

<b>Application Number:</b>	2021/0343/FUL
<b>Site Address:</b>	Land to The Rear of 116 High Street, Lincoln, Lincolnshire
<b>Target Date:</b>	13th August 2021
<b>Agent Name:</b>	CK Architectural
<b>Applicant Name:</b>	Sarwar Aziz
<b>Proposal:</b>	Erection of a two-storey building to accommodate 4 self-contained flats and acoustic enclosure to existing air conditioning units. (Revised description) (Revised plans)

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

The application site is land to the rear of 116 High Street. The currently vacant site comprises unmade ground and gravel, located to the west of the High Street properties. The land in between the rear of these properties and the site forms the service yard to 116 High Street, which includes a single storey metal clad store and some air conditioning units. The site would be accessed from Gaunt Street, between no.s 7 and 11, across the existing service yard.

To the south of the site are the rear boundaries with properties on Gaunt Street, namely no.s 11 to 21. The boundary is defined by a substantial 3.2m high wall. To the north are the rear boundaries of 23, 25 and 27 Anchor Close, which are defined by an approximately 1.8m high fence. To the west of the site is a low-level laurel hedge which defines the boundary with Woodburn Place, a 1 ½ storey building fronting Gaunt Street which accommodates flats. Beyond the boundary is a small courtyard and recessed entrance, providing access to three of the flats, which in turn is accessed via a footpath that runs within the site adjacent to the south boundary.

The wider area is characterised by a mix of two storey traditional terraces along with 1 ½, 2 and 3 storey blocks of flats and more modern 2, 2 ½ and 3 storey dwellings as part of the Anchor Quays development to the north.

The application proposes the erection of a two-storey building to accommodate four, two-bedroom flats. The application also proposes an acoustic enclosure to the existing air conditioning units to the rear of 116 High Street.

The acoustic enclosure was added to the proposal during the application process and is included on the revised plans. At the request of officers, and to attempt to address some of the concerns of neighbouring properties, the revised plans also identify the position of all neighbouring properties on the elevations, sight lines from neighbouring properties towards the development, the outline of a previously approved development and the position of a new 2m high fence adjacent to the west boundary. Again, in response to the concerns of objectors, officers also requested that the agent provide information to demonstrate that the neighbouring properties would not be unduly impacted from loss of sunlight. A Daylight and Sunlight Report has been provided, as has a Noise Impact Assessment requested by the City Council's Pollution Control (PC) Officer. All neighbours and Ward Councillors have been re-consulted on these plans and additional information. Some additional comments from neighbours have been received, which are detailed within the report.

### **Planning History**

While each application should be considered on its own merits the application site has

been subject to a number of applications, which officers have outlined for the information of Members.

Application reference 2013/1049/F proposed a terrace of six dwellings facing north and extending across almost the full width of the application site. This was refused due to the impact on the occupants of 23-25 Gaunt Street and 23-27 Anchor Close. It was considered that the proposal would cause loss of light and appear overbearing due to the scale, position, proximity, and height. It was also considered that the site constraints led to a compromised design, which in turn resulted in a poor standard of amenity for future occupants.

A resubmission (2014/0890/F) for an almost identical scheme was refused for the same reasons. This was also dismissed at appeal.

Subsequent to this, the application site along with the host property 116 High Street, has received two planning permissions. An application (2016/0083/F) was approved by Members of the Planning Committee for the erection of a part three/part four storey building to accommodate 12 self-contained flats (91 student bed spaces) and 1 two-storey and 1 three-storey dwelling. The element of the proposal which related to the current application site was a two-storey house accommodating five bedrooms, to be occupied as an HMO. This had a much smaller footprint than the previously refused terrace and therefore was considered to have an acceptable relationship with neighbouring properties.

The most recent application (2018/1329/FUL) was approved for the erection of a two-storey rear extension to 116 High Street to facilitate the conversion of the first floor to a Snooker Club (Use Class D2) and Bar (Use Class A4). The application also approved the erection of 2no. semi-detached dwellings to rear, on the current application site. This building is annotated in green on the proposed floor and elevation plans by way of a comparison to the current proposal. This development could still be implemented as the permission does not expire until February 2022.

