

PLANNING COMMITTEE

Wednesday, 9 October 2019

5.30 pm

**Committee Rooms 1-2, City
Hall**

Membership:	Councillors Naomi Tweddle (Chair), Bob Bushell (Vice-Chair), Biff Bean, Bill Bilton, Alan Briggs, Kathleen Brothwell, Chris Burke, Gary Hewson, Ronald Hills, Rebecca Longbottom and Edmund Strengiel
Substitute members:	Councillors Jackie Kirk and Neil Murray
Officers attending:	Simon Cousins, Democratic Services, Kieron Manning, Louise Simpson and Dave Walker

The Planning Committee comprises democratically elected members who will be presented with a recommendation from the professional officers for each application on the agenda. After each application has been presented, those interested parties who have registered to speak will then be given 5 minutes to verbally present their views, and, following this, the committee will debate each proposal and make the decision, having considered all relevant information.

Clearly the process of making a decision will inevitably cause some people to feel aggrieved, but it is hoped that all interested parties will feel that their views have been considered as part of the process.

Please ensure that your mobile phones are switched off or set to silent throughout the meeting and please refrain from attempting to speak from the public gallery unless you have formally registered to speak on an application, in which case the Chair will call you to the table at the relevant time.

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 11 September 2019	5 - 12
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Work to Trees in City Council Ownership	13 - 18

4. Applications for Development

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THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (AS AMENDED)

LIST OF BACKGROUND PAPERS FOR PLANNING, LISTED BUILDING, CONSERVATION AREA AND ADVERTISEMENT APPLICATIONS ON THE AGENDA OF THE PLANNING COMMITTEE

The Background Papers for the Planning, Listed Building, Conservation Area and Advertisement Applications are:

1. The Planning Application File. This is a file with the same reference number as that shown on the Agenda for the Application. Information from the planning application file is available online at <https://development.lincoln.gov.uk/online-applications/>

The application files contain the following documents:

- a. the application forms;
 - b. plans of the proposed development;
 - c. site plans;
 - d. certificate relating to ownership of the site;
 - e. consultation letters and replies to and from statutory consultees and bodies;
 - f. letters and documents from interested parties;
 - g. memoranda of consultation and replies to and from Departments of the Council.
2. Any previous Planning Applications referred to in the Reports on the Agenda for the particular application or in the Planning Application specified above.
 3. Central Lincolnshire Local Plan – Adopted April 2017
 4. National Planning Policy Framework - March 2012
 5. Applications which have Background Papers additional to those specified in 1 to 5 above set out in the following table. These documents may be inspected at the Planning Reception, City Hall, Beaumont Fee, Lincoln.

APPLICATIONS WITH ADDITIONAL BACKGROUND PAPERS (See 5 above.)

Application No.: Additional Background Papers

CRITERIA FOR PLANNING COMMITTEE SITE VISITS (AGREED BY DC COMMITTEE ON 21 JUNE 2006 AND APPROVED BY FULL COUNCIL ON 15 AUGUST 2006)

Criteria:

- Applications which raise issues which are likely to require detailed first hand knowledge of the site and its surroundings to enable a well-informed decision to be taken **and** the presentational material at Committee would not provide the necessary detail or level of information.
- Major proposals which are contrary to Local Plan policies and proposals but which have significant potential benefit such as job creation or retention, environmental enhancement, removal of non-confirming uses, etc.
- Proposals which could significantly affect the city centre or a neighbourhood by reason of economic or environmental impact.
- Proposals which would significantly affect the volume or characteristics of road traffic in the area of a site.
- Significant proposals outside the urban area.
- Proposals which relate to new or novel forms of development.
- Developments which have been undertaken and which, if refused permission, would normally require enforcement action to remedy the breach of planning control.
- Development which could create significant hazards or pollution.

So that the targets for determining planning applications are not adversely affected by the carrying out of site visits by the Committee, the request for a site visit needs to be made as early as possible and site visits should be restricted to those matters where it appears essential.

A proforma is available for all Members. This will need to be completed to request a site visit and will require details of the application reference and the reason for the request for the site visit. It is intended that Members would use the proforma well in advance of the consideration of a planning application at Committee. It should also be used to request further or additional information to be presented to Committee to assist in considering the application.

Present: Councillor Naomi Twedde (*in the Chair*),
Councillor Bob Bushell, Councillor Biff Bean, Councillor
Bill Bilton, Councillor Alan Briggs, Councillor
Kathleen Brothwell, Councillor Thomas Dyer, Councillor
Gary Hewson, Councillor Jackie Kirk, Councillor
Rebecca Longbottom and Councillor Christopher Reid

Apologies for Absence: Councillor Chris Burke, Councillor Ronald Hills and
Councillor Edmund Strengiel

20. Confirmation of Minutes - 14 August 2019

RESOLVED that the minutes of the meeting held on 14 August 2019 be confirmed.

21. Declarations of Interest

Councillor Bob Bushell declared a Declaration of Predetermination with regard to the agenda item titled 'Markham House, 73-75 Swift Gardens, Lincoln'.

Reason: He had already voted in support of this proposal in his capacity as portfolio holder at Executive.

He left the room during the discussions on this item and took no part in the vote on the matter to be determined.

22. Work to Trees in City Council Ownership

The Arboricultural Officer:

- a. advised members of the reasons for proposed works to trees in the City Council's ownership and sought to consent to progress the works identified, as detailed in Appendix A of the report
- b. explained that Ward Councillors had been notified of the proposed works.

Members referred to works at Boultham Park Cathedral Plantation and queried the age of the trees that were proposed to be felled. It may be that an additional 2/3 trees needed to be replanted in the vicinity to achieve the same benefit. It would be preferable to carry out works on well-established trees to alleviate problems rather than resort to felling them.

The Arboricultural Officer advised that the trees concerned here were small juvenile specimens of poor form, with potential to suppress the canopies of other trees close by capable of developing better form. Maintenance of trees was managed sympathetically with care. Trees were only felled where absolutely necessary.

The Chair referred to an earlier conversation she had held with the Arboricultural Officer regarding instances in Minster Ward where replanted trees had become damaged and died off. There was a balance to be made with the use of adequate sized specimens for replanting purposes to achieve maximum aesthetic effect.

The Arboricultural Officer responded that young trees unfortunately often suffered from drought stress and competition from weeds. The use of larger specimens may benefit their overall longevity with less likelihood of getting damaged.

RESOLVED that tree works set out in the schedules appended to the report be approved.

(Councillor J Kirk arrived late to the meeting during the consideration of this item. She sat in the public gallery and took no part in the discussion or vote on the matter to be determined. She took her seat as a member of Planning Committee once the decision on this item had been made.)

23. Application for Development: 8 The Avenue, Lincoln

The Planning Manager:

- a. described the application property, 8 The Avenue, currently vacant, a large three storey Victorian/Edwardian building located on the west side of The Avenue set back from the road, with 10 The Avenue to the north, Ridgeway Nursing Home 2-6 The Avenue to the south and to the rear of the site the rear yards and aspects of a terrace located on Whitehall Grove
- b. reported that planning permission was sought for the erection of a single storey rear extension, to be occupied as an annex, a detached garage to the rear and 1.2m high railings and gates to the front boundary
- c. advised that planning permission had been granted in 2014 to change the use of the property to an eight bedroom HMO and a self-contained flat, although this permission was not implemented and had now expired; the applicant intended to occupy the property as a family dwelling and was currently undertaking extensive internal and external restoration works, including the removal of a later single storey rear off-shoot which the proposed extension was intended to replace
- d. highlighted that the design of the rear extension had been subject to a number of amendments during the process of the application, initially in response to officer's concerns regarding the design with further revisions to attempt to address the concerns of neighbours relating to the impact on residential amenity
- e. confirmed that all neighbours had been re-consulted on the revised plans
- f. reported on the location of the property within the West Parade and Brayford Conservation Area
- g. advised that the application had been called in to be determined by Members of the Committee at the request of Councillor Preston
- h. provided details of the policies pertaining to the application, as follows:
 - Policy LP25: The Historic Environment
 - Policy LP26: Design and Amenity
 - National Planning Policy Framework

- i. outlined the responses made to the consultation exercise
- j. referred to the update sheet which included a further response received from the occupiers of 19 Whitehall Grove and a photograph of the original annex submitted by the applicant in response to the neighbour's additional comments
- k. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
 - Visual amenity and character and appearance of the conservation area
 - Residential amenity
- l. concluded that:
 - The scale and design of the proposed extension and garage located to the rear of the property was considered to be acceptable and would complement the architectural style of the existing property.
 - These proposals would accordingly preserve the character and appearance of the conservation area, with works to reinstate traditional features, such as the railings, enhancing this.
 - The proposals would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy and the application would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP25 and LP26 and guidance within the National Planning Policy Framework.

Marianne Langley, Applicant, addressed Planning Committee in support of the proposed development, covering the following main points:

- The scheme involved restoration of a large period property.
- This would be a family home with a self-contained annex for an elderly parent.
- An existing single-storey off-shoot would be removed to create space for this self-contained annex.
- The current owners had entered into consultations with planning officers during 2017 regarding their ideas for the property prior to putting in an offer for 8 The Avenue.
- The only other offer received for the premises at the time had been from a housing group, waiting to submit a lower offer if there was no interest in the property.
- Their family purchased the house in March 2019.
- The plans for the annex had been subject to amendment to keep it as modest as possible and limit any potential impact on the owners of 19 Whitehall Grove.
- The annex would be accessed from the main body of the house.
- Wheelchair friendly access would be retained.
- Car parking spaces would be available at the rear of the property, together with the addition of a garden and landscaping to create an aesthetically pleasing look.
- The plans for the scheme were in keeping with the scale of the existing house and environment.

- Full use would be made of planting/screening to minimise any impact on the residential amenity of neighbouring properties.
- The garden designer would work on a scheme to minimise any impact/overlook in respect of the relationship between the annex and the first floor bedroom of the neighbouring property.
- Large period properties such as this one were only saved when they met the needs of buyers for family use.

Members made comments on the proposed scheme as follows:

- The proposals would benefit the area.
- Had the property not been located in a Conservation Area, planning permission would not have been required.
- It was good to see that the property would be looked after in the manner it deserved.
- Mitigating measures had been agreed involving the reconfiguration of the rear elevation of the extension and the rear window facing to minimise potential overlook/inconvenience.

RESOLVED that planning permission be granted subject to the following conditions:

- Development to commence within three years
- Development in accordance with approved plans
- Annex not to be occupied, sub-let or sold as an independent residential unit
- Garage for domestic use only

24. Application for Development: Markham House, 73-75 Swift Gardens, Lincoln

(Councillor Bushell left the room for the discussion of this item, having made a Declaration of Predetermination with regard to the agenda item to be discussed. He took no part in the vote on the matter to be determined.)

The Planning Team Leader:

- a. described the application property, Markham House, 73-75 Swift Gardens, a two storey building formerly occupied by St. Giles Matters as community use, although currently vacant
- b. reported that an existing vehicular access from Swift Gardens to the south side of the building provided access to a car park at the rear
- c. added that 71 Swift Gardens was adjacent to this access accommodating flats, with 77A, B, C and D Swift Gardens beyond the opposite side boundary to the north and the car park of the Myle Cross Centre directly to the rear of the site
- d. highlighted that the wider area was predominantly characterised by a mix of two storey semis and terraces, with parking both on and off street
- e. reported that planning permission was sought for demolition of the existing building and the erection of a terrace of five, two storey dwellings with the benefit of an off-street parking space to the front and gardens to the rear

- f. confirmed that the City of Lincoln Council was the applicant for this scheme which proposed to provide affordable housing
- g. provided details of the policies pertaining to the application, as follows:
- Policy LP1: A Presumption in Favour of Sustainable Development
 - Policy LP2: The Spatial Strategy and Settlement Hierarchy
 - Policy LP15: Community Facilities
 - Policy LP26: Design and Amenity
 - National Planning Policy Framework
- h. outlined the responses made to the consultation exercise
- i. referred to the update sheet which included a response from the City Council's Arboricultural Officer identifying that:
- The submitted tree report was comprehensive with controls to mitigate possible damage to retained trees, conditioned as part of any consent.
 - Proposed pruning to T5, the tree to the front of the site within the highway would require consent from Lincolnshire County Council
- j. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
- Principle of use
 - Visual amenity
 - Residential amenity
 - Access and highways
 - Trees
- k. concluded that:
- The applicant had provided an appropriate case to sufficiently justify the loss of the community use and the principle of the use of the site for residential purposes was considered to be acceptable in this location.
 - 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.
 - Matters relating to highways and contamination were to the satisfaction of the relevant consultees and could be dealt with appropriately by condition.
 - The application would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP15 and LP26, as well as guidance within the National Planning Policy Framework.

Members discussed the content of the report in further detail, asking why the plans for the proposed building height had been altered from the original height of 3 storey to two.

The Planning Team Leader confirmed that the change to the height of the buildings had been made by the applicant and not suggested by planning officers, although the change had been accepted.

RESOLVED that subject to the Tree Report being to the satisfaction of the City and County Council Arboricultural Officers, the application be granted subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Contamination
- Land levels
- Material samples
- Boundary details
- Landscaping scheme
- Electric vehicle recharge points
- Construction of the development (delivery times and working hours)
- Tree protection measures.

25. Application for Development: Pepi's Pizza, 283 Newark Road, Lincoln

(Councillor Bushell returned to the room and re-took his seat as a member of Planning Committee for the remainder of the meeting.)

The Planning Team Leader:

- a. described the application property, Pepi's Pizzeria, located at 283 Newark Road, Lincoln
- b. advised that the application proposed the replacement of 4 existing windows and the main door to the front elevation of the premises
- c. reported that the application was brought to Planning Committee due to the property being in the ownership of the City of Lincoln Council
- d. corrected a small typographical error at paragraph 4, page 69 of the report to read as follows:
 - *The replacement windows and main door to the front elevation would not result in any material changes to access or parking arrangements, as such Highways and Planning have no objection to the proposal*
- e. provided details of the policies pertaining to the application as follows:
 - National Planning Policy Framework
 - Policy LP26: Design and Amenity
- f. outlined the responses made to the consultation exercise
- g. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
 - Accordance with National and Local Planning Policy

- Impact on the amenity of nearby properties
- Impact on visual amenity
- Highway safety, access and parking

h. concluded that the replacement windows would not have a detrimental impact on the amenity of neighbouring properties, enhancing the appearance of the existing property and wider area in accordance with policy LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

RESOLVED that planning permission be granted subject to the following conditions:

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

None.

Table A

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

Drawing No.	Version	Drawing Type	Date Received
existing and proposed windows		Other	11th July 2019

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SUBJECT:	WORK TO TREES IN CITY COUNCIL OWNERSHIP
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	STEVE BIRD – ASSISTANT DIRECTOR, COMMUNITIES & STREET SCENE)

1. Purpose of Report

- 1.1 To advise Members of the reasons for proposed works to trees in City Council ownership, and to seek consent to progress the works identified.
- 1.2 This list does not represent all the work undertaken to Council trees. It is all the instances where a tree is either identified for removal, or where a tree enjoys some element of protection under planning legislation, and thus formal consent is required.

2. Background

- 2.1 In accordance with policy, Committee's views are sought in respect of proposed works to trees in City Council ownership, see Appendix A.
- 2.2 The responsibility for the management of any given tree is determined by the ownership responsibilities of the land on which it stands. Trees within this schedule are therefore on land owned by the Council, with management responsibilities distributed according to the purpose of the land. However, it may also include trees that stand on land for which the council has management responsibilities under a formal agreement but is not the owner.

3. Tree Assessment

- 3.1 All cases are brought to this committee only after careful consideration and assessment by the Council's Arboricultural Officer (together with independent advice where considered appropriate).
- 3.2 All relevant Ward Councillors are notified of the proposed works for their respective wards prior to the submission of this report.
- 3.3 Although the Council strives to replace any tree that has to be removed, in some instances it is not possible or desirable to replant a tree in either the exact location or of the same species. In these cases a replacement of an appropriate species is scheduled to be planted in an alternative appropriate location. This is usually in the general locality where this is practical, but where this is not practical, an alternative location elsewhere in the city may be selected. Tree planting is normally scheduled for the winter months following the removal.

4. Consultation and Communication

- 4.1 All ward Councillors are informed of proposed works on this schedule, which are within

their respective ward boundaries.

- 4.2 The relevant portfolio holders are advised in advance in all instances where, in the judgement of officers, the matters arising within the report are likely to be sensitive or contentious.

5. Strategic Priorities

5.1 Let's Enhance our Remarkable Place

The Council acknowledges the importance of trees and tree planting to the environment. Replacement trees are routinely scheduled wherever a tree has to be removed, in-line with City Council policy.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

i) Finance

The costs of any tree works arising from this report will be borne by the existing budgets. There are no other financial implications, capital or revenue, unless stated otherwise in the works schedule.

ii) Staffing N/A

iii) Property/Land/ Accommodation Implications N/A

iv) Procurement

All works arising from this report are undertaken by the City Council's grounds maintenance contractor. The Street Cleansing and Grounds Maintenance contract ends August 2020. The staff are all suitably trained, qualified, and experienced.

6.2 Legal Implications including Procurement Rules

All works arising from this report are undertaken by the Council's grounds maintenance contractor. The contractor was appointed after an extensive competitive tendering exercise. The contract for this work was let in April 2006.

The Council is compliant with all TPO and Conservation area legislative requirements.

6.3 Equality, Diversity and Human Rights

There are no negative implications.

7. Risk Implications

- 7.1 The work identified on the attached schedule represents the Arboricultural Officer's advice to the Council relevant to the specific situation identified. This is a balance of assessment pertaining to the health of the tree, its environment, and any legal or health and safety concerns. In all instances the protection of the public is taken as paramount. Deviation from the recommendations for any particular situation may carry ramifications.

These can be outlined by the Arboricultural Officer pertinent to any specific case.

- 7.2 Where appropriate, the recommended actions within the schedule have been subject to a formal risk assessment. Failure to act on the recommendations of the Arboricultural Officer could leave the City Council open to allegations that it has not acted responsibly in the discharge of its responsibilities.

8. Recommendation

- 8.1 That the works set out in the attached schedules be approved.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? 1

List of Background Papers: None

Lead Officer: Mr S. Bird,
Assistant Director (Communities & Street Scene)
Telephone 873421

**NOTIFICATION OF INTENDED WORK TO TREES AND HEDGES
RELEVANT TO THEIR CITY COUNCIL OWNERSHIP STATUS.
SCHEDULE No 9 / SCHEDULE DATE: 09/10/2019**

<i>Item No</i>	<i>Status e.g. CAC</i>	<i>Specific Location</i>	<i>Tree Species and description / reasons for work / Ward.</i>	<i>Recommendation</i>
1		Cannon Street – Community Gardens	<u>Abbey Ward</u> 1 x Cherry <u>Fell</u> Overhanging pathway, no remedial pruning possible as the tree is heavily asymmetrical	Approve and replant with a replacement Cherry in a suitable location.
2		Cannon Street – Community Gardens	<u>Abbey Ward</u> 1 x Silver birch <u>Fell</u> Currently retained as standing deadwood	Approve and replant with a replacement Silver birch in a suitable location.
3		Sobraon barracks memorial garden	<u>Castle ward</u> 2 x Horse chestnut <u>Fell</u> Both trees are currently retained as standing deadwood	Approve and replant with two Maples in a suitable location.
4		150/152 Newland Street West	<u>Carholme Ward</u> 1 x Leyland cypress <u>Fell</u> This tree is in close proximity to the adjoining property boundary and poses significant risk of structural damage	Approve and replant with a Yew in a suitable location.
5		Link Path adjacent to 30 Chesney Close	<u>Glebe Ward</u> 2x Field maples <u>Pollard</u> Tree canopies are encroaching over private property rooflines	Approve consent for works.

6	TPO	3 Fulmar Road	<u>Hartsholme ward</u> 1 x Pine <u>Fell</u> Large tree suppressing two trees of better form – canopy heavily weighted towards property	Approve and replant with a replacement Pine in a suitable location.
7	TPO	Link path adjacent to 200 Fulmar Road	<u>Hartsholme ward</u> 1 x Oak <u>Carry out a 11-20% canopy reduction</u> This tree is overhanging the adjacent property boundary and is in close proximity to the roof of the main residence	Approve and grant consent for works.
8	TPO	Hartsholme Country Park – Rear of 30 Tudor Road	<u>Hartsholme Ward</u> 1 x Willow Retrospective notification – the tree had collapsed and was lodged into a privately owned tree	Replant with a replacement Willow in a suitable location.
9		O/S Wyvern house Kesteven Street	<u>Park Ward</u> Retrospective notification - 1 Rowan removed as it was retained as standing deadwood and posed a public hazard	Replant with a replacement Sorbus in a suitable location.

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Application Number:	2019/0690/RG3
Site Address:	Boultham Park Lake, Boultham Park Road, Lincoln
Target Date:	24th October 2019
Agent Name:	None
Applicant Name:	City of Lincoln Council
Proposal:	Realignment part of footpath, restoration of stone edges to the lake and installation of water aeration equipment and bank side cabinets (3no. compressors each at two locations on the lake edge). Installation of platform for access for boating, a viewing deck, 2no. fishing pegs, 5no. pieces of art and 5no. associated interpretation boards.

Background - Site Location and Description

This application proposes improvement works to Boultham Park, which are part of the Lake Restoration Project. The project is subject to National Lottery Heritage Funding. This application is a regulation 3 application made by the City of Lincoln Council and is therefore before Planning Committee. The application states that "The project is focussed on improving biodiversity and centred on restoration of the lake in terms of water quality, edge works, access, planting, habitat interpretations, seating and the reintroduction of heritage lake activities including boating and fishing."

The specific works proposed by this application include: Realignment part of the footpath around the lake, restoration of stone edges to the lake, installation of below water aeration equipment and bank side cabinets (3 compressors each at two locations on the lake edge), two new fishing pegs, platform for access for boating, a viewing deck, 2no. fishing pegs, 5no. pieces of art and 5no. associated interpretation boards.

Boultham Park is a Grade 2 Listed Historic Park and Garden.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 24th September 2019.

Policies Referred to

- Policy LP29: Protecting Lincoln's Setting and Character
- National Planning Policy Framework

Issues

The issue raised by the application is whether there is any harm caused to the character or setting of the designated heritage asset - the historic Park and Garden.

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Upper Witham, Witham First District & Witham Third District	Comments Received
Natural England	Comments Received
Environment Agency	Comments Received
Highways & Planning	Comments Received

Public Consultation Responses

No responses received.

Consideration

Policy Context

National Planning Policy Framework

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 further states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Central Lincolnshire Local Plan

Policy LP29 of the Central Lincolnshire Local Plan states that proposals should seek to make a positive contribution to the built and natural environment.

Proposals within, adjoining or affecting the setting of the 11 Conservation Areas and 3 historic parks and gardens within the built up area of Lincoln, should preserve and enhance their special character, setting, appearance and respecting their special historic and architectural context and seek to improve the public realm as part of development proposals to enhance Lincoln's attractiveness.

Consideration of Issues

The application is subject to lottery heritage funding should the current bid be successful. The City Council, as applicant, has undertaken pre-application consultation with local residents and other statutory bodies including the Environment Agency, Lincolnshire

Wildlife Trust and Natural England over a number of months. As stated in application, the consultations carried out showed that the public "cared about the lake and its wildlife and wanted to see it restored and flourishing." The masterplan for improvement works was developed following this extensive consultation including involvement from the Lincolnshire Wildlife Trust. The Environment Agency and Natural England have raised no objections to the proposals.

The masterplan includes a host of proposals for the park with a main focus on improvements to biodiversity, the water quality of the lake and visitor enjoyment of the park.

The main alterations include:

- Improving the water quality within the lake via an aeration system. The aeration system would require a total of 6 compressor units at two locations (south tip and north west next to the beacon) to be installed which intend to improve water quality by oxidization of the lake, gradually improving water quality and control odour whilst promoting biodiversity to the lake and the surrounding setting.
- Realignment of a section of footpath to the north east side of the lake which would move the path away from existing tree roots
- Installation of a boating pontoon to the southern tip of the lake with provision for up to 10 boats
- A new viewing deck to the north west of the lake adjacent to the beacon
- Installation of new edges around the lake including sandstone and boulder edging, natural edge planting, and fascine
- Installation of seating
- Installation of bat and bird boxes
- Installation of information boards, with information of the lake's wildlife and how the local community can help to enhance it
- New planting - including lake edge planting, woodland ground flora and species rich grassland
- Tree management - including retention, removal and management of existing trees removal of trees will be those which are of low quality
- Installation of 5 pieces of art
- Refurbishment of the existing beacon

The application is accompanied by a tree report showing removal of 41 trees within the park and work required to another 58. Trees in poor health/condition or which are eroding the lake edges have been proposed to be removed. The ecology report submitted with the application found that no trees with a high or moderate potential to support bats and only 3 trees with low potential. None of the trees within the Park are protected by Tree Preservation Orders, in any case removal of the trees within the submitted report would help preserve the future of the lake and would not have an overall negative impact on the Park.

Overall, the works concentrate on improving the water quality of the lake, enhancing the ecology, habitats and biodiversity and its immediate setting and enhancing the park for its users. The proposals have responded to extensive pre-applications consultation with members of the public. The proposals represent positive changes which respect the Historic Park and seek to improve the public realm as part of development proposals in accordance with Policy LP29 of the Central Lincolnshire Local Plan.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The works proposed would restore and maintain the water quality of the lake, improve access around the lake, and enhance the setting through planting and promoting biodiversity. It is considered the proposals would preserve and enhance the setting of the Historic Park and Garden and would enhance the public realm for visitors in accordance with LP 29 of the Central Lincolnshire Local Plan and the National Planning Policy Statement.

Application Determined within Target Date

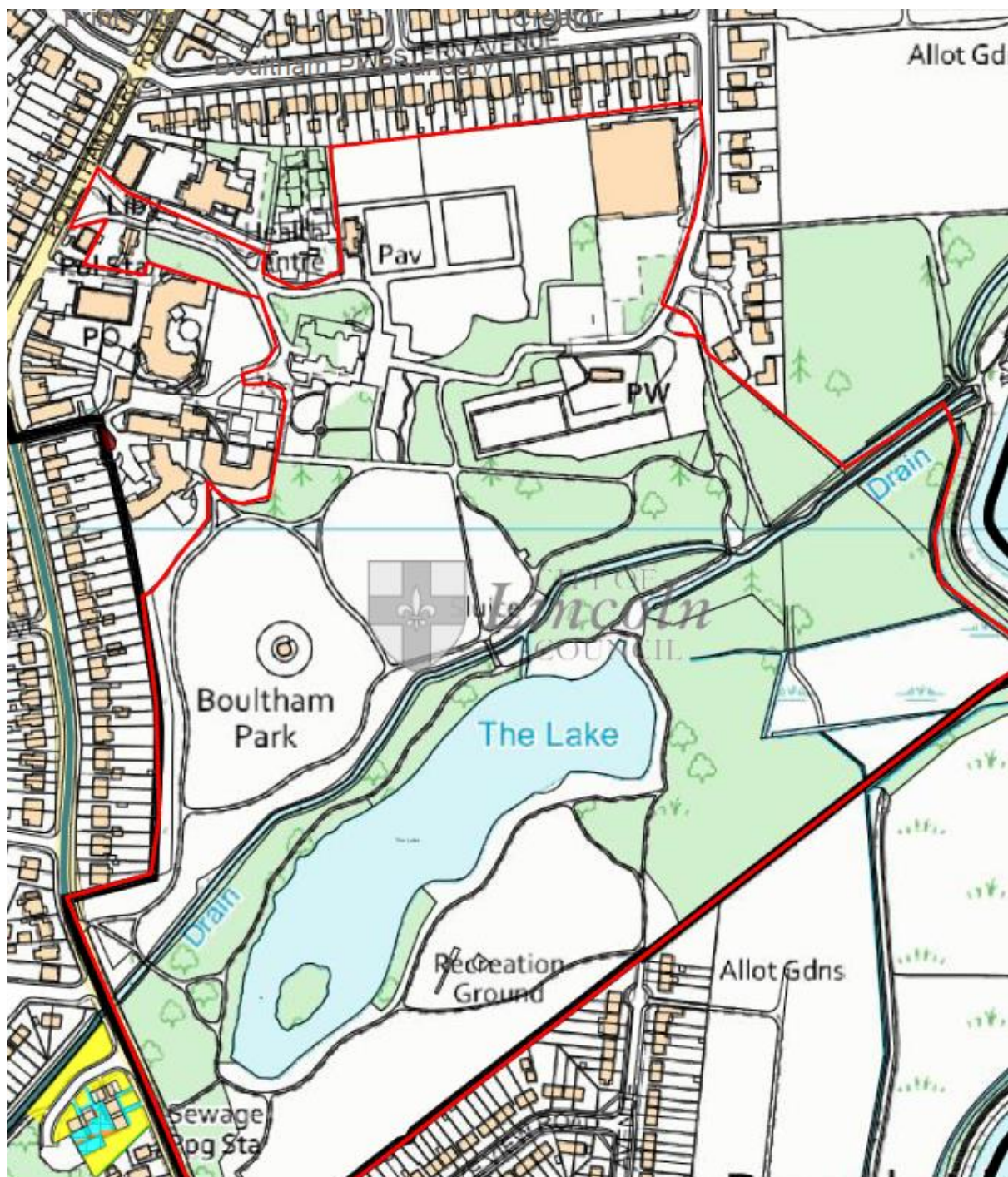
Yes.

Recommendation

That the application is granted conditionally.

