

# REPORT OF THE HEAD OF PLANNING SERVICES

## **SECTION 1: Planning Applications**

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).

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## 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.**

Reference	Item	Place	Ward	Page
9/2005/0406	1.1	Linton	Linton	1
9/2005/0407	1.2	Linton	Linton	12
9/2005/1240	1.3	Woodville	Woodville	18

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.

25/04/2006

**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 residential units with associated access and parking at Grange Farm Coton Park Linton Swadlincote

**Ward:** Linton

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

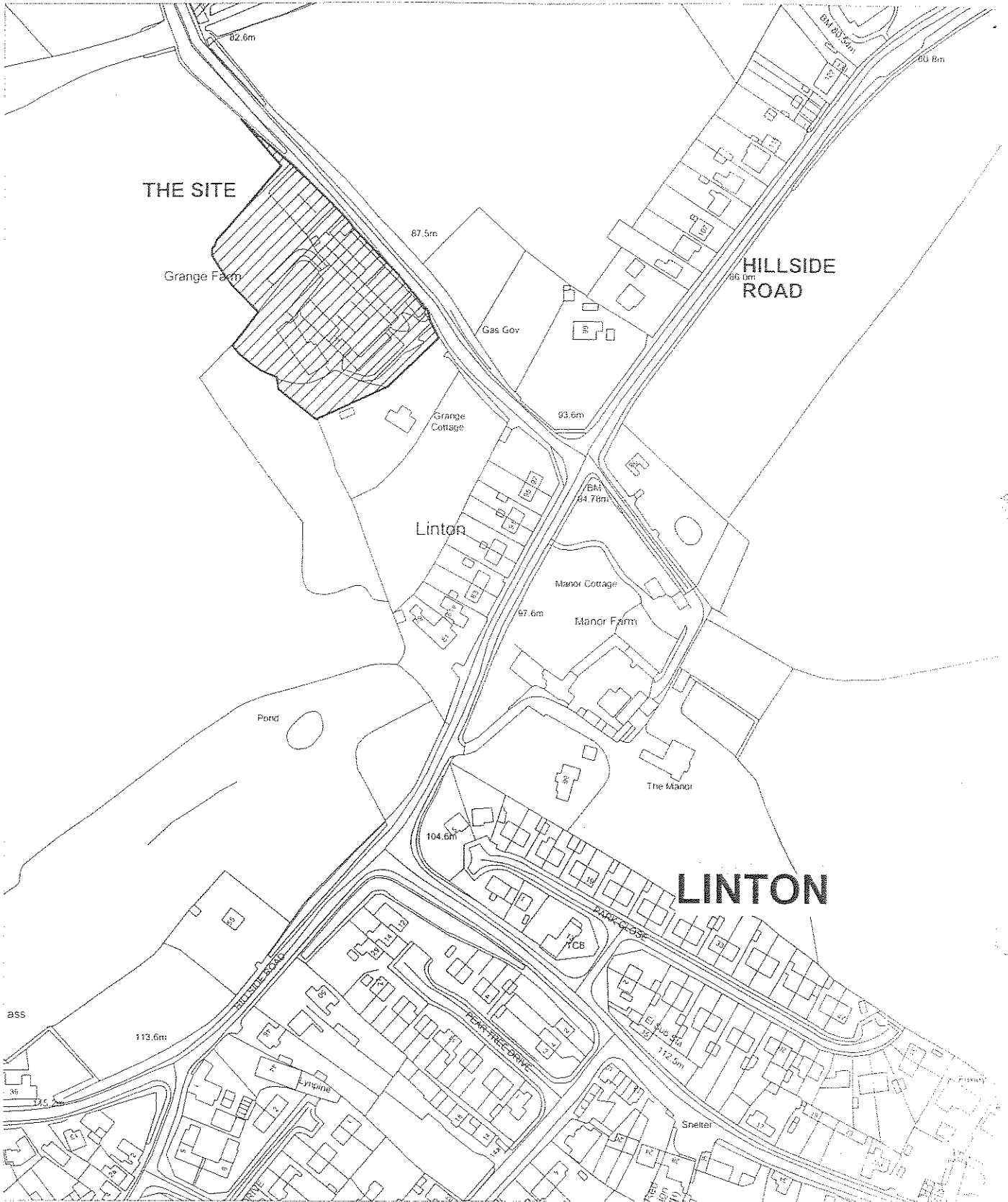
This proposal is brought before this Committee because Cllr Lauro has declared a pecuniary (personal prejudicial) interest in the application.

