

<b>Application Number:</b>	2020/0756/FUL
<b>Site Address:</b>	Garage, Rosebery Avenue, Lincoln
<b>Target Date:</b>	19th December 2020
<b>Agent Name:</b>	None
<b>Applicant Name:</b>	Miss Elly Krisson
<b>Proposal:</b>	Demolition of existing garage and erection of a 3no. bed dwelling (Use Class C3) (Revised Drawings).

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

The application property is a long standing garage building located to the east side of Rosebery Avenue. The property is located within the West Parade and Brayford No. 6 Conservation Area

Although there is no known date of the construction of the garage, it has been established that a building was originally constructed between 1880 and 1900 with a later addition between approximately 1930 and 1960 to form the outline that remains to the present date. The structure as currently stands has been present in its form or similar for in a significant period and as such is lawful.

An application for conversion of the existing garage was granted planning permission in 2018. Following further investigation by the owners of the existing structure it was established that the walls to be previously retained are of poor condition and are, in places severely bowed. Subsequently, a revised application has been submitted for consideration.

The application proposes the demolition of the existing building and the rebuilding of a new dwelling to form a three bedroom property within Use Class C3 – which is as a single dwelling. The proposal remains almost identical in footprint, scale and massing to that previously approved.

### **Site History**

Reference:	Description	Status	Decision Date:
2018/0266/FUL	Conversion of existing single storey garage to 3 bed dwelling (Use Class C3). (Revised Drawing)	Granted Conditionally	13th July 2018

### **Case Officer Site Visit**

Undertaken on 26th November 202.

### **Policies Referred to**

- National Planning Policy Framework
- Central Lincolnshire Local Plan
- Policy LP1: A Presumption in Favour of Sustainable Development
- Policy LP21: Biodiversity and Geodiversity
- Policy LP25: The Historic Environment.
- 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 and the character and appearance of the conservation area
- 4) Highway safety, access and parking
- 5) Communal Space, Bin storage and other factors
- 6) Ecology and the protection of habitats and species
- 7) Other matters

## **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

## **Statutory Consultation Responses**

Consultee	Comment
Lincoln Civic Trust	Comments Received
Highways & Planning	Comments Received
Environmental Health	Comments Received
Lincs Bat Group	Comments Received

## **Public Consultation Responses**

Name	Address
Barbara Woolfenden - Lincoln Commons Horse Association	183 Carholme Road Lincoln Lincolnshire LN1 1RU
Mr Paul Headland	6 Bedford Street Lincoln LN1 1NA
Richard & Helena Mair	290 West Parade Lincoln Lincolnshire LN1 1NB
Barbara Wheeler Comber	292 West Parade Lincoln Lincolnshire LN1 1NB
Heather Umpleby And Holly Dingwall	1A Rosebery Avenue Lincoln Lincolnshire LN1 1ND
David & Kathryn O'Donnell	Email

Tara Kellie	Email
Ms Emma Krasinska	294 West Parade Lincoln Lincolnshire LN1 1NB
Mrs Tara Bond	1 Rosebery Avenue Lincoln Lincolnshire LN1 1ND

## **Consideration**

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.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The application is for the demolition and of an existing garage building and erection of a residential dwelling 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;

The application property is located within a Conservation Area and therefore subject to the requirements of Policy LP25: The Historic Environment.

Policy LP25 of the Central Lincolnshire Local Plan states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Development proposals will be supported where they:

- d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;
- e. Promote opportunities to better reveal significance of heritage assets, where possible;
- f. Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

### Conservation Areas

Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

- j. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;

- k. Retain architectural details that contribute to the character and appearance of the area;
- l. Where relevant and practical, remove features which are incompatible with the Conservation Area;
- m. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and lot widths of the existing built environment;
- n. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
- o. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.

### Principle of the Development

The application submitted is for the erection of a residential property (Use Class C3) and would be conditioned as such to ensure that it would remain within that use class. Moreover, it has been confirmed by the applicant that they would be willing to sign a section 106 agreement to ensure that no students would occupy the property.

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

The application has attracted 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. All representations are copied in full as part of your agenda.

A number of other concerns have also been raised which are not within the remit of the planning process. Nonetheless, these points have been discussed to provide clarity for the members of the Planning Committee.

