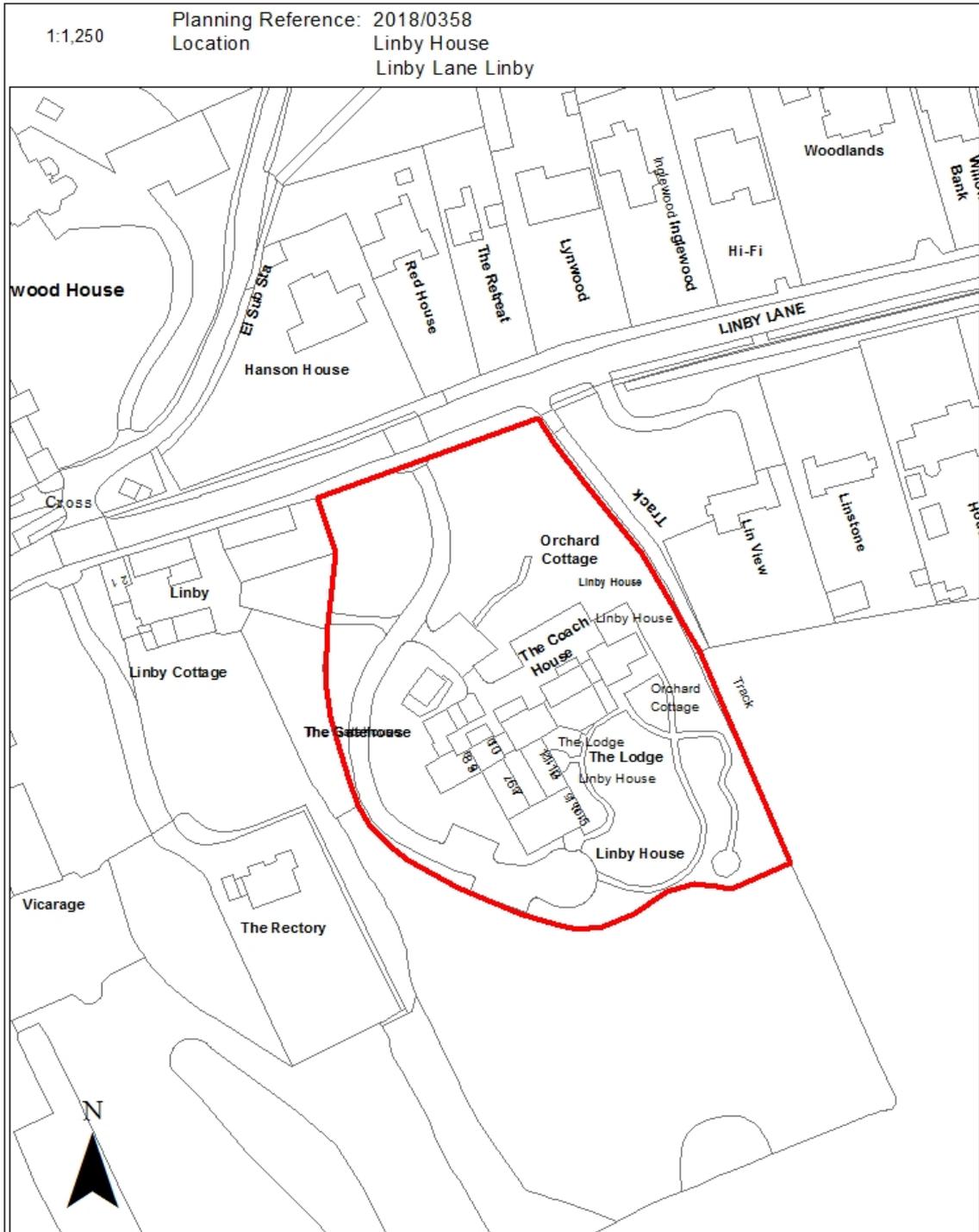


Planning Report for 2018/0358



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	2018/0358
Location:	Linby House Linby Lane Linby Nottinghamshire
Proposal:	Conversion of an existing "welfare facility and secure store" into a single residential dwelling.
Applicant:	Mr Steve Bell
Agent:	Mr Chris Lindley
Case Officer:	Deirbhile Blair

This application is referred to Planning Committee at the request of the Planning Delegation Panel.

1.0 Site Description

- 1.1 Linby House is a Victorian Villa standing in a large plot back from Linby Lane. It has been substantially developed by conversion to 13 apartments and extended by the construction of The Gatehouse apartment and, most recently, Orchard Cottage.
- 1.2 This application relates to a small welfare facility and secure store which is a single storey building 7.8m x 5.7m with a pyramidal roof, opposite the parking area, some five metres north of The Gatehouse Apartment.
- 1.3 The front part of the site is wooded and the rear is predominantly open garden area. A new refuse store is situated in the wooded area off the access drive. Vehicular access, from Linby Lane, is provided via a private electronically controlled gate.
- 1.4 The site is located within the Nottingham Derby Green Belt but within the defined infill boundary for Linby Village. It is also situated within the Linby Conservation Area.