Conditions including:

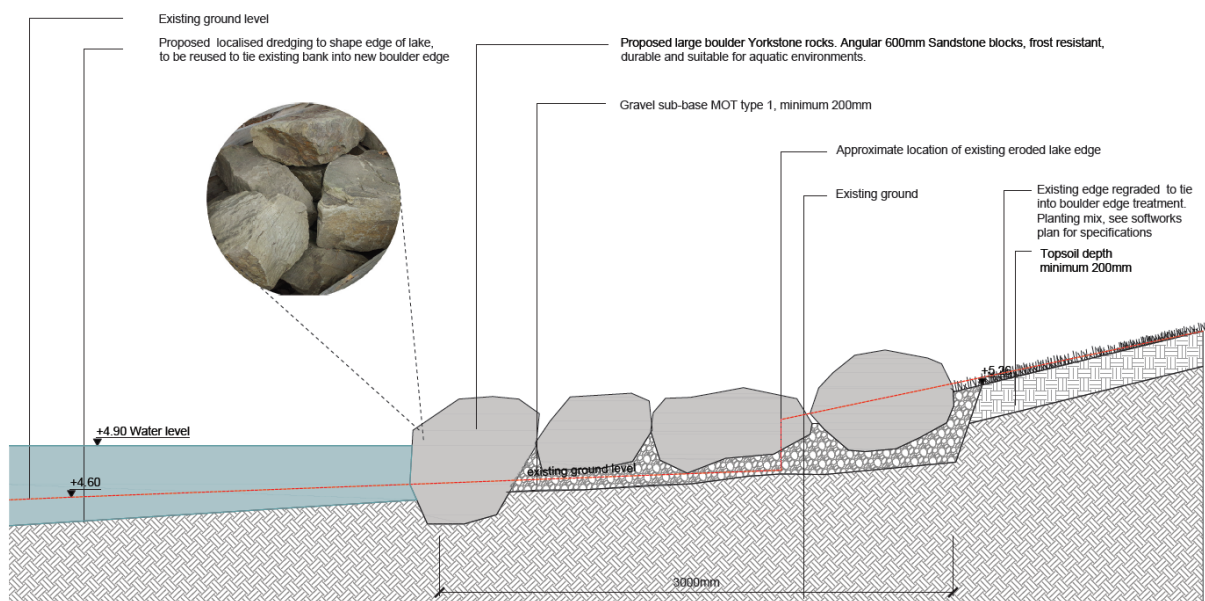
- 3 year commencement and plans condition.



Site Location Plan



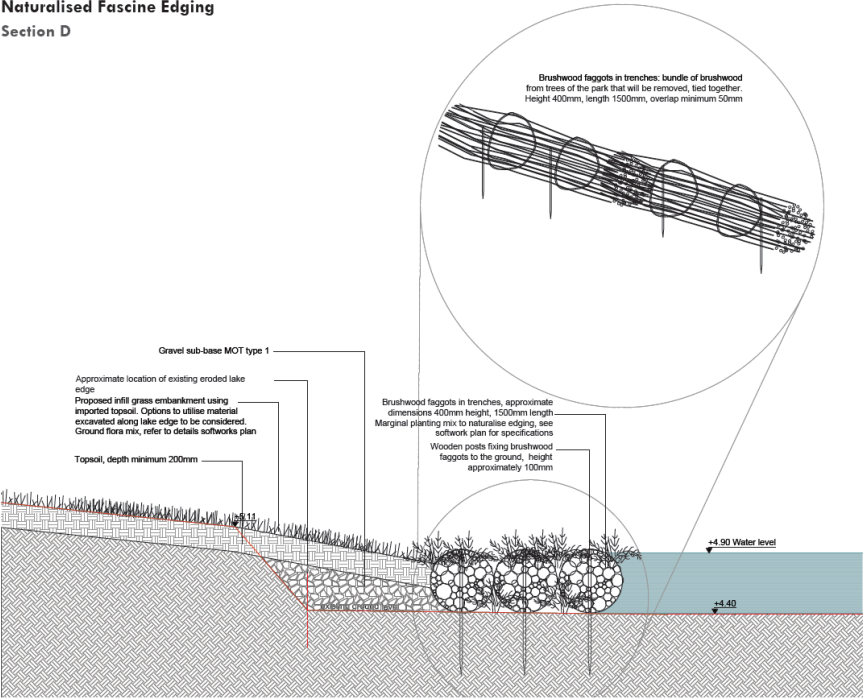
Overall restoration works



Section C - Section through boulder edging

New edging details to southern edge

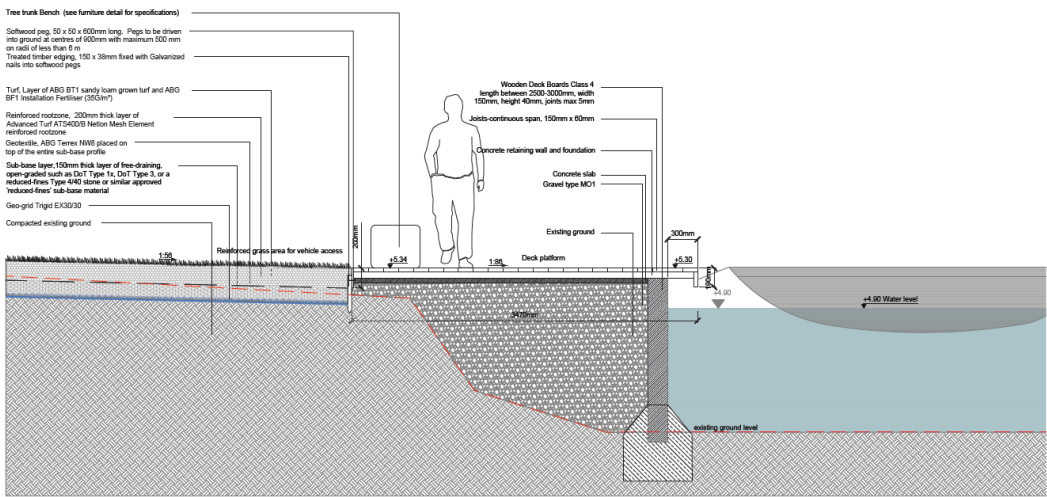
Naturalised Fascine Edging
Section D



Section D - Naturalised Edge

Fascine edging details

Southern Edge/Boating Area Section
Section B



Section B - Section through boating area

Boating area details

Log Bench (see furniture detail for specifications)

Softwood peg, 50 x 50 x 600mm long. Pegs to be driven into ground at centres of 600mm with maximum 500 mm on rail of pegs from 0 m

Treated timber edging, 150 x 38mm fixed with Galvanized nails into softwood pegs

Open graded porous asphalt pavement.

70mm AC14 Open surf 180/220 to EN13106-1

Sub base: 200mm Type 1 granular material to SHW503.

Geotextile: Terram Standard Geotextiles T1000 or similar.

Compacted existing ground

Wooden Deck Boards Class 4 length between 2000-3000mm, width 150mm, height 40mm, joints max 5mm

Joints-continuous span, 150mm x 60mm

Concrete wall edge to lake, to engineers specifications

Concrete slab 150mm

Gravel sub-base MOT type 1

Existing ground

Deck platform

Deck platform

Wooden Deck Boards Class 4 length between 2000-3000mm, width 150mm, height 40mm, joints max 5mm

Joints-continuous span, 150mm x 60mm

Beams from solid timber

Posts from solid timber

1.5m

200mm

±5.24

1:30

Deck platform

±5.30

Deck platform

150mm

100mm

120mm

±4.00 Water level

114mm

200mm

200mm

Boating area details





Illustrative visualisation looking from the southern edge of the lake towards the boating area and island



Illustrative visualisation looking from the Northern edge of the lake towards the viewing platform

Existing Photographs



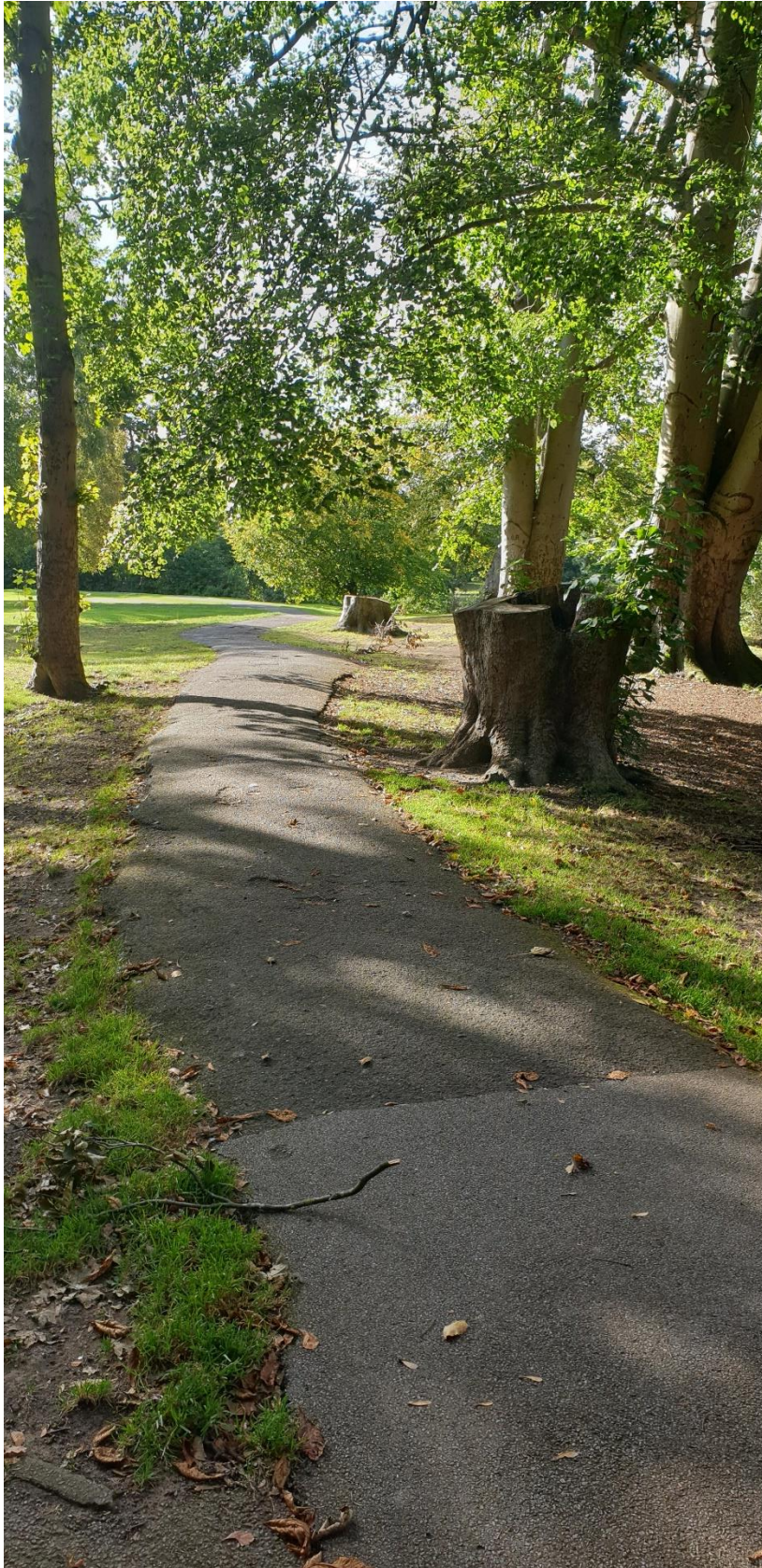








Southern edge of the lake, location of proposed boating area





Existing path to be realigned

Place Directorate
Lancaster House
36 Orchard Street
Lincoln LN1 1XX
Tel: (01522) 782070
E-Mail: highwaysupport@lincolnshire.gov.uk



To: Lincoln City Council

Application Ref: 2019/0690/RG3

With reference to this application dated 28 August 2019 relating to the following proposed development:

Address or location

Boultham Park Lake, Boultham Park Road, Lincoln, Lincolnshire

Date application referred by the LPA
5 September 2019

Type of application: Outline/Full/RM/
FUL

Description of development

Realignment part of footpath, restoration of stone edges to the lake and installation of water aeration equipment and bank side cabinets (3no. compressors each at two locations on the lake edge). Installation of platform for access for boating, a viewing deck, 2no. fishing pegs, 5no. pieces of art and 5no. associated interpretation boards.

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Does not wish to restrict the grant of permission.

CONDITIONS (INCLUDING REASONS) /REASONS FOR REFUSAL

NO OBS

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Case Officer:
Andrew Creasey
for Warren Peppard
Head of Development

Date: 23 September 2019

From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 09 September 2019 12:52
To: Technical Team (City of Lincoln Council)
Subject: 2019/0690/RG3 Consultation response
Attachments: ufm10.pdf

Dear Sir/Madam

Application ref: 2019/0690/RG3
Our ref: 294317

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

Jacqui Salt
Consultations Team
Natural England
Hornbeam House, Electra Way





City of Lincoln Council
Development Control
City Hall Beaumont Fee
Lincoln
LN1 1DF

Our ref: AN/2019/129513/01-L01
Your ref: 2019/0690/RG3
Date: 20 September 2019

Dear Sir/Madam

**Realignment part of footpath, restoration of stone edges to the lake and installation of water aeration equipment and bank side cabinets (3no. compressors each at two locations on the lake edge). Installation of platform for access for boating, a viewing deck, 2no. fishing pegs, 5no. pieces of art and 5no. associated interpretation boards
Boultham Park Lake, Boultham Park Road, Lincoln**

Thank you for your consultation of 5 September 2019 regarding the above application.

The Environment Agency has no objection to the application. Although the site is within Flood Zones 2 and 3 and adjoins a main river (the Witham), we are satisfied that the proposed works are of low vulnerability and will not impact on the river.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Nicola Farr
Sustainable Places - Planning Advisor

Direct dial 02030 255023
Direct e-mail nicola.farr@environment-agency.gov.uk

UD-4845-2019-PLN

Dear Sir/Madam,

Description of the proposed development:

Realignment part of footpath, restoration of stone edges to the lake and installation of water aeration equipment and bank side cabinets (3no. compressors each at two locations on the lake edge). Installation of platform for access for boating, a viewing deck, 2no. fishing pegs, 5no. pieces of art and 5no. associated interpretation boards.

Address of the proposed development:

Boultham Park Lake, Boultham Park Road, Lincoln, Lincolnshire,

Thank you for the opportunity to comment on the above application. The site is within the Upper Witham Internal Drainage Board district.

The Board's maintained 4600 – Pike Drain runs adjacent to Boultham Park Lake.

Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance of 6m of the top of the bank of a Board maintained watercourse.

Regards,

Richard Wright

Engineering Services Technician

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Application Number:	2019/0623/FUL
Site Address:	Phase 4, LN6 Development, Westbrooke Road
Target Date:	4th October 2019
Agent Name:	None
Applicant Name:	Mr Will Nuttall
Proposal:	Relocation of plots 77-79 to move 1.2m south and erection of additional plot between plots 75 & 76.

Background - Site Location and Description

Application is for full planning permission for revisions to the approved development at Phase 4 Westbrooke Road.

The original application 2018/0458/FUL approved 23 dwellings. This current application proposes an additional dwelling to bring the total on this phase to 24 and the minor repositioning of the dwellings at plots 77-79.

The site was previously under the ownership of Lincolnshire County Council having been the site of the former Usher School, now demolished.

The site is allocated for residential in the Local Plan CL4652.

This application relates to Phase 4 of the Westbrooke Road development. Phases 1, 2 are complete and phase 3 is currently under construction.

Site History

Reference:	Description	Status	Decision Date:
2018/0458/FUL	Erection of 23 dwellings with vehicular access from Westbrooke Place.	Granted Conditionally	17th August 2018

Case Officer Site Visit

Undertaken on 23rd September 2019.

Policies Referred to

- National Planning Policy Framework
- Policy LP1: A Presumption in Favour of Sustainable Development
- Policy LP11: Affordable Housing
- Policy LP12: Infrastructure to Support Growth
- Policy LP26: Design and Amenity

Issues

- Local and National Planning Policy
- Highway Safety
- Effect on Visual Amenity
- Effect on Residential Amenity
- Landscaping

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Environment Agency	Comments Received
Natural England	Comments Received
Lincolnshire Police	Comments Received
Anglian Water	No Response Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Lincoln Civic Trust	Comments Received
Highways & Planning	Comments Received
Environmental Health	Comments Received

Public Consultation Responses

Name	Address
David And Sharon Jolly	65 Western Crescent Lincoln Lincolnshire LN6 7TA
Mr Gary Fountaine	35 St Helens Avenue Lincoln Lincolnshire LN6 7RA

Mr Neville Coupland	27 St Helens Avenue Lincoln Lincolnshire LN6 7RA
Mr Marc Thornton	19 Westbrooke Place Lincoln Lincolnshire LN6 7GS

Consideration

The Proposal

The application proposes the addition of one further dwelling on the site. The new dwelling would be located adjacent to the existing plot 75, close to the sites western boundary. The additional dwelling would be created by changing the approved pair of semis in this location, to a terrace of 3 dwellings (plots 75, 75a and 76).

The second revision is to amend the position of the 3 dwellings at plots 77, 78 and 79 marginally southwards (1.2m) within the site.

Effect on Residential Amenity

Both the slight repositioning of plots 77, 78 and 79 and the additional dwelling at plot 75 are both located either adjacent to the sites western boundary or the centre of the phase 4 site. The proposed changes are therefore located well away (minimum of 50m) from existing residential properties on St. Helen's Avenue. The changes will therefore only affect adjacent new dwellings within the phase 4 site. The proposal is therefore considered to be in accordance with policy LP26 of the CLLP.

Effect on Visual Amenity

The effect on visual amenity will be limited. The relocation of plots 77-79 is a minimal change to the original layout, whilst the addition of a new dwelling results in the change of house types from a pair of semis to a terrace of 3 units. As previously approved on the original phase 4 permission, the new terrace of 3 will again be a 2 storey structure.

4 no. objections have been received from neighbours. Concerns relate to highway safety particularly the resulting increase in traffic, congestion and safety of the junction at Boultham Park Road and the condition of the road surface at Westbrooke Road, residential amenity, loss of trees and boundary treatments. Many of the comments relate to issues which were considered previously under the original application or the subsequent non-material amendment (2018/1368/NMA).

This current application should be considered with regard to the changes proposed which are revisions to the layout approved under the original planning permission. Therefore the considerations for this application relate to the introduction of one additional dwelling and minor reposition of 3 other plots. Both revisions being located centrally within the site and therefore away from existing residential development.

Highway Safety

Two objections received relate to highway matters and specifically the increase in traffic and effect on the safety of the junction with Boultham, Park Road and Western Avenue.

The Highway Authority has been consulted on this application and raises no objections. The application proposes an increase in overall housing numbers on the site by just 1, from 23 to 24 dwellings and will therefore have a minimal additional impact on the highway network.

The condition of the road surface at Westbrooke Road has been discussed previously. The Highway Authority is aware of the concerns regarding the condition of the road however, as with the previous phases, no request has been made by the County Council as part of the application for improvement works to this existing road, which is located outside the site.

Proposed Landscaping and Trees

Unlike the previous 3 phases, phase 4 only extends part way across the former school site. The development is therefore located away from the boundary with Tritton Road and the existing tree landscape buffer located along this western boundary of the site.

No further existing trees are lost as a result of the additional dwelling or repositioning of the dwellings at plots 77-79 to that previously agreed under the original planning permission for Phase 4.

With regarding to the proposed tree planting and landscaping, the original site layout for Phase 4 (2018/0458/FUL) showed more trees than is currently proposed. However, the landscaping shown on the site layout for the original application was indicative only and therefore conditioned, with the details of the landscaping and new tree planting to be formally considered at the later Reserved Details stage.

The proposed landscaping for the site is as per the landscaping shown under the recent NMA (2018/1368/NMA) approved February 2019. The NMA plan showed provision for 17 new trees on the site, as is proposed on the current application.

The provision of 17 trees on a site for 24 new dwellings, is considered an acceptable response in terms of landscaping of this site, with many of the new plots receiving one tree. Along with the additional areas of planting, grassed amenity/ swale areas, the landscaping provision on the site is considered to be an appropriate response for a new housing site.

Contributions

The original permission for the site for the erection of 23 dwellings, included both a CIL charge and also 106 provision for off site playing field and amenity space.

Affordable housing was also required at 25% providing 6 units on the site.

The contributions have therefore been revised to include an additional 3 bed dwelling. The 106 agreement is currently being revised to include the additional requirements. Planning permission should therefore be approved subject to the signing of the revised section 106

and revision of the CIL liability.

NHS and Education provision were not requested for this phase.

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

No.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposed revisions to the layout and inclusion of 1 additional dwelling on the site, will not be detrimental to either residential or visual amenity. No objections are raised by the Highway Authority. The proposal is therefore in accordance with local and national planning policy.

Application Determined within Target Date

Yes.

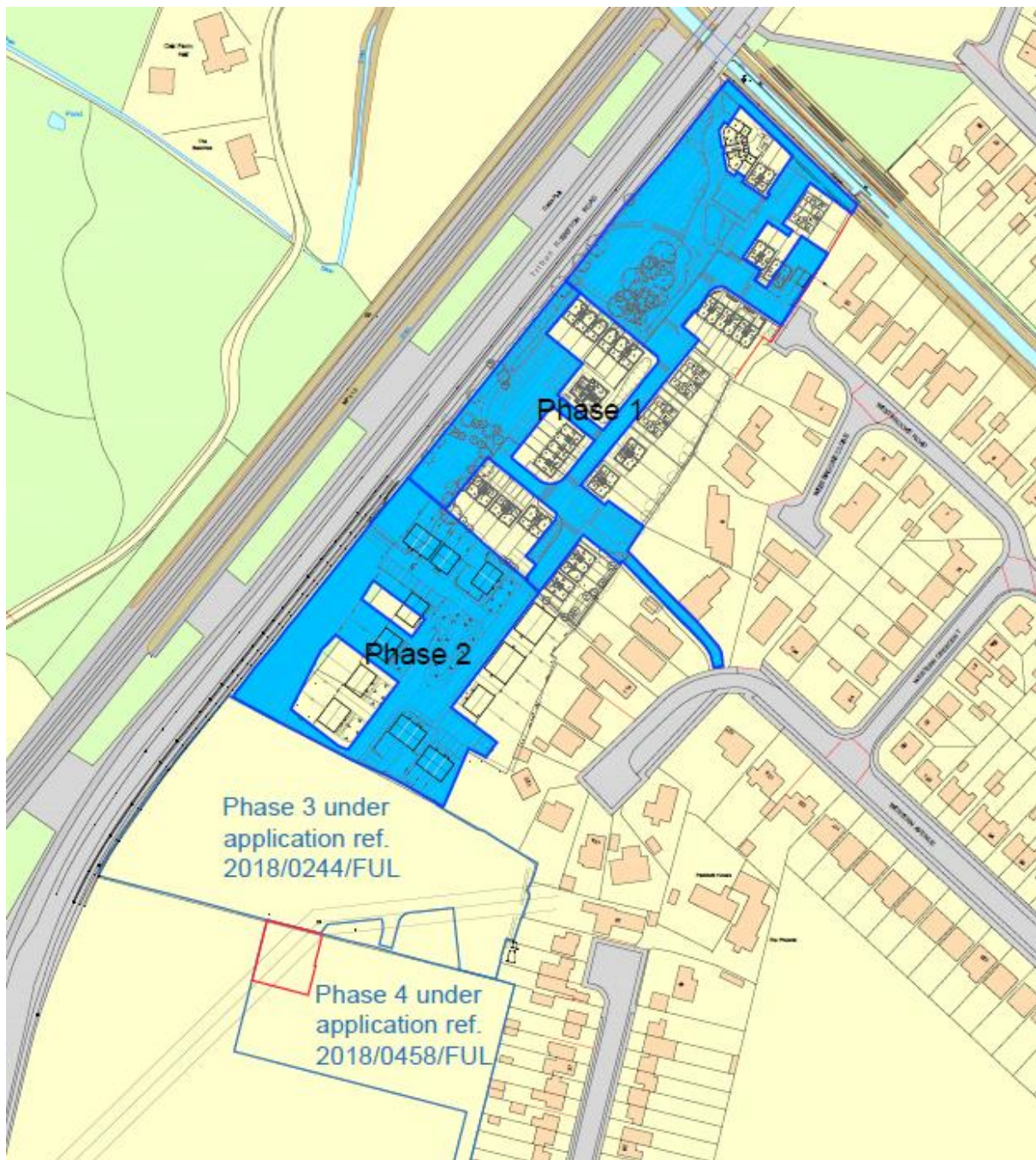
Recommendation

That authority is delegated to the Planning Manager to grant conditionally planning permission further to the signing of the revised section 106 and CIL liability.

Conditions

1. 3 years
2. Drawings no's
3. Materials
4. Landscaping
5. Land Contamination Remediation Scheme
6. Estate Street Phasing and Completion Plan (Highways)
7. Future Management and Maintenance of Proposed Streets (Highways)
8. Engineering, Drainage, Street Lighting and Constructional details of streets for adoption (Highways)
9. Boundary treatment to pumping station
10. Electric vehicle charging points
11. Maintenance of non-adopted areas
12. Roads/ footpath adoption specification (Highways)
13. Estate Streets Development Plan(Highways)

14. Removal of pd for plots 64 and 65
15. Archaeology (WSI)
16. Hours of construction works on site
17. Removal of scrub or hedgerows during nesting season to be appropriately supervised
18. No hardstanding areas to be constructed until the works have been carried out in accordance with the surface water strategy



Site location plan, (also indicates previous phases).





Type 1G Floor Plans & Elevations
Plots 65, 66, 75, 76, 78, 79
Dep. No. 10-Planning-01 Rev A Scale 1:100 @ A3 March 2018



2no. dwellings as previously approved at plots 75/76



Type 3N-3Block Floor Plans & Elevations
Plots 75, 75a & 76



3no. dwellings now proposed at plots 75/75a and 76



Photo to show construction work currently being undertaken at Phase 3



Photo to show the retained trees and newly created swale at Phase 3



Photo to show the remaining area of land at the former school site, which is located immediate to the west of Phase 4 and East of Tritton Road. This area does not form part of the application site.



Phot to show view of Phase 4. The herras fencing indicates the line of the western boundary to the site, which is located centrally within the former school site. The additional dwelling is proposed close to this boundary.



Photo to show Phase 4, with existing dwellings at St. Helen's Avenue beyond.



Photo to show now completed Phase 2, and Phase 3 beyond

From: LN Planning <LNplanning@environment-agency.gov.uk>
Sent: 23 August 2019 14:54
To: Technical Team (City of Lincoln Council)
Subject: FW: Consultation on Planning Application
Attachments: ufm7.pdf

The Environment Agency does not wish to make any comments on this application. It does not appear to meet any of the criteria listed on our External Consultation Checklist. However, if you believe you do need our advice, please call me on the number below.

Kind regards

Nicola Farr
Sustainable Places - Planning Advisor
Environment Agency | Ceres House, Searby Road, Lincoln, LN2 4DW

nicola.farr@environment-agency.gov.uk
External: 020 302 55023



From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 28 August 2019 15:47
To: Technical Team (City of Lincoln Council)
Subject: Planning Consultation 2019/0623/FUL NE Response

Categories: Tania Spinks

Dear Sir/Madam,

Application ref: 2019/0623/FUL
Our ref: 292844

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully
Heather Ivinson

Heather Ivinson
Operations Delivery
Consultations Team
Natural England
Hornbeam House, Electra Way
Crewe, Cheshire, CW1 6GJ
Tel: 0300 060 0475

www.gov.uk/natural-england

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

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LINCOLNSHIRE POLICE

POLICE HEADQUARTERS
PO Box 999
LINCOLN LN5 7PH
Fax: (01522) 558128
DDI: (01522) 558292
email
john.manuel@lincs.pnn.police.uk

Your Ref: App. 2019/0623/FUL

27th August 2019

Our Ref: PG//

Development & Environmental Services
City Hall, Beaumont Fee
Lincoln, LN1 1DF

Re: Phase 4, LN6 Development, Westbrooke Road, Lincolnshire.

Thank you for your correspondence and opportunity to comment on the proposed development.

Lincolnshire Police has objection to this application.

Please do not hesitate to contact me should you need further information or clarification.

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

Yours sincerely,

John Manuel MA BA (Hons) PGCE PGCPD Dip Bus.

Force Designing Out Crime Officer (DOCO)

From: Richard Wright <richard.wright@witham3idb.gov.uk>
Sent: 04 September 2019 14:28
To: HighwaysSUDsSupport; Technical Team (City of Lincoln Council)
Subject: FW: OBSERVATIONS ON CONSULTATION REQUEST 2019/0623/FUL

UD-3944-2018-PLN

Dear Sir/Madam

REFERENCE: 2019/0623/FUL
DEVELOPMENT: RELOCATION OF PLOTS 77-79 TO MOVE 1.2M SOUTH AND ERECTION OF ADDITIONAL PLOT BETWEEN PLOTS 75 & 76
LOCATION: PHASE 4, LN6 DEVELOPMENT, WESTBROOKE ROAD, LINCOLN, LINCOLNSHIRE

Thank you for the opportunity to comment on the above application. The site is within the Upper Witham Internal Drainage Board district.

The Board has no comment regarding this particular application. However, our previous response submitted 13/04/2018 to planning application 2018_0458_FUL is reiterated below.

13/04/2018 - Email Response

Thank you for the opportunity to comment on the above application. The site is within the Upper Witham Internal Drainage Board district.

This is the fourth phase for this site which has been built sequentially, good practice would be to design the surface water drainage system for the whole of the development area in order to provide a comprehensive and efficient SuDS scheme.

In absence of a suitable a Drainage Strategy and details the Board Objects to this application, see comments below.

Comment and information to Lincolnshire CC Highway SUDs Support

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. A Drainage Strategy is included in the submission however

- there are no details of the proposed drainage system, including attenuation*
- the Anglian Water information refers to 132 dwellings and an allowable discharge of 13.33l/s. The Drainage Strategy refers to a Phase 3 (29 houses) rate of 6.0 l/s and Phase 4 (23 houses) rate of 7.33 l/s. This leaves a zero discharge rate for the other 80 houses.*
- any discharge should be limited to the greenfield rate, the proposed discharge to the Anglian Water surface water sewer (13.33l/s) is above this rate given the site area of 1.584Ha (Phase 3 and Phase 4). As indicated above the Anglian Water allowable discharge must allow for a larger site.*
- discharge into the Anglian Water may be restricted when there are high water levels in the Boultham Catchwater.*
- the ground raising of up to 1.5m will create a dam to the land south of the site, the Strategy fails to address this.*

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Any ground raising would affect the area to the south of the site.