The Design and Access Statement (D&A) has noted that, prior to this current application being submitted, there has been extensive pre-application discussions between officers and the agent. The D&A states that this process “comprised of a number of revisions to the scheme from the original 3 storey flat roofed, 9 unit apartment building, to a more modest 2 storey pitched roof, 4 unit building. During this process consideration and concessions on the size, scale, massing, proximity, accommodation, and appearance of the proposals have been made, which result in the scheme currently being proposed.”

### **Site History**

Reference:	Description	Status	Decision Date:
2018/1329/FUL	Erection of a two-storey rear extension to facilitate the conversion of first floor to Snooker Club (Use Class D2) and Bar (Use Class A4) and erection of 2no. semi-detached dwellings to rear.	Granted Conditionally	4th February 2019

2016/0083/F	Demolition of a 2-storey building and erection of a part three/part four storey building to accommodate 12 self-contained flats (91 student bed spaces), 1 two-storey and 1 three-storey dwellings with retail (Class A1) at ground floor.	Granted Conditionally	22nd July 2016
2014/0890/F	Erection of 6 2-storey dwellings (Resubmission) (Revised location)	Refused Appeal dismissed	17 <sup>th</sup> February 2015 12 <sup>th</sup> August 2015
2013/1049/F	Erection of 6 two storey dwellings.	Refused	16 <sup>th</sup> December 2013

### **Case Officer Site Visit**

Undertaken on 16th June 2021.

### **Policies Referred to**

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP13 Accessibility and Transport
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP16 Development on Land affected by Contamination
- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- National Planning Policy Framework

### **Issues**

- Principle of use
- Visual amenity
- Residential amenity
- Noise
- Access and highways
- Archaeology
- Drainage
- Land contamination and air pollution

## **Consultations**

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

## **Statutory Consultation Responses**

Consultee	Comment
Highways & Planning	Comments Received
Anglian Water	Comments received
Lincolnshire Police	Comments Received

## **Public Consultation Responses**

Name	Address
Mrs Caroline Leggott	25 Anchor Close Lincoln LN5 7PE
Jordan Scurr	27 Anchor Close Lincoln Lincolnshire LN5 7PE
Mr Stefan Richards	18 York Way Bracebridge Heath Lincoln LN4 2TR
David Scurr	27 Anchor Close Lincoln Lincolnshire LN5 7PE
Martinas Petrauskas	2 Woodburn Place Lincoln Lincolnshire LN5 7AH
Diane Scurr	27 Anchor Close Lincoln Lincolnshire LN5 7PE

Timothy Gowrie	29 Anchor Close Lincoln Lincolnshire LN5 7PE
Ashley Chapman	31 Anchor Close Lincoln Lincolnshire LN5 7PE
Laura Galluccio	23 Anchor Close Lincoln Lincolnshire LN5 7PE
Riccardo Martino	4 Woodburn Place Lincoln Lincolnshire LN5 7AH
Michal Kazana	3 Woodburn Place Lincoln Lincolnshire LN5 7AH
Kristina Gelvich	2 Woodburn Place Lincoln Lincolnshire LN5 7AH
Melissa-Sue Ryan	1 Woodburn Place Lincoln Lincolnshire LN5 7AH
Isabella Ferrante	21 Anchor Close Lincoln Lincolnshire LN5 7PE
Bill Taylor	Landlord of Woodburn Place

## **Consideration**

### **Principle of Use**

Central Lincoln Local Plan (CLLP) Policy LP2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire, including housing. Officers are therefore satisfied that the principle of the residential use is wholly appropriate in this location. Supporting the application would also be in accordance with CLLP Policy LP1 which states that there should be a presumption in favour of sustainable development and

planning applications that accord with the policies in the Local Plan will be approved without delay. This presumption in favour of sustainable development reflects the key aim of the National Planning Policy Framework (NPPF).

