



CITY OF
Lincoln
COUNCIL

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**TO ALL PLANNING COMMITTEE
MEMBERS**

Democratic Services are dealing with this matter

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Date: 13 June 2018

PLANNING COMMITTEE - WEDNESDAY, 20 JUNE 2018

Dear Councillor,

Further to the previously issued agenda for the Planning Committee meeting of Wednesday, 20 June 2018, please find attached the following report which replaces that incorrectly attached under the following agenda item:

(b) Land At Westbrooke Road, Lincoln.(Phase 4) (Pages 3 - 12)

I apologise for this error.

If you require any further information please feel free to contact me using the information provided above.

Yours faithfully,

A Hewson

Democratic Services Officer

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Application Number:	2018/0458/FUL
Site Address:	Land At Westbrooke Road, Lincoln
Target Date:	5th July 2018
Agent Name:	None
Applicant Name:	Mrs Rebecca Archer
Proposal:	Erection of 23 dwellings with vehicular access from Westbrooke Place and pedestrian link to Skellingthorpe Road.

Background - Site Location and Description

Application is for full planning permission for the erection of 23 dwellings for Phase 4 of the Westbrooke Road development known as 'LN6'

Access to the site is taken through the existing access created for Phase 1, 2 and 3 off the western end of Westbrooke Road.

The site is located immediately adjacent to Phase 3 and forms part of the former Usher school site, being located on part of the former playing field. The site is also located at the rear of a number of properties on St. Helen's Avenue. As submitted the application originally also proposed a separate pedestrian access created off Skellingthorpe Road to the South.

- Phase 1 (2014/0510/F) approved December 2014 52 Dwellings.
- Phase 2 (2016/1105/FUL) approved January 2017 27 Dwellings
- Phase 3 (2018/0244/FUL) 29 dwellings- granted planning permission with conditions at Planning Committee on 23rd May following a Committee Site visit undertaken on the same day.
- Phase 4 (2018/0458/FUL) registered and under consideration. 23 dwellings proposed.

The site is currently under the ownership of Lincolnshire County Council. Although the whole of the former school site is allocated for residential in the Local Plan, it is understood that the County Council wish to retain the balance of the land at this time.

Site History

Reference:	Description	Status	Decision Date:
2018/0244/FUL	Erection of 29 dwellings with vehicular access from Westbrooke Road.	Pending Decision	

Case Officer Site Visit

Undertaken on 17th April 2018.

Policies Referred to

- National Planning Policy Framework
- Policy LP9 Health and Wellbeing
- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP11 Affordable Housing

- Policy LP12 Infrastructure to Support Growth
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP26 Design and Amenity

Issues

- Local and National Planning Policy
- Effect on visual amenity
- Effect on residential amenity
- Highway safety
- Ecology
- Flood risk
- Land Levels
- Land contamination
- Affordable Housing
- CIL and other contributions

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Lincolnshire Police	Comments Received
Anglian Water	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Lincolnshire Wildlife Trust	No Response Received
Vicky Allen	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Lincoln Civic Trust	Comments Received
Natural England	Comments Received

Lincolnshire County Council	No Response Received
Environment Agency	Comments Received
Highways & Planning	No Response Received

Public Consultation Responses

Name	Address
Brian J Alexander	84 Skellingthorpe Road Lincoln Lincolnshire LN6 7QZ
Mr Karl Hutchinson And Miss Holly Wray	17 St Helens Avenue Lincoln Lincolnshire LN6 7RA
Mr Neville Coupland	27 St Helens Avenue Lincoln LN6 7RA
Mr James Edwards	10 Westbrooke Road Lincoln Lincoln LN6 7 TB
Ms Donna Perkins	33 St Helens Avenue Lincoln Lincolnshire LN6 7RA
Dr Andrea Paoli	47 Westbrooke Road Lincoln LN6 7TB
Ms Judy Gray	69 Skellingthorpe Road Lincoln Lincolnshire LN6 7QT
Mr A McCall	104 Western Avenue Lincoln Lincolnshire LN6 7SZ