Regards,

Richard Wright

Engineering Services Technician

Office: +44 (0) 1522 697123

Witham & Humber Internal Drainage Boards,
Witham House
J1 The Point
Weaver Road
Lincoln
LN6 3QN

www.northeastlindsey-idb.org.uk

www.witham3idb.gov.uk

www.upperwitham-idb.gov.uk

www.witham-1st-idb.gov.uk

From: Property Strategy <Property_Strategy@lincolnshire.gov.uk>
Sent: 11 September 2019 11:26
To: Technical Team (City of Lincoln Council)
Subject: RE: Consultation on Planning Application

Hi

Many thanks for the below consultation. The County Council has no comments to make on this application in relation to education.

Kind regards

Simon

Simon Challis
Strategic Development Officer
Corporate Property

Lincolnshire County Council | County Offices | Newland | Lincoln | LN1 1YL

Tel: 01522 553391 | Mob: 07920 182302 | email: simon.challis@lincolnshire.gov.uk

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If your email is a request under the Freedom of Information Act then please send this to CustomerInformationService@lincolnshire.gov.uk. This is the email account that is used to process Freedom of Information requests.

Consultee Comments for Planning Application 2019/0623/FUL

Application Summary

Application Number: 2019/0623/FUL

Address: Phase 4 LN6 Development Westbrooke Road Lincoln Lincolnshire

Proposal: Relocation of plots 77-79 to move 1.2m south and erection of additional plot between plots 75 & 76.

Case Officer: null

Consultee Details

Name: Ms Catherine Waby

Address: St Mary's Guildhall, 385 High Street, Lincoln LN5 7SF

Email: lincolncivictrust@btconnect.com

On Behalf Of: Lincoln Civic Trust

Comments

OBJECTION - We objected to the original proposal based on the concentration of housing and the lack of an alternative access to the site. We feel the whole LN6 project has been applied for in sections and that it does not, therefore, quantify the volume and transport difficulties that will be created. We would like to see a proposal for an access on to Skellingthorpe Road to alleviate the usage of Westbrooke Road which was never constructed as a through road. This application is to increase the number of houses on the estate and we feel we must object.

Place Directorate
Lancaster House
36 Orchard Street
Lincoln LN1 1XX
Tel: (01522) 782070
E-Mail: highwayssudssupport@lincolnshire.gov.uk



To: Lincoln City Council

Application Ref: 2019/0623/FUL

With reference to this application dated 8 August 2019 relating to the following proposed development:

Address or location

Phase 4, LN6 Development, Westbrooke Road, Lincoln, Lincolnshire

Date application referred by the LPA
21 August 2019

Type of application: Outline/Full/RM/
FUL

Description of development

**Relocation of plots 77-79 to move 1.2m south and erection of additional plot
between plots 75 & 76**

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Does not wish to restrict the grant of permission.

CONDITIONS (INCLUDING REASONS)

NO OBS

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Note: Section 38 drawings will require amendment to reflect the proposed layout changes prior to issuing of Technical Approval.

Case Officer:

Date: 9 September 2019

Becky Melhuish
for Warren Peppard
Head of Development

**CITY OF LINCOLN COUNCIL
DIRECTORATE OF DEVELOPMENT & ENVIRONMENTAL
SERVICES**

M E M O R A N D U M

TO: Development Team Development Control	FROM: Ian Wicks Pollution Control Officer
---	--

Planning Ref: 2019/0623/FUL

Date: 23 September 2019

Relocation of plots 77-79 to move 1.2m south and erection of additional plot between plots 75 & 76 at Phase 4, LN6 Development Westbrooke Road, Lincoln

Further to your consultation on the above application, I would confirm that I have no objections to the proposals in terms of contaminated land, air quality, noise or other environmental impact, provided that conditions covering these issues on the original consent are transferred to the consent for this application, if granted.

Regards

**Ian Wicks
Pollution Control Officer
(Extn. 3794)**

[REDACTED]

From: [REDACTED]
Sent: 24 August 2019 10:02
To: Technical Team (City of Lincoln Council)
Subject: 2019/0623/FUL Phase 4 LN6

Categories: Tania Spinks

Your reference: 2019/0623/FUL

Dear Sir,

We hereby object to the above proposal on the grounds that there will be an increased danger at the junction of Western Avenue and Boultham Park Road due to increased traffic. It is only a matter of time before a serious accident occurs at this junction and the addition of further properties on LN6 development will lead to an increase in the likelihood of this happening.

Additional housing will also lead to increased rainfall run-off to the water course, which with today's changing climate is environmentally reprehensible.

Yours Faithfully,

David and Sharon Jolly

65 Western Avenue

Lincoln

LN67SR

Comments for Planning Application 2019/0623/FUL

Application Summary

Application Number: 2019/0623/FUL

Address: Phase 4 LN6 Development Westbrooke Road Lincoln Lincolnshire

Proposal: Relocation of plots 77-79 to move 1.2m south and erection of additional plot between plots 75 & 76.

Case Officer: null

Customer Details

Name: Mr Gary Fountaine

Address: 35 ST HELENS AVENUE LINCOLN

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Hi,

Firstly; Ideally I would like the green security fence in place as this secures my property far more than a wooden fence will. I have no objection to putting the wooden fence the new property side and enclosing the green security fence. I feel my property will be exposed if it is removed.

Secondly: on the plans it does not indicate the full distance from the fence at the rear of my property to the house that is being built or the proposed height of the building. As my garden faces west how has the calculation been done so that it does not impinge on the natural light to my property? As far as I am aware no-one has reviewed this from my aspect!

Regards Gary Fountaine

Comments for Planning Application 2019/0623/FUL

Application Summary

Application Number: 2019/0623/FUL

Address: Phase 4 LN6 Development Westbrooke Road Lincoln Lincolnshire

Proposal: Relocation of plots 77-79 to move 1.2m south and erection of additional plot between plots 75 & 76.

Case Officer: null

Customer Details

Name: Mr Neville Coupland

Address: 27 St. Helens Avenue Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The plan was originally with existing trees kept on the boundary and some new trees ...now it has removed the mature trees and reduced the plan for new trees...from over 30 trees on first plan to 15 on 2nd plan...where are the ecological considerations for all peoples well being in the area let alone privacy

Comments for Planning Application 2019/0623/FUL

Application Summary

Application Number: 2019/0623/FUL

Address: Phase 4 LN6 Development Westbrooke Road Lincoln Lincolnshire

Proposal: Relocation of plots 77-79 to move 1.2m south and erection of additional plot between plots 75 & 76.

Case Officer: null

Customer Details

Name: Mr Marc Thornton

Address: 19 Westbrooke Place Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am concerned with the amount of traffic that will enter the development through Western Avenue.

The increased traffic will be dangerous especially at the junction of Boutham Park Road.

Also the condition of the road especially at the entrance of Westbrooke road is appalling - this will not improve with increased site traffic and residents

Application Number:	2019/0539/OUT
Site Address:	38B Willis Close, Lincoln, Lincolnshire
Target Date:	4th September 2019
Agent Name:	Heronswood Design Ltd
Applicant Name:	Mrs Jill Clark
Proposal:	Erection of detached dwelling and garage. (Revised Drawing) (OUTLINE)

Background - Site Location and Description

The application is for outline planning permission for a single dwelling and detached garage. Only the details of access are considered along with the principle of development. All other matters would be considered through a subsequent application for Reserved Matters. The proposed dwelling would be sited within garden land of 38B Willis Close. The application has been called in to be determined by members of the committee at the request of Councillor. Preston as well as receiving several objections from local residents, meeting the committee hearing threshold.

The layout of the site has been subject to an amendment during the process of the application and additional structural reports being submitted. The structural reports and layout revision were in response to legitimate questions raised by neighbours on these matters; the detail will be discussed below. All neighbours were re-consulted on the revised plans and structural reports.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 14th August 2019.

Policies Referred to

- National Planning Policy Framework
- Policy LP26: Design and Amenity

Issues

- Principle of the Development
- Design and Visual Impact
- Impact on Residential Amenity
- Highway Safety and Access
- Land Stability and Retaining Wall
- Air Quality
- Archaeology
- Drainage

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
Environmental Health	Comments Received
Lincolnshire Police	Comments Received

Public Consultation Responses

Name	Address
Mr David Ruff	35 Belle Vue Road Lincoln Lincolnshire LN1 1HH
Miss Helena Buckle	26 Belle Vue Road Lincoln LN1 1HH
Councillor Lucinda Preston	
R W Wilkinson	37 Belle Vue Road Lincoln Lincolnshire LN1 1HH
Mr Oliver Craven	67 Alexandra Terrace Lincoln Lincolnshire LN1 1JF
Mr Ben Poole	High Orchard Theodore Street Lincoln Lincolnshire LN1 1HW
Mr Ben Poole	High Orchard Theodore Street Lincoln LN1 1HW
Professor Nigel Curry	30 Belle Vue Road Lincoln Lincolnshire LN1 1HH
Robert White	29 Belle Vue Road Lincoln Lincolnshire LN1 1HH

Mark Tomlinson	28 Belle Vue Road Lincoln Lincolnshire LN1 1HH
M Doherty	27 Belle Vue Road Lincoln Lincolnshire LN1 1HH
G & E C Brooks	33 Belle Vue Road Lincoln Lincolnshire LN1 1HH
Mr Phillip W.L. Serth	Chads 34 Belle Vue Road Lincoln Lincolnshire LN1 1HH

Consideration

The application has attracted considerable representation from local residents. The main concerns that have been raised include: land slippage, integrity/impact to a retaining wall, loss of privacy, overlooking and overshadowing, scale and mass of the dwelling, concerns regarding drainage and loss of trees. This is not an exhaustive list but the main concerns raised, the full comments are attached to the end of this report.

A number of non-material planning matters were also raised: loss of a view, effect on property values and legal ownership/maintenance of a retaining wall.

The Principle of the Development

Paragraph 14 of the National Planning Policy Framework states that at the heart of the framework is a presumption in favour of sustainable development.

LP1 of the Central Lincolnshire Local Plan (CLLP) echoes the presumption in favour of sustainable development as stated in the NPPF whilst Policy LP2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire, including housing.

The proposed site has no specific allocation within the Central Lincolnshire Local Plan, however it is within a residential area with domestic properties to all boundaries. The site is within a large residential plot and as such it is considered that the principle of residential development in this location would be acceptable.

Design and Visual Impact

The application is submitted in outline form therefore detailed designs would need to be submitted through a reserved matters application, should consent be granted. The site is bordered by housing on all sides, dwellings on both Belle Vue Road and Willis Close are two storey in appearance positioned higher up the hill side; High Orchard is a single storey dwelling located lower down on the hillside. The indicative layout indicates a dormer bungalow style dwelling with a detached pitched roof garage. This is considered to be

appropriate as the character of the area is varied - including bungalows and two storey properties. It is considered therefore that this site could be developed in the manner indicated without having a detrimental impact on the wider area in terms of visual amenity.

Whilst there are limited details at this stage, it is considered that development of the site is appropriate and would not cause harm to visual amenity. The proposal would therefore be in accordance with Policy LP26 and also paragraph 131 of the NPPF, which requires that developments should make a positive contribution to local character and distinctiveness.

Impact on Residential Amenity

Whilst the final design of the property is not known at this stage, the indicative scale of the property and the positioning within the plot would ensure that impacts are limited.

Given the proximity of the site to neighbouring properties, there is potential for the impacts of construction to disturb residents. As such, officers agree with the Council's Pollution Control Officer that it would be appropriate to ensure that adequate control measures are put in place over working hours and practices.

The impact on residential amenity will be fully assessed during subsequent reserved matters applications, however, the indicative layout suggests that a dwelling on this site can be accommodated without having a detrimental impact on surrounding properties. There is a buffer of trees within the site to the north and east at the rear of the properties on Willis Close and Belle Vue Road, all but four of the trees would be retained which would limit the impact of the dwelling. A buffer of trees and shrubs are present to the west of the site although these are not within the application site but within the curtilage of High Orchard. Notwithstanding this a good level of separation would be present between the dwellings.

Further details will be forthcoming should the application be granted although it is considered that a dwelling in the form of a dormer bungalow could be accommodated on the site without causing harm to residential amenity. The proposal would therefore be in accordance with the requirements of Policy LP26.

Highway Safety and Access

The property would be accessed via the existing private gravel drive which takes access from Willis Close, the layout proposed would enable parking for at least two vehicles with turning space for vehicles to exit in a forward gear. Lincolnshire County Council as Highways Authority have raised no objections to the proposed scheme.

Air Quality

Officers concur with the Council's Pollution Control Officer that the proposed development, when considered in isolation, is unlikely to have any significant impact on air quality. However, cumulatively the numerous minor and medium scale developments within the city will have a significant impact if reasonable mitigation measures are not adopted. Therefore it is considered appropriate that any new dwelling provide an electric vehicle charging point. This could be controlled by condition.

Drainage

The application is not supported by a Drainage Strategy but the application suggests that the proposals would connect into existing foul and surface water drains present in the locality. It is considered that the final details of the surface water and foul water drainage schemes for the site could be secured by condition and there is no reason to suppose that this would not be a straightforward process.

Archaeology

The application has no supporting information with regards the archaeological potential of the site. The City Archaeologist considers that the development in this part of the city may impact upon remains associated with the Lincoln Workhouse burial ground. Therefore at this stage it is recommended that a condition to require the submission of an archaeological Desk-Based Assessment is attached to the permission should it be granted.

Trees

A number of trees are situated within the site at present, primarily located to the site's northern and eastern perimeter. The application proposes felling 4 of the trees to eastern side of the site, however the trees within the site are afforded no protection as they are neither covered by TPO's or within a Conservation Area. The indicative layout and supporting Design and Access Statement indicates that it is envisaged that the remainder of the trees and vegetation will remain on the site.

Land Stability

Paragraph 178 of the National Planning Policy Framework (NPPF) requires the city council, as the local planning authority, to prevent unacceptable risks from land stability and to ensure that sites are suitable for their new use(s) taking account of ground conditions and land instability.

The land stability and the impact of development on the existing retaining wall running along the eastern edge of the site has been raised by numerous neighbours consulted on the application, who are understandably concerned, particularly as their properties are located close to the application site. The agent was made aware of historic land stability issues within the wider area and subsequently commissioned a structural engineer to consider the stability of this particular site, the impact on the existing retaining wall and any implications this may have with regard to the foundations of the proposed dwelling.

Members will be aware that the development of the hillside in the City is one of the aspects of Lincoln that makes it so appealing. However, the development of the hillside does need to be carried out more carefully than other more conventional locations and consequently there are additional requirements placed on developers to ensure that the works they undertake do not cause issues in relation to slope stability.

The assessment from the recognised structural engineer about these issues concludes that land slip is not an issue on the proposed site, nor would the excavation of the foundations for a dwelling have a detrimental impact on the boundary retaining wall. Subject to a condition in line with the recommendations within the structural engineers report regarding the foundations of the new dwelling and grading of land following

construction etc., officers are satisfied these issues have been addressed in accordance with Paragraph 178 of the National Planning Policy Framework.

Conclusion

It is considered that the principle of the development of this land for a dwelling would be in keeping with the principles set out in both national and local planning policies and a dormer bungalow designed dwelling on this plot would be acceptable in principle with all matters being reserved for future determination.

Application Determined within Target Date

Yes.

Recommendation

That the application is Granted Conditionally

Standard Conditions

- 01) Application for the approval of the reserved matters shall be made to the local planning authority within three years of the date of this permission.

Reason: Imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

- 02) The development to which this permission relates shall not be commenced until details of the following (hereinafter referred to as the "reserved matters") have been submitted to and approved by the Local Planning Authority.

(a) The layout of the Building(s)

(b) The scale of the building(s), including the height, massing and internal planning.

(c) The external appearance of the building(s), to include details of all external materials to be used, their colours and textures.

(d) Means of access to, and service roads for the development, including road widths, radii and sight lines, space for the loading, unloading and manoeuvring and turning of service vehicles and their parking; space for car parking and manoeuvring.

(e) A scheme of landscaping for those parts of the site not covered by buildings to include surface treatments, walls, fences, or other means of enclosure, including materials, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: Imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

- 03) The development hereby permitted shall be begun either within three years of the date of this permission or within two years of the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: Imposed pursuant to Section 92 of the Town and Country Planning Act

1990.

- 04) 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

- 05) Prior to the commencement of the development, details of a scheme for the provision of an electric vehicle recharge point for the dedicated off-street parking shall be submitted to the planning authority for approval. The approved scheme shall be implemented prior to the development first being brought into use and shall be maintained thereafter.

Reason: In order to encourage sustainable travel in accordance with the National Planning Policy Framework.

- 06) Prior to the submission of the application(s) for Reserved Matters, an archaeological Desk-Based Assessment shall be undertaken, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The programme shall include any further evaluation work that is necessary to understand the nature, extent and significance of archaeological remains that may be present on the site, and the impact of development upon them.

Reason: To ensure compliance with paragraph 128 of the NPPF, and to enable sufficient information to be gathered to inform an appropriate mitigation strategy to enable the developer to record and advance understanding of archaeological remains on the site, in accordance with paragraph 141 of the NPPF.

- 07) Prior to the commencement of the construction of the dwelling within the site, details of the proposed foul and surface water drainage proposed to serve the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure a satisfactory standard of drainage within the development in the interests of the amenities of the occupants of the proposed dwelling and neighbouring occupiers.

Conditions to be Discharged before use is Implemented

None.

Conditions to be Adhered to at all Times

- 08) The development shall be constructed in accordance with recommendations made

within the structural Survey by Sheppard Consulting Engineers LTD dated September 2019. These approved details shall not be changed or altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the slope stability of the site and prevent any impact to the existing retaining wall.

- 09) The construction of the development hereby permitted shall only be undertaken between the hours of 07:30 to 18:00 Monday to Friday (inclusive) and 07:30 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.

Reason: To protect the residential amenities of properties in the vicinity.

- 10) 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: To protect the residential amenities of properties in the vicinity.

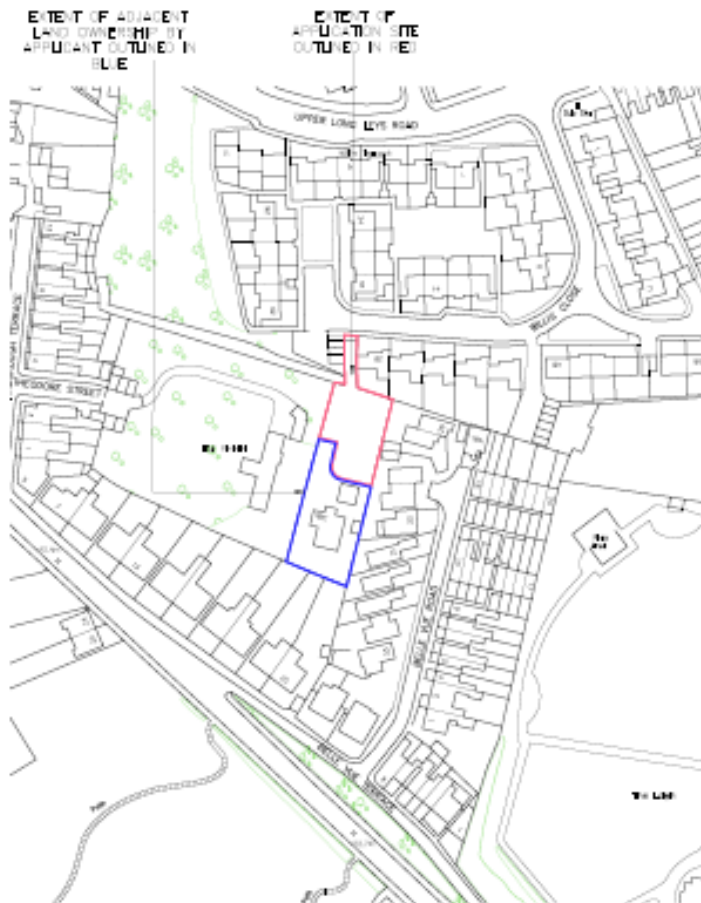
Table A

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

Drawing No.	Version	Drawing Type	Date Received
1627C/19/11B		Plans - Proposed	20th August 2019



Site
Proposed Site Section A-A - 1:200



Site
Proposed Location Plan
- 1:1250

SHEPPARD CONSULTING ENGINEERS LTD

STRUCTURAL SURVEY
OF
EXISTING BOUNDARY RETAINING WALL
AND TRIAL PIT INVESTIGATION
AT
38B WILLIS CLOSE, LINCOLN LN1 3LG

Client: Mrs J Clark
38B Willis Close
LINCOLN
LN1 3LG

Consultant: Sheppard Consulting Engineers Ltd
Oakwood House
22 The Rookery
Scotter
GAINSBOROUGH
Lines
DN21 3FB
Mob: 07876 405628
e-mail: admin@sheppardconsulting.co.uk

Project Ref: 23434

Date: September 2019

SHEPPARD CONSULTING ENGINEERS LTD

1.0 Introduction and Brief

We understand this report, which has been requested by Heronswood Architectural Design, is required to support an outline planning application for a new detached dwelling and garage in the grounds of 38B Willis Close, Lincoln.

Objections have been raised regarding the existing retaining wall to the Eastern boundary of the site and to the ground stability of the site.

The purpose of the inspection was to check the condition of the existing retaining wall and to undertake trial pits where the dwelling is proposed to be constructed, to evaluate any slope stability issues and to recommend an appropriate foundation solution taking into consideration the proximity of the retaining wall.

The inspection was undertaken on Friday 30 August 2019 during fine weather conditions.

2.0 Wall Inspection

Refer to photographs 4 and 5, and sketch sections 23434/W01.

The retaining wall is of considerable age and pre-dates the adjacent dwellings. It is likely to be in the order of 60 plus years old.

The wall is typically 2.4m high on the side of 38B Willis Close and 1.6m high on the retained side of Bellevue Road. The wall comprises solid brick masonry construction nominally 225mm in thickness with brick piers at regular intervals on the retained side – access was not available to measure these.

The wall is generally in good condition with no major cracks being noted.

Section 1-1 had a lean towards 38B Willis Close of 40mm in 1m to the lower retained section. Section 2-2 had a lean towards 38B Willis Close of 100mm in 1m to the lower retained section. This movement is clearly historic and there was no evidence of recent movement. Several fairly mature trees are in close proximity and several cut down trunks were noted close to the wall. These do not appear to be affecting the wall, indicating that the ground conditions are not susceptible to drying shrinkage.

An attempt was made to hand dig adjacent to the wall, however the digging was extremely difficult due to the stoney and compact nature of the ground. Therefore the depth of the wall foundation is unknown, however we suspect it is founded on the rock located at a relatively shallow depth.

3.0 Trial Pit Investigations

See location plan 23434/P1, photographs 1 and 6-11 and sketches 23434/TP/01.

Two trial pits were excavated in the vicinity of the proposed dwelling. Both trial pits revealed similar findings, topsoil to approximately 300mm, with light brown stone, cobbles, mudstone and limestone below. The mudstone became more prominent with depth and the digging was difficult; refusal was reached at 1m depth in trial pit 1 and 1.3m depth in trial pit 2. No water ingress was noted. Tree roots were confirmed to the upper topsoil layer.

4.0 Conclusion and Recommendations

The retaining wall is in reasonable condition for its age. Historic leaning was noted but this is expected due to the nature of the retaining wall. There was no evidence of recent movement.

The lack of cracking and close proximity of the trees indicates that clay is not present and the wall is on stable ground.

The trial pits revealed a hard weathered stone matrix before encountering more solid rock. The digging was extremely difficult and anticipated allowable bearing pressures in the rock are well in excess of 200kN/m².

Due to the nature of the ground encountered, land slip is not considered to be an issue where the dwelling is proposed, provided the foundations are located on the rock.

We have sketched a section through the site (23434/F1) indicating the relationship between the existing retaining wall and the proposed dwelling. Slopes to the retaining wall are in the order of 15-16° to the suggested foundation depth. We do not believe the excavation of the foundations will have any detrimental impact on the Boundary retaining wall.

We would recommend the bank adjacent to the path is sloped up towards the boundary wall at an angle of 30 degrees.

We would recommend that concrete strip footings are utilised, founded 600mm below proposed ground level adjacent to the boundary wall and stepping down to an approximate level of 9.6m to the front of the property – see sketch. As an additional precaution the strip footings should be reinforced with 2 layers of A393 mesh top and bottom to deal with any potential movement within the retained material within the dwelling.

SHEPPARD CONSULTING ENGINEERS LTD

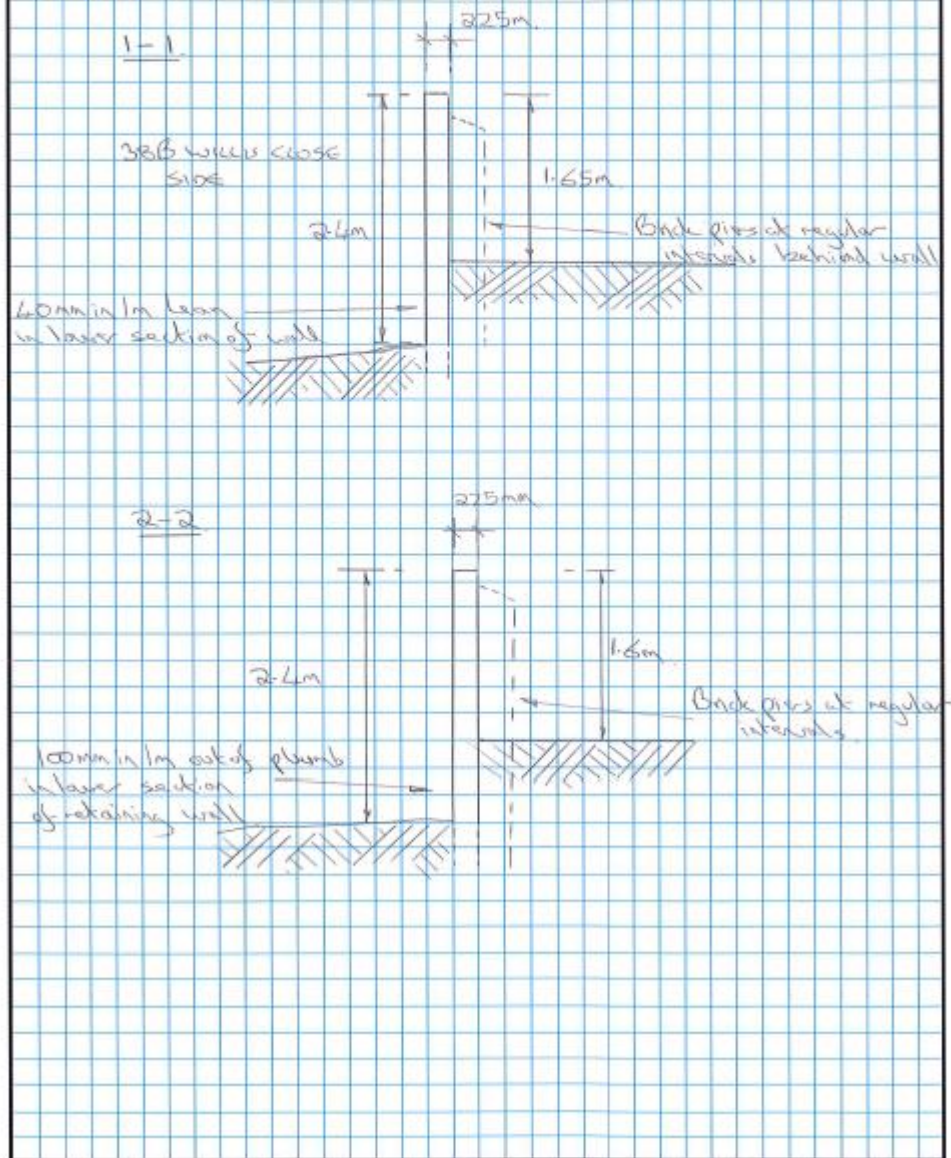
We trust the above is sufficient for your current requirements, however should you require any further assistance please do not hesitate to contact the undersigned.



A D Sheppard BSc (Hons) CEng MStructE
Managing Director

Project	PROPOSED NEW DWELLING - 38B WILLS CLOSE, LINCOLN.			Client	MRS J. CLARK
Made by	TS	Date	SEPT'19	Checked by	
		Date		Job Number / Sheet Number	23434/W01

Retaining Wall Sections



SHEPPARD CONSULTING ENGINEERS LTD

Oakwood House, 22 The Rookery, Scotter,
Gainsborough, Lincolnshire, DN21 3FB
Mob: 07876 405628
Email: admin@sheppardconsulting.co.uk

Project <u>PROPOSED NEW DWELLING - 32B WILLIS CLOSE, LINCOLN</u>				Client <u>MRS J. CLARK</u>
Made by <u>TS</u>	Date <u>SEPT'19</u>	Checked by	Date	Job Number / Sheet Number <u>23434/TP/01</u>

Trial Pit N° 1

1.0m

300mm

Turf, Topsoil, Rotten up to 15mm in diameter.

Light brown stones, mudstone/Limestone increasing to solid mudstone, very hard digging. No water ingress.

Trial Pit N° 2

1.3m

300mm

Turf, Topsoil, Some rubble

Light brown stones/mudstone/Limestone/cobbles.

Solid mudstone at base, very hard digging.

Officers Site Photos



View looking back towards Willis Close



View across the site towards 38B Willis Close



View across the site towards Willis Close



View across the site towards Belle Vue Road and Willis Close



No 38B Willis Close double garage, view towards Belle Vue Road



Section of the existing retaining wall
between the site and properties on
Belle Vue Road

View from the site west towards High Orchard on Theodore Street



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**CITY OF LINCOLN COUNCIL
DIRECTORATE OF DEVELOPMENT & ENVIRONMENTAL
SERVICE**

M E M O R A N D U M

To: Development Team Development Control	From: Ian Wicks, Pollution Control Officer
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Planning Ref: 2019/0539/OUT

Date: 6 August 2019

Erection of detached dwelling and garage. (OUTLINE) at 38b Willis Close, Lincoln

Further to your consultation on the above application, I would make the following comments:

Air Quality and Sustainable Transport

Whilst it is acknowledged that the proposed development, when considered in isolation, is unlikely to have any significant impact on air quality, the numerous minor and medium scale developments within the city will have a significant cumulative impact if reasonable mitigation measures are not adopted.