2.0 Relevant Planning History

- 2.1 2015/0709 – Planning permission was granted for the retention of small welfare facility and secure store and the retention of relocated refuse store.

3.0 Proposed Development

- 3.1 Planning permission is sought to convert an existing “welfare facility and secure store” into a single self-contained residential unit.
- 3.2 There would be no external alterations.
- 3.3 One car parking space would be provided to the north east of the property.
- 3.4 Following negotiations with the Agent (17th May 2018), amendments were made to the curtilage and an amended Site Location Plan was submitted on the 17th May 2018. The application site redline is drawn tightly around the building proposed for re-use and relates solely to the additional residential unit. The outside space / curtilage would be shared with the wider residential complex.
- 3.4 The agent confirmed that the status of the residential unit should be considered as part of the wider apartment complex instead of a single dwelling with its own curtilage. In support of the application the agent advised that alterations allowed under the General Permitted Development Order could be removed from the new residential unit in order to control further development in the Green Belt.

4.0 Consultations

- 4.1 Adjoining neighbours have been notified and a Site Notice has been issued. No letters of representation have been received as a result.
- 4.2 Highways Authority – No objections.
- 4.3 Forestry Officer – No objections.
- 4.4 Public Protection – No objections.
- 4.5 Parish Council – Objections received, the comments are outlined below:
- The site is over-developed; and
 - Detached buildings have never been permitted within Linby House.
- 4.6 Conservation Officer – No objections in principle, subject to the following:
- The new use will preserve the character and appearance of the Conservation Area provided any external lighting is discreet and sensitive to its surroundings as should be any new boundary treatments. This should be controlled via condition/removal of PD rights.

5.0 Planning Considerations

- 5.1 Assessment of Planning Considerations
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: ‘if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.

- 5.3 The relevant national planning policy guidance in respect of this application is set out in the National Planning Policy Framework (March 2012). In particular the following chapters are relevant in considering this application:
- Part 6 – Delivering a wide choice of high quality homes
 - Part 9 – Protecting Green Belt Land
 - Part 12 – Conserving and Enhancing the Historic Environment
- 5.4 Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant: -
- Policy A – Presumption in Favour of Sustainable Development
 - Policy 3 – The Green Belt
 - Policy 10 – Design and Enhancing Local Identity
- 5.5 Appendix E of the GBACS refers to the saved policies from Adopted Local Plans. The following policies contained within the Gedling Borough Replacement Local Plan (GBRLP) (Certain Policies Saved 2014) are relevant:
- Policy ENV1 – Development Criteria
 - Policy ENV14 – Change of Use of a Building in a Conservation Area
 - Policy ENV30 – Development Within Defined Infill Boundaries of Green Belt Wash Villages
- 5.6 Paragraph 216 of the NPPF outlines that weight can be given to emerging policies, relative to their advancement in preparation; the extent of unresolved objections; and consistency with the NPPF. The LPD is currently being examined in accordance with paragraph 182 of the NPPF. Until the Inspector’s report is published, LPD policies cannot be given significant weight.
- 5.7 Where LPD policies meet the requirements set out in Paragraph 216 (i.e. they have no substantive objections) they are afforded “moderate” weight. Where LPD policies have outstanding objections, they are afforded “limited” weight.
- The following LPD policies are relevant to this application (and weight given):
- LPD12 – Re-use of Buildings within the Green Belt (Moderate)
 - LPD28 – Conservation Areas (Moderate)
 - LPD32 – Amenity (Moderate)
- 5.8 In making a recommendation in relation to this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this proposal are: -
- The principle of the re-use of the building for a residential unit within the Green Belt;
 - Any adverse impact on the Linby Conservation Area and the wider site;
 - The impact on the amenity of neighbouring properties; and
 - Highway safety implications.