Keith Iley And Alison Iley-Haigh	115 Western Avenue Lincoln Lincolnshire LN6 7SZ
David R Hipworth	1 Westbrooke Close Lincoln Lincolnshire LN6 7TL
Michael Smalley	1 Westbrooke Road Lincoln Lincolnshire LN6 7TB
Mr Rodney Mountcastle	6 Westbrooke Road Lincoln Lincolnshire LN6 7TB
Mrs Maureen Bailey	12 Westbrooke Road Lincoln Lincolnshire LN6 7TB
(Mr And Mrs) D B Marshall, B .Sc.	14 Westbrooke Road Lincoln Lincolnshire LN6 7TB
Mr Gary Fountaine	35 St Helen's Avenue Lincoln LN6 7RA

Consideration

Policy

The site has a residential allocation in the CLLP under reference CL4652 and is identified in the Central Lincolnshire Five Year Land Supply Report. Policy LP1 of the CLLP and the NPPF are relevant and stating a 'presumption in favour of sustainable development' through both plan making and decision taking. There was widespread consultation as part of the Local Plan preparation and notably Lincolnshire County Council raised no objections to the allocation in terms of highways.

In the submitted Design and Access Statement the applicant identifies that the site is in a sustainable location close to existing shops and services including schools and a doctor's surgery within walking distances and with good public transport connections.

Effect on Residential Amenity

The effect on existing residential dwellings adjacent to the site should be assessed. Policy LP26: Design and Amenity of the CLLP is relevant.

The removal of the proposed footpath link to Skellingthorpe Road resulted in a change to the layout in this South Eastern corner. The removal of the footpath has also resulted in a change to the extent of the boundary to the site. No's 1 to 29 St. Helen's Avenue (odd) no longer have a direct boundary to the site. These properties will continue to back onto the former school site owned by the County Council.

Further to the removal of the footpath link, the pair of dwellings at plots 65/66 have been relocated slightly further towards the eastern boundary and the rears of properties on St. Helens Avenue. Properties adjacent to the site were re-consulted on the revised plans.

The occupier of 35 St. Helens Avenue objects to the revised plans concerned that the revision to move plots 65 and 66 closer to the Eastern boundary further to the omission of the proposed footpath link, will result in loss of direct sunlight, that the proposed dwellings are too close to existing and overlooking will occur. Concerns are also raised to the removal of the existing security fencing.

The occupier of neighbouring adjoining semi- detached property no 33 St. Helen's Avenue has also objected. Concerns are raised regarding the removal of the security gates at the rear boundary, the proximity of the proposed dwellings and loss of sunlight. Concerns are also raised regarding the overall principle of the development of the site impact on wildlife, noise during construction and increased intensification of the site, land should be retained as public amenity land,

The proposed dwelling at plot 65 is located 4.5m from the boundary and 27m from the rear elevation with no's 33 and 35 St. Helens Avenue. At 27m the separation between the rear of the existing dwellings on St. Helens Avenue and the side gable of the proposed dwelling is more than the preferred minimum standards of 21m window to window relationship.

Only minimal changes to land levels are proposed in this part of the site. The resulting ridge height of the proposed dwelling at plot 65 (15.920m) is very similar to that of the existing properties on St. Helens Avenue (15.5m).

A revised boundary treatment of a fence and gravel board at 2.1m high is also now proposed.

Similarly plot 64 is located 3.1m from the rear boundary with no's 39 and 41 St. Helen's Avenue and a minimum of 25m in total to the main 2 storey rear elevation of the adjacent St. Helen's Avenue properties.

A short section of 2.4m high boundary treatment of combined gravel boards and close boarding fencing is proposed to the rear of the parking space to plot 64 within the parking court and the far end of the rear garden of 45 St. Helen's Avenue, to aid privacy.

It is considered therefore that given the distance between the existing and proposed dwellings and proposed heights of the new dwellings, the development will not be detrimental to the residential amenities of the occupants of existing dwellings.

A number of objections have been received from neighbours issues raised include the creation of the footpath with regard to security and privacy, vegetation blocking existing drains, effect on wildlife and in particular sightings of a deer on site, increase in traffic on roads not designed for such weight of traffic, noise and disturbance, effects of on-going construction and delivery vehicles, preference for a different access than off Westbrooke Road, increased traffic at junction with Boultham Park Road, piecemeal approach to the development of the wider LN6 site and flooding

Queries have also been raised regarding the sale of the land. This is not material planning consideration and is a matter between the applicant and the County Council.