The NPPF seeks to promote and enable sustainable transport choices and, in doing so, aims to protect and enhance air quality. Paragraph 110 of the revised NPPF states "...applications for development...should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"

It is noted that this proposed development will include off street parking spaces and, therefore, it is recommended that the applicant be required to incorporate appropriate electric vehicle recharge points into the development in line with the recommendations of paragraph 110 of the NPPF.

If deemed necessary to secure the installation of the charging points, it is recommended that the following condition be attached to the planning consent:

- *Prior to the commencement of the development, details of a scheme for the provision of an electric vehicle recharge point shall be submitted to the planning authority for approval. The approved scheme shall be implemented prior to the occupation of the dwelling and shall be maintained thereafter.*

Construction/Demolition Impacts

Although this is a relatively small development, due to the close proximity to neighbouring sensitive uses, there is potential for significant problems due to noise from the construction phase of the development, particularly during the noise sensitive hours. It is therefore recommended that the following item be included as a consent condition, if permission is granted:

- *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.

Regards

Ian Wicks
Pollution Control Officer
(Ext 3794)

Place Directorate
Lancaster House
36 Orchard Street
Lincoln LN1 1XX
Tel: (01522) 782070
E-Mail: highwayssudsupport@lincolnshire.gov.uk



To: Lincoln City Council

Application Ref: 2019/0539/OUT

With reference to this application dated 9 July 2019 relating to the following proposed development:

Address or location

38B Willis Close, Lincoln, Lincolnshire, LN1 3LG

Date application referred by the LPA
16 July 2019

Type of application: OUT

Description of development

Erection of detached dwelling and garage. (OUTLINE)

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Does not wish to restrict the grant of permission.

CONDITIONS (INCLUDING REASONS)

The principle of development is acceptable.

As this is an outline application with access only considered. Please make the applicant aware of the requirements for parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

NO OBS

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Case Officer:

Date: 01 August 2019

Martin Nash
for Warren Peppard
Head of Development



LINCOLNSHIRE POLICE

POLICE HEADQUARTERS
PO Box 999
LINCOLN LN5 7PH
Fax: (01522) 558128
DDI: (01522) 558292
email
john.manuel@lincs.pnn.police.uk

Your Ref: App. 2019/0539/OUT

30th July 2019

Development & Environmental Services
City Hall, Beaumont Fee
Lincoln, LN1 1DF

RECONSULTATION 38B Willis Close, Lincoln, Lincolnshire, LN1 3LG

Thank you for your correspondence and opportunity to comment on the proposed development.

Lincolnshire Police has no objection to this application.

Please do not hesitate to contact me should you need further information or clarification.

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

Yours sincerely,

John Manuel MA BA (Hons) PGCE PGCPD Dip Bus.

Force Designing Out Crime Officer (DOCO)

6th August 2019

Mr Kieron Manning,
Planning Department,
City of Lincoln Council,
City Hall,
LINCOLN LN1 1LA

Re: Planning application for 38B Willis Close, Lincoln LN1 3LG

Dear Mr Manning,

As one of the city councillors for Carholme ward, I would like to make the following comments regarding the 38B Willis Close application. I am not objecting to the building of the new property but would like these comments to be taken into account by the planning committee.

Historically, I am aware that there have been many issues in the uphill area with landslips so it's important to exercise caution when building in the area. The retaining wall at the back of the properties on the west side of Belle View Road is very old and its age and position means that it is vulnerable to issues relating to building work. I am concerned that the building work nearby could cause the wall to collapse, resulting in a landslip. To prevent such an occurrence I would ask that a full structural report be made a planning condition so that the risk of a landslip can be assessed ahead of any work. In addition, a reinforcement of the retaining wall would reduce the risk of collapse: I believe there is already precedent for this in the neighbourhood.

Having visited many of the properties on Belle View Road, it is clear that the height of the proposed building will lead to some loss of light for a few of the houses. This will have an impact on the day to day life of the owners and therefore a single storey development might be more appropriate in this context.

Willis Close/Belle View is a lovely residential area and I'm pleased that a new dwelling is being planned as it means that another family can enjoy living in that location. However, I hope that my comments will be taken into consideration in order to prevent potentially serious construction issues which would impact negatively on all concerned.

Yours sincerely,

Cllr Lucinda Preston,

Carholme ward, Lincoln City Council

Neighbour responses from the re-consultation

28 Belle Vue Road
Lincoln
LN1 1HH

26 September 2019

Mr K Manning, Planning Manager
Directorate of Communities & Environment
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DF

Your reference: 2019/0539/OUT

Dear Mr Manning

Planning Application Consultation: 38B Willis Close, Lincoln LN1 3LG

With reference to the above planning application, I reiterate my previous objections of 6 August 2019. Furthermore, the revised plans do not address issues in respect of Residential Amenity and the structural survey is lacking in conviction.

Despite the structural survey carried out by Sheppard Consulting Engineers on Friday 30 August 2019, I remain unconvinced that the retaining wall will withstand both the removal of mature trees and excavations within close proximity to its base without subsequent detrimental consequences. The wall requires substantial reinforcement prior to the commencement of such works.

Evidence of damage to the retaining wall by trees, excavating and building is clearly visible to the rear of properties on the West side of Belle Vue Road, between 25 Carline Road and 38B Willis Close - this area has not been inspected. Prior to Planning permission being granted for a further dwelling on this site, a full inspection and reinforcement remedial works to the retaining wall should be carried out before any further damage is caused.

Structural Survey - Sheppard Consulting Engineers

The structural survey of Friday 30 August 2019 stated that:

Wall Inspection

Section 1-1 had a lean towards 38B Willis Close of 40 mm in 1m to the lower retained section. Section 2-2 had a lean towards 38B Willis Close of 100 mm in 1m to the lower retained section. This movement is clearly historic and there was no evidence of recent movement. Several fairly mature trees are in close proximity and several cut down trunks were noted close to the wall. These do not appear to be affecting the wall, indicating that the ground conditions are not susceptible to drying shrinkage.

Conclusion and recommendations

The retaining wall is in reasonable condition for its age. Historic leaning was noted but this is expected due to the nature of the retaining wall. There was no evidence of recent movement.

Due to the nature of the ground encountered, land slip is not considered to be an issue where the dwelling is proposed, provided the foundations are located on the rock.

The structural survey is lacking in conviction and clearly conflicts with the observations and experience of Belle Vue Road residents.

The survey noted “*historic leaning*” of the retaining wall. The “*historic leaning*” has occurred since and can be attributed to the construction of 38B Willis Close and the continual growth of vigorous trees, strategically planted by the applicant the full length of the retaining wall. The “*fairly mature trees*” are now at roofline height in relation to the houses on Belle Vue Road and still increasing in size.

Maple trees can grow to 21 metres in height and the recommended safe building distance from these trees is 20 metres. Ground heave often occurs when a mature tree near a property is removed. Trees act as powerful pumps and will take a large amount of ground water out of the sub-soil. Once the tree is removed water will re-hydrate the sub-soil and cause it to expand. The larger the tree the higher the water uptake and the closer the tree is to buildings the higher the risk too. A tree owner has a legal duty of care.

To be effective, pruning needs to reduce the crown volume of the tree by at least 70 per cent, and be repeated on a regular basis such as every three years. Crown thinning (as opposed to crown reduction) has been found ineffective at reducing transpiration rates.

It should be noted that the “several cut down trunks close to the wall” were small insignificant fruit trees.

Residential Amenity

The revised plans propose a dwelling that will be detrimental to the Residential Amenity of neighbouring properties.

The height, mass and proximity of the proposal will have an overbearing, overlooking and overshadowing effect on visual amenity, intrude upon privacy and obscure my view to the North West.

It is unreasonable that I should have to artificially light my ground floor rooms in summer and that daylight to my first floor lounge is impeded.

The Residents of Belle Vue Road have justifiable concerns about land stability and lateral support to their homes, especially given the incidents of subsidence, landslip and collapse of retaining walls in the locality, for example Beaumont Fee, Victoria Street, Spring Hill, Carline Road, Yarborough Terrace and Upper Long Leys Road.

In Conclusion

Permitted Development was removed from 38B Willis Close.

The retaining wall has been undermined due to the activities of the applicant and is not fit for purpose.

Existing damage to the wall (38B Willis Close to 25 Carline Road) has not been inspected. The wall requires reinforcement and remediation works prior to the consideration of any further building.

The survey is non-committal, lacking in conviction and provides no conclusive evidence of foundation structure to the retaining wall. It seeks to support the application by avoidance of the issues with existing trees and best practice arboricultural guidelines with regard to trees and buildings, and in particular the retaining wall. Furthermore, the survey did not incorporate the section of wall with visible damage which is absolutely relevant to this application.

Yours sincerely

M Tomlinson



27 Belle Vue Road
Lincoln
LN1 1HH

11 Sep 2019

Mr K Manning, Planning Manager
Directorate of Communities & Environment
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DF

Your reference: 2019/0539/OUT

Dear Mr Manning

Planning Application Consultation: 38B Willis Close, Lincoln LN1 3LG

With reference to the above planning application, I still have concerns with this development. I feel simply increasing the distance between the proposed dwelling and retaining wall still does not address the numerous concerns I documented in my letter dated 29th July 2019.

I still feel that a full structural engineers report (including land stability) and the reinforcement of the retaining wall should be a condition prior to any development of this site. Also, the dwelling should still be single storey to reduce any reduction in natural light to the properties on Belle Vue Road which will be affected by this development.

A full structural report should be published which alleviates the concerns I have mentioned before any development of this land should be considered by yourselves.

Yours sincerely

[Redacted signature]

Mark Doherty



Neighbour responses from initial consultation

Comments for Planning Application 2019/0539/OUT

Application Summary

Application Number: 2019/0539/OUT

Address: 38B Willis Close Lincoln Lincolnshire LN1 3LG

Proposal: Erection of detached dwelling and garage. (Revised Drawing) (OUTLINE)

Case Officer: Craig Everton

Customer Details

Name: Mr Ben Poole

Address: High Orchard Theodore Street Lincoln

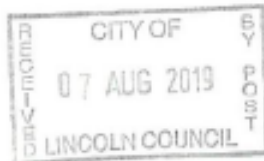
Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'm not clear from the drawing whether my original concerns, particularly with reference to being overlooked and the possibility of landslip to my property through construction method have been addressed.



5th August 2019

Directorate of Communities & Environment
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DF

Robert White
29 Belle Vue Road
Lincoln
LN1 1HH

Dear Sir/Madam

**RE: PLANNING APPLICATION 0539/2019/OUT - 38B WILLIS CLOSE -
FORMER GARDEN LAND OF 25 CARLINE ROAD**

I write in relation to the above application for Outline Planning Permission which I was informed about in a letter from a Mr K Manning (Planning Manager) dated 16:7:19, and received a few days later.

I am extremely concerned about the potential impact of this development (should it be approved) on the rear boundary wall between my property (which also extends to my neighbours on the south side of Belle Vue Road). You may be aware of historical and currently unresolved issues relating to the wall which have been raised with your authority over the past decade, and which are pertinent here?

The wall is in a poor state of preservation and I fear that the proposed development risks further significant negative impact/risk of collapse. As a result I feel that, in order to take this application forward, it should be subject (at the applicant's expense) to the highest level of relevant professional scrutiny/assessment, in respect of any potential remedial work required to ensure the ongoing integrity of the boundary wall.

I hope you will reflect on these comments in your consideration of this application, and I look forward to receiving your reassurance.

Yours faithfully

A solid black rectangular box used to redact the signature of Robert White.

Robert White

Comments for Planning Application 2019/0539/OUT

Application Summary

Application Number: 2019/0539/OUT

Address: 38B Willis Close Lincoln Lincolnshire LN1 3LG

Proposal: Erection of detached dwelling and garage. (OUTLINE)

Case Officer: null

Customer Details

Name: Miss Helena Buckle

Address: 26 Belle Vue Road Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My main concern is the stability of the boundary wall which runs along the West side of Belle Vue Road and the disturbance which any damage to this wall could cause to properties on Belle Vue Road.

The existing comments about the present poor condition of the wall and previous instances of collapse are extremely concerning. Any building or excavation work close to the wall could weaken the retaining wall and the support it provides.

A full structural survey together with any reinforcement work needed should be carried out at the applicant's expense as a precondition for any proposed development. It would also seem reasonable for the applicant to put in place indemnity insurance to cover any loss (including future losses) caused as a result of damage to the wall.

Given the proximity of the proposed development to existing houses it would seem reasonable to restrict any building to a single storey to prevent it overlooking neighbouring properties.

Comments for Planning Application 2019/0539/OUT

Application Summary

Application Number: 2019/0539/OUT

Address: 38B Willis Close Lincoln Lincolnshire LN1 3LG

Proposal: Erection of detached dwelling and garage. (OUTLINE)

Case Officer: null

Customer Details

Name: Mr Oliver Craven

Address: 67 Alexandra Terrace Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having talked to a number of residents in the area, there are significant worries that the construction could cause structural damage to a retaining wall which maintains a number of properties on the west side of Belle Vue Road.

Under the Party Wall etc. Act 1996, if an adjoining owner doesn't consent within 14 days of receiving notice of the proposed works then the parties are deemed to be "in dispute". A Party Wall is a shared common structure.

Since, as far as I am aware, the households that the wall maintains have not been properly consulted on or consented to this construction, under the Act they are therefore in dispute.

28 Belle Vue Road
Lincoln
LN1 1HH

6 August 2019

Mr K Manning, Planning Manager
Directorate of Communities & Environment
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DF

Your reference: 2019/0539/OUT

Dear Mr Manning

Planning Application Consultation: 38B Willis Close, Lincoln LN1 3LG

With reference to the above planning application, I have the following objections which I would like the Council to take into consideration when deciding the application:

1 Design & Access Statement

Contrary to the Applicant's Design and Access Statement:
"The site is not known to have any previous history of planning applications."

Over the years there have been numerous planning applications and objections relating to this site (Former Garden Land of 25 Carline Road). Permitted Development was removed when Planning Application LC09/0200/96 was granted.

"the facing brick wall" in photographs 2, 3 and 4 is in fact a retaining wall.

2 Land Stability & Lateral Support

My first concern is the retaining wall between 11 properties on the west side of Belle Vue Road and the proposed development. The plans indicate that the new garage will be built 0.8 metres away from the retaining wall adjacent my neighbours garden. The wall is old and with the proximity of the new building to the base of the wall there is the potential that any work carried out, especially ground works, will cause the wall to give way and cause landslip.

Lateral Support: "the right of a landowner assuring that his/her neighbours land will provide support against any slippage, cave-in or landslide. Should the adjoining owner excavate into the soil for any reason (foundation, basement, leveling) then there must be a retaining wall constructed (or other protective engineering to prevent a collapse."

I understand that a substantial reinforced retaining wall was required prior to the new developments on Yarborough Terrace and Carline Road and consider that the same should apply to the proposed development at 38B Willis Close, for the safety of all concerned.

3 Drainage

Building over this site will affect the water table, land drainage and stability. The plans indicate a soakaway providing surface water drainage, which I consider to be inappropriate in the interest of ground stability of the hillside, especially given the heavy rainfall that we are experiencing.

4 Trees

I note that the applicant intends to remove some of the trees that they planted following the construction of the houses on the west side of Belle Vue Road. The trees are mature and of substantial height. Their disturbance may cause ground heave due to an extensive root system of up to three times the height of the tree and affect the stability of the retaining wall.

Maple trees can grow to 21 metres in height and the recommended safe building distance from these trees is 20 metres.

Equally the trees that remain may be detrimental to the retaining wall due to their root systems and proximity.

5 Visual Amenity

The height, mass and proximity of the proposal will have an overbearing, overlooking and overshadowing effect on my visual amenity, reducing the natural light received by both my home and garden, intruding upon my privacy and obscuring my view to the North West.

The properties on the West side of Belle Vue Road were designed and constructed to incorporate a first floor lounge taking advantage of the views across the West Common and Trent Valley. I fully appreciate that "view" is not a planning ground, but believe that in this instance it is a most important attribute to the properties in question and has a substantial bearing on their enjoyment. It should therefore fall under the heading of "Residential Amenity".

The close proximity and height of the building will further restrict the daylight to my west facing windows which are blighted by the dense crowns of maple trees blocking out sunlight, necessitating the use of artificial lighting to downstairs rooms and impeding on daylight upstairs. Any daylight that currently filters through the tree canopy will be blocked by a brick wall and roofline.

The photographs of the site submitted with the application, do not demonstrate the adverse impact that the proposal will have on surrounding properties, which is apparent in the negative impact that the existing dwelling at 38B Willis Close has had upon the visual amenity of neighbouring properties in Belle Vue Road. I suggest a site visit is carried out to appreciate the concerns of Belle Vue Road residents.

In summary, if a dwelling is to be built at all, the scale and height of the proposal should be reduced to a modestly sized bungalow with a lower roofline and a greater distance from the retaining wall, in consideration of the residential amenity of neighbouring properties.

Prior to any development of 38B Willis Close, a full structural engineers report (including ground stability) together with reinforcement of the retaining wall should be made a Planning Condition and lateral support to the properties on the West side of Belle Vue Road maintained.

The Residential Amenity of neighbouring properties should be safeguarded by removing Permitted Development.

Yours sincerely

M Tomlinson

Comments for Planning Application 2019/0539/OUT

Application Summary

Application Number: 2019/0539/OUT

Address: 38B Willis Close Lincoln Lincolnshire LN1 3LG

Proposal: Erection of detached dwelling and garage. (OUTLINE)

Case Officer: null

Customer Details

Name: Mr Ben Poole

Address: High Orchard Theodore Street Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:DATE: 5th August 2019.

Reference Development: 2019/0539/OUT

38B Willis Close

Lincoln LN1 3LG

To whom it may concern,

We have been told that permitted development rights have been removed from the current dwelling on the site in relation to the enlargement of the dwelling and the erection of additional dwellings. This suggests that there is some concern on the part of the planning authority regarding further development and overdevelopment at this location.

We feel that there are grounds for objection in material planning considerations.

Scale and Height

In respect of height, it does not show on the plan how high 1 1/2 storeys is. We note from the drawing there are windows in the roof, which would overlook our property into the kitchen, bedroom and bathroom. Consideration should be taken in application not to overlook the property at High Orchard Theodore Street Lincoln, LN1 1HW impacting negatively both on the enjoyment of the residents and the value of the property. We would be happy for you to undertake a site visit to see the impact of height on such a development.

If any new dwelling is restricted to a single storey to resolve this issue we might withdraw

objections subject to our concerns below.

Ground Disturbance and Land Slippage. Disturbance of natural springs in the area.

There is a history of this around this location, causing subsidence and water collection and ingress both on our own property and on Yarborough Terrace.

We understand that this is a known issue in general for the City (in Victoria Street and Beaumont Fee) and extends beyond material planning considerations to matters of public safety.

We would like to see plans for a substantial retaining wall along the length of the boundary to our site, made a condition of the development (as was the case with the development at Yarborough Terrace, for example).

Significant research and a report into the building technique of foundations should also be done to safeguard against landslip and subsidence with accountability placed on the professional report and the developer.

Faithfully,

Ben Poole & Sophie Kamal
High Orchard Theodore Street
Lincoln LN1 1HW

Comments for Planning Application 2019/0539/OUT

Application Summary

Application Number: 2019/0539/OUT

Address: 38B Willis Close Lincoln Lincolnshire LN1 3LG

Proposal: Erection of detached dwelling and garage. (OUTLINE)

Case Officer: null

Customer Details

Name: Mr David Ruff

Address: 35 Belle Vue Road Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The critical concern we have with the proposed development is the disturbance to the boundary wall which runs the length of the properties on the West side of Belle Vue Road.

Previously excavation has caused the retaining wall to partially collapse. Currently the wall is showing signs of adverse structural stress, probably from developmental works and the close proximity of several large trees to the West of the boundary wall on the East of the location plan. The wall is unstable, any works could potentially remove the right of support for the adjoining and adjacent properties.

To protect and maintain the right of support to the adjoining and adjacent properties it would be a reasonable condition of the proposed development that the applicant has in place an indemnity to pay compensation for a loss, damages, similar expenses and to secure against future loss as a result of damage to the retaining wall.

27 Belle Vue Road
Lincoln
LN1 1HH

29 July 2019

Mr K Manning, Planning Manager
Directorate of Communities & Environment
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DF

Your reference: 2019/0539/OUT



Dear Mr Manning

Planning Application Consultation: 38B Willis Close, Lincoln LN1 3LG

With reference to the above planning application, I have the following objections which I would like the Council to take into consideration when deciding the application:

Retaining Wall

My first concern is the retaining wall between 11 properties on the west side of Belle Vue Road and the proposed development. The plans indicate that the new garage will be built 0.8 metres away from the retaining wall adjacent my small town garden. The wall is old and with the proximity of the new building to the base of said wall there is the potential that any work carried out, especially ground works, will cause the wall to give way and cause a landslide. I am deeply concerned for the safety of my young children.

Building over this site will affect the water table, land drainage and stability. I note that the applicant intends to remove some of the trees that they planted following the construction of the houses on the west side of Belle Vue Road. The trees are mature and of substantial height. Their disturbance could affect the stability of the ground and retaining wall due to an extensive root system of up to three times the height of the tree.

Equally the trees that remain may be detrimental to the retaining wall due to their root systems and proximity.

I understand that a substantial reinforced retaining wall was required prior to the new developments on Yarborough Terrace and Carline Road and consider that the same should apply to the proposed development at 38B Willis Close, for the safety of all concerned.

Visual Amenity

My second concern after seeing the plans for this development is that the height and proximity of the proposal will have an overbearing, overlooking and overshadowing effect on my visual amenity, reducing the natural light received by both my garden and house, intruding upon my privacy and obliterating my view to the south west.

The photographs of the site submitted with the application do not demonstrate the adverse impact that the proposal will have on surrounding properties, which is apparent in the negative impact that 38B Willis Close has had on the visual amenity of neighbouring properties in Belle Vue Road. I suggest a site visit is carried out to appreciate the concerns of Belle Vue Road residents.

In conclusion, I feel that a full structural engineers report (including land stability) together with reinforcement of the retaining wall should be a Condition prior to any development of this site and the right of support of 11 properties on the west side of Belle Vue Road must be maintained.

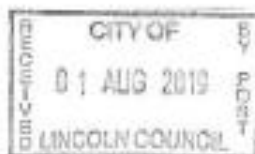
The scale and height of the proposal should be reduced to single storey with a greater distance from the retaining wall, in consideration of the residential amenity of surrounding residents.

Yours sincerely

A black rectangular box redacting the signature of M Doherty.

M Doherty

The Planning Department
City of Lincoln Council
City Hall
Beaumont Fee
Lincoln
LN1 1DF



"Chads"
34 Belle Vue Road
Lincoln
LN1 1HH

Tuesday, 30th of July, 2019

Dear Sir/Madam

Re: Planning Application 0539/2019/OUT – 38B Willis Close – Former Garden Land of 25 Carline Road.

I am writing in connection with the above named and referenced Outline Planning Application submitted to your Planning Department on behalf of Mrs Jill Clark by her instructed Agent with a proposed Site Location Plan dated June 2019.

I am extremely surprised and concerned that the City Planning Department has not already written to and notified all residents of Belle Vue Road who own Properties on the South West side of Belle Vue Road of this Planning Application on the basis that a high wall runs right from Carline Road right along all the Properties above mentioned through to Mrs Clark's Property on Willis Close and because of the current precarious condition of this Wall which is unstable the Planning Application of Mrs Jill Clark has a direct bearing on all of us who own Properties on the South West side of Belle Vue Road from 37 Belle Vue Road right up to the top of the road at No.26 Belle Vue Road. This Wall on the Outline Site Proposed Block Plan is referred to as a Retaining Wall and you will be well aware of course that all of us who own Properties from 37 down to 26 Belle Vue Road have an automatic right to support in legal terms being the properties on the higher level.

Whilst I have no serious objections to the proposed development on the Outline Plans by Mrs Jill Clark and her Agent I do however have serious concerns about the present Boundary Wall and it's current precarious state and the general stability of the land and the adverse impact that any works on Mrs Jill Clark's Proposed Planning Application for the erection of a new Dwelling might have. If any further damages did occur to this Wall including landslide then I and my neighbours would hold the City of Lincoln Council's Planning Department fully and legally responsible and you will be well aware of the Landslips that have already occurred in this LN1 area in respect of Motherby Hill and Drury Lane/Spring Hill in past years in my memory so there are legal precedents already. The recently approved Houses and Flats built on the South facing side of Carline Road required the Developers to undertake significant remedial works and underground reinforcement to prevent the danger of landslide occurring.

Since I purchased my Property in March 1987 – over 32 years ago – the state of the Wall at the rear of my Property which divides me from 25 Carline Road, a Semi-Detached brick built House built in the Edwardian era of the early 20th century – has suffered constant deterioration mainly due

to the fact that the current owner of No.25 Carline Road has undertaken no maintenance of the Wall and his predecessor, the late Mr David Clark, planted a massive continuous line of Deciduous Acer Trees and Non-Deciduous Trees e.g. Yews one of which is now higher than my Detached House and there is no evidence that any Tree Root Barrier Protection was ever installed when the trees were planted in the 1980's when the Belle Vue Houses were constructed. My House was built in 1984. The massive roots of these Trees especially the very tall Cupressus Tree go under the wall's base footage and sway violently when we have strong winds and rain and I have put my hand on the Wall top and can feel the Wall vibrating and shuddering. In addition over the past 32 years of my ownership of my House I have suffered landslip which resulted in a cavernous hole in my bottom slabbed patio which I had to remove. There are numerous deep holes against the Wall and cracks have developed on the Wall top and in its mortar levels and it has moved southwards towards No. 25 by a considerable amount and is now leaning significantly over 25 Carline Road and with the Clay sub-soil level and current climatic conditions and the current movement and on-going deterioration it is obvious the Wall will collapse into No.25 Carline's Road Garden area at some future date not far distant now. It is very difficult to garden near the wall because of its precarious state. You will be aware no doubt that the Wall itself partially collapsed into No.25 Carline Road's Garden in the early 1980's during the construction of my House and my 2 adjoining neighbours at No.s 33 and 35 and had to be repaired and partly re-constructed by the then British Gas Board.

It is therefore absolutely essential that before any Planning Approval is even considered that you as the responsible City Council Planning Department insist on a prior Full in-depth Structural Engineer's Physical Visual Inspection, with Bore Tests if necessary, and a Written Report also concerning the general and specific Land Stability Report as there is definite and sustained current movement on the Wall. The Full Costs of these actions to be met by the Applicant, Mrs Jill Clark and her Agent of course.

Please acknowledge your safe receipt of my letter to you in writing as soon as possible.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Mr Phillip.W.L.Serth

30 Belle Vue Road, Lincoln, LN1 1HH

Lincoln City Council,
Development Team,
City Hall,
Beaumont Fee,
Lincoln,
LN1 1HH

20 July 2019

Your reference: 2019/0539/OUT

Dear Madam/Sir,

Planning Application Consultation: 38B Willis Close, LN1 3LG

Thank you for your letter of 16 July in respect of the above.

We note in the application that permitted development rights have been removed from the current dwelling on the site in relation to the enlargement of the dwelling and the erection of additional dwellings. Whilst we understand that this does not preclude further development on the site, it suggests to us that there is some concern on the part of the planning authority, about further development and overdevelopment at this location.

We restrict our comments to two material planning considerations.

Scale and Height

In respect of *height*, we are not clear what a 1½ storey building might be in terms of roof line, (and as an outline application, the plans, presumably, are not binding) but care must be taken in any detailed application not to obscure the view to the west of numbers 29, 28 and 27 Belle Vue Road. The dwelling erected to the west of number 30 Belle Vue Road (38b Willis Close) has completely obscured the view from number 30 Belle Vue Road to the west, impacting negatively both on the enjoyment of the residents and the value of the property. We would be happy for you to undertake a site visit to number 30 to see the impact of height on such a development.

We fully appreciate that there is no legal 'right to a view', as a material planning consideration. But presumably this issue has precedent in Lincoln because of its topography that might be used as guidance. We do not know if there are any restrictive covenants on any of the effected properties that are relevant to this issue of height.

It would seem appropriate at detailed planning application stage, that any new dwelling is restricted to a single storey to resolve this issue, and that any landscaping also is of appropriate height so as not to obscure the view.

Noise and disturbance

Our main concern with this application relates to *disturbance*. There is a history in this location, of activity (both developmental and in relation to trees) to the west of the

boundary wall on the east of the location plan, causing disturbance to the boundary wall itself. This issue pertains to the whole length of the wall to the west of all properties in Belle Vue Road.

Because this wall has been shown to be unstable, We have a real concern that any excavations for foundations, and other ground works, will render this wall in an even more dangerous condition, if not cause it to fall down. We understand that this is a known issue in general for the City (in Victoria Street and Beaumont Fee for example) and extends beyond material planning considerations to matters of public safety.

Again, whilst not opposing the development at outline stage, We would like to see the substantial reinforcement of the retaining wall along the whole eastern length of the site, made a condition of the development (as was the case with the development at Yarborough Terrace, for example).

Conclusion

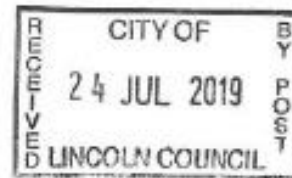
We are happy for this development to proceed if the building is single storey, planting does not obscure the view, and that the retaining wall to the east of the development is fully reinforced.

Yours faithfully

Professor Jacquelyn Allen-Collinson
Professor Nigel Curry.

37 Belle Vue Road
Lincoln
LN1 1HH

City of Lincoln Planning
City Hall
Beaumont Fee
Lincoln



19th July 2019

Dear Sir/Madam,

Re: Planning Application 539/2019/OUT 38B Willis Close Lincoln.

