

<b>Application Number:</b>	2018/0695/FUL
<b>Site Address:</b>	40 De Wint Avenue, Lincoln, Lincolnshire
<b>Target Date:</b>	26th July 2018
<b>Agent Name:</b>	SRA Architecture Ltd
<b>Applicant Name:</b>	Mrs H Taylor
<b>Proposal:</b>	Conversion of existing ground floor commercial unit to 3no. two bedroom self-contained apartments with associated external alterations.

### **Background - Site Location and Description**

The application property is a detached two storey building located on the south side of De Wint Avenue. The former retail unit was granted permission in 2012 for storage and distribution (B8) at ground floor with residential use at first floor (C3) (2012/0846/F).

The property was badly fire damaged in late 2015 and has been in a state of disrepair, unused since the incident and subject to complaints from local residents on the state of the building and surrounding site.

The application seeks to renovate the property, changing the use of the ground floor to 3 self-contained apartments with the existing first floor apartment remaining unchanged and not part of the consideration the application.

The property is set back from the road, positioned directly in front of the mini-roundabout surrounded by metal railings of varying heights currently securing the site. The property is surrounded by existing residential dwellings.

As the City Council owns the freehold of the land the application is being presented to Members of the Planning Committee for consideration and determination.

### **Site History**

2012/0846/F – Change of use from (D1) day centre to (B8) Storage or distribution at ground floor and (C3) residential at first floor.

### **Case Officer Site Visits**

Undertaken on 15<sup>th</sup> March, 3<sup>rd</sup> July & 3<sup>rd</sup> August 2018.

### **Policies Referred to**

- National Planning Policy Framework
- Policy LP1 - A Presumption in Favour of Sustainable Development
- Policy LP26 - Design and Amenity

### **Issues**

To assess the proposal with regard to:

1. Accordance with National and Local Planning Policy
2. Impact on residential amenity
3. Impact on visual amenity

4. Highway safety, access and parking
5. Environmental Health

### **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

### **Statutory Consultation Responses**

Consultee	Comment
Highways & Planning	Comments Received

### **Public Consultation Responses**

Name	Address
Mr T G Todd	45 De Wint Avenue Lincoln Lincolnshire LN6 7DU
Mr And Mrs Comley	42 De Wint Avenue Lincoln Lincolnshire LN6 7DX
Mr David Thorn	107 Astwick Road Lincoln Lincolnshire LN6 7LL
Miss Kim Brooks	48 De Wint Avenue Lincoln Lincolnshire LN6 7DX

### **Consideration**

1. Accordance with National and Local Planning Policy

Paragraph 11 of the revised NPPF outlines that decisions should apply a presumption in favour of sustainable development.

For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay.

Paragraph 114 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set

out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

Paragraph 118 puts further emphasis on the development of brownfield land stating that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Moreover, the planning process should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively, in this case making use of a long-standing, unused premises that is in a state of dis-repair.

Paragraph 127 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The application is for the conversion of an existing building to form 3 residential apartments and therefore Policy LP26 - Design and Amenity of the Central Lincolnshire Local Plan is entirely relevant.

The following design principles within Policy LP26 of the Central Lincolnshire Local Plan would be pertinent with the development.

- a. Make effective and efficient use of land;
- c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;
- d. Not result in the visual or physical coalescence with any neighbouring settlement;
- f. Incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;
- i. Protect any important local views into, out of or through the site;
- j. Duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style;
- k. Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability.

Policy LP26 further states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development:

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;

## 2. Principle of the Development

The application submitted is for the conversion of the existing ground floor into three self-contained residential units (Use Class C3).

National Planning Policy and the Central Lincolnshire Plan state that the development should deliver a wide range of homes, making efficient use of brownfield land and therefore the Council consider that the conversion to residential would create a sustainable and most suitable use within an existing residential area.

The application has had a number of written representations objecting the proposal. The officer's report will cover all of the material planning considerations raised throughout the application process. It is important to underline that the application under consideration does not include the existing first floor residential unit and therefore concern raised surrounding the use of the existing balcony at first floor cannot be taken into consideration in the overall scheme. The first floor flat retains its use from the previous 2012 application and can therefore be occupied at any time, on its own right.

The issues considered pertinent to this application are discussed below.

## 3. Impact on Residential Amenity

The conversion of the property would entail a number of external alterations to facilitate the division into three new residential units.

Works include the replacement of the existing dilapidated felt roof with a new part pitched and part hipped roof at ground floor within the rear offshoot. New masonry cavity walls are proposed to be installed within the front elevation to facilitate the subdivision within the proposed apartment to include new window and entrance to apartment 2.

