this method of drainage is to be used then the soak away should be located as close to the west boundary as possible.
- c) The space to the boundary of the dwelling should be maintained as shown because there would be a need to maintain the flank wall.
- d) The roadside verge should be retained and the buildings plots should not be allowed to encroach onto the highway as has happened elsewhere in the village.
- e) The proposed dwelling would overshadow and overlook the primary windows at less than the 12 metres required in the Housing Design and Layout booklet. This

situation is emphasised by the fact that the windows face south and enjoy considerable light levels.

- f) The submitted drawings do not accurately reflect the position of the existing dwelling; the White House is only 5 metres from the boundary not 6.5 as suggested on the application plan.
- g) In response to the reconsultation the same objectors repeat their concern that the drawings are inaccurate and the windows referred to above are only 5 metres from the site boundary.
- h) There remains a blank wall just 1.0 metre from the common boundary. There is no reference on the amended elevation to the door and side window to the utility room that would look out from the proposed side gable. This would still overlook the White House and if treated as a kitchen window there should be 18 metres between it and the flank windows in the White House.
- i) The amended scheme still shows the two-storey element within 12 metres of the flank windows of the White House. It is understood that single storey elements of buildings will be judged on their individual merits but the gable next to the boundary is not single storey.
- j) The garage has no turning area in front of it this would cause vehicles to reverse out onto the highway.
- k) The proposals clearly breach the guidelines for overshadowing and overlooking and measurements taken by the objector indicate that the dwelling should be sited no further back into the site than the rear of the existing dwelling. Further plans should be submitted that meet the requirements of the Council's published guidance.

In response to the consultation on the latest amended plans the following objections have been made in addition to those listed above:

- a) There remains concern about the relationship between the houses either side of the proposed plots, the resulting loss of light and the potential for parking on the highway. Lorries use the lane and have great difficulty in passing each other without mounting the grass verges.
- b) The dwellings may be altered or extended without the need for planning permission that would be out of character with the area and be over-dominant on the adjacent dwellings because of the higher ridgeline of the house proposed on Plot 1.
- c) The minimum distance between dwellings has been breached to an even greater extent than previously. It does not meet the requirement of 9 metres in the Council's adopted standards. The impact on the north facing bedroom window in Antlers is re-emphasised in the latest letter.
- d) The plots are too small and a single dwelling should be erected.
- e) The windows of the White Cottage would be over shadowed, it is recognised that single storey parts of proposals are treated on their own merits. The 'single' storey element of the dwelling on Plot 2 is clearly not single storey and
- f) the impact of the dwelling is therefore greater; especially given the difference in levels between the two plots.

## Development Plan Policies

The relevant policies are:

RSS8: Policies 2 & 3;

Joint Structure Plan: General Development Strategy Policy 1, Housing Policy 5;

Local Plan: Housing Policy 5.

## Planning Considerations

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

- The Development Plan
- The impact on the neighbouring dwellings
- The proposed accesses

## Planning Assessment

The replacement of dwellings within a settlement framework has always been acceptable from a Development Plan policy point of view. The issue is one of whether the scale and character of the proposals are in keeping with their surroundings and whether the proposals would adversely affect the living conditions of the occupiers of the neighbouring dwellings. These are the main points identified by the Parish Council and the objectors to the development.

### Scale and Character

An assessment of the scale and character of a proposed development goes much wider than an assessment of what exists on the actual site itself. Historically Lees was a farming community with significant gaps along the main road frontage. Over many years these significant gaps were developed with a variety of house types – substantial detached dwellings and bungalows. In the past 15 years, various housing developments have been permitted at the application stage or at appeal. (This has resulted in the situation that the Parish Council complains about of significant new housing development in the village).

In terms of assessing the impact of a development on scale and character there is no specific historic characteristic that would allow a particular house type to be said to be out of scale with its surroundings to a point where that could be substantiated at appeal. The White House is the nearest traditional dwelling but that has been significantly extended and altered to a point where its original scale and character has been lost albeit that the appearance of the dwelling remains traditional. It is set well back from the road. Other dwellings in the vicinity date from the 1960's and 1970's. The ones on the opposite side of the road are set well back from the road. 'Antlers' lies to the south of the development site and dates from the 1970's. It is set further back from the road than the proposed dwellings.

The conclusion on the issue of scale and character is that the proposed dwellings albeit of a modern appearance, would be of a scale and character in keeping with the remainder of the settlement and its surroundings.

## Impact on the occupiers of the neighbouring dwellings

In terms of 'Antlers' the impact of the development of Plot 1 is that the bedroom window in the existing house would face onto the blank gable of the proposed dwelling. This relationship is acceptable under the Housing Layout and Design SPG and there would be no significant loss of light as the bedroom window faces almost directly north and receives no direct sunlight. The dwelling on Plot 1 has been sited such that it would not overbear on the front windows of 'Antlers'.

