

**Application Number:** 2014/1282

**Location:** Linby House Linby Lane Linby Nottinghamshire



**NOTE:**

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## **Report to Planning Committee**

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| <b>Application Number:</b> | 2014/1282   |
| <b>Location:</b>           | Linby House Linby Lane Linby Nottinghamshire  |
| <b>Proposal:</b>           | Retention of converted site office and secure store, relocation of existing refuse and cycle store. |
| <b>Applicant:</b>          | Mr Steve Bell   |
| <b>Agent:</b>              | Mr Clive Welham   |
| <b>Case Officer:</b>       | Elizabeth Campbell  |

### **Site Description**

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. This application relates to an approved refuse and bicycle store (which has been partly converted, without permission, to a site office and secure store) in a single storey building 7.8m x 5.7m with a pyramidal roof opposite the parking area and some metres north of The Gatehouse Apartment. The front part of the site is wooded and the rear is predominantly open garden area. A new bicycle and refuse store is situated in the wooded area off the drive to the garden area. Planning permission has not been granted for this building. Vehicular access, off Linby Lane, is provided via a private electronically controlled gate. 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.

### **Relevant Planning History**

2007/0540 Planning permission was granted in August 2007 for the conversion of Linby House into 13 apartments. As part of the development a tack room was demolished and replaced with an extension across the full width of the house and two wings were demolished and replaced with a new courtyard building. This permission included the refuse and bicycle store. Conservation area consent was granted for the demolitions in Sept 2007 under 2007/0747.

2008/0551 Planning permission was granted for the construction of a hipped roof Gatehouse apartment linked to the main house by a single storey element to the right of the development as seen from the entrance drive.

2009/1087 Planning permission was granted in January for new garages and storage at the eastern end of the main block

2010/0970 Planning permission was granted in January 2011 for the conversion of two garage bays and the creation of a first floor within the existing loft space in order to create a single one bedroom residential unit

2011/0979 Planning permission was refused in November 2011 to erect a detached building for two new dwellings with associated landscaping. A subsequent appeal was dismissed

2012/1295 Planning permission was granted in February 2013 for the erection of an extension to provide a new three - bedroomed attached dwelling with associated landscaping. This property is now known as Orchard Cottage.

2014/0004 Conditional permission was granted in March 2014 for a resubmission of 2012/1295 showing a new two-bedroomed attached dwelling with an attached double garage and associated landscaping. The insertion of roof lights to the space over the garage to create a third bedroom is currently under consideration

### **Proposed Development**

As noted above, and as advised by the applicant, the refuse/bicycle store was completed to the original design in 2008.

Photos have been submitted showing the building having the same appearance as approved in February 2010 when the Gatehouse Apartment was under construction

In 2014 the elevations were changed from the approved design, following the site manager relocating to a property one hour away. Up to this point management meetings had been held in one of the apartments. The new bin store and cycle store was completed in March 2014.

The current application seeks to regularise the situation i. e. use of the building as a site office and secure store.

The changes to the building comprise:

- South elevation: Two areas having the appearance of double garage doors, formerly serving the bicycle store for 20 cycles have been fully glazed to light a site office and store room.
- North elevation: Half of the back of the refuse area, which originally had the appearance of garage doors with the upper third glazed, has been fully boarded alongside the main incoming services room, which has been relocated from a central room access from the west elevation
- East elevation (facing parking area): Former double doors (with upper part open or glazed) to refuse and recycling area is now door with side light giving entrance to site office
- West elevation: Previous doors to services room and refuse area to become relocated door to services room and full height window to store room.

Internally the cycle store, refuse and recycling area have been replaced with a site

office, occupying approximately half of the building, a store room with toilet and wash room off, and a main incoming services room in the north western corner of the building with access off the drive.

The relocated refuse store and cycle shed has been sited in the wooded area near the western boundary of the site adjoining the curtilage to Linby Cottage. The building measures 4.0m across and 7.0m from the entrance to the rear of the building. It is constructed entirely of timber using a double layer of hit and miss panels “to break up the surfaces of the building”. The front part of the compound which houses the bins is open and the enclosed part has a membrane over.

A design and access statement has been submitted in support of the application. The statement includes the following:

- The secure office area and store room has been used for the site facilities management

#### Reasons for conversion and retention

- The office and store were originally converted to accommodate the welfare and storage requirements of the building workers in 2013 in connection with the previously approved dwelling called Orchard Cottage.
- The relocation of the refuse store made it possible to upgrade the facilities to house an additional refuse bin.
- The original refuse store also had problems with vermin due to its enclosed nature, this has been eliminated with the new designs.
- On completion of the project it was also found that the office and store had also become very useful as part of the facilities management as an operations control room and store.
- There is considerable landscaping within the site which is maintained to a very high standard giving rise to the need for a dedicated secure storage area as well as an onsite w.c. / welfare facility for people working there.
- The converted office and store remains un-insulated and the structural fabric has not been upgraded as part of the conversion.
- The impact of the relocated refuse area and cycle store on the surrounding landscape has been reduced by it being undisturbed during the construction process. The access for refuse remains from Linby Lane with the distance from the site entrance being the same. The pedestrian approach to the refuse store has graded to allow level access

Since the original submission of the application there has been correspondence from the applicant in support of the proposal:

24<sup>th</sup> Nov – re Employees – The company employs Mr Bell to look after the grounds and facilities. The company also employs a separate team of gardeners who attend site on a regular basis to maintain the grounds. There are ongoing storage

requirements for equipment.