The application site also has the benefit of planning permission for two semi-detached dwellings, which could be implemented until February 2022, and therefore supporting the principle of the residential development would also be consistent with this approval.

### Visual Amenity

The proposal would sit towards the east boundary of the site, with a grassed area to the west, accommodating cycle storage. The grassed area would continue to the north in a strip between the elevation and adjacent boundary. While each application should be considered on its own merits, it is worth noting that the footprint of the proposal is similar to the current permission for the site. This is demonstrated as a green dashed line on the proposed site layout and indicates that the building would be set approximately 1.7m further east than the approved scheme, increasing the separation to the Woodburn Place properties.

The application proposes a two-storey building, although the first floor is partly within the roof, and therefore appears as a 1½ storey structure. The building would measure 4.3m high to the eaves and 6.6m high to the ridge. Again, while each application should be considered on its own merits, the height is comparable to the current permission for the site.

Objections have been received from the occupants of 21, 23, 25, 27, 29 and 31 Anchor Close and 1, 2 and 4 Woodburn Place. An objection has also been received from the occupant of 18 York Way, Bracebridge Heath. The objections have raised concern regarding the excessive footprint of the development, and that the height and scale is too large, particularly when compared to surrounding constructions.

Officers consider that the site is of a sufficient size to comfortably accommodate the proposed development along with the associated access, garden areas and bin/cycle storage. The development represents a good use of land. It would put to use a site that often becomes overgrown and neglected and would therefore visually be an improvement on the current arrangement. Officers also consider that the height of the development is not unacceptable in this location. The elevations illustrate heights of neighbouring properties in relation to the proposal. While the proposal would sit higher than Woodburn Place, which is also on a slightly lower land level, it would sit below the ridge height of the 2 ½ storey terraces on Anchor Close and also below the ridge of the two storey terraces on Gaunt Street.

Officers are therefore satisfied that this in-fill proposal would relate well to the site and surroundings in relation to siting, height, scale, and massing.

The proposed building would have a frontage to the east and west elevations, with covered entrances providing access to the two ground floor flats. The flats to the first floor would be accessed via a third covered entrance to the south. It is cited by some objectors that the design and appearance of the scheme is poor. However, officers are of the opinion that the design is acceptable; which is a simple and modern approach. The proposal would be constructed with red brick and grey concrete roof tiles with dark grey UPVC windows. Elements of off-white render would be used on the elevations and around

some of the windows to add interest. The windows give the building vertical emphasis, which is welcomed, although are also configured in different ways to add interest and also to protect the amenity of neighbouring properties. The site is not open to public view, notwithstanding this, officers consider that the modern design and palette of materials is acceptable. Conditions would require samples of the proposed materials for approval and the setting of windows and doors within reveal to ensure the overall finish and quality of the development is to a high standard.

A brick structure is proposed to the east of the site, to act as an acoustic enclosure to the existing air conditioning units. Officers have no objection in principle to the size or design of this. Detail of the size and design of the adjacent refuse store and the cycle store within the garden area will be required by condition.

With regard to boundary treatments, it is intended to erect a hit and miss fence to the west boundary adjacent to the existing laurel hedge. Officers have no objection to this from a visual point of view.

Landscaping on the site is limited to the grassed areas previously mentioned, with the hard surfacing proposed to be paving. Some objectors consider that there is a lack of greenery on the site. While officers consider that the implementation of a formalised grassed area would be an improvement to the current arrangement, it is considered that there is an opportunity to incorporate some areas of low-level landscaping. Officers would therefore propose that a landscaping scheme be conditioned on any grant of consent.

The proposal would therefore be in accordance with CLLP Policy LP26 and paragraph 130 of the NPPF, which requires that developments should make effective and efficient use of land, add to the overall quality of the area and be sympathetic to local character.