The situation of the impact on the occupiers of The White House is more complicated. Clearly in its original form the windows in the cottage that overlook the site were the main habitable room windows of the one up and one down dwellings. Plans from previous planning applications, indicate that the entrance doors to the dwellings were in the south flank of properties. The windows that remain in the property receive considerable light from these south-facing windows.

However, the extensions and alterations that have taken place have significantly changed the aspect of the dwelling such that it has its main entrance facing the road and windows in the east and west facing flanks of the dwelling.

The originally submitted scheme was totally unacceptable in that the flank walls would have dominated the existing dwelling. The amended scheme has significantly reduced the mass of the dwelling adjacent to the boundary. The objectors are correct in stating that the remaining 2-storey element is within the minimum distance from their windows. The distance is shown as 12 metres and this is the minimum distance required in the Supplementary Planning Guidance between the blank gable of a 2-storey dwelling and the habitable room windows in an adjacent dwelling.

The judgement here is whether the changes to The White House are such that the weight attached to the windows in the south facing walls is reduced given that the main aspects of the dwelling now face east/west. The reduction of the flank wall to a height of 3.75 metres close to the boundary represents a compromise that reflects the original importance of the windows in the south flank of The White House but it would be difficult to sustain an argument that the side windows should prejudice a development should it be acceptable in planning policy terms as a replacement dwelling, when alternative windows exist in the dwelling that provide light to the affected rooms. The same arguments are considered to apply to the two-storey element of the proposed dwelling on Plot 2.

If permitted the proposed dwellings would be located sufficiently far from the dwellings on the opposite side of the lane such that the Council's adopted standards for space about dwellings would be met.

## Access Proposals

Given the comments of the County Highway Authority that the access alterations could take place in any event without planning permission, the principle of the access is acceptable. Conditions could be attached to require that turning space be provided within the curtilage of each of the dwellings such that vehicles could enter and leave the site in a forward gear. This and the other requirements of the County Highway Authority are recommended below as conditions.

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 three 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 drawings received under cover of your letter dated 26 January 2006.  
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. No part of the development shall be carried out until precise details, specifications and samples of the facing materials to be used in the construction of the external walls and roof of the buildings 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. No work shall take place on the site until details of a scheme for the disposal of 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 flood protection.
5. Prior to any other works commencing, the new accesses shall be formed to the public highway. Each access shall have a minimum width of 3.2 metres, be constructed as a splayed vehicular crossover and be surfaced in a solid bound material  
Reason: In the interests of highway safety.
6. Prior to the first use of the development hereby permitted, the land in advance of the sight lines measuring 2m x maximum achievable on the site frontage shall be cleared and thereafter retained free of all obstructions to visibility over a height of 1 metre above the adjoining carriageway level.  
Reason: In the interests of highway safety.
7. Prior to the occupation of the first dwelling a footway fronting the site shall be constructed to adoption standard extending from the vehicular crossing for plot 2 across the entire site frontage in accordance with a scheme that shall have received the prior written approval of the Local Planning Authority.  
Reason: In the interests of highway safety.
8. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of each

dwelling Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two 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. Provision shall be made within the site curtilage for vehicle turning facilities allowing passage to and from the highway in forward gear.

Reason: In the interests of highway safety.

10. 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.

11. 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.

12. 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.

13. 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.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no external alterations, including the insertion of new windows, to the buildings other than as approved under this permission.

Reason: In the interests of maintaining privacy between dwellings

15. 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.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 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. the footway fronting the site should be constructed to adoption standards and details should be submitted to the County Highways Authority prior to works commencing to construct the footway.

Further to Condition 8 above the provision of turning facilities for the dwellings may necessitate the widening of drives sufficient to allow vehicles to turn or the provision of a joint access.

06/04/2006

**Item** 1.8**Reg. No.** 9/2005/1453/M**Applicant:**

R Hewitt  
 Dunnsmoor Farm Dunnsmoor Lane  
 Hartshorne  
 Swadlincote  
 Derbyshire  
 DE117AP

**Agent:**

Sansom Clarke (SMC)  
 Barns Heath Farm  
 Appleby Magna  
 Swadlincote  
 Derbyshire  
 DE127AJ

**Proposal:** Change of use of part of farm to golfcross facility at  
 Dunnsmoor Farm Dunnsmoor Lane Hartshorne  
 Swadlincote