27<sup>th</sup> Nov – Confirming that the manager has been on site for 3 days this week all for the general management of the development and 4 appointments on one day re management accounts, sourcing new contractors, with the window cleaners, and re the intercom and sprinkler systems.

- It is proposed to resurface the drive, address all the woodland and redecorating the internal and external communal areas – these contractors will require welfare and facilities
- Various site meetings with the insurance company and quarterly meetings with the letting agent
- The office will be for the day to day running of the development – my main office now being an hour drive away – and the store for the gardener, who will be there at least one or two days a week. Contracting cleaners are on site weekly and they will report to the office and use the facilities. Minor works are still being done in some apartments.

The applicant has confirmed that the site office has not been used whilst the application is being considered. Work and management has been done remotely from home office and externally at Linby House when meeting contractors.

12 and 14 January 2015 – emails from residents asking whether site manager would be on site as usual on 2<sup>nd</sup> Tuesday of the month.

28 January 2015 The building has not been converted to another apartment.

### **Consultations**

Linby Parish Council objects to the proposal on the grounds that it is a further development of the site, when it had been agreed that this would not happen. A query is raised that if planning permission is granted whether it would be subject to business rates and classed as a commercial property.

Neighbouring Properties have been consulted, a site notice posted and the application has been advertised in the press. Four letters of objection have been received on the following grounds: -

- The plans omit to show the shower and the kitchen and its island – plans for all the other apartments had these included.
- The new bin store is visible from Linby lane – especially at night as there is a bright light on it. It is considered to be an eyesore in the Conservation Area. Putting the bins outside will make them more accessible to vermin. There was space in the original bin store for an extra bin. The new building adds to the footprint of an already overdeveloped site.
- The conversion does not look like an office with two sets of double glass doors
- The site office is not needed as there are no ongoing building works and the owner has advised that one of the residents will look after day to day matters. The developer has said that he intends to be on site once a month. He only

- come occasionally and does not use the office if he does.
- Three of the properties at Linby House are freehold
  - The gardeners are commercially employed, visiting twice a month and do not require a welfare facility – or they have not for the past five years. They also do not require storage of equipment space.
  - There is no requirement for a building for the “Linby House Management Committee”. This committee was disbanded 2 years ago. Residents are kept informed by newsletter. Meetings were held in an apartment.
  - The site manager is not usually at Linby House when the window cleaner comes and the intercom engineer would not need an office. Re-surfacing the drive is a fairly short job
  - The converted office has not been used as a welfare facility for the recent build until that build was almost complete
  - The site does not have sufficient parking spaces should the building be converted to residential.
  - Impact on the Green Belt – whilst the footprint of the building will not be altered the intended use will result in a much more intensive and permanent use of the building. This may also need extra parking spaces. The use of this building, which can be seen from Linby Lane will have an impact on the openness of the Green Belt. The proposal has resulted in the construction of a further building. The inspector in the appeal against the construction of two new dwellings in the grounds stated that “ the land surrounding the main house and buildings provides a substantial gap within the street scene and represents an important element of the character of the settlement, contributing significantly to its openness”
  - Planning permission was given for storage facilities under 2009/1087 but by 2010/0970 this was converted to a further dwelling. If facilities were not required then why are they now?
  - If the new refuse storage/cycle store building is superior why can't the original building be demolished?
  - Impact on the Linby Conservation Area - In the Conservation Area Appraisal it is noted that the area of woodland between Linby House and Linby Lane is an area of significant greenery. The new building encroaches into this area
  - Residential Amenity – Loss of privacy to the residents of The Gatehouse, also increased activity from persons requiring access to use the facilities and for loading/unlading goods.
  - Whilst I do not wish to experience further disruption if the building was returned to its approved use I have serious concerns that it will be converted into a one bed residence.
  - The ground floor of the new bin store turns into a lake when it rains. It needs a roof if retained.
  - A site office is not essential. Managing agents rarely need an office.

One letter of support has been received from the company, which has the contract to clean Linby House and other properties, and states that currently keys are picked up from this site office. There are also comments from a resident that should permission be given – the key would need to be kept in safe keeping by one or more residents, the building should only be used Monday – Friday during normal office hours.

## **Planning Considerations**

The main considerations in relation to the determination of this application are the impact on the openness of the Green Belt, the impact on the character and appearance of the Linby Conservation Area and the impact on the amenities of neighbouring properties.