### Residential Amenity

The objections from neighbouring properties raise concern regarding the height, scale and proximity to boundaries and properties. It is considered that this would result in an overbearing and enclosing impact, also causing loss of light to gardens and properties. Overlooking and loss of privacy to houses and gardens is also cited as a ground for objection, with specific reference made to the overlooking from windows and roof lights. One of the objectors notes that the site has the benefit of the 2018 permission, but considers this pushes the boundaries too far to the detriment of neighbouring properties. Two objectors have referenced the refusal reasons relating to the application for a terrace of six dwellings, suggesting that this permission should also be refused for the same reasons.

In addition to the comments already made, the occupants of 23 and 27 Anchor Close have submitted further responses following the re-consultation exercise. Both responses raise issue with the content and conclusions of the Daylight and Sunlight report, with suggestions that there are discrepancies. The objection from no. 23 also includes photographs to demonstrate the current loss of light experienced and states that their solar panels on the roof will be overshadowed.

The landlord of Woodburn Place has also made comments following the re-consultation, considering that the un-frosted windows in the west elevation overlook into the garden of 1-5 Woodburn Place and that the proposed fence is too high. He also notes that the porch entrance on the south elevation overhangs the access path to Woodburn Place, however,

this is within the application site and is therefore a legal matter, and not one that can be considered as part of the application.

The north boundary of the site forms the rear boundaries of 23, 25 and 27 Anchor Close, which are 2 ½ storey terraced properties. The north elevation of the proposal would be located approximately 1.2m from this boundary, which is defined by an approximately 1.8m high fence. The proposed garden area would sit opposite the rear of 27 Anchor Close, with the proposed building therefore being off-set from this neighbouring property. The building would be located 8.7m from the single storey kitchen window of 25 Anchor Close, with this distance increasing to 9.8m to the main rear elevation. These separation distances increase slightly towards the rear of 23 Anchor Close given the angled position of the proposal. The proposal would measure 4.3m high to the eaves and 6.6m high to the ridge.

While the proposal clearly has a close relationship with the neighbouring properties on Anchor Close, officers are satisfied that the relatively modest height with the roof sloping away from the boundary would ensure that it would not appear unduly overbearing or enclosing. The impact certainly wouldn't be sufficiently harmful to warrant refusal of planning permission, particularly when the site has permission for a development of a comparable height.

The site is located to the south of the Anchor Close properties and there will accordingly be some impact on the neighbouring occupants from the loss of direct sunlight. The Daylight and Sunlight report attempts to detail the extent of this, although objectors have raised issue with the content and conclusions. Notwithstanding this, officers do not consider that the level of loss of light from the proposed development would be sufficiently harmful to warrant the refusal of the application. There would be no overshadowing to the solar panels on the roof of 23 Anchor Close, as the ridge of the proposed 1 ½ storey development would sit below the eaves of this neighbouring 2 ½ storey property.

Within the north facing elevation of the proposal a kitchen and two bedroom windows are proposed at the ground floor level, although any overlooking from these would be mitigated by the existing boundary fence to the Anchor Close gardens. There are no windows above this at first floor level, only roof lights. A section through the proposed building demonstrates that the bottom of the rooflights will sit over 2m above the internal floor level, so direct overlooking will not be possible. Officers are therefore satisfied that the development would not cause loss of privacy to the neighbouring Anchor Close properties.

The south elevation of the proposal would be positioned approximately 1.4m from the boundary with properties on Gaunt Street, no.s 11-21. The separation of the development to the single storey off-shoots of these properties and the main rear elevation would be over 8m and 11.5m respectively. A key factor when assessing the relationship of the proposal with these properties is the position of the existing 3.2m high boundary wall. The eaves of the proposal would sit just over 1m above this and the ridge 3.45m above, with the roof sloping away. Officers therefore do not consider that the proposal would appear unduly overbearing or, given the location of the site to the north, would it result in loss of direct sunlight.

The boundary wall would mitigate any issues of overlooking from the ground floor windows and the entrance. At first floor there is a window serving the communal staircase, however, this will be obscure glazed. Rooflights are proposed, but as above, the height of these



above the internal floor level is such that overlooking from here is not possible.