Highways and Drainage

As with the previous 3 Phases, a number of objections have been received regarding the impact the development will have on the existing road network, particularly as the access to phase 4 is again via Western Crescent and Westbrooke Road.

Concerns raised include, the suitability of both Westbrooke Road and Western Crescent as access roads, increased noise and disturbance from increased traffic, narrow access roads already congested with parked cars, increased traffic and congestion at the junction with Boultham Park Road, wear and tear on the road surface at Westbrooke Road.

The application has been assessed by the County Council as the Highway Authority and Lead Flood Authority. At the time of writing the final consultation response from the Highway Authority is awaited on a minor revision to the internal road layout, but previous responses from them indicate that they consider that there is the necessary capacity within the existing highway network to absorb the additional traffic generated by the application proposals. The submitted Transport Statement applied to both phases 3 and 4 and was considered at the time of phase 3 application which was subsequently approved at Planning Committee on 23rd May.

Pumping Station

A foul water pumping station is required on the site. Foul drainage will be fed into the pump station by gravity and then will be pumped via a raising main to the Anglian Water discharge point.

Only one pumping station is required to serve both phase 3 and 4. Two potential sites for the pumping station have however been identified, one for each Phase to enable either phase to be built out independently if required. The resulting location of the pumping station is dependent on whether both applications are approved and constructed at the same time. If both Phases 3 and 4 are approved, the pumping station will be located within Phase 4. For phase 4, the pumping station is located adjacent to the western boundary of the application site, which is central within the overall former school site and is therefore away from the eastern boundaries of existing residential properties at St Helens Avenue and Western Avenue.

The applicant states that the pumping station is to be constructed to a standard design set by Anglian Water with a view to the facility being adopted by AW. The compound will be surrounded by fencing and the applicant states that the equipment will be located below ground and therefore not visible. The application including the pumping station has been considered by Environmental Health and no objections are raised. The proposal is shown

as being a minimum 15m from habitable dwellings and therefore within the adoption standards outlined by Anglian Water advice. Environmental Health has on this basis therefore advised that a noise assessment is not required.

Flood Risk

The site is located within Flood Zone 1 and regarded as a low probability of flooding. The Environment Agency has been consulted on the proposal and has advised that the proposal falls outside the scope of matters on which the EA is a statutory consultee and therefore has no comment to make on the application.

On site drainage is via a SUDs system which forms parts of the assessment by the County Council as Highways and Lead Flood Authority.

Proposed Footpath Link to Skellingthorpe Road

As submitted, the application proposed a new pedestrian and cycle link from Phase 4, along the rear boundaries of dwellings on St. Helen's Avenue through to Skellingthorpe Road. The applicant identified that the new link would improve connectivity at the site providing a route through to the shops at Skellingthorpe Road and the nearby bus stop.

Lincolnshire Police has responded on the application and advised no objections to the proposal, offering general secure by design advice. Concerns were raised however regarding the overall security of the pedestrian footpath which was proposed to be 125m long and the detrimental effect this may have on the currently well designed cul de sac layout of the LN6 development.

The police advised that given the length of the access, the path would need to be well maintained and lit.

Whilst a pedestrian link in this location would benefit connectivity at the site, concerns were raised regarding the safety of the path for users given its length and also the potential for anti-social behaviour and crime. Further to discussions with both the Highway Authority and the applicants, it has been agreed that the footpath should be removed from the application.

Contributions

CIL will be chargeable on this development. A levy of £40,934.00 has been identified for the development by both the applicant and the City Council. Whilst the CIL SPD for Central Lincolnshire has not yet been adopted, the requirement for CIL is set out in the adopted CLLP through policies PL9-LP15, with particular reference to LP12 which sets out the use of CIL to deliver the various infrastructure needs generated by a development.

A section 106 legal agreement is also required to cover the Local Green Infrastructure (Playing Field, Play Space and Amenity Space). The applicant is requested to contribute a total sum of £30,720 for playing fields and children's play space.

Lincolnshire County Council as the Education Authority has formally responded and does not request a contribution towards primary school places.