At the national level the guidance in the National Planning Policy Framework (NPPF) (March 2012) is relevant. The following sections of the NPPF are particularly relevant to this proposal:

7. Requiring good design (Paragraphs 56 – 68)
9. Protecting Green Belt Land (Paragraphs 79 – 92)
12. Conserving and enhancing the historic environment (Paragraphs 126 – 141)

The NPPF requires consideration to be given to the potential impact of the development on heritage assets. In this instance the heritage asset is the Conservation Area. Paragraph 131 of the document sets out the approach for Local Authorities in determining such applications and requires account to be taken of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Under the NPPF great weight should be given to the heritage asset's conservation.

Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan referred to in Appendix E of the GBACS. The GBACS is subject to a legal challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts. The challenge to the GBACS is a material consideration and of which the Council must take account. The decision maker should decide what weight is to be given to the GBACS. In this instance significant weight has been given to the GBACS. However, should the GBACS be quashed I do not consider that a different recommendation would be reached given that the policies reflect the guidance contained within the NPPF. The following policies are relevant: -

Policy 3 – The Green Belt

Policy 10 – Design and Enhancing Local Identity

Policy 11 – the Historic Environment

These policies reflect the guidance contained in the NPPF and Replacement Local Plan policies (see below)

Appendix E of the GBACS refers to the following saved relevant policy contained within the Gedling Borough Replacement Local Plan (certain policies saved) 2014:-

- ENV1 (Development Criteria)
- ENV14 Change of use of a building in a Conservation Area
- ENV15 New development in a Conservation Area

Policy ENV15 of the Replacement Local Plan (RLP) requires proposals to respect the character and appearance of the Conservation Area and refers to important open spaces being retained. Scale design and proportions of proposals should be sympathetic to the characteristic form in the area and compatible with adjacent buildings and spaces.

- ENV30 Development within defined infill boundaries of Green Belt wash villages

Concerning the impact on openness of the Green Belt, albeit on a site within the infill boundary of Linby Village, the criteria is that development is acceptable provided the proposal would not adversely affect the residential amenities of neighbouring properties or the appearance of the village. I consider that the proposal will adversely affect the amenities of The Gatehouse, despite hit and miss panelling having been put up between the properties, because on the south elevation of the converted office are full height garage door size glazed openings. These openings are only five metres from The Gatehouse and the building is in an elevated position above the adjoining residential property. There is also the issue of increased activity in the building, which could impact the amenities of neighbouring properties. To a lesser extent I consider that the new bin/cycle store will impact the amenities of Linby Cottage by reason of the increased activity close to their boundary and the lights at night.

With respect to the impact on the appearance of the village I am mindful that this site is also in the Linby Conservation Area and that the Linby Conservation Area Character Appraisal was adopted by the Borough Council on 26<sup>th</sup> August 2011. This states in Paragraph 4.5 that Linby House is one of a selection of properties that stand in large gardens, well stocked with mature trees, serving to create the illusion that it stands in its own 'country estate'. In Para 6.3 it is noted that the house has been extended and converted to apartments but that mature trees and landscaping shield the house from view. I consider that the new building by reason of its appearance detracts from the character and appearance of this part of the conservation area and the openness of this part of the Green Belt.

Both the NPPF and policy ENV1 of the RLP seek to ensure that development is of a high standard of design. In my opinion the new bin store is not of a high standard of design, and the new hit and miss panelling between the office and The Gatehouse not of a traditional appearance.

There has been much correspondence from the applicant and the residents at Linby House. This, in my opinion, has raised the question as to whether the site office and equipment store, with fully glazed windows, is needed at all and whether the building should not be returned to its original use.

I conclude that the proposal is not essential to the management of Linby House, that



the new bin store will detract from the openness of this part of the Green Belt and the character and appearance of this part of the Linby Conservation Area, and that both the bin store and the converted office will detract from the amenities of neighbouring properties by reason of increased activity and overlooking.

**Recommendation:**

**To REFUSE PLANNING PERMISSION for the following reasons:**

1. On the information received by the Gedling Borough Council the Council is not satisfied that there is a need for a site office and equipment store.
2. It is considered that the alterations to the approved cycle/bin store and in particular the fully glazing of the openings on the south elevation adversely affects the amenities of the adjoining property. The use will also affect the amenities of neighbouring properties by an increased activity in the building and, with respect to the new bin store, the amenities of Linby Cottage by reason of increased activity and lights at night. The proposal would therefore not accord with Policy 10 - Design and Enhancing Local Identity - Aligned Core Strategy
3. It is considered that the new bin store will detract from the character and appearance of this part of the Linby Conservation Area by an intrusion into the woodland between Linby House and Linby Lane and by reason of its design The proposal would therefore not accord with Policy ENV15 of the Gedling Borough Replacement Local Plan (certain policies saved) 2014
4. It is considered that the proposal will detract from the openness of this part of the Green Belt and therefore not accord with Policy ENV30 of the Gedling Borough Replacement Plan (certain policies saved) 2014