While I have no objection to the development proposed, I do have very serious concerns about the stability of the land and the likely adverse effects, on the adjacent retaining wall to Belle Vue Road.

The poor condition of the wall, where the development is proposed, has been of great concern to my neighbours for many years and any movement or excavation on the land has the potential to cause considerable, costly damage. In this event, I could be impacted by the proposed development, hence my concerns.

To illustrate my point, my property was affected in the late 1990's when Diamond Cabling dug a relatively small trench to accommodate their fibre cabling, at my front retaining wall. As a consequence, the wall was destabilised and the remedial work cost in excess of £20K.

The wall at the front of my property was constructed at the same time as the rest of the boundary wall to BelleVue Road, in approximately 1850. In order to mitigate any potential damage, it would appear prudent for you to insist upon a full structural engineers report on the wall, along with a land stability report. This would assist greatly in allaying my concerns and would place responsibility and accountability on to the author of the professional report and the developer.

Yours faithfully
[Redacted Signature]

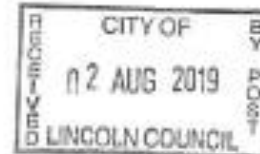
G & E C Brooks
33 Bellevue Road
Lincoln
LN1 1HH

City of Lincoln Council
Planning Dept.
City Hall
Beaumont Fee
Lincoln
LN1 1 DF

29 July 2019

Dear Sir/Madam,

Re: Planning Application 0539/2019/38B Willis Close Lincoln.



Following my previous letter dated 23 July 2019 I have only just seen the letter regarding this application from Mr. R. W. Wilkinson of 37 Belle Vue Road Lincoln. I would take issue to Mr Wilkinson's letter paragraph 4 where he states that "The wall to the front of my property (37 Belle Vue Road) was constructed at the same time as the rest of the boundary wall in approximately in 1850" I agree with Mr Wilkinson that the two walls were built at the same time, but there is no evidence that it was in 1850 but there is evidence that it was after the whole parcel of land was sold as building plots in 1885, using it appears the same brick that the adjoining houses 23/25 Carline Road and the rest of the houses down to Yarborough Terrace. (The walls height has been added to since.) Possible at the same time the whole of the land that 23/25 Carline Road and the remaining land to the rear of the properties along Carline Road (Indicated on plan 5 and 5A enclosed), was levelled to some extent using the western walls of Belle Vue House cellars as retaining wall.

I enclose plans from the period of time 1842 to early 1900. Please note that my reference to Belle Vue House is indicated on the plans as The Girls Penitent Females Home. The purpose of the use of these plans is to indicate what was used at that time to indicate the contours of the land at the location referred to remained mostly unaltered until after 1885 at the earliest. It is important to point out that all the early maps and plans indicate that the land level of Belle Vue House and the adjoining land to the west is connected at the same level according to the contour indications.

Plan 1 from D R Mills and R C Wheelers book "Historic town plans of Lincoln 1610 to 1920 "Page 45 Dated 1842

This plan shows the area of land in question at the point where the hillside of Lincoln Edge changes direction from east to west to South to North with a very steep incline.

Plan 2. (D R Mills/R C Wheeler) Page 59 dated 1851 this is the first indication of Belle Vue House note the steep hillside appears to be unaltered on the south west corner. This plan indicates that the ground level of both sides of the west boundary of Belle Vue House appears to be similar.

Cont. Page 2

Plan 3. (D R Mills and R C Wheeler) Dated 1868 page 73

There is no change in the indicated contours of the land to the south west corner of Belle Vue House except that there has been an entrance to the front garden of Belle Vue House at the south east corner of the front garden. Note the level ground both sides of the land each side of the western rear garden wall.

Plan 4 (D R Mills and R C Wheeler) dated 1883 page 89.

No change in the contours of the south west corner of the garden of Belle Vue House.

Plan 5 and 5A. Lincoln City Library Freeschool Lane Lincoln. Dated 1885.

This plan was produced by the Estate Agents prior to the sale of the indicated plots of land to the rear of Carline Road/ Yarborough Terrace/Belle Vue Road. There are no apparent alterations to the levels judging to the steep footpaths and steps which follow the natural lay of the land as seen on the early maps submitted, also the dotted building line.

Plan 6. Lincoln City Council. Dated 1887/8

This plan is the first recorded indication of a garden wall to the front of Belle Vue House, and after the sale of the adjoining land to a builder and the first indication of alterations to the land levels to the west of the whole boundary of Belle Vue House, without removing part of the steep hillside to the west of the boundary of Belle Vue House the wall could not appear as it is today with the much reduced land levels to the west of this indicated wall (which appears to be constructed at the lower levels with the same bricks as 23/25 Carline Road.)


Map 7. Plan/map of Lincoln. Lincoln City Library. Dated 1905

This map indicates all the houses from Yarborough Terrace (North Side) completed with the exception of 23/25 Carline Road. The remaining land from plans 5 and 5A has been utilised as allotment gardens following the levelling of the site in general bringing it to the levels that exist today, the steep inclines levelled, exposing the cellar walls and the western garden wall of Belle Vue House (as a retaining wall referred to on the applicants plan.) This action left the land to the east and above the now lower level with the lack of support except for the old western garden walls of Belle Vue House and what was the cellar walls of Belle Vue House to act as a retaining wall which are totally unfit for purpose, and leaves them in risk of collapse.

Map 8A undated survey map.

This has modern 200 foot contour marked in red and if inspected closely there is a break in this contour from the north west corner of the rear garden of 25 Carline Road and a point to the rear of north west corner of the house at the junction of Belle Vue

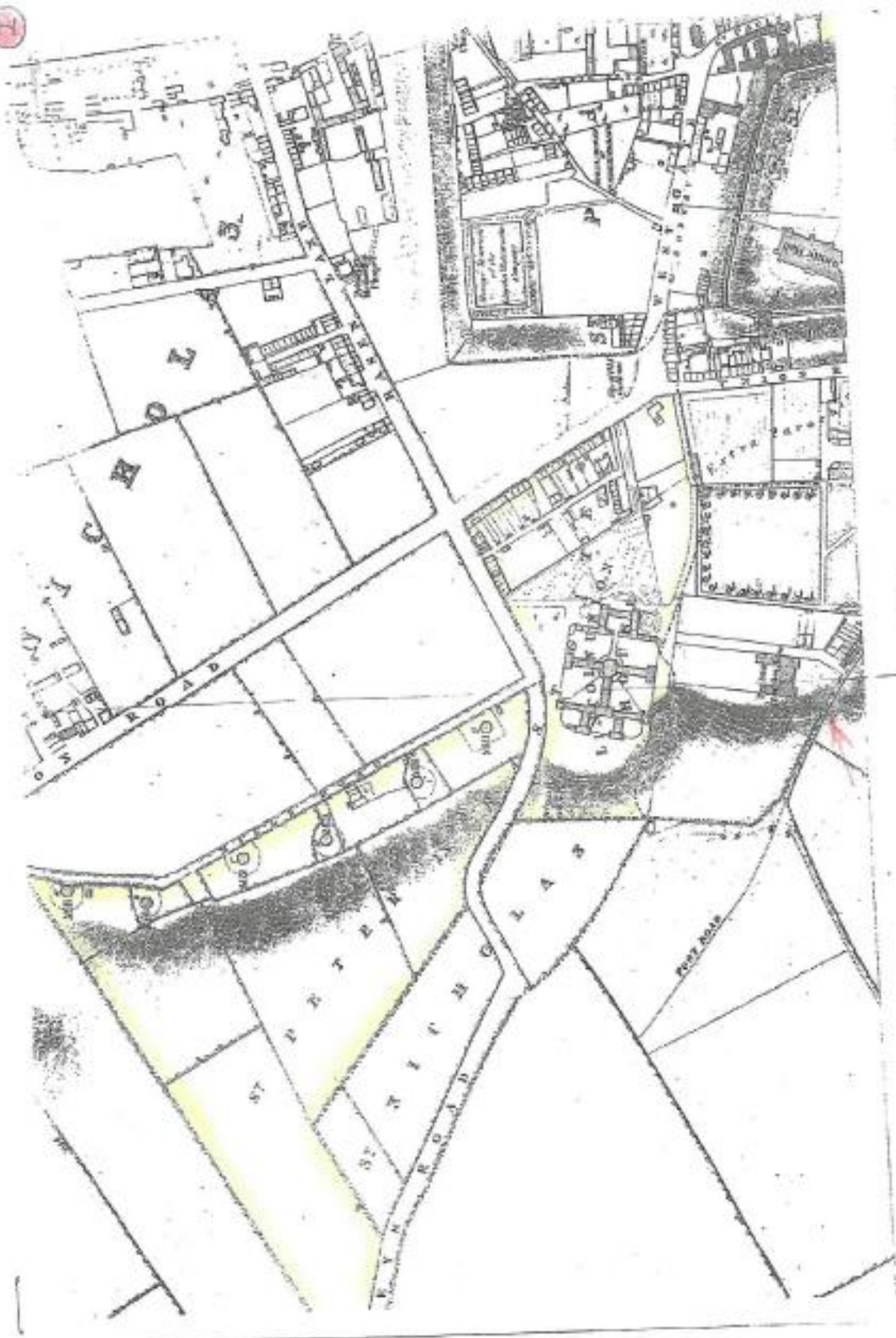
**G & E C Brooks
33 Bellevue Road
Lincoln
LN1 1HH**


Road and Belle Vue Terrace, but interestingly it does follow the high point of the hillside indicated on the old maps.

In conclusion I am saying and repeating that the whole of the western retaining wall from 26 to 37 Bellevue Road should be investigated by the Planning Department before any progression is made on this application, there is a serious risk of collapse during the building works.

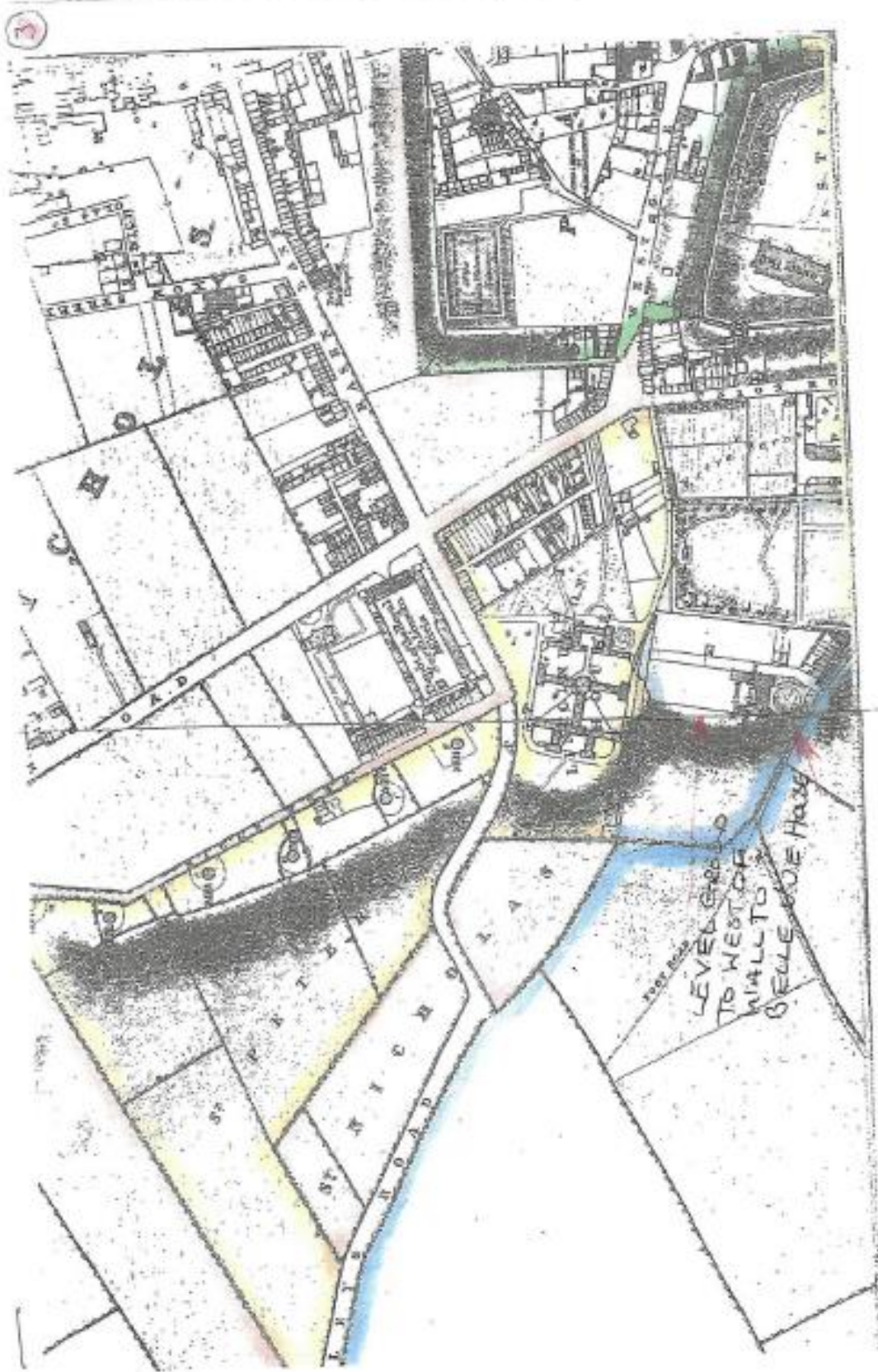
It is noted on the submitted plans that three trees are to be removed, and replaced in a different position, and that a root barrier is to be installed. This proposal should be removed in part, the three trees removed but no replanting should be permitted as it will block the view of the houses on Belle Vue Road and put the wall at further risk. The type of trees already growing within one metre of the wall are inappropriate with or without a root barrier and I believe, set for anti-social reasons.

21



P. 59

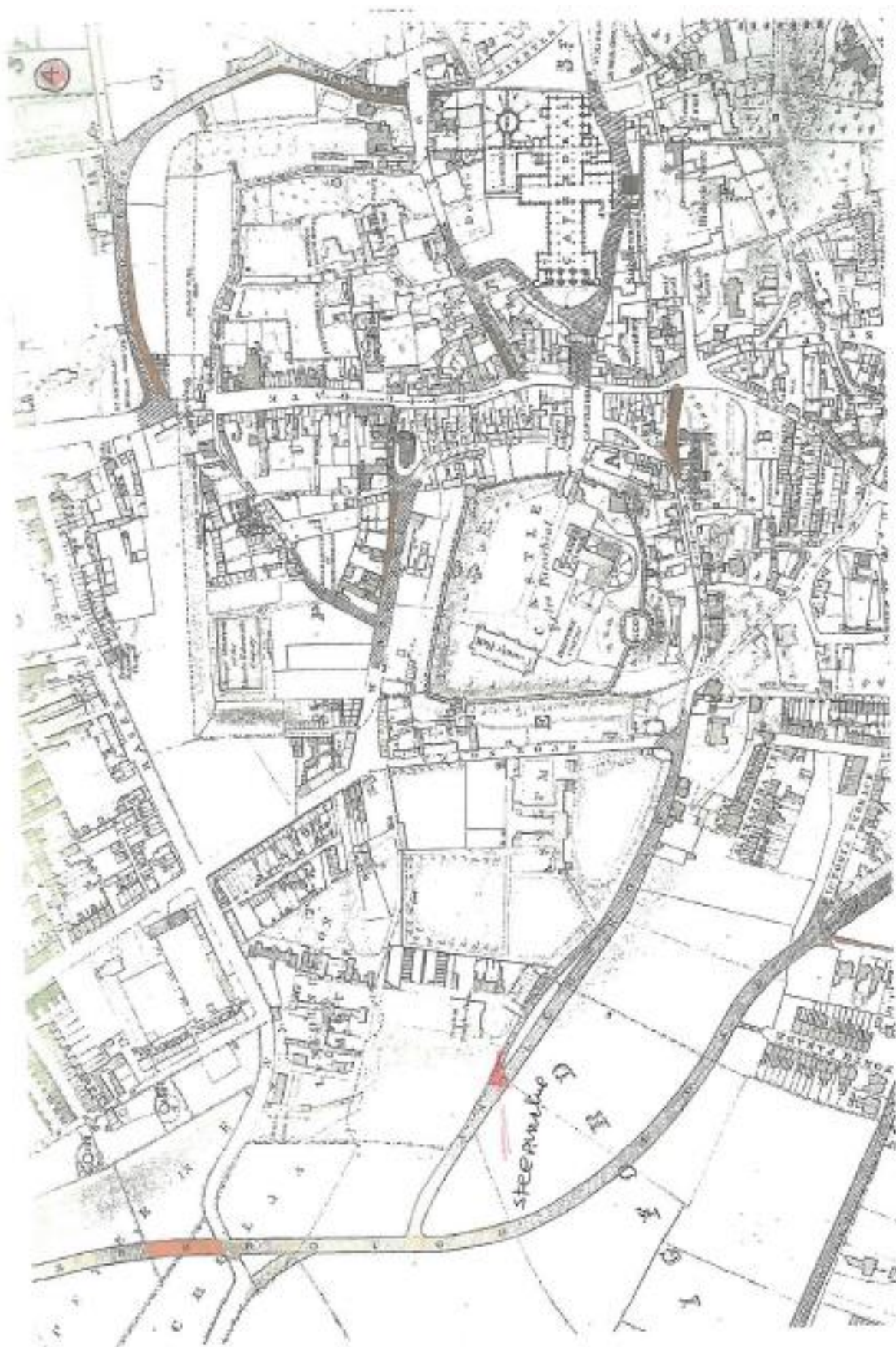
1851



p. 73

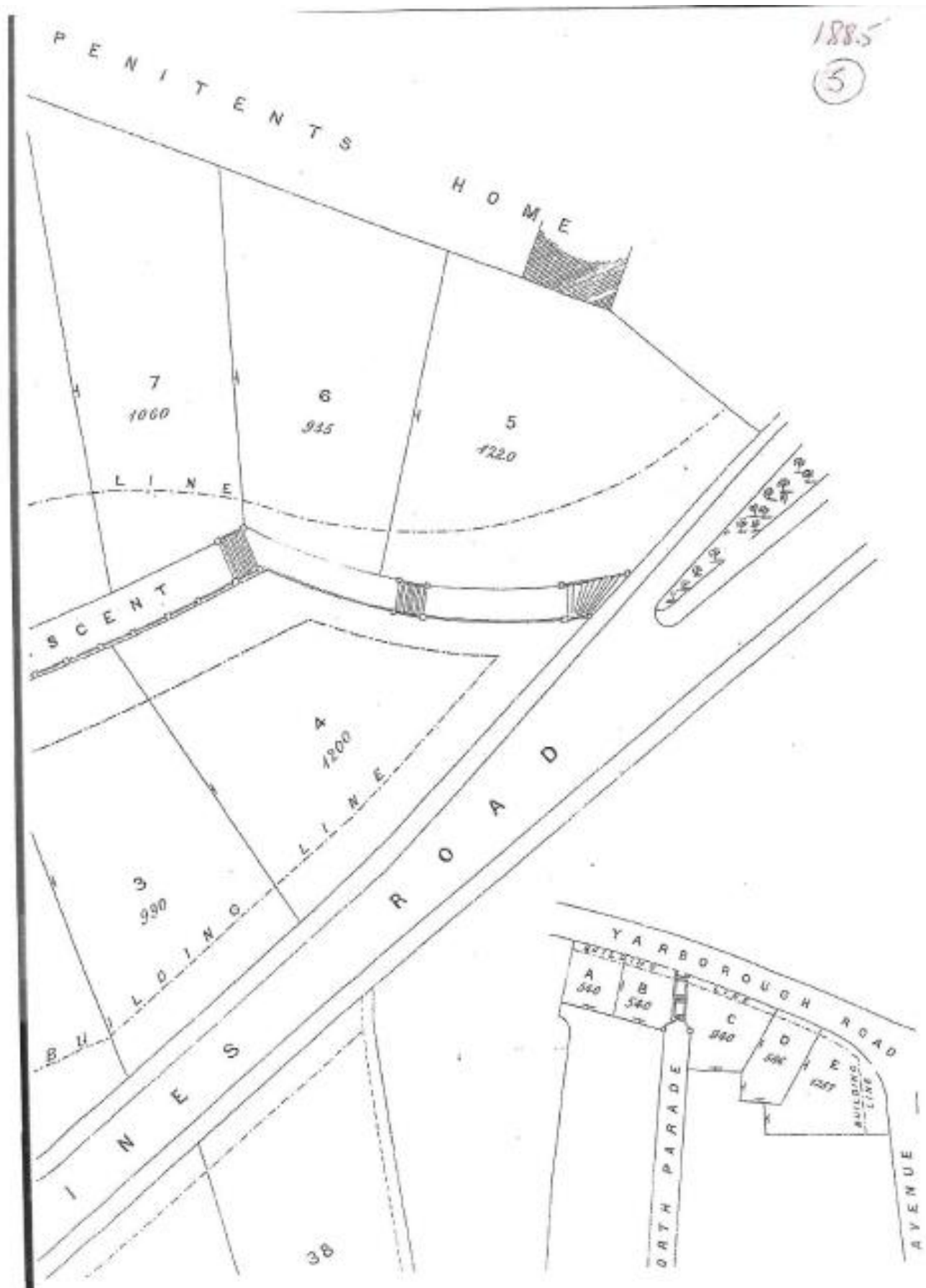
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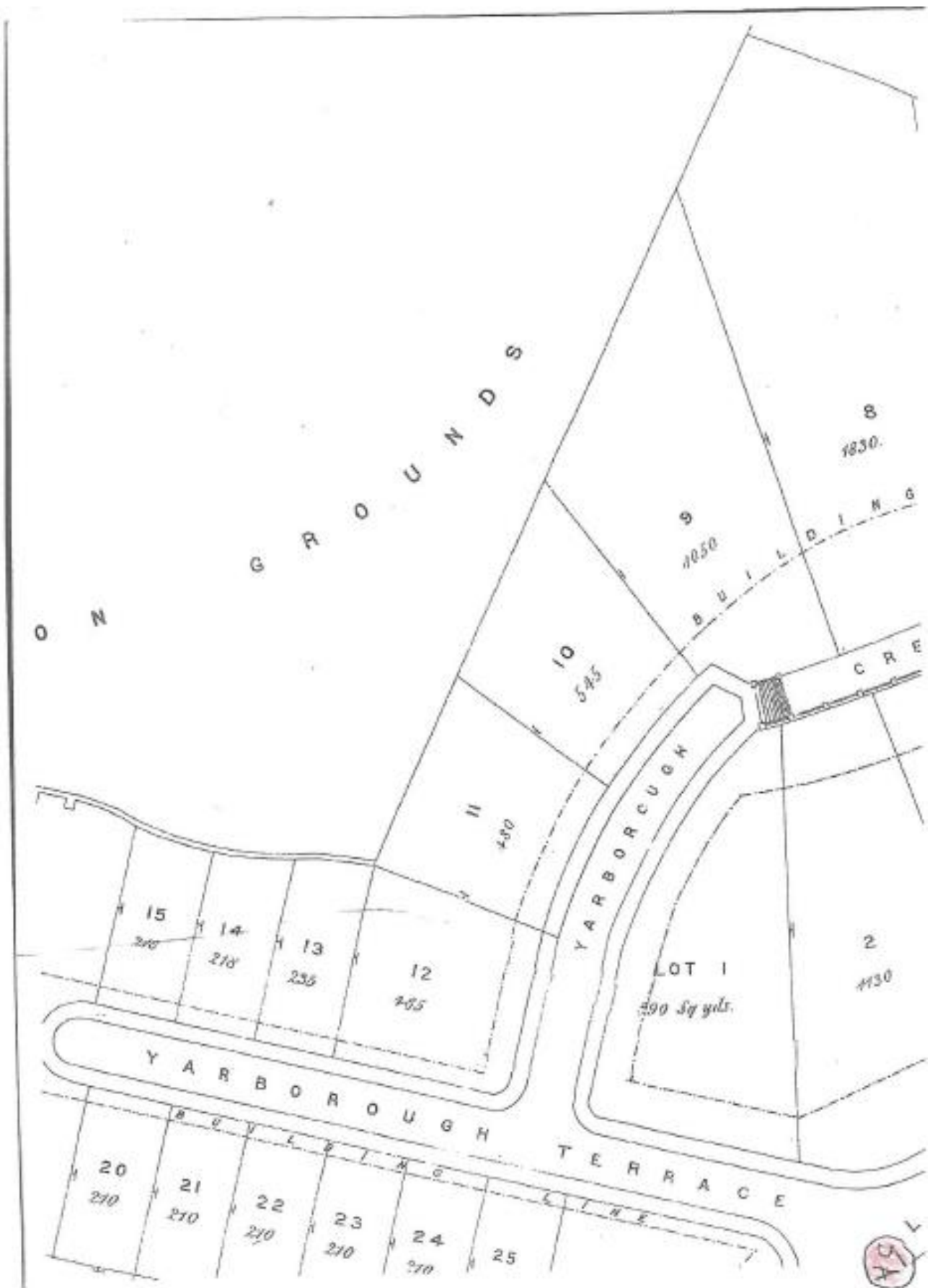
LEVED GROUND
TO WEST OF
WALL TO
BELLEVUE HALL