To the east elevation a new entrance door to apartment 3 is proposed to be installed with a single new window opening and removal of existing double doors with a new single door to apartment 4. The first floor windows within the existing gable shall be removed with existing tiling and render panels made good with cladding to gable end of new mono-pitched roof.

To the west elevation, the existing doors are proposed to be replaced with a new entrance door with canopy to the existing apartment 1.

All other works to the property include the general making good of facing brickwork to match the existing details and the replacement of existing rainwater goods and fascia panels. All

existing windows shall be replaced with new white upvc windows of similar proportions with the existing render panels made good.

As the application does not consist of any alterations to the footprint of the existing property, the existing relationships with the neighbouring properties would be largely unaffected. To the west elevation the property is positioned 1m from the boundary line at its closest point with the neighbouring residential property positioned a further approximately 3.5m from the application premises. With no additional openings at first floor and minimal alterations at ground floor, the proposals would not be considered to have any harmful impact on the amenity of the occupants of this property.

To the east elevation the premises bounds no. 42, a semi-detached property positioned approximately 6m away at the closest point. With minimal alterations at ground floor and the removal of the existing first floor windows it is considered that the relationship with the neighbouring property would be improved, removing the potential to overlook.

To the rear boundary, the relationship with residential properties to the south would remain largely unchanged with the inclusion of the new hipped roof over the existing flat roofed offshoot. Whilst not considered part of the application the new roof would provide an element of screening to the existing balcony of the apartment at first floor. The proposals would therefore result in an improvement in both residential and visual amenity.

The proposals would therefore be in accordance with Policy LP26 of the Central Lincolnshire Local Plan and the revised National Planning Policy Framework.

#### 4. Impact on Visual Amenity

In terms of visual amenity the scheme would have a wholly positive impact on the local area with significant works to bring the premises back into use. The inclusion of new pitched and hipped roofs would add to a more sustainable design with materials to match the existing and the renovation and making good of the existing property.

The proposal would therefore significantly improve the visual amenity of the premises and wider area of De Wint Avenue.

#### 5. Highways & Parking

Following consultation with the County Council as Highway Authority a revised site layout has been submitted to alter the initial proposal to create an additional access to the site. The additional access has been removed with the identification of a turning area to ensure vehicles can exit onto the highway in a forward gear.

A follow up response received from Highways has requested that an additional parking space is included and a further subsequent site plan has been submitted. The property is directly located on public transport routes it is considered that the level of parking is adequate for the development. The submitted plans identify the potential for up to four car parking spaces located off the highway, which is considered to be quite acceptable.

It is not therefore considered that the proposal would have any undue harmful impact on highway safety, access or parking.

## 6. Environmental Health

Environmental Health have confirmed that discussions have not resulted in the requirement for any remediation but that due to past use of the site it may be that contamination could be found during the redevelopment of the site as is the case with any brownfield development and as such a condition would therefore be required to deal with that eventuality.

### **Application negotiated either at pre-application or during process of application**

Significant pre-application discussions have worked towards a positive development to regenerate the building and wider street scene.

### **Financial Implications**

None.

### **Legal Implications**

None.

### **Equality Implications**

None.

### **Conclusion**

The proposed conversion to residential apartments would not have a harmful impact on the amenities of neighbouring properties and would greatly improve the visual amenity of the premises and wider street scene on De Wint Avenue. The application facilitates the conversion of a dilapidated and unused building into a more sustainable use through the conversion into three residential apartments, in accordance with policies LP1 & LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

### **Application Determined within Target Date**

No.

### **Recommendation**

That the application is granted conditionally.

### **Standard Conditions**

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

**Conditions to be discharged before commencement of works**

None.

**Conditions to be discharged before use is implemented**

None.

**Conditions to be adhered to at all times**

- 03) In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval, in writing, of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 04) The construction of the development hereby permitted shall only be undertaken between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms; and

Any deliveries associated with the construction of the development hereby permitted shall only be received or despatched at the site between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time.

Reason. In the interests of the amenity of neighbouring properties.

- 05) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent re-enactment or revocation thereof) the dwelling hereby approved shall not be enlarged, improved or otherwise altered without the prior consent of the City Council as Local Planning Authority.

Reason: In the interests of the privacy and amenity of neighbouring residents.

**Table A**

The above recommendation has been made in accordance with the submitted drawings identified below:

Drawing No.	Version	Drawing Type	Date Received
17/003/T/14 C	C	Elevations - Proposed	29th May 2018
17/003/T/15 B	B	Elevations - Proposed	29th May 2018
17/003/T/20		Elevations - Proposed	29th May 2018
17/003/T/21		Elevations - Proposed	29th May 2018
17/003/T/13 A	A	Floor Plans - Proposed	29th May 2018
17/003/T/22 B		Site plans	3rd August 2018