6.0 The principle of the re-use of the building for residential unit within the Green Belt

- 6.1 Paragraph 90 of the NPPF sets out certain forms of development that are not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt. One of the exceptions listed relates to the re-use of buildings provided that the buildings are of permanent and substantial construction. Policy LPD12 echoes paragraph 90 and states that within the Green Belt the reuse of buildings is not inappropriate provided it preserves the openness of the Green Belt and that the buildings are of permanent and substantial construction, are structurally sound and capable of re-use without major alteration, adaptations or reconstruction. It goes on to state that the proposed use should be wholly or substantially contained within the building identified for reuse. When the re-use is for residential purposes it should not result in isolated homes in the countryside.
- 6.2 I note that the current building is of substantial construction and the conversion would utilise existing openings for windows and doors. I therefore consider that its conversion can be accommodated without the requirement for major alteration or adaptation which accords with paragraph 90 of the NPPF and LPD12.
- 6.3 I would also note that the application site is located within an existing residential apartment complex and within the infill boundary of Linby village. I am therefore satisfied that its re-use would not result in an isolated new home in the countryside.
- 6.4 I note that the development is within the Green Belt wash village of Linby and the potential for further extensions to the building to have an adverse impact on openness of Green Belt. During the processing of the application the associated curtilage was removed from the proposal and the agent advised that the proposal should be considered as an additional residential unit forming part of the wider residential complex. In support of its conversion the agent has requested that enlargements, allowed under the General Permitted Development Order, could be restricted to control further enlargements to the building in the future. I would note that the proposed change of use does not incorporate associated curtilage outside the confines of the building itself and there would be no land in which further extensions could be erected. Given the above I consider that the removal of Permitted Development Rights should incorporate Class B – *additions to the roof of a dwellinghouse*, as this would be the only enlargements to the premises that could be achievable given the omission of an individual private curtilage.
- 6.5 Given that the building is of substantial construction without the requirement for major alteration I consider that the proposal would have no undue impact on the openness of the Green Belt. I would also note its location within the established village envelope of Linby where the principle of residential conversions is acceptable. It is my opinion that the proposed development would be sited in a sustainable location which would provide a wider choice of homes to serve the local community. The development is therefore acceptable in principle.

7.0 Any adverse impact on the Linby Conservation Area and the wider site

- 7.1 The conversion relates to the internal alteration to form a single residential property utilising existing doors and windows to serve the property. I am therefore satisfied that there would be no significant impact on the visual external appearance of the building.
- 7.2 I note the comments from the Conservation Officer and consider that the proposed use as a single residential dwelling would conserve the character of the Conservation Area and would have no undue impact subject to the control of lighting and boundary treatments. Given that the curtilage has been removed from the proposal which would restrict domestic boundary treatments being erected I consider that the proposal would have no undue impact on the visual appearance of the site or the wider Conservation Area. I would also note that the agent has agreed to the removal of permitted development rights at the premises which would ultimately give the Local Planning Authority control over development on the premises in the future.
- 7.3 In light of the above I am satisfied that the development is in accordance with Policy ENV14 of GBRLP and LPD28 which require development to preserve or enhance the character and appearance of Conservation Areas.

8.0 The impact on the amenity of neighbouring properties

- 8.1 I note the location of the proposal set a distance of some 10 metres from the apartment complex of Linby House, the location of primary windows and the significant screening offered by vegetation and fencing presently onsite. It is my opinion that the proposed re-use would not result in any material impact on the residential amenity of the occupiers of other apartments in the complex and the details would accord with the NPPF, Policy ENV1 and Policy 10 of the GBACS.

9.0 Highway safety implications

- 9.1 When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is relevant and the requirement for a 1 bedroom residential unit would be 1 space. Given that the proposal incorporates an additional off street car parking space the proposal accords with the above policy. I also note that the Highway Authority have not objected to the proposal.

10.0 Other considerations

- 10.1 I note the Parish Council comments with regards to overdevelopment within the site. However, the proposal is for the conversion of an existing building and would not result in any further construction on the site. I would also note that controls over future development would be secured by condition as outlined in paragraph 6.4 above. As such I am satisfied that the development would not result in overdevelopment of the application site.

11.0 Conclusion

- 11.1 For the reasons set out above I consider the proposal to accord with Policy 10 of the Aligned Core Strategy 2014 and saved Policies ENV1, ENV14, and

ENV30 of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies), Policy LPD12, LPD28, and LPD32 and Government advice contained within the NPPF. I would therefore recommend that planning permission be granted.

12.0 Recommendation: GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be completed in accordance with the submitted plans and Design and Access Statement received on the 5th April 2018, and revised drawings received by the Local Planning Authority on the 17th May 2018.
3. Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) the development hereby approved shall not be enlarged under Classes A, B, C, D, E, F, G, or H.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the details of the development are acceptable, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
3. To protect the openness of the Green Belt.

Reasons for Decision

In the opinion of the Borough Council the proposed development would not have any detrimental impact on the openness or character of the Green Belt or the Conservation Area of Linby. It is also considered that the proposed development would result in no undue impact on the amenity of adjacent properties or on highway safety. The proposal therefore accords with Policy 3 (Green Belt), Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy 2014; Saved Policies ENV1 (Development Criteria) and ENV14 (Change of Use in a Conservation Area) of

the Gedling Borough Replacement Local Plan; and LPD12 (Re-use of Buildings in Green Belt), LPD28 (Conservation Areas), and LPD32 (Amenity) as well as the Policies contained within the National Planning Policy Framework.

Notes to Applicant

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.