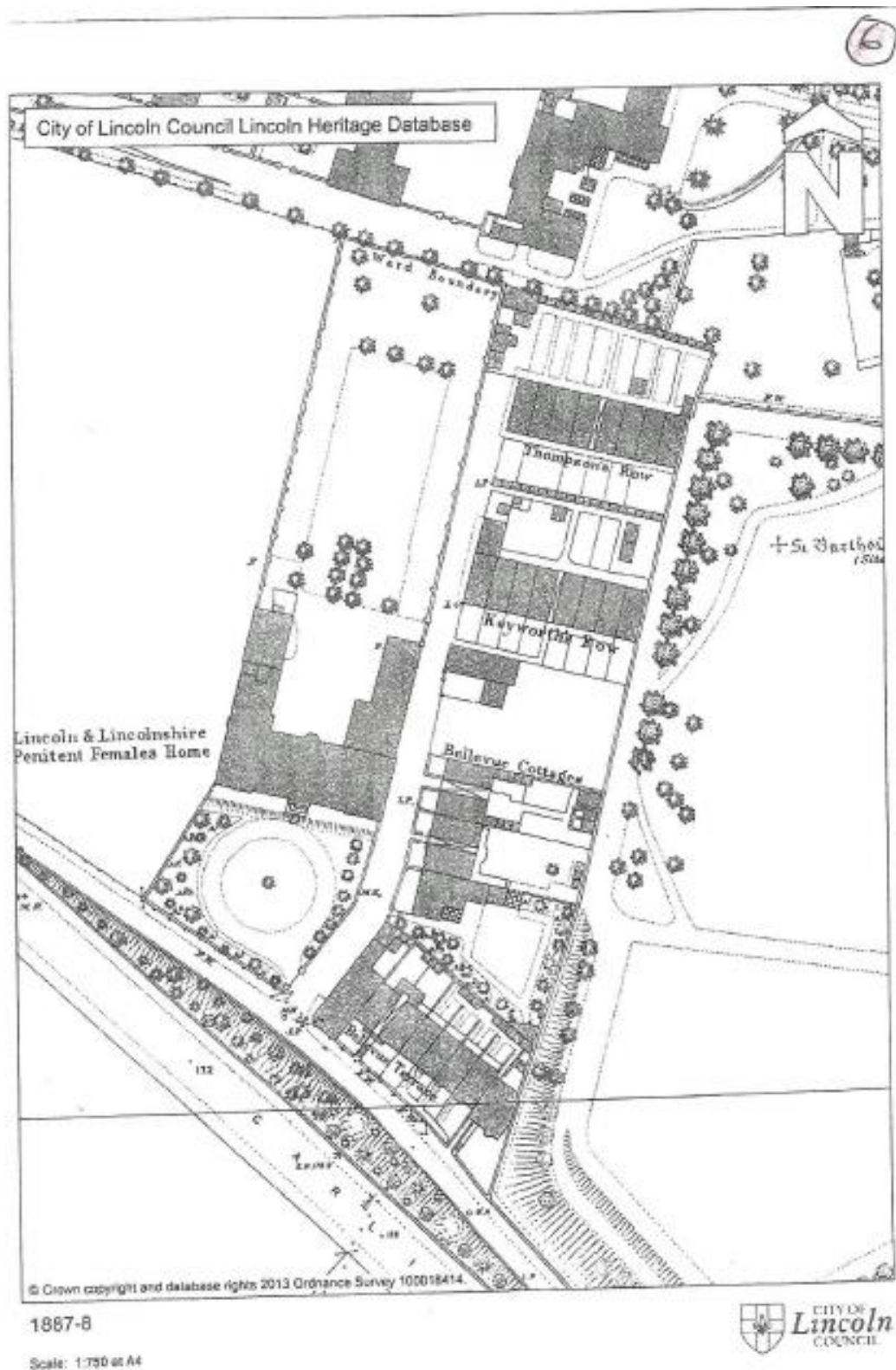


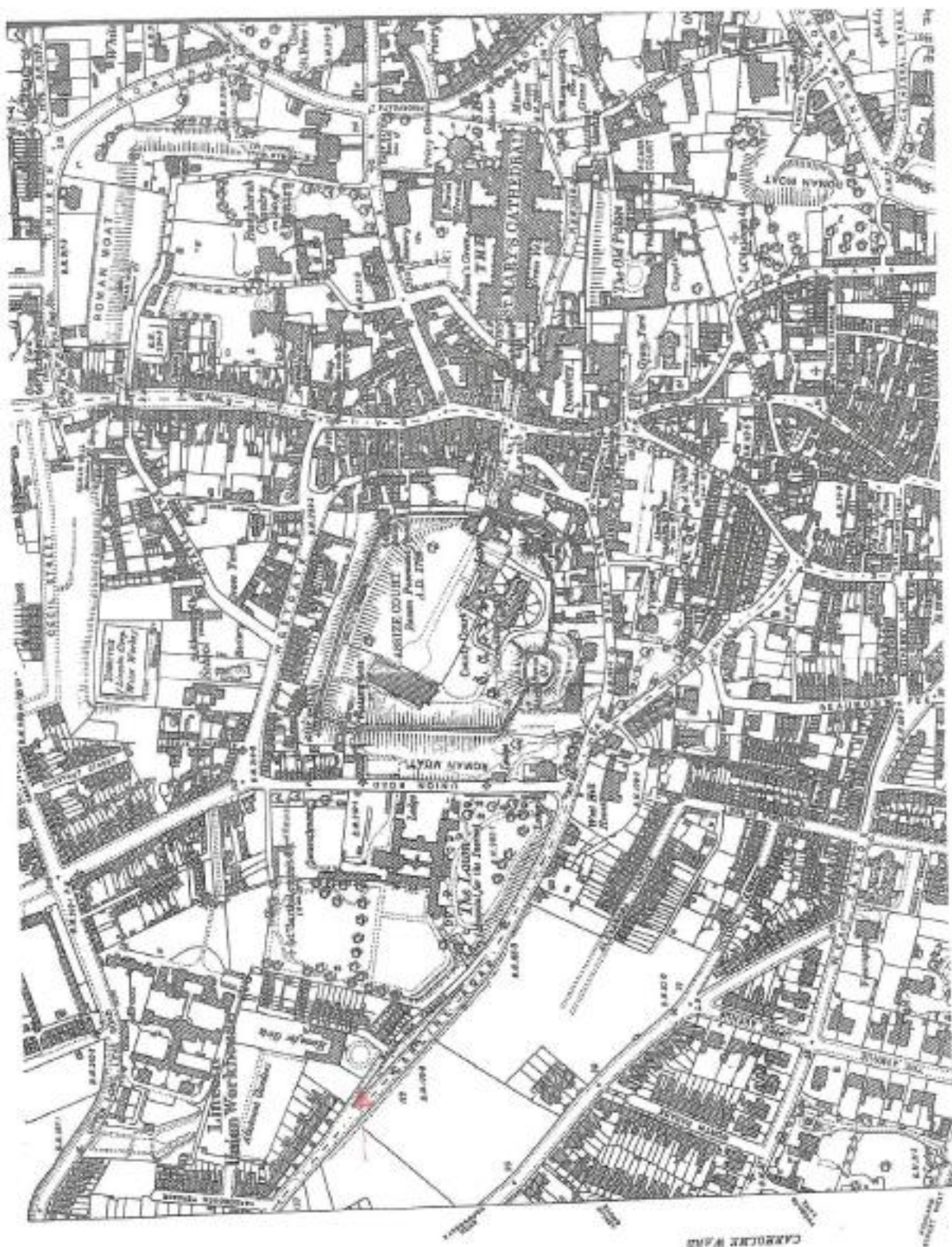
P 87

1883



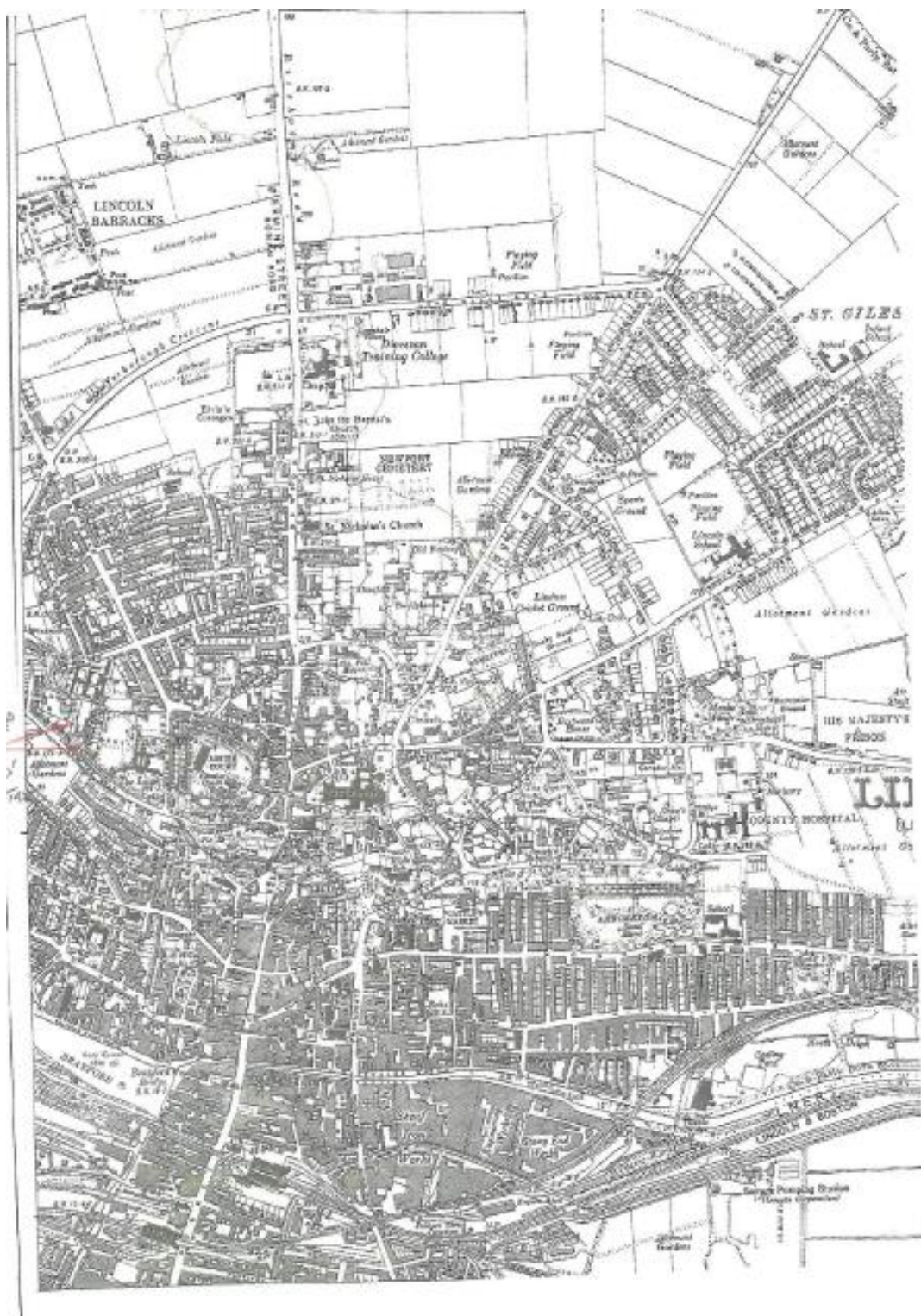






7

1905



Application Number:	2019/0007/FUL
Site Address:	18-20 Kingsway, Lincoln, Lincolnshire
Target Date:	9th May 2019
Agent Name:	None
Applicant Name:	Mr David Irons
Proposal:	Erection of 6no. two bedroom dwellinghouses and a 3-storey building to provide 8no. two bedroom apartments and 4no. one bedroom apartments. Associated external works including provision of 18no. car parking spaces.

Background - Site Location and Description

The application site is 18-20 Kingsway, located to the north west of the road. There is an existing two storey brick warehouse to the left of the site, which has extensions to the side and rear. A single storey steel clad building is located more centrally with a fenced enclosure to the right housing a number of shipping containers, operated by Cathedral Self Storage Ltd. The rear boundary is defined by an approximately 1.8m high fence and the rear gable of the brick warehouse, forming the side boundaries of 15 St. Andrews Close and 38 Hope Street. Adjacent to the side, north east boundary is a narrow strip of land, which appears to be being used for the storage of materials, with the side boundary of 12 Kingsway beyond. Adjacent to the opposite side, south west boundary are allotments. The site is located within Flood Zone 2.

The wider area is predominantly characterised by a mix of two storey semis and terraces with the rear of the Ducati Showroom directly opposite the site. Kingsway also provides access to Bishop King Primary School, located at the end of the street to the west.

The application is for the erection of six, two bedroom dwellinghouses and a three storey building to accommodate eight, two bedroom apartments and four, one bedroom apartments. Associated external works include the provision of 18 car parking spaces, a communal garden and a wall with railings to the front boundary.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 9th July 2019.

Policies Referred to

- Policy LP1: A Presumption in Favour of Sustainable Development
- Policy LP2: The Spatial Strategy and Settlement Hierarchy
- Policy LP11: Affordable Housing
- Policy LP12: Infrastructure to Support Growth
- 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
- Central Lincolnshire Developer Contributions Supplementary Planning Document

- National Planning Policy Framework

Issues

- Principle of use
- Developer contributions
- Visual amenity
- Residential amenity
- Access and highways
- Flood risk and drainage
- Trees

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Environment Agency	Comments Received
Lincolnshire Police	Comments Received
Anglian Water	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
NHS England	Comments Received
Highways & Planning	Comments Received

Public Consultation Responses

Name	Address
Mr Clive Crossman	35 Kingsway Lincoln LN5 8EU

Mr Adam Titley	9 Kingsway Lincoln LN5 8EU
Miss Louise Hughes	4 Kingsway Lincoln Lincolnshire LN5 8EU
Mrs Maxine Grant	5 Kingsway Lincoln Lincolnshire LN5 8EU
Mr Garry Trown	194 Hykeham Road Lincoln Lincolnshire LN6 8AR

Consideration

Principle of Use

Central Lincolnshire 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).

Developer Contributions

In accordance with CLLP Policies LP11 and LP12 and the Central Lincolnshire Developer Contributions Supplementary Planning Document (SPD) the proposed development would be expected to provide affordable housing (on site or a commuted sum) and a financial contribution towards playing fields and local green infrastructure, which would be secured through a Section 106 agreement (S106). In respect of education and health contributions the Lincolnshire County Council (LCC) and NHS England have respectively confirmed that these are not required for the development.

The dwellings within the proposed development would also be Community Infrastructure Levy (CIL) liable, which is a mandatory payment.

The applicant has advised that the requirement for S106 costs and CIL payments would make the scheme unviable and a viability report has been submitted to support this position. The report has been assessed on behalf of the Local Planning Authority by an independent third party. The independent assessment concurs with the appraisal testing within the report which shows that the scheme is unviable even before any planning policies are applied, concluding that the scheme cannot provide any contributions.

The SPD advises that the Local Plan recognises the overriding need to ensure all development is sustainable and supported by necessary and appropriate infrastructure, however, the plan is also committed to delivering growth. Therefore, development viability

is not only relevant but critical to determining planning applications.

In this case officers are satisfied with the conclusion that the scheme would not be viable with the expected S106 contributions. Requiring these would result in the development being unviable and not being brought forward. Officers would be comfortable recommending that the application be granted without providing an affordable housing commuted sum or a contribution to playing fields and local green infrastructure subject to the applicant signing a S106 legal agreement within which would be an overage clause. This would require the developer to submit a revised viability assessment upon completion of the development to demonstrate the viability at that time. If there has been an uplift in the viability/profitability of the scheme then the scheme would be expected to provide what constitutes policy compliance at that time i.e. the commuted sums that are not being sought at this time.

Irrespective of viability the CIL payment would still be secured as this is mandatory on all liable development.

Visual Amenity

The development comprises two terraces of three dwellings; one fronting Kingway with the other at a right angle behind, facing into the site. Each dwelling has a small forecourt and garden land to the rear. The apartments would be accommodated within a three storey block. The 'L' shaped building has a direct frontage to the road with the rear section set back behind a communal garden. Parking is provided along the frontage and towards the rear/side. Officers consider that the site is of a sufficient size to comfortably accommodate the proposed development along with the associated access, parking and garden areas. The development represents a good use of land and would have a strong presence in the street, which would visually be an improvement on the current arrangement.

The two storey dwellings would be of a traditional scale with a low level wall/railings to the front boundary. This boundary treatment would extend in front of the apartment block, which is three storey although the second floor is accommodated within the roof. Therefore, despite the additional storey, the overall height of this building would sit only marginally above the proposed dwellings. The overall mass of the three storey block is broken up as a result of the set back of the rear section and it is considered that both elements of the proposal would have an acceptable relationship with the existing two storey properties in the vicinity. Officers are therefore satisfied that the proposal would relate well to the site and surroundings in relation to siting, height, scale and massing.

It is also considered that the design of the proposal is acceptable. The dwellings would be constructed with red brick, a slate effect roof and white UPVC windows. The traditional proportions of the dwellings reflects the terraces in the vicinity with details including chimneys, stone heads and cills reinforcing this. The materials, traditional detailing and window proportions are continued for the apartment block, although the incorporation of different roof types, gables and a full height glazed entrance/stairwell helps to break up the mass and add interest. 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.

With regard to boundary treatments officers welcome the low level wall/railings to the front boundary and consider that this, along with the proposed areas of hard and soft landscaping within the site would improve the overall character of the development and its surroundings. Further details of these will be conditioned on any grant of consent.

The proposal would therefore be in accordance with CLLP Policy LP26 and also paragraph 127 of the NPPF, which requires that developments should add to the overall quality of the area and be sympathetic to local character.

Residential Amenity

The side elevation of the terrace of dwellings which front Kingsway, plots 1-3, would be located on the side, north east boundary, with the rear gardens extending behind. Beyond are the rear gardens of plots 4-6, sitting at a right angle, with the rear elevations of these dwellings located 7m away from the north east boundary. Directly adjacent to this site boundary is the strip of land, which measures approximately 3-4m wide, with the side boundary of 12 Kingsway beyond. Officers are satisfied that the proposed dwellings would have a sufficient separation from no. 12 to ensure that they would not appear unduly overbearing or result in an unacceptable degree of loss of light. With regard to overlooking the side elevation of the terrace to the front, which sits on the boundary, is blank and any overlooking from the first floor windows in the rear elevations would be at an oblique angle only. The first floor rear bedroom windows of plots 4-6 would face towards the rear section of the garden of no. 12. This relationship combined with the separation at this point of approximately 10m would ensure that any overlooking would not result in an unduly harmful impact.

The rear, north west boundary forms the side boundaries with 15 St. Andrews Close and 38 Hope Street. The majority of the boundary with 15 St. Andrews Close, a bungalow, is currently defined by the rear elevation of the existing warehouse. The rear elevation of the proposed apartment block would be located approximately 6.5m from the boundary, with the closest separation to the side elevation of no. 15 being approximately 9m. Given this, and considering the existing relationship of the two storey warehouse on the boundary, officers are satisfied that the proposal would not appear overbearing or result in an unacceptable degree of loss of light. The rear facing elevation of the proposal includes first and second floor windows. No objections have been received from the neighbouring occupants and, on balance, officers do not consider that the impact from overlooking would be sufficiently harmful to warrant the refusal of the application.

In terms of the relationship with 38 Hope Street the side elevation of the proposed terrace, plots 4-6, would sit on the boundary, opposite and approximately 2.5m away from the side elevation of this neighbouring property. The neighbour's elevation is blank and it is therefore not considered that the proposal would cause undue harm through the creation of an overbearing structure or result in an unacceptable degree of loss of light. The side elevation of the proposal is also blank so there would be no direct overlooking. There are bedroom windows within the front elevation of the proposed dwellings, facing west, although any overlooking from this point towards the rear garden of no. 38 would be at an oblique angle only.

Parking spaces are proposed along part of the rear boundary with 15 St. Andrews Close and 38 Hope Street as well as to the side boundary with the allotments. The plans indicate a substantial boundary wall/fence to the rear boundary which will limit the potential impact from associated vehicle movements. This will be conditioned on any grant of consent to be installed prior to the occupation of the development. To further protect the amenities of neighbours the City Council's Pollution Control Officer has requested that details of the external lighting be conditioned for approval to ensure that these are appropriately designed to avoid glare or any off-site impacts.

There are no other residential properties directly abutting the site. Officers are therefore satisfied that the amenities which neighbouring occupants and those within the wider area 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. It is also considered that the level of amenity for future occupants of the development would be acceptable. The proposal would therefore be in accordance with the requirements of CLLP Policy LP26.

Access and Highways

Vehicular access to the site would be from Kingsway with separate 'in' and 'out' access points. A total of 18 off street parking spaces are provided; four directly off Kingsway with the remainder within the site to the north west and south west boundaries accessed via the internal road which loops behind the apartment building.

Objections have been received from the occupants of 4, 5, 9 and 35 Kingsway, all considering that there is insufficient parking which would result in additional on-street parking on Kingsway. They consider that on street parking is already an issue, exacerbated by additional cars on match days and at drop off/collection times for the Bishop King Primary School.

The LCC as Local Highway Authority has raised no objection to the level of parking or the access arrangements. The suggested conditions requiring the reinstatement of sections of dropped kerbs that are no longer required to full height kerbs and the submission of a construction management plan will be applied to any grant of consent.

Flood Risk and Drainage

The site is located within Flood Zone 2 and the application is accompanied by a Flood Risk Assessment (FRA). The Environment Agency (EA) has considered this and has raised no objections subject to a condition requiring the development to be constructed in accordance with the submitted FRA.

Officers have been copied into an email from the Upper Witham Drainage Board to the LCC in their capacity as Lead Local Flood Authority in respect of surface water drainage. The LCC has raised no objection to the application with regard to surface water drainage subject to conditions requiring a surface water drainage scheme to be submitted for approval.

There is no objection from Anglian Water in terms of surface or foul water drainage subject to a condition ensuring constructions works in accordance with the surface water strategy.

Trees

There are no trees within the site although there are four highway trees to the front. The occupant of 5 Kingsway has raised concern that these may need to be removed for construction to go ahead, having a negative effect on the environment.

All of the highway trees are proposed to be retained. Officers have sought the advice of the City and County Council's Arboricultural Officers regarding the potential impact on these as a result of the construction phase and the necessity to adjust the position of the existing dropped kerb. The officers have no issues with the proposals subject to conditions requiring tree protection measures, which will duly be applied to any grant of consent.

Other Matters

Contaminated Land

The City Council's Pollution Control Officer has advised that, due to past uses on and in the vicinity of the site, there is the potential for significant contamination to be present. Conditions have been requested which will be attached to the grant of any permission.

Comments have also been received from the EA in this respect, also noting that the previous use of the site presents a potential risk of contamination to controlled waters. The specific requirements of the suggested conditions will be incorporated with those suggested above.

Air Quality and Sustainable Transport

The City Council's Pollution Control Officer has advised that, whilst it is acknowledged that the proposed development, when considered in isolation, may not have a significant impact on air quality, the numerous minor and medium scale developments within the city will have a significant cumulative impact if reasonable mitigation measures are not adopted. Accordingly a condition will require details of charging points to be submitted for approval and for the units to be installed before development is first occupied.

Archaeology

The City Archaeologist has recommended the standard archaeological conditions be attached to any grant of permission to ensure that this matter is considered and dealt with as necessary.

Bin Storage

Bins can be accommodated within the rear gardens of the proposed dwellings, with access via the shared car park for presentation on the street. Communal bin storage for the proposed apartments is proposed adjacent to the 'in' access enabling presentation directly onto the street.

Construction

Comments have been received from the neighbouring objectors with concerns regarding congestions and noise during construction. While issues relating to the construction phase are not a material planning consideration the LCC as Local Highway Authority has requested that a Construction Management Plan be conditioned. This would mitigate against traffic generation during the construction stage, controlling aspects such as parking of construction vehicles, storage of plant and materials and the routes of construction traffic. The City Council's Pollution Control Officer has also recommended a condition restricting the hours of construction and delivery.

Deign and Crime

The Lincolnshire Police has raised no objections to the application in this respect. A number of recommended measures have been suggested which will be forwarded to the applicant for their information.

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

Yes. Revisions made to the front gable of the apartment building to improve the proportions.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.-

Conclusion

The principle of the use of the site for residential purposes is considered to be acceptable and the development would relate well to the site and surroundings in respect of 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. An independently assessed viability appraisal has concluded that the development would not be viable if it were to provide affordable housing and contributions towards playing fields and local green infrastructure. Subject to the signing of an overage S106 officers are satisfied that this can be managed with a requirement for such payments should the profitability position of the development change at the time of completion. Technical matters relating to access and parking, contamination, flood risk and trees are to the satisfaction of the relevant consultees and can be dealt with appropriately by condition. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP14, LP16, LP25 and LP26, as well as guidance within the SPD and National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is Granted Conditionally with delegated authority granted to the Planning Manager to secure an overage S106 agreement and subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Contamination
- Archaeology
- Land levels
- Samples of materials
- Implementation of landscaping
- Tree protection measures
- Implementation of boundary treatments
- Assessment of off-site impact of external lighting
- Electric vehicle recharge points
- Development in accordance with Flood Risk Assessment
- Surface water drainage scheme
- Reinstatement of full height kerbs

- Construction Management Plan (traffic generation and drainage)
- Construction of the development (delivery times and working hours)
- Windows and doors set in reveal

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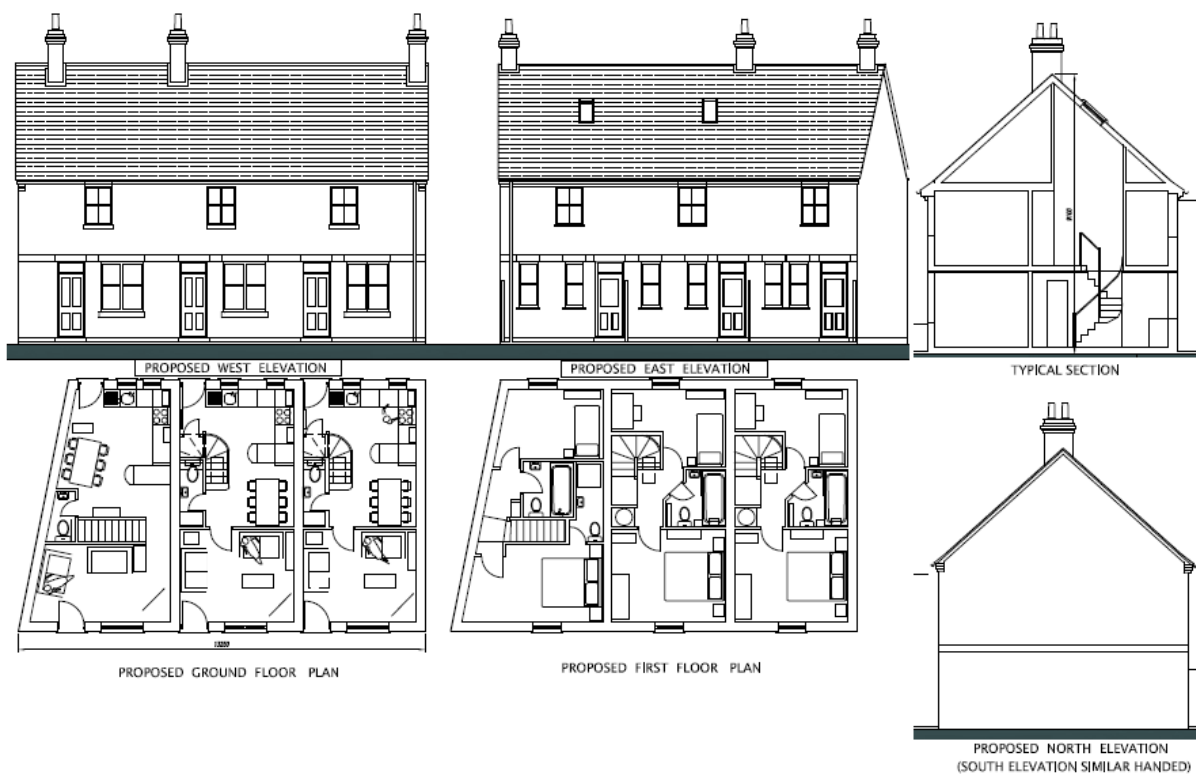
18-20 Kingsway: plans and site photographs



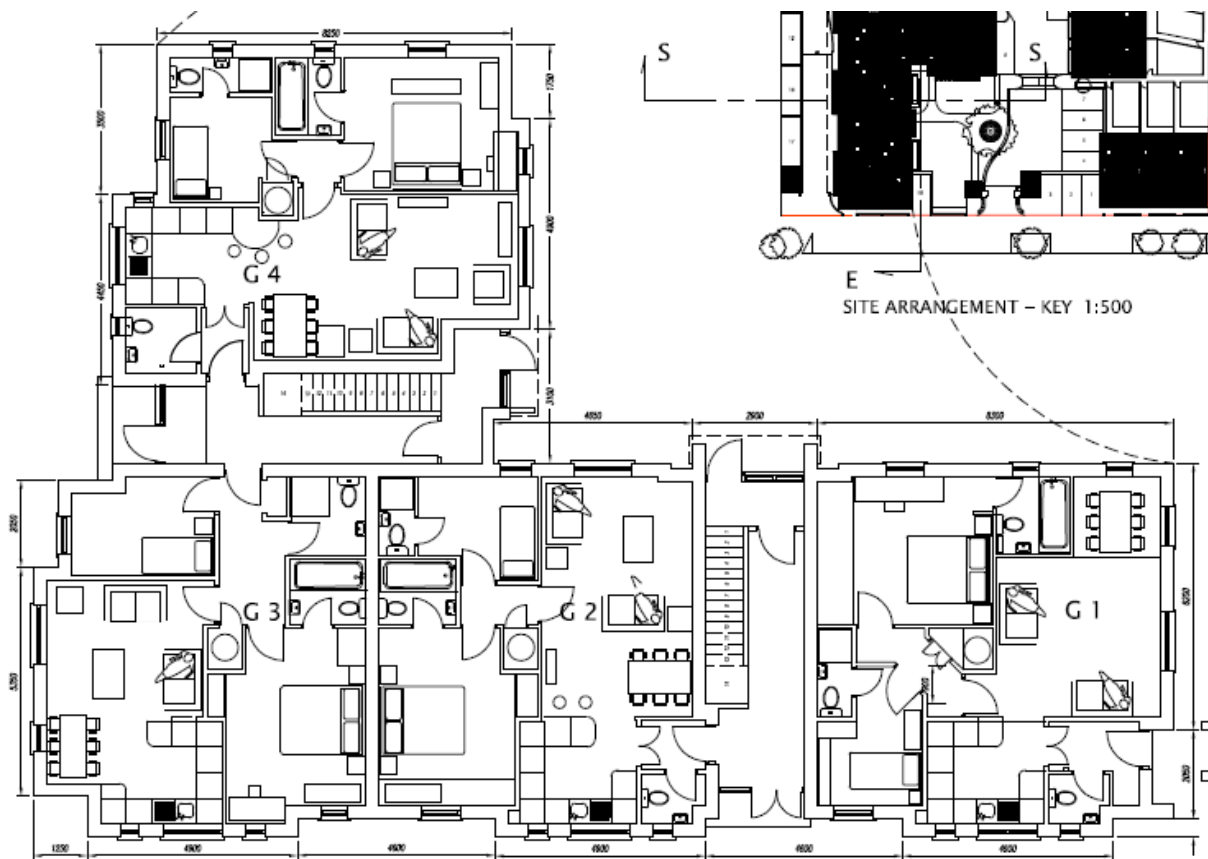
Site location plan



House type 1 (plots 1-3 fronting Kingsway) floor plans and elevations



House type 2 (plots 4-6 within the site) floor plans and elevations



Ground floor plan of apartment building



Front, south elevation of apartment building



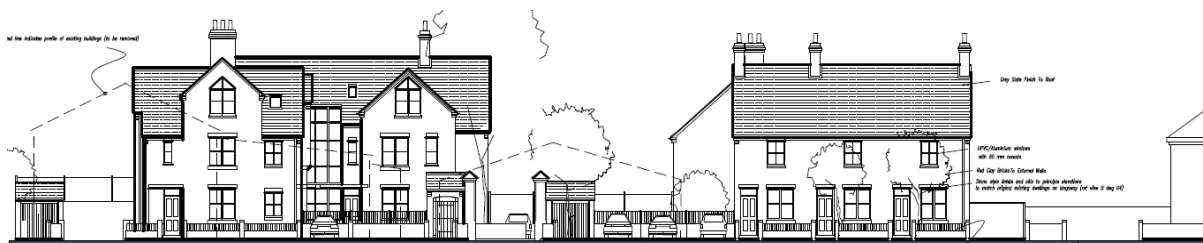
Side, east elevation of apartment building



Side, west elevation of apartment building



Rear, north elevation of apartment building



Proposed site frontage from Kingsway



Proposed rear elevations from St. Andrews Close and Hope Street



Site from Kingsway looking west



Site from Kingsway looking east across allotment gardens



Existing warehouse



Existing Cathedral Self Storage business



Parcel of land adjacent to site (behind green palisade fence) and 12 Kingsway beyond



View of 15 St. Andrews Close and rear elevation of warehouse/site boundary

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18-20 Kingsway: consultation responses

Customer Details

Name: Mr Clive Crossman

Address: 35 Kingsway Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am concerned about this application on the following grounds;

1. Parking. Whilst there is a plan for parking for the potential residents, this is only one space per proposed dwelling. Many families have multiple vehicles, not to mention visitors etc.. Parking on Kingsway is currently tight as it is and on some occasions residents are having to park elsewhere right now. This application opens the possibility for current residents to not be able to park on their own street more often.

2. Congestion. With the need for construction vehicles during the development as well as the parking being mainly 'on street' there is the high potential for congestion or even outright blocking of the street. This is an addition to the fact that there is a primary school at the end of the street with families of pupils using the street to drop off/collect their children as required in the mornings/afternoons.

3. Noise. Potentially the noise from construction potentially disturbs current residents including people sleeping off night shifts, babies, pets etc..

4. Pollution. The application is requesting a development next to a residential allotment. Errant construction materials and detritus could permeate the local air and soil.

Customer Details

Name: Mr Adam Titley

Address: 9 kingsway Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly believe there is no more room down this street for new houses to be built. 18 car parking spaces will not cover everyone and their guests for the new build and there are no car parking spaces here for the current residents let alone new comers. When the football is on cars can't even get down the street so it will be chaos adding that many more properties here. If there are no spaces down kings way to park then there is no where else for us to leave our cars. Many people who live down this street are elderly or have children so it would be completely unfair to add more stress for parking down this street.