**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. An adjoining cottage and its garden are included in the site boundary because part of the cottage garden is to provide a visibility splay for a new access to serve some of the proposed new units.

**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.



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

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

Date Plotted 24/3/2006

NORTH

Plot centred at 427379 316957 Scale 1:2500

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

Some covered parking is to be provided in an open fronted building that currently is flat 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 (by using a strip of an adjacent field with part of the visibility splay taking a sliver of the garden to an existing cottage) 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. The current application was originally for 10 live/work units but the applicants agreed to amend the proposal to residential as officers felt that to be a more appropriate description.

### **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.

There are no new openings proposed on elevations facing the existing adjoining Wheatmere Cottage the amenity of which should therefore not be affected.

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.

25/04/2006

**Item** 1.2

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

**Applicant:**

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**Agent:**

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D P D S  
Gleneagles House  
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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 hi-light 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.

25/04/2006

**Item**            **1.3**

**Reg. No.**       **9/2005/1240/D**

**Applicant:**

George Wimpey (North Midland) Ltd Bloor  
Homes Ltd

**Agent:**

David Lock Associates Ltd  
50 North Thirteenth Street  
Milton Keynes  
MK9 3BP

**Proposal:**       **The approval of reserved matters following grant of planning permission 9/2001/0050/O for the design of the eastern section of the link road, a new access for 210 High Street and the making up to adoptable standards of a section of South Street at 210 High Street and land at Butt Lane and South Street adjoining residential development site Woodville Pipe works off Moira Road Woodville Swadlincote**