To the west of the site is the recessed entrance and courtyard to Woodburn Place. There are three entrance doors here and a small window, with two rows of three rooflights above. The proposal would be located 3.9m from the boundary and 8.2m from the neighbouring elevation. The boundary is currently defined by a low hedge, although the application proposes to erect a 2m high hit and miss fence adjacent to this. Despite the neighbouring property sitting on a slightly lower land level and being only 1 ½ storeys in height, it is not considered that the proposal would appear unduly overbearing or enclosing given the separation distance. Only sunlight in early to mid-morning would be impacted as a result of the development, which is not considered to be unacceptable. It is worth noting that the approved 2018 development would be over 1.5m closer to these properties than the proposal.

The proposed fence would limit any overlooking from the ground floor windows and also from the first-floor lounge and bedroom windows towards the courtyard. With regard to the rooflights officers are satisfied that the angle of these and the separation from the proposal would limit any issues of direct overlooking. The landlord of Woodburn Place has suggested that the size of the lounge window could be reduced. However, as officers do not consider that this would overlook it would not be reasonable to request that this be altered. Officers do not consider that the fence would appear unduly overbearing to the neighbouring occupants, and it is worth noting that the fence could be located here under permitted development rights.

There would be no impact on the rear garden of 7 Gaunt Street to the east of the site given the separation from the development and that the boundary is defined by a wall measure in excess of 2m.

In terms of light impact, a concern raised by objectors, this has been discussed with the City Council's PC Officer. He notes that he would normally only raise an issue with this in the case of either commercial premises or for residential uses with shared parking and where are proposals to install external lighting, which he doesn't believe is the case for this development. However, he states that if there is concern that external security lighting could become an issue, he would suggest a condition that requires an assessment of the impact of any external lighting before it is installed. This condition will be applied to any grant of consent, as will a condition requiring details of the existing land levels and finished floor levels to ensure that the height of the proposal as built is as per the proposed elevation plans.

Officers have therefore carefully considered the relationship of the proposal with neighbouring properties, taking account of the objections received. Officers are satisfied that the amenities which neighbouring occupants may reasonably expect to enjoy would not be unduly harmed by or as a result of the development through either loss of light, overlooking or the creation of an overbearing structure. The proposal would therefore be in accordance with the requirements of CLLP Policy LP26.

### Noise

Some of the objections have raised concern regarding noise and disturbance from the occupants of the development and have also cited that there is a current issue with noise associated with the existing air conditioning units at 116 High Street. While noise from future occupants is to be expected with any residential development the PC Officer did

raise an initial concern in relation to noise from the air conditioning units and the potential impact on the occupants of the proposed development. He noted that the proposed development has a close relationship and includes bedroom windows facing the units.

It was therefore requested that the agent undertake and submit a Noise Assessment in relation to the air conditioning units. This was submitted and includes recommendations in terms of noise mitigation, namely the enclosure proposed as part of this application. The PC Officer was satisfied that this would ensure there would not be an undue impact on the occupants of the proposed development. The design shown on the elevations does not strictly accord with the recommendations of the Noise Assessment and the agent has been requested to amend this, specifically by adding a roof and changing the louvres to the door. If this is not changed prior to determination then these changes will be required by condition. The PC Officer is satisfied with this approach and confirms that his concerns have been addressed.

It is therefore considered that the level of amenity for future occupants of the development would be acceptable, and the measures proposed would also improve the current situation for existing neighbours.

### Parking and Highways

The D&A advises that, due to the proximity of the site to the town centre, on site vehicle parking has not been provided, however, vehicle access can be gained for deliveries and drop offs via the existing site access from Gaunt Street. Pedestrian access is provided via a designated and established route through the existing car park/service area.

The lack of on-site parking is a concern for neighbouring objectors and it is considered that the parking of future occupant's vehicles on the street will add to the parking pressures already experienced on and around Gaunt Street. They are also concerned regarding the increase in traffic.

Lincolnshire County Council as Local Highway Authority has raised no objection to the application in any of these respects. They state that the site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal.

Officers would concur with this assessment and have no objection to the application in this respect as it is located where travel can be minimised and the use of sustainable transport modes maximised, in accordance with CLLP Policy LP13.