Customer Details

Name: Miss Louise Hughes

Address: 4 Kingsway Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having a school at the end of the road the amount of traffic not only during but after the properties are built will be increased at already times when it is considered bad enough.

Parking is already bad enough for the residence with most families having 2 cars per dwelling these days and the school also using the spaces available building more houses/flats with not enough spaces will force the street to be jammed packed with cars this making the street a danger for dropping and collecting children from school and the children who live in the street to play.

Customer Details

Name: Mr Garry Trown

Address: 194 Hykeham Road, Lincoln, Lincolnshire LN6 8AR

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: UTILITYLINC fully supports this application and on inspection of the submitted plans can deliver all utility requisites to this site

Customer Details

Name: Mrs Maxine Grant

Address: 5 Kingsway Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Highway Safety and Congestion

The street already has a high volume of traffic along it as well as a school at the bottom of the street. The proposal would only increase the amount of traffic and lead to blockages but also the increased no. of cars may lead to accidents. With a school so close this is even more of a concern.

While each of the properties has a car parking space assigned many home owners have multiple cars which would have difficulty parking in an already congested street.

When building the properties the construction vehicles would also need to have space to park which would take parking away from residents.

Football matches also increase traffic within the street and residents have difficulty parking their cars without being dangerous obstructions.

2. Noise and Disturbance

In such a residential area the noise caused from construction and demolition has a high likelihood of disturbing residents.

3. Air Pollution

Construction and increased amounts of traffic will lead to a large increase in the amount of air pollution within the street which will have detrimental effects on health of residents and a lower quality of life.

4. Effects on Trees

The site of the proposal has multiple trees in front of it and surrounding it which may have to be

removed for construction to go ahead. This will also have increase the air pollution and negatively affect the atmosphere of the street.



LINCOLNSHIRE POLICE

POLICE HEADQUARTERS
PO Box 999
LINCOLN LN5 7PH
Fax: (01522) 558128
DDI: (01522) 558292
email
john.manuel@lincs.pnn.police.uk

Your Ref: App. 2019/0007/FUL

13th February 2019

Our Ref: PG//

Development & Environmental Services
City Hall, Beaumont Fee
Lincoln, LN1 1DF

FULL: 18-20 Kingsway, Lincoln, Lincolnshire, LN2 5JT, (14 Units)

Thank you for your correspondence and opportunity to comment on the proposed development. I would request that you consider the following points that if adhered to would help reduce the opportunity for crime and increase the safety and sustainability of the development.

Lincolnshire Police has no formal objections to the planning application in principle but would recommend that the initial advisory recommendations are implemented.

External doors and windows

Building Regulations (October 1st 2015) provides that for the first time all new homes will be included within Approved Document Q: Security – Dwellings (ADQ).

Approved document Q applies to all new dwellings including those resulting from **change of use**, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas.

This will include doors at the entrance to dwellings, including all doors to flats or apartments, communal doors to multi-occupancy developments and garage doors where there is a direct access to the premises. Where bespoke timber doors are proposed, there is a technical specification in Appendix B of the document that must be met.

Windows: in respect of ground floor, basement and other easily accessible locations.

The secured by design requirement for all dwelling external doors is PAS 24:2016 (doors of an enhanced Security) or WCL 1 (WCL 1 is the reference number for PAS 23/24 2016 and is published by Warrington Certification Laboratories).

All ground floor windows and doors and those that are easily accessible from the ground must conform to improved security standard PAS24:2016 or equivalent approved standard.

External doors and windows

The secured by design requirement for all dwelling external doors is PAS 24:2016 or Bespoke equivalent (doors of an enhanced Security) or WCL 1 (WCL 1 is the reference number for PAS 23/24 and is published by Warrington Certification Laboratories).

All ground floor windows and doors and those that are easily accessible from the ground must conform to improved security standard PAS24: 2016. **All ground floor windows should have window restrainers and effective locking systems.**

Individual Flat or Unit Doors.

Flat entrance door-sets should meet the same physical requirements as the 'main front door' i.e. PAS24:2016. The locking hardware should be operable from both sides of an unlocked door without the use of the key (utilising a roller latch or latch operable from both sides of the door-set by a handle). If the door-set is certified to either PAS24:2016 or STS 201 Issue 4:2012 then it must be classified as DKT.

Communal Areas & Mail Delivery

Where communal mail delivery facilities are proposed and are to be encouraged with other security and safety measures to reduce the need for access to the premises communal letter boxes should comply to the following criteria.

- Located at the main entrance within an internal area or lobby (vestibule) covered by CCTV or located within an 'airlock style' entrance hall.
- Be of a robust construction (Federation Technical Specification 009 (TS009)
- Have anti-fishing properties where advised and appropriate.
- Installed to the manufacturers specifications.
- Through wall mail delivery can be a suitable and secure method.

Under no circumstances would I recommend the use of a 'Trade-man's Button' or other form of security override.

Lighting

Lighting should be designed to cover the external doors and be controlled by *photoelectric cell* (dusk to dawn) with a manual override. The use of low consumption lamps with an efficacy of greater than 40 lumens per circuit watt is required; it is recommended that they be positioned to prevent possible attack.

Cycle Storage Structure (if to be included)

Generally pedestrian access doors-sets to commercial units should be certified to LPS 1175 security rating 2. The access controlled door should be designed in such a way that the hinges and door-sets are of a non-lift nature and non-tamper proof. The door locks must be operable by way of a thumb screw turn to avoid any person being accidentally locked in the cycle storage area.

Lighting within cycle storage area; automatically activated passive infra-red lighting should be considered rather than permanent lighting to which other users become accustomed and therefore activation would not draw any attention. Lighting units should be vandal resistant energy efficient light fittings.

Bin Storage

External bins stores and home composting containers (supplied to meet 'Code for Sustainable Homes' 'Was 3') should be sited and secured in such a way that they cannot be used as a climbing aid to commit crime.

Door Chains and viewers

A door chain must be installed on the door set that the occupier would expect to be the main entry (front) door. A door viewer must also be fitted between 1200 mm and 1500 mm from the bottom of the door (not required if the door set is installed with clear glazing or adjacent windows provide a clear view of the front door entrance).

Landscaping

Any landscaping should be kept to a maximum growth height of 1 metre. Whilst any trees should be pruned up to a minimum height of 2 metres, thereby maintaining a clear field of vision around the development. Trees when fully grown should not mask any lighting columns or become climbing aids.

Inclusive to the application should be strict management conditions that ensure the maintenance of and general good management of the estate additional to established security of the properties.

Boundaries between public and what is private space should be clearly defined and open accessible spaces should not allow for any unintended purpose which may cause any form of anti-social behaviour or nuisance. I would recommend that these spaces are defined clearly by low level (carefully considered) planting of limited growth height and maintenance shrubbery (maximum growth height of 1m).

Utility Meters

Utility meters should be located outside the dwelling at the front or as close to the front of the building line as possible (to ensure they are visible. If they are located at the side of the building they must be as near to the front of the building line as possible and to the front of any fences or gates.

I would direct and recommend that the current *NPCC CPI New Homes 2016* is referred to as a source document in the planning and design process

Please do not hesitate to contact me should you need further information or clarification.

Please refer to *Commercial Guide 2015 & New Homes 2016* which can be located on www.securedbydesign.com

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

Yours sincerely,

John Manuel MA BA (Hons) PGCE PGCPD Dip Bus.
Force Designing Out Crime Officer (DOCO)

FAO: Paul Thompson
City of Lincoln Council
Development Control
City Hall Beaumont Fee
Lincoln
Lincolnshire
LN1 1DF

Our ref: AN/2019/128690/01-L01
Your ref: 2019/0007/FUL
Date: 27 February 2019

Dear Paul

Erection of 6no. two bedroom dwellinghouses and a 3-storey building to provide 8no. two bedroom apartments and 4no. one bedroom apartments. Associated external works including provision of 18no. car parking spaces. 18-20 Kingsway Lincoln Lincolnshire LN5 8EU

Thank you for referring the above application on 12 February 2019.

We have **no objections** to the proposed development, as submitted, subject to the imposition of the following condition on any subsequent planning permission granted:

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref: RLC/0345/FRA01) dated February 2019 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 6 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

As you are aware the discharge and enforcement of planning conditions rests with your authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of paragraph 4 of the National Planning Practice

Environment Agency
Nene House (Pytchley Lodge Industrial Estate),
Pytchley Lodge Road, Kettering, Northants, NN15 6JQ
Email: LNplanning@environment-agency.gov.uk
www.gov.uk/environment-agency

Customer services line: 03708 506 506
Calls to 03 numbers cost the same as calls to standard
geographic numbers (i.e. numbers beginning with 01 or 02).

Guidance (NPPG) (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

In accordance with the NPPG (Determining a planning application, paragraph 019), please notify us by email within 2 weeks of a decision being made or an application being withdrawn. Please provide us with either a link to, or, a copy of the decision notice.

Please consult us on the details submitted to your authority to discharge this condition and on any subsequent amendments/alterations.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Keri Monger
Sustainable Places - Planning Adviser

Direct dial 020 847 48545

Direct e-mail keri.monger@environment-agency.gov.uk

FAO: Paul Thompson
City of Lincoln Council
Development Control
City Hall Beaumont Fee
Lincoln
Lincolnshire
LN1 1DF

Our ref: AN/2019/128690/02-L01
Your ref: 2019/0007/FUL
Date: 21 March 2019

Dear Paul

**Erection of 6no. two bedroom dwellinghouses and a 3-storey building to provide 8no. two bedroom apartments and 4no. one bedroom apartments. Associated external works including provision of 18no. car parking spaces.
18-20 Kingsway Lincoln Lincolnshire LN5 8EU**

Thank you for your email on 28 February 2019. We have the following additional comments to make further to our original response (ref: AN/2019/128690/01-L01) dated 27 February 2019.

It is our understanding that the previous use of the proposed development site presents a potential risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer.

We consider that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF).

Without these additional conditions we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of

Environment Agency
Nene House (Pyitchley Lodge Industrial Estate),
Pyitchley Lodge Road, Kettering, Northants, NN15 6JQ
Email: Lnplanning@environment-agency.gov.uk

Customer services line: 03708 506 506
Calls to 03 numbers cost the same as calls to standard
geographic numbers (i.e. numbers beginning with 01 or 02).

Condition 2

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).

Notes on condition 2 (above)

We consider that the first phase in assessing the potential risks to controlled waters from the site should be a preliminary risk assessment.

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the [contaminated land](#) pages on GOV.UK for more information.

Condition 3

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.

Condition 5

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

Notes on condition 5 (above)

Further detailed information should be provided on the potential for contamination to be present at the site to demonstrate whether the use of infiltration SuDS is appropriate in this location. Infiltration systems, such as soakaways, should not be installed in ground that is potentially contaminated as they may increase the potential for contaminant migration.

As you are aware the discharge and enforcement of planning conditions rests with your authority. It is, therefore, essential that you are satisfied that the proposed draft conditions meet the requirements of paragraph 4 of the National Planning Practice Guidance (NPPG) (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested conditions, as we may need to tailor our advice accordingly.

In accordance with the NPPG (Determining a planning application, paragraph 019), please notify us by email within 2 weeks of a decision being made or an application being withdrawn. Please provide us with either a link to, or, a copy of the decision notice.

Please consult us on the details submitted to your authority to discharge this condition and on any subsequent amendments/alterations.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Keri Monger
Sustainable Places - Planning Adviser

Good afternoon,

At this point in time NHS England will not be submitting a section 106 request for funding relating to the 18 dwellings at Lincoln. However NHS England will continue to monitor developments in the area and assess their effect on the provision of health care services. Should the cumulative effect of developments in this area put pressures on healthcare resources, NHS England will likely request funding from future developments.

Kind regards,

NHS England
NHS England – Midlands and East (Central Midlands)
Cross O'Cliff
Bracebridge Heath
Lincoln
LN4 2HN

Hi Paul

My apologies for the late hour - as discussed earlier, I can confirm that there is no education request from the below application as there is sufficient primary capacity in the locality for the 3 primary age children generated by the scheme

Kind regards

Simon

Simon Challis
Strategic Development Officer
Corporate Property

Lincolnshire County Council | County Offices | Newland | Lincoln | LN1 1YL

Dear Sir/Madam

REFERENCE: 2019/0007/FUL

DEVELOPMENT: ERECTION OF 6NO. TWO BEDROOM DWELLINGHOUSES AND A 3-STOREY BUILDING TO PROVIDE 8NO. TWO BEDROOM APARTMENTS AND 4NO. ONE BEDROOM APARTMENTS. ASSOCIATED EXTERNAL WORKS INCLUDING PROVISION OF 18NO. CAR PARKING SPACES

LOCATION: 18-20 KINGSWAY, LINCOLN, LINCOLNSHIRE, LN5 8EU

Thank you for the opportunity to comment on the above application. The site is within the Witham First District Internal Drainage Board area.

The site is in Zone 2 on the Environment Agency Flood Maps and potentially at flood risk. It is noted a Flood Risk Assessment is included in the Application that contains appropriate mitigation, including a proposed FFL of 6.0m.

Comment and information to Lincolnshire CC Highway SUDs Support

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The submitted Flood Risk Assessment does not identify the existing surface water drainage and discharge point.

- If soakaways are proposed the suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be reconsulted.
- Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept any additional Surface Water.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority. It is noted that the proposed FFLs are higher than the existing ground levels.

Regards

Guy Hird
Engineering Services Officer

Witham First District Internal Drainage Board
Witham Third District Internal Drainage Board
Upper Witham Internal Drainage Board
North East Lindsey Drainage Board
J1 The Point,
Weaver Road,
LINCOLN,



Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 03456 066087, Option 1 or email planningliaison@anglianwater.co.uk.

AW Site Reference: 144379/1/0052508

Local Planning Authority: Lincoln District (B)

Site: 18-20 Kingsway Lincoln Lincolnshire LN5 8EU

Proposal: Erection of 6no. two bedroom dwellinghouses and a 3-storey building to provide 8no. two bedroom apartments and 4no. one bedroom apartments. Associated external works including provision of 18no. car parking spaces. | 18-20 Kingsway Lincoln Lincolnshi

Planning application: 2019/0007/FUL

Prepared by: Pre-Development Team

Date: 15 March 2019

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Canwick Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

4.2 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal (Section 4)

CONDITION No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:
 - Development size
 - Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
 - Connecting manhole discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)
- Feasible mitigation strategy in agreement with Anglian Water (if required)

Surface water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
 - Development hectare size
 - Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -<http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
 - Connecting manhole discharge location
- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

Place Directorate
Lancaster House
36 Orchard Street
Lincoln LN1 1XX
Tel: (01522) 782070
E-Mail: highwayssudsupport@lincolnshire.gov.uk



To: Lincoln City Council

Application Ref: 2019/0007/FUL

With reference to this application dated 6 February 2019 relating to the following proposed development:

Address or location

18-20 Kingsway, Lincoln, Lincolnshire, LN5 8EU

Date application referred by the LPA
12 February 2019

Type of application: Outline/Full/RM/
FUL

Description of development

Erection of 6no. two bedroom dwellinghouses and a 3-storey building to provide 8no. two bedroom apartments and 4no. one bedroom apartments. Associated external works including provision of 18no. car parking spaces

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Requests that any permission given by the Local Planning Authority shall include the conditions below.

CONDITIONS (INCLUDING REASONS)

HI04

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

HI08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

HP00

Within seven days of first occupation, the existing sections of dropped kerb onto Kingsway that are no longer required for vehicular access (between parking space '18' and each respective access point) shall be returned to footway construction with full height kerbs in

accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To remove vehicle access points in the public highway that are not required and no longer serve their intended use.

HP01

No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

The Construction Management Plan and Method Statement shall include;

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities and;
- strategy stating how surface water run off on and from the development will be managed during construction, including drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

HP33

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 5 litres per second, including discharge agreement/s with the accepting body;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

Case Officer:

Becky Melhuish
for Warren Peppard
Flood Risk & Development Manager

Date: 17 April 2019

Application Number:	2019/0608/FUL
Site Address:	NCP Car Park, Motherby Lane, Lincoln
Target Date:	27th September 2019
Agent Name:	Stripe Consulting
Applicant Name:	Mr Tom Collins
Proposal:	Installation of 2no. pole-mounted ANPR cameras (Retrospective)

Background - Site Location and Description

The application seeks approval retrospectively for two pole mounted ANPR cameras sited within a car park operated by NCP located on the south side of Motherby Lane.

An accompanying application has been received for advertisements at the site and is being considered under application 2019/0609/ADV.

The site is located within the Cathedral and City Centre Conservation Area No. 1.

The application is brought before Planning Committee, as the application has received 5 objections and a petition.

Site History

Reference:	Description	Status	Decision Date:
2019/0609/ADV	Display of 7no. wall mounted signs and 8no. pole mounted signs (Part-retrospective).	Pending Decision	

Case Officer Site Visit

Undertaken on 26th September 2019.

Policies Referred to

- Policy LP25: The Historic Environment
- Policy LP26: Design and Amenity

Issues

Impact on visual amenity and the character and appearance of the conservation area.

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
Councillor Lucinda Preston	
Jason Lord-Castle	6 West Parade Lincoln Lincolnshire LN1 1JT
Jacqui Richardson	12 Motherby Lane Lincoln Lincolnshire LN1 1EX
Miss Susan Taylor	14 Hungate Lincoln Lincolnshire LN1 1ES
Mrs J.L Tonner	41 And A Half Hungate Lincoln Lincolnshire LN1 1ES

Consideration

National and Local Planning Policy

Policy LP26 of the Central Lincolnshire Local Plan 'Design and Amenity' is permissive of alterations to existing buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. In relation to both construction and life of the development, 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.

Impact on Visual Amenity

The ANPR cameras are positioned within the site to monitor vehicles entering and leaving via the West Parade and Motherby Lane accesses. There have been 5 objections received to the application which raise issues of loss of privacy from the cameras but mainly related to the amount of adverts on the site and other issues such lighting which do not form part of this application. There are concerns from the objectors about the quantity and size of the signage. The adverts are being considered separately and have been reduced through

officer negotiation.

A petition has been submitted against the proposal requesting delay in determination of this application until lighting has been considered on the site. There are wall mounted lights within the car park which have been assessed and do not require planning permission as they are not development. These matters cannot therefore be considered as part of this application. In any case, Environmental Health Officers are pursuing the matter through their regulations and alterations to the lights to reduce their glare into neighbouring gardens are ongoing.

It is considered that the two cameras which are directed down to capture vehicle activity, are not unreasonable within the car park. They are considered to be minor additions, positioned within the site which do not detract from or harm to character and appearance of the Conservation Area and are therefore in accordance with Policy LP 25 and 26 of the Central Lincolnshire Local Plan. Equally the cameras do not have any effect on the privacy of adjacent residents.

Impact on Highway Safety

The proposed signs would not be hazardous to pedestrians or road users. Lincolnshire County Council (as Highway Authority) has concluded that the proposed development is acceptable and, accordingly, does not wish to object to this planning application.

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

Yes - officer advice given at pre application stage.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The pole mounted ANPR cameras are minor additions within the car park and do not unduly impact on the overall character and appearance of the Conservation Area in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

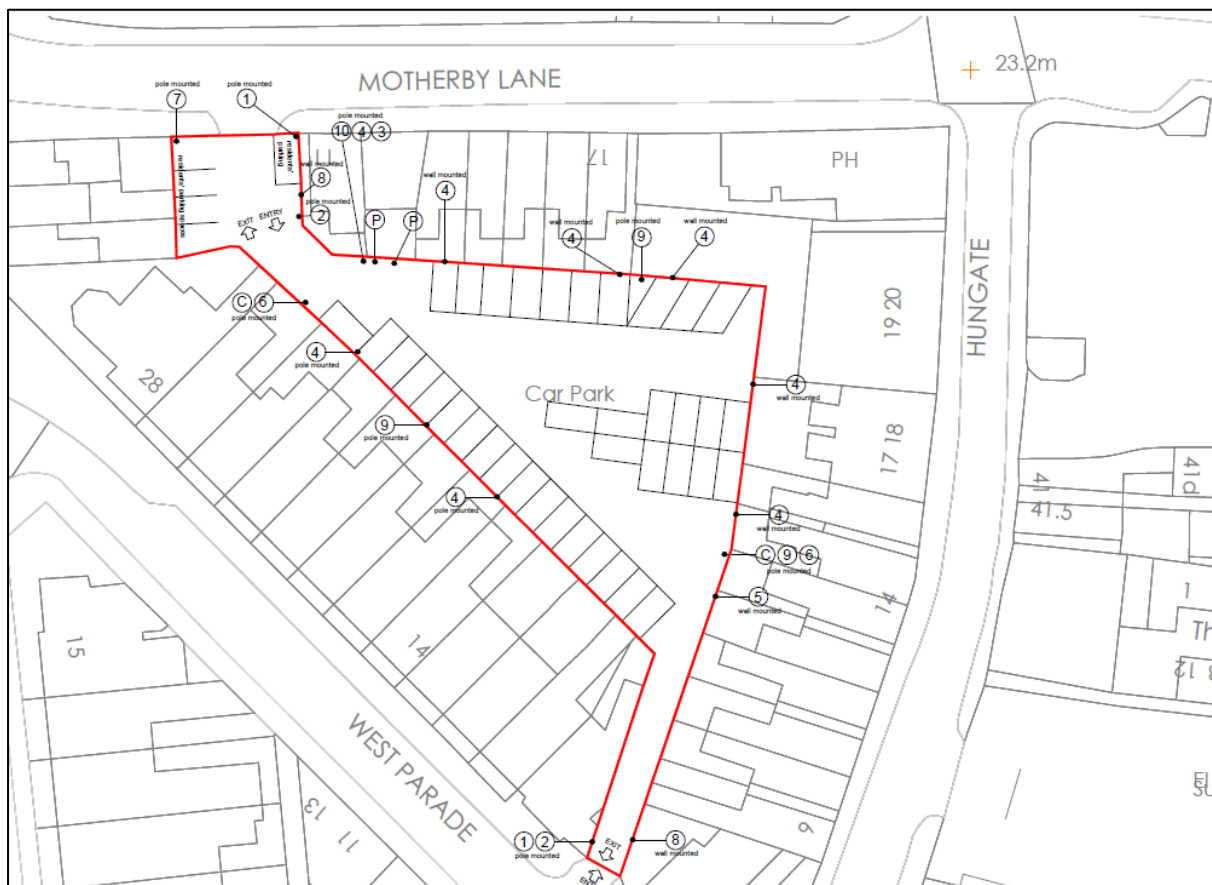
Application Determined within Target Date

Yes.

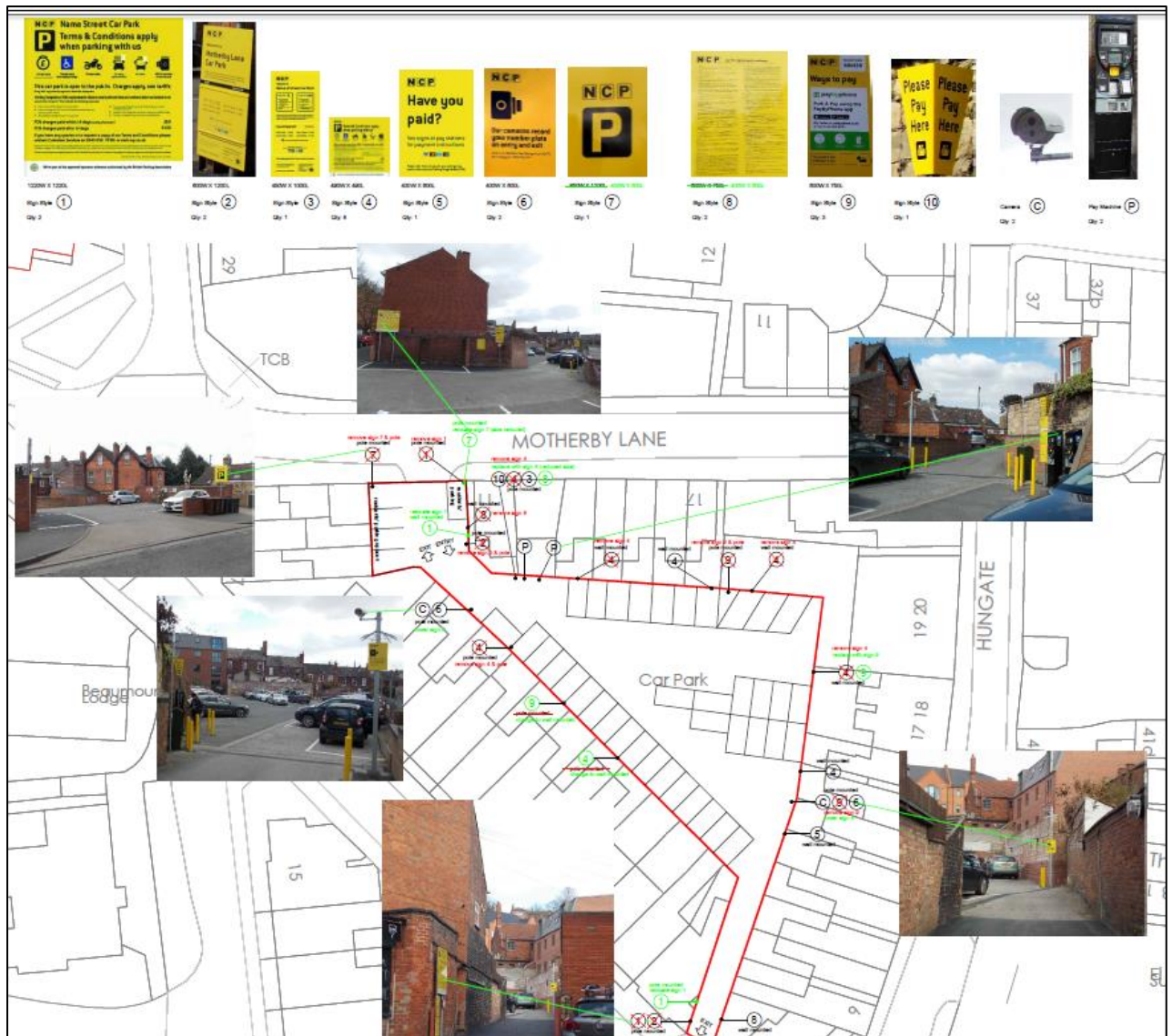
Recommendation

1. That the petition be received.

2. That the application is granted.



Site Plan



Revised signage scheme



The CCTV Camera on Motherby Lane



Camera Positions



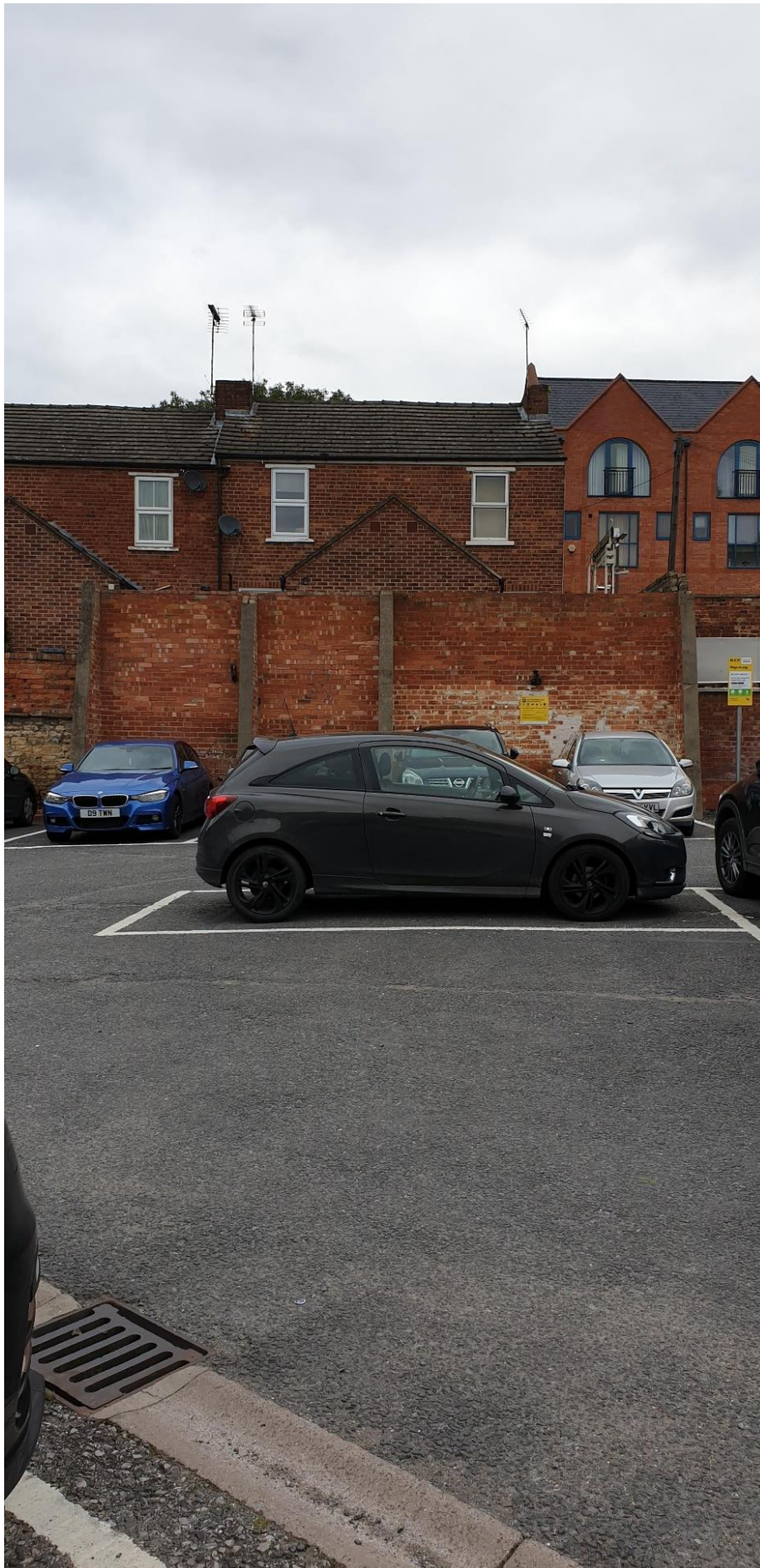
Existing signage (sign on the right to be removed)



West parade entrance signs (welcome sign to be removed and other sign to be positioned further into the site)



Pole mounted signs which would be altered to wall mounted







Entry sign at Motherby Lane entrance to be relocated further into the site

Councillor Lucinda Preston Not Available (Objects)

Comment submitted date: Thu 29 Aug 2019

There are a number of issues with the above retrospective planning applications with regard to the unnecessary number of signs and obtrusive nature of both the signage and the cameras. However, at this stage I specifically draw your attention to the problems with the lighting erected in the car park.