**Ward:**           **Woodville**

**Valid Date:**    **31/10/2005**

**Site Description**

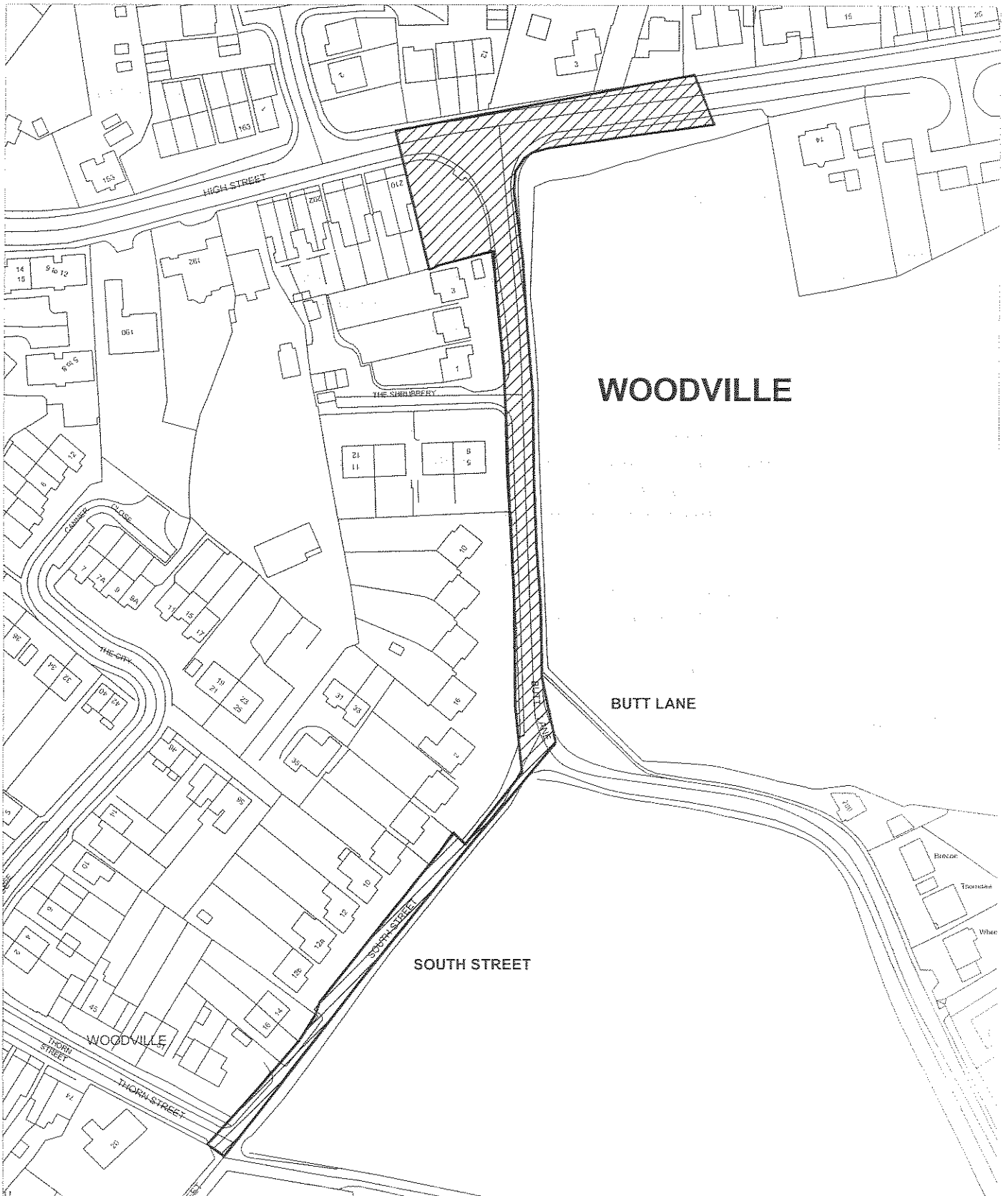
Butt Lane, south of its junction with the A511 Ashby Road, physically defines the eastern edge of the built up area of Woodville for some 170m and marks the County Boundary with Leicestershire. The road then forks carrying South Street to the south west and Butt Lane continuing in a south easterly direction to Blackfordby.

**Proposal**

This reserved matters application for the proposed Woodville Woodlands link road follows the outline permission granted in 2004 by South Derbyshire District Council and North West Leicestershire District Council (NWLDC). The proposal will complete the road connection between the completed section off Moira Road and the A511 Ashby Road at its junction with Butt Lane.

The majority of the link road falls to NWLDC to determine being within its administrative boundary.

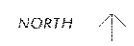
The part to be determined by SDDC includes a section of South Street to be made up to adoptable standards, a new access to 210 High Street, which is on the western side of the Butt Lane/A511 junction, and part of the eastern section of the link road from South Street to the A511.



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

**9/2005/1240/D 210 High Street and land at Butt Lane and South Street. Woodville**

Date Plotted 10/4/2006



Plot centred at 432130 318630 Scale 1:1500

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 South Derbyshire District Council  
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The link road will run parallel to the eastern side of Butt Lane for some 170m and a new junction will be formed with the A511 resulting in the northern end of Butt Lane being terminated as a cul-de-sac. A spur road from the link road would connect to South Street at a point some 15m north east of the junction with Thorn Street. The section of South Street between Butt Lane and Thorn Street would be improved to adoptable standard.

A new access would be provided for 210 High Street to compensate for the loss of the existing access to enable the provision of the new link road junction to the A511. The proposal has been recently amended in terms of its northern section (see below).

### **Responses to Consultations**

Comments are awaited from the Highway Authority in relation to the recently amended design.

### **Responses to Publicity**

Twenty letters of objection have been received along with a 122-signature petition.