### Impact on Residential Amenity

The application proposes a scheme which is almost identical in footprint, dimensions and design to that previously approved, with the exception of new external brick walls to the northeast and southwest walls to replace those previously retained. The northeast wall includes a new parapet to ensure rainwater and the rainwater goods drain and sit within the boundary of the site.

The footprint of the dwelling is slightly reduced in length from the existing garage to provide a small outdoor area measuring 2.7m in length and running the width of the site, creating a new boundary wall at a height of 2m surrounding the area. The width of the dwelling would also increase by approximately the width of an additional brick to form the new boundary parapet wall to the northeast.

The overall ridge height would match that of the existing garage with a maximum height of 4.65m and the eaves height would remain at 2.76m with the new parapet wall to the northeast measuring slightly higher at 3.1m to accommodate the drainage of rainwater.

The new roof includes the installation of four roof windows to the south and two to the north, placed to minimise the impact on the neighbouring properties, whilst allowing for natural light into the proposed property. These rooflights were also a feature of the previous planning permission for the conversion of the existing building. The addition of an approximately

660mm overhang of the roof would add a canopy to the front elevation with a large amount of glazing to maximise light into the property and to take advantage of the views onto the Common. The rear elevation would contain two sets of doors from the rear bedrooms with additional glazing above. There are no windows to be installed within the side elevations. The building as now proposed is practically identical to the building that would have been created by the conversion.

The proposal would have minimal alterations to the existing footprint and overall size and massing and the placement of windows would minimise the potential for any overlooking from and to the three storey properties on West Parade as indicated on the submitted visual splays. It is not therefore considered that there would be any harmful relations created through placement of new windows. As the existing structure size would be largely maintained and to an extent reduced, it would also not be considered to have an unduly harmful impact on the residential amenity of neighbouring properties. The use of the brownfield site and premises as a residential dwelling and new home would be appropriate within the residential area as emphasised within the National Planning Policy. The impact from the additional occupation of the new dwelling would not create an additional harmful relationship beyond that experienced between the existing neighbouring properties.

It is not therefore considered that the proposal would have an unduly harmful impact on the residential amenity of the neighbouring properties or wider area.

To further protect the amenity of the neighbouring properties it would be reasonable to condition the removal of permitted development from the proposed dwelling to ensure that any potential for future development is considered by the local authority through the submission of a further application.

#### Impact on Visual Amenity and the Character and Appearance of the Conservation Area

The dwelling has been revised throughout the application process to replace the previously proposed render with a red facing brick to provide a more appropriate facing material to the northeast and southwest elevations.

The proposal makes effective use of the brownfield site to create a new dwelling, whilst replicating much of the existing footprint, ensuring that the eaves and overall ridge heights are replicated. The dwelling adds some elements of a more modern design, mixing larger glazing sections with small elements of render to the front and rear elevations that sympathetically complement the more traditional red brickwork and slate roof tile.

The property would not be considered to look out of place alongside the neighbouring dwellings using a selection of materials that would ultimately enhance the character and appearance of the conservation area, bringing a vacant site back into use and improving the overall street scene.

It is recommended that a condition should be applied to ensure that samples of materials are submitted to the local planning authority prior to the commencement of the development to ensure that they are of a suitable quality, appropriate to the area.

#### Highway Safety, Access and Parking

Following consultation with the County Council as Highway Authority no objection has been made in respect of the issues of parking, capacity or safety in the wider area. As the property

is within proximity to the city centre and has access to local transport routes it is considered that parking would not necessarily be required for the property. Nevertheless, the submitted plans identify an area to the front of the dwelling with the potential for up to three car parking spaces located off the highway, the likes of which is considered wholly acceptable by the Highways Authority and would ensure the current parking issues locally are not exacerbated.

### Communal Space, Bin Storage and other Factors

A number of representations have cited the potential for noise, disturbance and smells associated with the occupation of the property, the use of the proposed rear yard and storage of bins.

The dwelling incorporates a small rear garden/yard and such a use is not considered to be unlike the existing adjoining gardens that are currently used by the neighbouring properties. Furthermore, Environmental Health have confirmed that they have no concerns with regard to the potential for noise or disturbance, smell or odour as a result of the use of the property or the use or location of the bin storage

A condition in respect of working hours would adhere to strict guidelines to ensure that there is no unreasonable disturbance to the neighbouring properties during construction. The hours recommended would be 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.