### Archaeology

The City Archaeologist has advised that there is a high likelihood of groundworks associated with the development affecting archaeological remains of local, and potentially regional significance. However, he is satisfied that this can be dealt with through the imposition of the standard archaeological conditions, which require a Written Scheme of Investigation, along with a condition requiring details of the foundation design. These will be duly applied to any grant of consent and officers are therefore satisfied that the proposal would meet the requirements of CLLP Policy LP25 and section 16 of the NPPF.

## Drainage

The application form indicates that the mains sewer will be used for the disposal of surface water drainage.

The Lincolnshire County Council in their capacity as Lead Local Flood Authority are only required to provide a statutory planning consultation response with regard to surface water drainage on major applications, and have therefore not provided comments on this minor application.

Officers have discussed the application with Anglian Water, and they have advised that they are unable to offer comment at this stage as there is no drainage information provided as part of the application. Officers would therefore recommend a condition to require details of a surface water drainage scheme, which has also been requested by the Upper Witham Internal Drainage Board. With the approval of an appropriate scheme by condition officers are satisfied that the objections to drainage from neighbouring properties would be addressed and that the requirements of CLLP Policy LP14 would be met.

## Land Contamination and Air Pollution

Some of the objections from neighbouring properties state that the site was formerly occupied by a petrol station and there is accordingly concern regarding contamination.

The City Council's PC Officer has been made aware of these comments but is satisfied that this matter can be appropriately dealt with by the standard contaminated land conditions; by requiring the submission of a site characterisation and a remediation scheme for approval, and the implementation of the approved remediation scheme. Officers are therefore satisfied that the development would meet the requirements of CLLP Policy LP16.

Objections from neighbours have also raised concern regarding air pollution, however, the PC Officer has made no comment in this respect.

## Other Matters

### Bin and Cycle Storage

An area for bin storage is identified towards the east of the site, with the site layout plan indicating the detail and size of the covered store is to be confirmed. No comments have been received from the City Council's Community Contracts Manager, although officers are satisfied that there is sufficient space to accommodate the required bins with easy access available directly to Gaunt Street. Officers would recommend that this matter be conditioned to enable the design and size of the store to be agreed in consultation with the Community Contracts Manager.

The application also includes a location of the cycle store, however, no details are provided. Officers would therefore recommend that the requirement for details of this be incorporated in the aforementioned bin storage condition.

## Construction

Comments have been received from the neighbouring objectors with concerns regarding noise and dust from the building works. While issues relating to the construction phase are not a material planning consideration officers would recommend that a condition restricting the hours of construction and deliveries be applied to any grant of consent to attempt to limit the potential impact on neighbouring properties.

## Design and Crime

The D&A advises that 'Secured by Design' principles have been considered, and it states that the proposal would encourage an element of natural surveillance from neighbouring homes and businesses. The Lincolnshire Police has raised no objections to the application in this respect.

## Loss of Value to Property

Some of the comments from neighbours have noted this as a ground for objection, however, this is not a material planning consideration.

## **Conclusion**

The principle of the use of the site for residential purposes is considered to be acceptable, a use which has also been established by previous permissions. The development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design. The proposals would also not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy. Technical matters relating to noise, access and parking, contamination, archaeology and drainage are to the satisfaction of the relevant consultees and can be dealt with as necessary by condition. The proposals would therefore be in accordance with the requirements of CLLP Policies LP1, LP2, LP13, LP14, LP16, LP25 and LP26 and the NPPF.

## **Application Determined within Target Date**

Yes.

## **Recommendation**

That the application is Granted Conditionally subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Contaminated land
- Archaeological WSI and foundation design
- Surface water drainage scheme
- Land levels and finished floor levels
- Samples of materials
- Landscaping scheme
- Bin and cycle storage details
- Design of acoustic enclosure (as required)
- Implementation of boundary treatment
- Assessment of off-site impact of external lighting prior to installation

- Construction of the development (delivery times and working hours)
- Windows and doors set in reveal