NHS England has been consulted on the application and has concluded that no

contributions are required.

Affordable Housing

LP11: Affordable Housing of the CLLP states that affordable housing is required on site at the ratio of 25%. Chestnut Homes has met this requirement and provisionally identified 6 affordable units on the site (13 units in total across phases 3 and 4). The same approach has been taken as with Phases 1, 2 and 3 in that the affordable housing is indistinguishable from the market dwellings. The six affordable units are 2 storey, 2 bed properties, integrated within the development.

The provision of the affordable housing will be secured through a section 106 legal agreement.

Archaeology

Discussions have been ongoing between the City Archaeologist and the applicants. The WSI submitted has been assessed and is considered to be a sufficiently detailed strategy to mitigate any harm that is likely to be caused by this development. Any permission should therefore be conditioned to proceed in accordance with the WSI and require the submission of a fieldwork report within 6 months of completion and archived with The Collection.

On-Going Management/ Maintenance

As with the two previous phases, the main road network and main foul and surface water pipes will be put forward for adoption.

A management company has already been set up for the LN6 development which is now operational for phases 1 and 2. The management company oversees the on-going maintenance of the common areas including an open space, private parking courts etc. Each property is a shareholder in the company and a service charge is paid.

Ecology

Being a former playing field to the now demolished school, the site is generally flat and mainly laid out to unkempt grasses with a number of trees. Unlike the other 3 phases, an ecology report has not been submitted. The applicant states that given the site is a former school site and is laid out to grassland, a habitat survey is not justified. Unlike Phases 1, 2 and 3, Phase 4 does not have a boundary with Tritton Road, the proposed site only extending approx. half way across the former school site.

4 substantial trees are identified at the site, on the eastern boundary with St. Helen's Avenue. 2 of the trees are to be removed, and 2 retained.

A number of consultations responses refer to a deer seen at the application site across Phases 3 and 4. The matter was raised with the applicants and a subsequent survey has been undertaken by Delta Simons who also produced the phase 1 habitat surveys for the other 3 phases of the 'LN6' development. An additional statement dated 2nd May 2018 has been provided by Delta Simons.

The statement identifies that 'mammal tracks have been found in the area but there is no

evidence such as droppings or foot prints to suggest that they have been created by deer. The report states that several of the mammal runs run from the small woodland area adjacent to Tritton Road. The report concludes that there is presently a gap in the fence which potential enables access to animals and that if deer were present at the grassland, they can enter and leave of their own accord and are not trapped.

Natural England has formally responded with no comments to make on the proposal.

Electric Charging Points

Environmental Health has requested that electric car charging points are provided on site at units where appropriate i.e. private drives or garages as stated by para. 35 of the NPPF. Further to on-going negotiations the applicant has agreed to provide 12 no. electric charging points to plots across the site where there is on-plot parking.

Application Negotiated either at Pre-Application or during Process of Application

Yes.

Conclusion

The site has an allocation in the CLLP and is located in a sustainable location close to existing services and amenities, with good transport links.

Negotiations have secured revisions to the proposal including the removal of the proposed footpath link to Skellingthorpe Road and revisions to proposed land levels and boundary treatment heights in response to concerns regarding residential amenity.

The development will contribute to the housing supply within the City and provide affordable housing in accordance with national and local planning policy.

Application Determined within Target Date

Yes

Recommendation

That the application is Granted Conditionally subject to signing of s106 legal agreement.

- 1) 3 years
- 2) Drawing numbers
- 3) Materials
- 4) Landscaping scheme
- 5) Tree protection measures during construction.
- 6) Any removal of scrub, hedgerows or trees between March to late August to be supervised by an ecologist and mitigation measures applied if required.
- 7) Archaeology- development to proceed in accordance with the submitted WSI. Fieldwork report to be submitted within 6 months of completion
- 8) Electric charging points to be installed in accordance with drawing no WLR4 01 Rev F
- 9) Land contamination-1) Implementation of approved remediation scheme, 2) Reporting of unexpected contamination

10)Removal of pd for plots 64 and 65 adjacent to existing residential development

Fencing to plots 64, 65 and the northern boundary to the parking court not to be altered without the prior consent of the Council