### Contamination

Discussions with Environmental Health have resulted in a request for a full set of contaminated land conditions to be added to any consent. Whilst a screening form was considered adequate for the previously granted proposal, it has been established that this would not be sufficient for the revised proposal. Officers have confirmed that this is due to the need for more intrusive groundworks and the consequent exposure routes that this would create.

### Ecology and the Protection of Habitats and Species

Policy LP 21 requires that any development that could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.

Following consultation with the local bat protection group a response has been received which confirms no objection to the proposed works. The response advises that the works to demolish the existing structure are subject to separate legal requirements under the Conservation of Species and Habitats Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Should any bat dropping be found during the demolition works then those carrying out the works should contact the Bat Conservation Trust for further guidance.



## Other Matters

Residents have raised objections to the applicants' proposals to access the passageway that runs to the rear of their houses and alongside the application site. The applicant, in response has sought legal advice and is satisfied that they do have a right to use the passageway and that it would only be used in case of an emergency. Notwithstanding this, officers would clarify that this dispute is not material to the planning process and should not prevent the determination of the application.

In addition, for the benefit of the members of the committee, the case officer has approached colleagues in building control to confirm that in the event that the emergency access is excluded from the proposal then other internal alterations could be made to achieve compliance with both fire safety and building regulations as a whole, the likes of which would not necessarily require planning permission. In the event where material changes are required then a separate application for planning permission shall be required and considered. The same issue was raised at the time of the consideration of the previous application for the conversion and the conclusion reached was that it was not a matter that could be controlled under the planning legislation but nonetheless a solution was achievable.

A letter has been received in relation to the use of heavy machinery and building material storage and delivery in an area of proximity to the designated feeding and West Common horse access area on Roseberry Avenue. The impact of the construction works can be the subject of control through the inclusion of the hours and work and delivery condition on a grant of planning permission as well as the relevant environmental regulations and controls by the Highway Authority that would be dealt with accordingly outside of the planning process.

## Conclusion

The proposed conversion to a residential dwelling would not have a harmful impact on the amenities of neighbouring properties and would enhance the character and appearance of the conservation area. The application facilitates the redevelopment of brownfield land into a more sustainable use through the addition of a new dwelling, in accordance with policies LP1 A, LP21, LP25 & LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework. The application before Committee proposes a building of the same height, scale and design to the conversion of the existing building that was granted planning permission in 2018. The proposal would result in a dwelling which has an almost identical appearance.

## Recommendation

That the authority to grant permission is delegated to the Planning Manager subject to:

- The signing of a section 106 agreement to ensure no student occupation of the property
- The conditions listed below.

## **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**

- 03) Samples of all external materials to be used in the development shall be submitted to and approved by the Local Planning Authority before the development commences. The approved materials shall not be substituted without the written consent of the City Council as Local Planning Authority.

Reason: In the interests of visual amenity.

- 04) No development shall take place until an investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's 'Land Contamination: Risk Management (LCRM) Guidance' (available on [www.GOV.UK](http://www.GOV.UK)).

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

- 05) No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning

Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: 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.

- 06) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.  
Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted and approved in writing by 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.

### **Conditions to be Discharged before use is Implemented**

None.

### **Conditions to be Adhered to at all Times**

- 07) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 4 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5, which is to be submitted to and be approved in writing by 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 in writing of the Local Planning Authority in accordance with condition 6.  
Where no unexpected contamination is found written confirmation of this must be provided to the Local Planning Authority prior to any occupation of the site.

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.

- 08) The dwelling hereby granted shall be used as a residential dwelling (Use Class C3) and for no other purpose within the Schedule of the Town and Country Planning (Use Classes) Order 2015 or any subsequent amendment or re-enactment thereof).

Reason: In order to protect amenity.

- 09) 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
05 729RA 03 EPE		Elevations	3rd February 2021
04 729RA 04 PSP		Floor Plans - Proposed	3rd February 2021
RA-267 / 02 A		Other	23rd October 2020
RA-267 / 01 A		Other	23rd October 2020