Copies of 29 objection letters and the same petition were forwarded to this Authority by NWLDC in response to its lodged application.

The objection letters set out many individual technical issues relating to the road and to the effects on individual properties and the principle of the construction of the road in the proposed location and the impact it would have on the surrounding area. The main thrust of the objections from the majority of residents relates to the location of the Spur Road connecting the link road with South Street. Particular concern centres on the inadequacy of Thorn Street which could become a 'rat run' from the link road to High Street. Thorn Street is described as narrow, suffering from through traffic and on-street parking problems and therefore the development would give rise to health and safety concerns. It is suggested that Thorn Street be closed to through traffic. Some letters make reference to the fact that insufficient mitigation has been incorporated into the road design to minimise the adverse effects of road traffic on neighbouring residents generally and in particular with regard to 1, 2 and 3 The Shrubberies at the north end of Butt Lane.

### **Planning Considerations**

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

- The impact of road traffic on neighbouring residents
- The use of Thorn Street as a 'rat run'.

### **Planning Assessment**

Outline planning permission was granted for the Woodville Woodlands development including the link road in June 2004 and the vast majority of the road would lie in Leicestershire. The principle of the link road including much of its design and siting were established by the outline permission. Accordingly, neither the principle nor the line of the road is open to debate here. It is the detailed design that is now under consideration. The main issues are the vertical alignment of the road and methods of

mitigation of the road's impact on the closest dwellings. Since the submission of the applications on both sides of the boundary, a meeting was held at these offices to which a number of effected residents were invited to put their questions to the developers and their consultants. The on-going Woodville Woodlands Residents Liaison Committee has also been meeting on a regular basis where all have been given the opportunity to further air their views. Extensive negotiations involving all four Authorities have also taken place. The culmination of all these meetings has led to further mitigation measures being achieved to address the concerns relating to road traffic impact raised by residents and particularly those of The Shrubberies. The amended scheme now features the following:

- A 2m high noise attenuation fence extended across the front of all affected properties on the western South Derbyshire side at the northern end of the road;
- A lower finished carriageway level for the link road adjacent to The Shrubberies.

With regards to Thorn Street being used as a 'rat run', the Highway Authority has reported that it is not convinced that concerns regarding a significant increase in through traffic on Thorn Street and South Street will be realised bearing in mind their generally narrow, congested nature. It adds that there is already a Prohibition of Driving Order for parts of South Street and consideration is being given to amending the Order to cover all the streets that link between the A511/Sun Street junction through to the proposed link of South Street and the new road. It says that the revised Order will be subject to advertising and consultation procedures.

The applicant has also been responding to many minor issues raised by individual residents.

It is considered that the application is now at the stage where a significant amount of effort has gone into the mitigation measures and that positive progress has been made. As such and within reason, it is difficult to see how the details could be improved any further.

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**

Subject to any requirements of the Highway Authority **GRANT** approval of reserved matters subject to the following conditions:

1. This permission shall relate to the amended drawings, nos TSP/GW/P1253/40C, TSP/GW/P1253/32B, TSP/GW/P1253/53A, TSP/GW/P1253/60, TSP/GW/P1253/61, TSP/GW/P1253/62 and TSP/GW/P1252/63 received on 27th March 2006.

Reason: To safeguard the amenities of neighbouring residents.

2. No development shall commence on site in connection with this approval until a detailed design and construction specification of the noise attenuation fence has been submitted to and approved in writing by the Local Planning Authority and



the fence shall be erected in accordance with the approved details before the link road is brought into use. The fence shall be retained as such in perpetuity.

Reason: To ensure an adequate structure is provided in the interests of safeguarding the amenities of neighbouring residents.

3. Notwithstanding the approved plans, no development shall commence on site in connection with this approval until details of the siting of the replacement hedgerow and the planting specification, including species and planting centres, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the maximum length of hedgerow is achieved in the interests of safeguarding the amenities of the area.

4. All planting comprised in the approved details of hedgerow planting shall be carried out in the first planting season following the completion of the development; and any 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.