**Ward:** Hartshorne & Ticknall

**Valid Date:** 09/12/2005

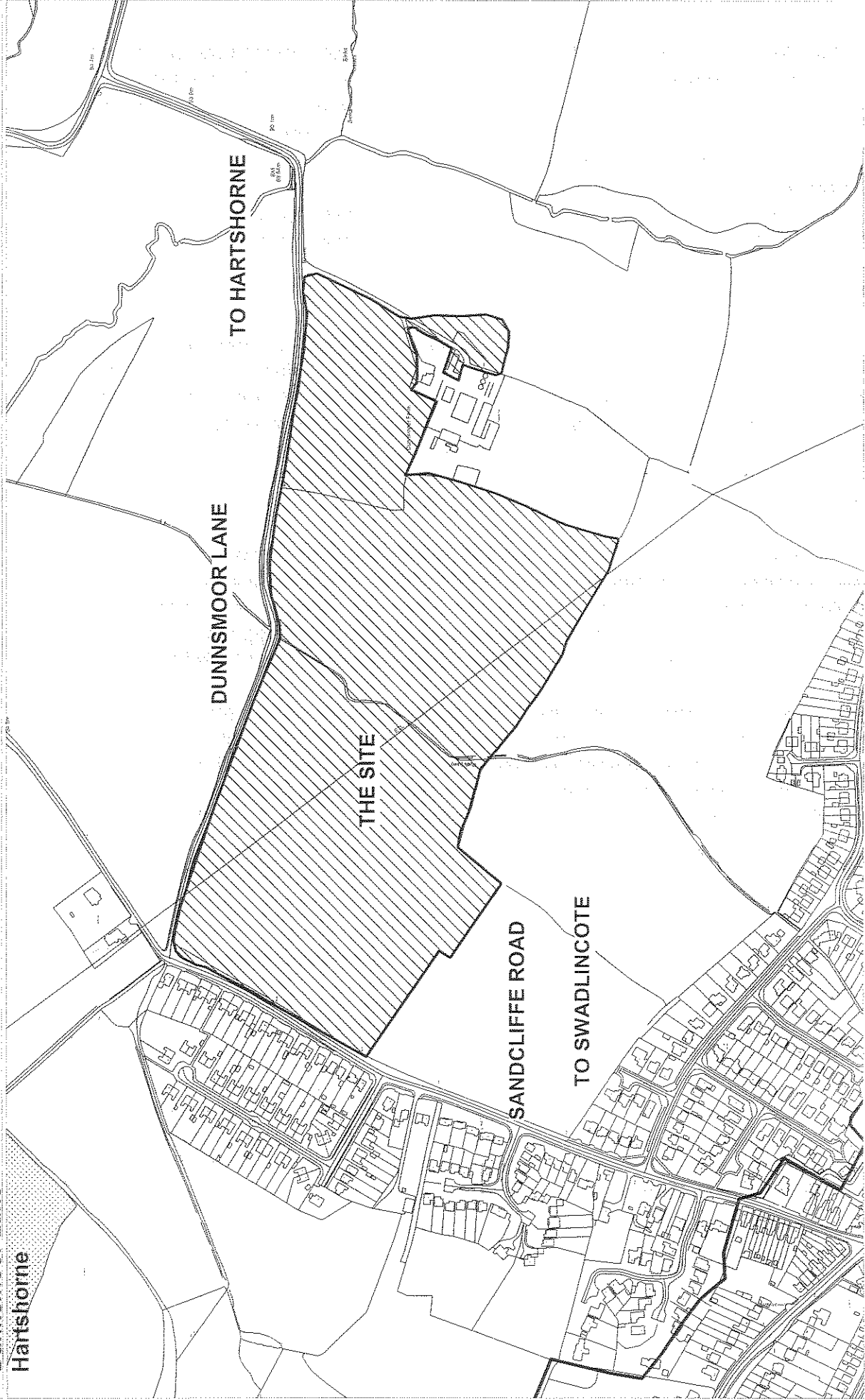
Members resolved to defer this application to enable the applicant to respond to their request for the proposal to be granted a temporary two-year planning permission after which time a new application would be required to enable the impact of the development to be assessed before any further permission was considered. (The previous report is attached as an Appendix)

The applicant's response is summarised as follows:

- The commercial risk involved with a temporary permission would limit the amount of capital expended on the project, and as such the applicant would contemplate the following:
  1. No separate, dedicated and surfaced car park. Customers would have to park on the grass or in the farm yard.
  2. No permanent office or refreshment facility relying only on a Portacabin.
  3. Toilet facilities would be chemical waste Portaloo's.
  4. Access improvements would be limited to cutting back hedges along the visibility lines to Dunnsmoor Lane, subject to the acceptance of the Highway Authority.
  5. Any planning conditions would have to be sufficiently flexible to enable the project to proceed at minimum cost.
- A temporary permission would disqualify any farm diversification grant.
- The image and impression of the development would be second rate and off-putting for customers. The intention was to provide a high-quality leisure activity with appropriate facilities.



9/2005/1453/M Dunnsmoor Farm  
Dunnsmoor Lane  
Hartshorne



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DISTRICT COUNCIL  
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CIVIC WAY  
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Date Plotted 24/3/2006  
Scale 1:5000

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- The project would absorb at least £100,000 of capital expenditure, as currently planned. A two-year permission would not justify any more than a speculative
- £5,000 to £10,000 investment. This level of investment is unlikely to generate the critical mass of return custom to make the project work.
- Operating “on the cheap” would be false economy, as it would threaten the permanent success of the project.
- The applicant considers that nothing other than a full permission would provide him with the confidence he needs to proceed with the project.

### **Planning Assessment**

One of the six tests for applying conditions is reasonableness. Government guidance says that a condition should not be imposed if the restriction effectively nullifies the benefit of the permission. The applicant has indicated that only a full permission would enable him to proceed with the project. Government guidance goes on to say that if it appears that a permission could be given only subject to conditions that would be likely to be held unreasonable by the courts then it will be necessary to refuse the permission altogether.

In view of the applicant being unlikely to proceed with the development on the back of a two-year permission, the conclusion to be drawn is that a restrictive condition such as this would be unreasonable. It is recommended therefore that members consider refusing the application if they consider there are sufficient planning grounds to do so rather than impose a condition that is likely to be unreasonable and therefore ultra vires.

Members should also bare in mind, that if the applicant were able to proceed with a two year permission, the level of investment would be minimal and thereby not representative of the development that would have occurred with a full permission. Expenditure restrictions brought about by a two-year permission would not allow the acceptability of the development to be fairly tested.

### **Recommendation**

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

1. The development permitted shall be begun before the expiration of three 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. No development shall commence on site until samples of materials for the external surfaces of the buildings to be converted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate to safeguard the appearance of the countryside.

3. The two portable buildings hereby approved shall be removed from the site within 2 years from the date of this planning permission.

Reason: This type of building due to its design and appearance would not be appropriate in the countryside and have only been allowed for a temporary period due to the special circumstances of the case.

4. No artificial light shall be used to illuminate the course hereby approved.

Reason: To safeguard the appearance of the countryside and the amenities of local residents

5. Notwithstanding the details submitted, the formation of the car park shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of tree planting, which shall include indications of all existing trees and hedgerows.

Reason: To mitigate any adverse visual impact the car park may have in this rural location.

6. All planting associated with condition 5 shall be carried out in the first planting and seeding season following the formation of the car park hereby approved 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: To safeguard the appearance of the countryside.

7. A tree planting scheme for the course shall be submitted to and approved in writing by the Local Planning Authority before 1st September 2009.

Reason: To enhance the appearance of the countryside which is within the National Forest.

8. Further to conditions 5 and 7 above, tree planting details shall include planting plans; written specifications including cultivation and other operations associated with tree establishment; schedules of trees (noting species, plant sizes and proposed numbers/densities where appropriate).

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

9. All approved tree planting in connection with condition 7 shall be carried out in the first planting and seeding seasons following the approval of the tree planting details and any trees which within a period of five years from the planting date 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: To enhance the appearance of the countryside which is within the National Forest.

10. The opening hours of the facility shall be restricted to 8am at all times and the last admission shall be 7pm at all times.

Reason: To safeguard the amenities of local residents.

11. No tipping of material shall occur on the site.  
Reason: To prevent pollution of the water environment.
12. There shall be no buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of either bank of the watercourse which crosses the site unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.
13. No development shall commence on site in connection with this approval until a scheme for the provision of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out before the building is brought into use.  
Reason: To prevent pollution of the water environment.
14. No development shall take place on site in connection with this approval until access to the site has been constructed in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The details shall include radii of 10m and visibility sightlines extending from a point 4.5m back from the Dunsmoor Lane carriageway edge, measured along the centreline of the access, for a distance of 90m in each direction measured along the nearside carriageway edge of Dunsmoor Lane, or such other alternative dimensions as may subsequently be agreed in writing by the Local Planning Authority. The land in advance of the visibility sightlines shall be maintained permanently free of all obstructions above ground level.  
Reason: In the interests of highway safety.
15. The development shall not be taken into use until the car parking and manoeuvring space has been provided, surfaced and marked out in accordance with the scheme shown on submitted drawing no. H/258/001, or such other scheme as may be approved in writing by the Local Planning Authority. Thereafter the approved facilities shall be maintained free of any impediment to their designated use.  
Reason: In the interests of highway safety.
16. The layout of the course shall comply with the course layout safety criteria as defined in the Golf Cross letter received by the Local Planning Authority on 6th February 2006.  
Reason: In the interests of highway safety.

**Informatives:**

The applicant is made aware of the contents of the letter from Central Networks. To note and act upon as necessary the comments of the Environment Agency (see attached letter).  
To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 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.