Firstly, there are too many lights for what is a small car park. Whilst safety is important, given the size of the space, it is unnecessary to have so many lights. Secondly, the lights are far too bright and are incredibly obtrusive, thus having a detrimental impact on the quality of life of residents living on Motherby Lane. Many residents now find that back bedrooms are not suitable for sleep and that ground level rooms at the back of the properties are constantly flooded with light pollution, causing them to be less relaxing spaces and creating issues regarding privacy. A council officer has himself observed that the level of light emitted is above the level that would be expected for a residential property. The use of masking tape over lights by the operating company has done little to lessen the harsh glare.

As a result of these issues, I am supporting the residents of Motherby Lane in asking that the above applications are delayed until the lighting issues are addressed. Like the residents, I am surprised that lighting is not part of these planning applications. This is a residential area and also part of a conservation area and therefore lighting should surely be part of any planning application.

Mrs J.L Tonner 41 And A Half Hungate Lincoln Lincolnshire LN1 1ES (Objects)

Comment submitted date: Tue 27 Aug 2019

To whom it may concern,

Firstly I am unhappy and concerned that Planning permission is being applied for retrospectively for something that is a fete accompli as clearly they must have been aware they needed to seek planning permission and once again it shows a complete disregard and lack of respect for the planning process.

The planning permission makes no mention of the excessive lighting, and I am not sure if the owner or the council are aware of the depth of bad feeling and distress to the residents caused by it. Having spoken to the owner of the properties situated between the Tap and Spile and the Samaritans building, they have had to install black out blinds to 2 of their properties due to glare coming into their tenants bedrooms. In most of the houses down Hungate the bedrooms are situated at rear of property adjacent to the car park. You can clearly see several of the properties on West Parade have had to do the same. When I first walked round in the middle of the night the light intensity was akin to a football stadium. Do not forget the houses on Motherby Lane whose back rooms overlook the car park. Looking at the photos you see just how large these lights are and how many. There is one light for every alternate space on the south wall. The lights were never suitable to be fitted to a car park with residential properties on all sides. They have now dampened some of the lights on the south wall. Less lights and much smaller should have been used in the first place.

I would also like to point out that the lights are set to turn on during daylight and are still on at 6.20 am when I leave for work, at both times it is just as bright as mid day and a complete waste of energy.

Signage - The Large NCP sign situated at the Motherby lane exit but clearly visible from the Hungate end of Motherby Lane is enticing motorists to disregard the No entry signs and drive the wrong way down Motherby lane to access what they believe to be the car park entrance. I have spoken to four drivers within the last week.

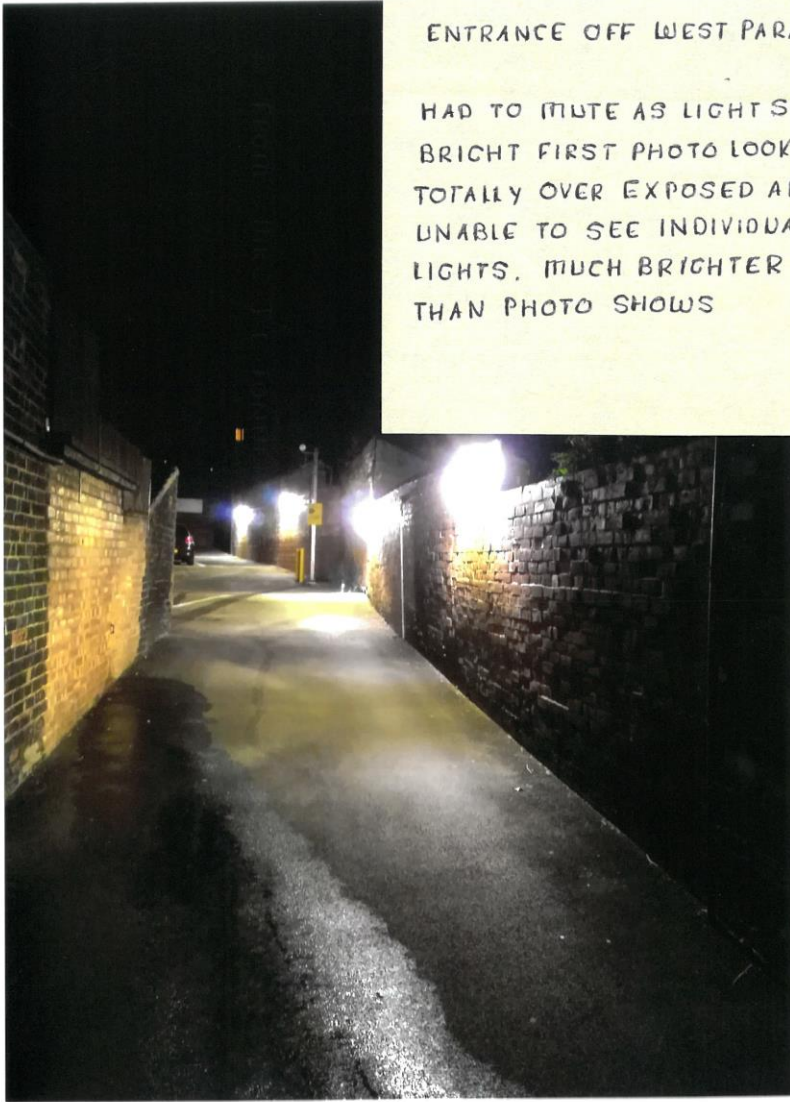
Two blatantly didn't care and were intent to take the shortest route regardless of breaking the law. The car park entrance is also a hazard to pedestrians it seems to draw the attention of the drivers to the left, watching for oncoming traffic. They then pull out straight onto the pavement with disregard for pedestrians. The exit is dangerous.

Once again the use of 15 wall and pole mounted signs is excessive and disproportionate to what is required. This is still a conservation area.

I am not directly affected by some of the issues in this Car Park ie lighting but please note we are a Community in this area and I have witnessed the distress and potential dangers changes to this car park have caused.

ENTRANCE OFF WEST PARADE

HAD TO MUTE AS LIGHT SO
BRIGHT FIRST PHOTO LOOKED
TOTALLY OVER EXPOSED AND
UNABLE TO SEE INDIVIDUAL
LIGHTS. MUCH BRIGHTER
THAN PHOTO SHOWS





SIZE OF LIGHTS



HOUSES ON WEST PARADE





Miss Susan Taylor 14 Hungate Lincoln Lincolnshire LN1 1ES (Objects)

Comment submitted date: Tue 20 Aug 2019

I am objecting to the erection of the camera at position 6c.
which is positioned very close to the back wall of my property and is highly visible.
It is very unsightly and, although the actual camera is at present facing towards the car park, it does give an uneasy feeling of being constantly watched and is spoiling the enjoyment of sitting out in the garden.
While I realise there is a need for these cameras, surely the camera could be better positioned perhaps next to a high wall so it is not so obtrusive in a residents garden?

Jason Lord-Castle 6 West Parade Lincoln Lincolnshire LN1 1JT (Objects)

Comment submitted date: Fri 09 Aug 2019

Dear Sir/Madame,

With regards to my previous email I should have said signage rather than camera placement.

Many thanks,

Jason

Comment submitted date: Fri 09 Aug 2019

Dear Sir/Madame,

I received the above application notice this morning.

Whereas I have no objection to the installation of said camera (1&8) at the entrance next to my restaurant I do object to its positioning for the reasons stated below.

- 1.it would be directly in front of or in view from my side window which is extremely unsightly.
2. It would block any maintenance work I would need to carry out on my gas line and gas meter.
3. It would block any maintenance work on my waste pipe.

I would suggest the positioning be further down at the far rear of the property so not to be near any window or much needed access to facilities.

I look forward to hearing from you,

Jason Lord-Castle

Kine
6 West Parade

26. 8. 19.

These are my objections to the planning application for NCP Car Park, Motherby Lane / a retrospective application for which I received papers on 9/8/19. Your ref. 2019/0608/FUL

1. The Cameras.

This site is totally surrounded by private gardens and cameras are not suitable for such a site. They overlook gardens in a sinister fashion removing the restful nature of those gardens.

When a car enters the site it cannot see whether a space is available and therefore will drive straight through and should not be on camera.

The Motherby Lane entrance is inaccurate on the plan. There are no resident spaces at this entrance.

The one next to "Motherby Lane" has NCP tickets on it everyday.

There are 3 private spaces opposite owned by a landlord, currently used by a white van. NCP have no right to capture these on camera, as surely this would contravene the Data Protection Act?

There is no evidence of what is being recorded. If it is just a number plate why are the cameras so high? They are not needed as NCP employees come & go all the time. NCP have not recognised that this site is in a conservation

area which is in place to ensure thoughtless actions by the minority are curtailed. This has been a car park for 30 years without cameras.

2. The Signage.

The proposed changes show how thoughtless and unnecessary the signage was to start with. Bear in mind none of this existed five months ago.

The No. 7 sign at the entrance on Motherby Lane has caused cars to go the wrong way down this road because of its position. Although this is to be moved it should be wall mounted not on a pole.

3. Safety

A wall has been knocked down at the side of No. 11. Motherby Lane and planters dug up to make one extra space. I have consulted the police as this impacts on pedestrian safety.

As there is no drop kerb a bollard is required (see attached) without this the landowner would be liable as cars came out directly onto the pavement and do. There were no accidents with the wall there but an NCP van hit a police officer within weeks of the wall being removed. Another example of thoughtless behaviour.



Removal of wall to make extra parking space.
 Drop kerb now in wrong place ∴ no warning
 for visually impaired pedestrians. Police
 say cheapest option is to put bollard where wall
 was. Owner of land would be liable if accident occurred.

4. Lighting

It beggars belief that lighting is not considered, for planning purposes, for a car park.

I have never seen such lights in any car park before. There are 13 lights, one for every 3 cars. They are far too bright and in the wrong place. Only the four on the Hingham side are needed and would not interfere with the residents if they were not so bright. At present those on the west Parade side look straight into our bedroom windows and we have had to buy blackout curtains. Not once have we turned off any lights to test the effect. The lights come on in broad daylight. They stay on all night and currently go off at 6.30. Usually there are no cars in the car park at night.

For 30 years we had 1 light on the Hingham wall.

There was no anti-social behaviour barring the dumping of some rubbish which could well have been by the users of the car park. So how do we justify even thinking of putting in these lights? It feels like we are being targeted in a threatening way by this firm.

These lights are wasting energy at a time of climate emergency. This firm is anti-social on so many fronts. It is a dinosaur. These lights are not suitable for a conservation area. They make it feel like Alcatraz!

5. Air Pollution

Once again how can this not be included for planning for a car park?

There are 2 additional spaces in this application. The continued movement of cars in such a confined space, the idling of the engines while drivers eat their lunch, make phone calls, etc adds up to more air pollution for residents.

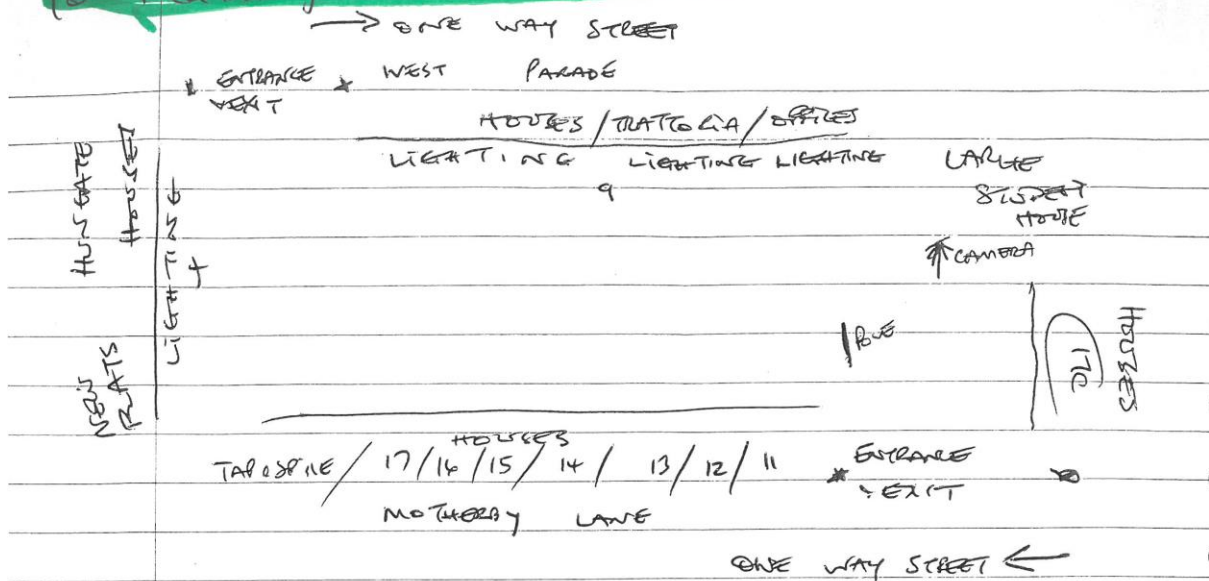
I live in a small row of cottages surrounded by roughly 200 cars. Only the trees improve the situation but this NCP car park is a green free zone.

To conclude, as this firm & owner have shown a remarkable arrogance towards the residents thus far, I am requesting that this planning application be deferred until the lighting has been resolved to residents satisfaction.

Jacqui Richardson

12 Motherby Lane W1 1ET

To Planning in March 2019



Notes.

1. All houses & commercial premises have gardens facing the car park.
2. This has been a car park for about 30 years and we have not had any bother except with the rubbish people leave behind and the owner has never cleared up.
3. It is empty at night.
4. Previously only one light existed on the Hungate end and the owner allowed it to engulf it and it has not been seen for several years. But when it did work it was perfectly enough light to enable you to walk through the car park at night, because of its position.
5. There are now 4 lights on the Hungate wall and 9 on the West Parade side.
6. There are now 12 signs all around the car park. Some on walls, some on 8' high poles. In addition there are 4 at the entrance.
7. There is a camera that looks into 2 gardens.
8. There is a pole that appears to do nothing.
9. There is a huge sign at the Motorway Lane entrance.

Complaints & possible solutions

1. The lighting

The nine lights on the West Parade wall are beyond belief in their brightness. A stakag comes to mind at night as they are on for approx. 12 hours. They shine directly into the bedroom windows of Motherby Lane houses.

These are not acceptable to residents. These should be removed immediately as they are unnecessary.

The lights on the Hingate garden walls are enough to flood the car park and do night shine into residents windows. The car park is not used at night anyway.

2. The signs

There are far too many. The ones on poles are so high, they cannot be read by drivers even in daylight. I have not found a single driver that said they could read these. They have suggested they should be on the wall & their headlights would light them at night / winter / fog.

The lights on that wall do not light the signs anyway. So why should residents have a pole and a sign at the end of their garden?

The large signs at the entrance are garish and not appropriate in size for a conservation area. The enormous P at the Motherby Lane entrance encourages drivers to go the wrong way down the lane because it is so visible from St. Martins Square.

It should be at the entrance to West Parade.

One very large sign on a pole overlooks the garden of No. 11. It should be moved so that it has a wall behind it. (about 2')

The Camera

The camera overlooks two gardens 11 & 12 Motherby Lane. This is not acceptable. Why does it have to be so high if it is just reading numberplates? Surely there is a technical solution that doesn't involve a pole? Or is it just reading numberplates?

NCP The Company's & the Owners attitude.

Weeks before this work began someone knocked on the door of No. 11 and asked if he could put a sign on her wall for money. She refused. He said he owned the car park. The resident is 80 and a former mayor. This is cold calling of a vulnerable person or so he hoped.

At no point in this whole sorry business did the owner of NCP alert residents to their intentions thus ignoring the impact to our lives.

This is a car park in a conservation area surrounded by residential houses. Not I suggest a worst scenario for NCP but no heed was taken of this.

When work started it was so noisy & close to our houses that my neighbour at No. 11 had to move out for the day. Our house vibrated. Contractors vehicles were parked on the pavement blocking our front doors.

Our complaints to NCP were ignored. Calls not returned.

We do not know who the owner is but hold him equally culpable for our suffering if not more so. The work went on for days.

A wall was knocked down a new car go out of the Motherby Lane entrance/exit over pavement as the drop kerb is too narrow.

The attitude and actions of both NEP & the owner are not those of considerate contractors or responsible business people. NEP has shown a considerable lack of common sense in their installations as some are a waste of money.

Jacqui Richardson

12 Motherby Lane, Lincoln.

A resident for over 30 years.

Something positive to finish.

At the moment it is a decent car park than it was before!

NCP's 'unfair' penalties get townsfolk all revved up

A local councillor is battling the parking firm that set up cameras and signs without permission, writes *Kate Palmer*

When Duncan Peck discovered that CCTV cameras and a crop of bright-yellow signs had suddenly appeared in busy car parks in his home town, he suspected something was up.

He heard that NCP, which operated the three car parks in Crawley, West

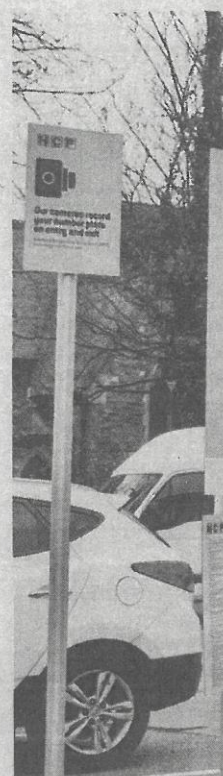
Sussex, was sending out penalty notices – sometimes even to motorists who had left without parking because there were no free spaces.

Duncan decided to check what was going on. He drove into one of the car parks – where large yellow signs alerted motorists about parking penalties and the cameras – waited 10 minutes, then left. Sure enough, a £100 fine from NCP arrived in the post.

Now Duncan, a Conservative councillor, is embroiled in a battle with NCP over claims that his and other fines were unlawful because the parking operator had not obtained permission to install the signs and cameras.

Duncan, 48, said: "It is wrong and dishonest to fine people using means for which they do not have permission."

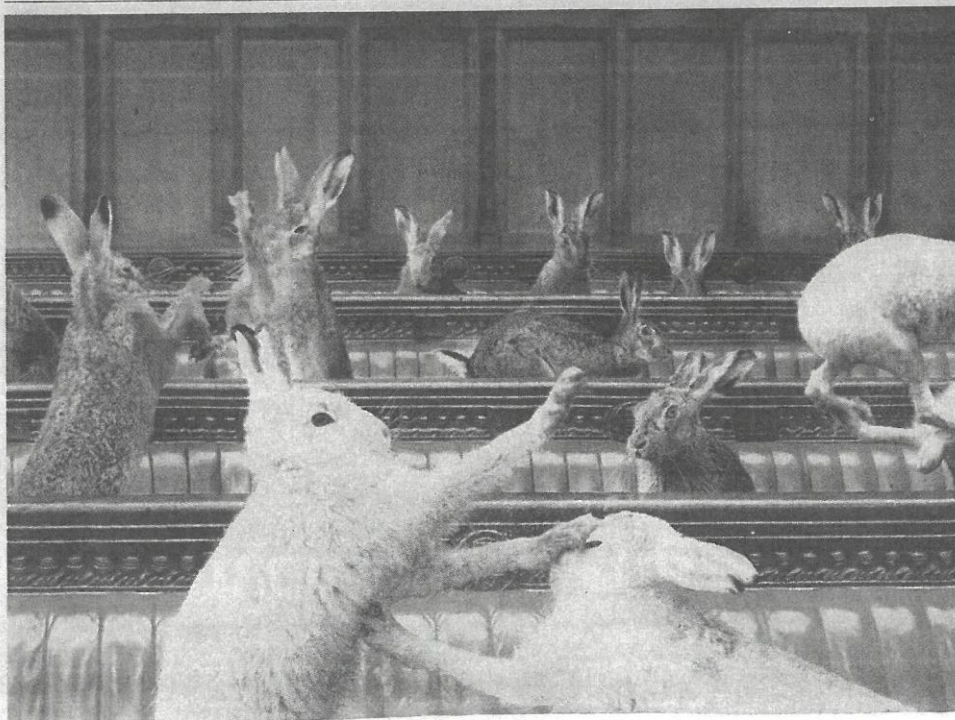
NCP has threatened him with court action over the unpaid fine, which has



Lurid signs and CCTV ca

grown to £243, including est, £50 legal costs, a £23 £60 in unspecified costs.

His crusade against NCP anger across the country: companies' use of CCTV to lists' names and addresses. Driver and Vehicle Lic (DVLA). The firms are request the details of a re lists this year in order to se



Dear Councillors - 2019/0608/FUL

NCP CAR PARK, MOTHERBY LANE, LINCOLN.

The residents around the above car park are astonished that lighting is not included in the current application for planning.

We are therefore requesting that the application be deferred until NCP recognise the impact this lighting has on residents and environment.

Given the Council has declared a climate emergency we hope you will understand the unnecessary nature of this lighting.

Jacqui Richardson 12 Motherby lane
Pat McGinlay 11, Motherby Lane.

Donald Pulford 17 Beaumont Fee

Rhea Nicolson 19E Hungate, Lincoln

Harry Blackadder 21 Hungate, Lincoln

John Hudson 19 hungate

Hannah Mottishaw 15 Motherby lane.

Alex Osmond 15 Motherby lane

JOHN CRICK. 10 HUNGATE LINES

Lois DeLong 12 Hungate LINES

Highways & Planning

Comment Date: Thu 15 Aug 2019

No Objections

Application Number:	2019/0609/ADV
Site Address:	Car Park, Motherby Lane, Lincoln
Target Date:	27th September 2019
Agent Name:	Stripe Consulting
Applicant Name:	Mr Tom Collins
Proposal:	Display of 7no. wall mounted signs and 8no. pole mounted signs (Part-retrospective).

Background - Site Location and Description

The application seeks approval for various signs within a car park operated by NCP located on the south side of Motherby Lane. An advertisement application was invited for advertisements within the car park following an enforcement investigation given their unauthorised nature. Advice was given by a Planning Officer to remove/amalgamate some of the signs before an application was made.

An accompanying application has been received for the ANPR cameras on the site and is being considered under application 2019/0608/FUL.

The site is located within the Cathedral and City Centre Conservation Area No. 1.

The application is brought before Planning Committee given the objections received to the proposal.

Site History

Reference:	Description	Status	Decision Date:
2019/0608/FUL	Installation of 2no. pole-mounted ANPR cameras (Retrospective)	Pending Decision	

Case Officer Site Visit

Undertaken on 9th September 2019.

Policies Referred to

- Policy LP27: Main Town Centre Uses - Frontages and Advertisements
- National Planning Policy Framework

Issues

- Impact on visual amenity and the character and appearance of the conservation area
- Impact on public safety

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
Lincoln Civic Trust	Comments Received

Public Consultation Responses

Name	Address
Councillor Lucinda Preston	
Mrs Lynne Corcoran	7 Rosebery Avenue Lincoln Lincolnshire LN1 1ND
Dr Donald Pulford	17 Beaumont Fee Lincoln Lincolnshire LN1 1EY

Consideration

National and Local Planning Policy

Policy LP27 'Main Town Centre Uses - Frontages and Advertisements' of the Central Lincolnshire Local Plan (2017) is permissive of advertisements provided the following criteria are met:

- h. The design (including any associated lighting and illumination), materials, size and location of the advertisement respects the scale and character of the building on which it is situated and the surrounding area, especially in the case of a listed building or within a conservation area; and
- l. The proposal would not result in a cluttered street scene, excessive signage, or a proliferation of signs advertising a single site or enterprise; and
- l. The proposal would not cause a hazard to pedestrians or road users; and
- k. The proposal would not impede on any surveillance equipment and would contribute positively to public perceptions of security

Paragraph 132 of the National Planning Policy Framework (NPPF) acknowledges poorly sited and designed advertisements can have a negative impact on the quality and character of places.

Impact on Visual Amenity

The proposed adverts would replace some of the existing unauthorised signage on the site. The advertisements subject to this application would include 7 wall mounted signs and 8 free standing signs all of which would be non-illuminated. Some of the proposed signs have been amalgamated, reduced in height, reduced in size or removed following officer advice. The reduction in total signs on the site would be 8.

Whilst a public consultation is not undertaken for advertisement applications, 2 comments from local residents have been received as well as an objection from Councillor Preston and a petition. The comments received raise concern with the number of signs and also comment on the lighting within the site. The lights within the site are wall mounted and do not constitute development. However, Environment Health Officers have been liaising with the car park operator to reduce glare from the lights into neighbouring gardens; this is ongoing.

The main bulk of the proposed signage is located within the site and therefore not visually prominent when viewed from West Parade or Motherby Lane. The existing pole mounted sign on the west side of the Motherby Lane entrance would be removed and the sign on the east side would be reduced in size. At the West Parade entry point a pole mounted sign would be removed and another sign would be repositioned approximately 2-3 metres into the site and away from the entrance. Furthermore, 7 terms and conditions signs within the car park would be reduced to 3.

Whilst the application site lies within a Conservation Area, the applicant has taken account of previous comments from officers and the total number of signs on the site has been reduced. The signs are non-illuminated and they have been reduced in size and number particularly at the entrances where they are most visible. It is considered the revised signage would not be visually intrusive, would not be excessive for the site nor would they be harmful to character and appearance of the Conservation Area and would therefore accord with Policy LP27 of the Central Lincolnshire Local Plan.

Impact on Highway Safety

The proposed signs would not be hazardous to pedestrians or road users. Lincolnshire County Council (as Highway Authority) has concluded that the proposed development is acceptable and, accordingly, does not wish to object to this planning application.

Impact on Surveillance and Security

The proposed signs would not impede on any surveillance equipment nor affect public perceptions of security.

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

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

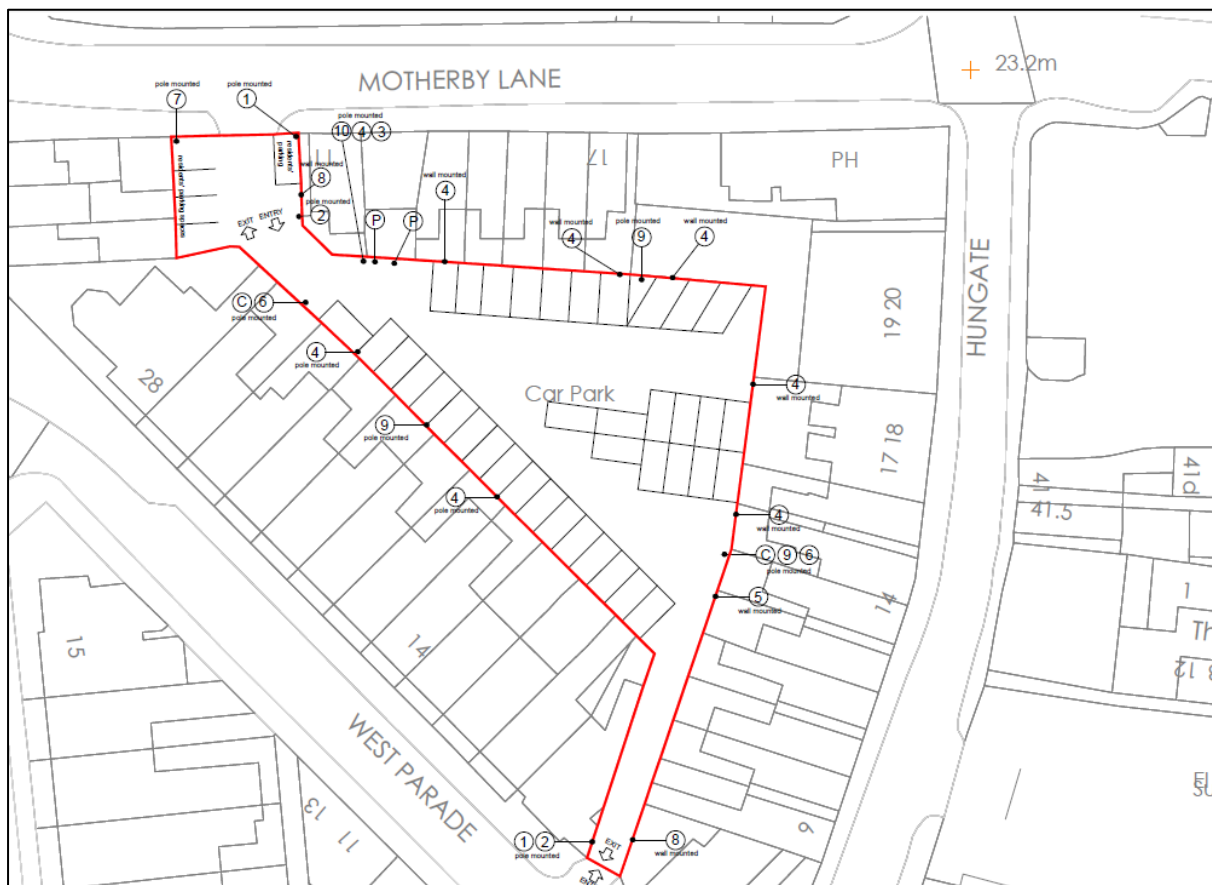
The proposed signage scheme would respect the character and appearance of the surrounding area, not cause a hazard to pedestrians or road users, nor impede any surveillance equipment or affect public perceptions of security, in accordance with Policy LP27 'Main Town Centre Uses - Frontages and Advertisements' of the Central Lincolnshire Local Plan (2017) and relevant guidance contained within the National Planning Policy Framework (2019).

Application Determined within Target Date

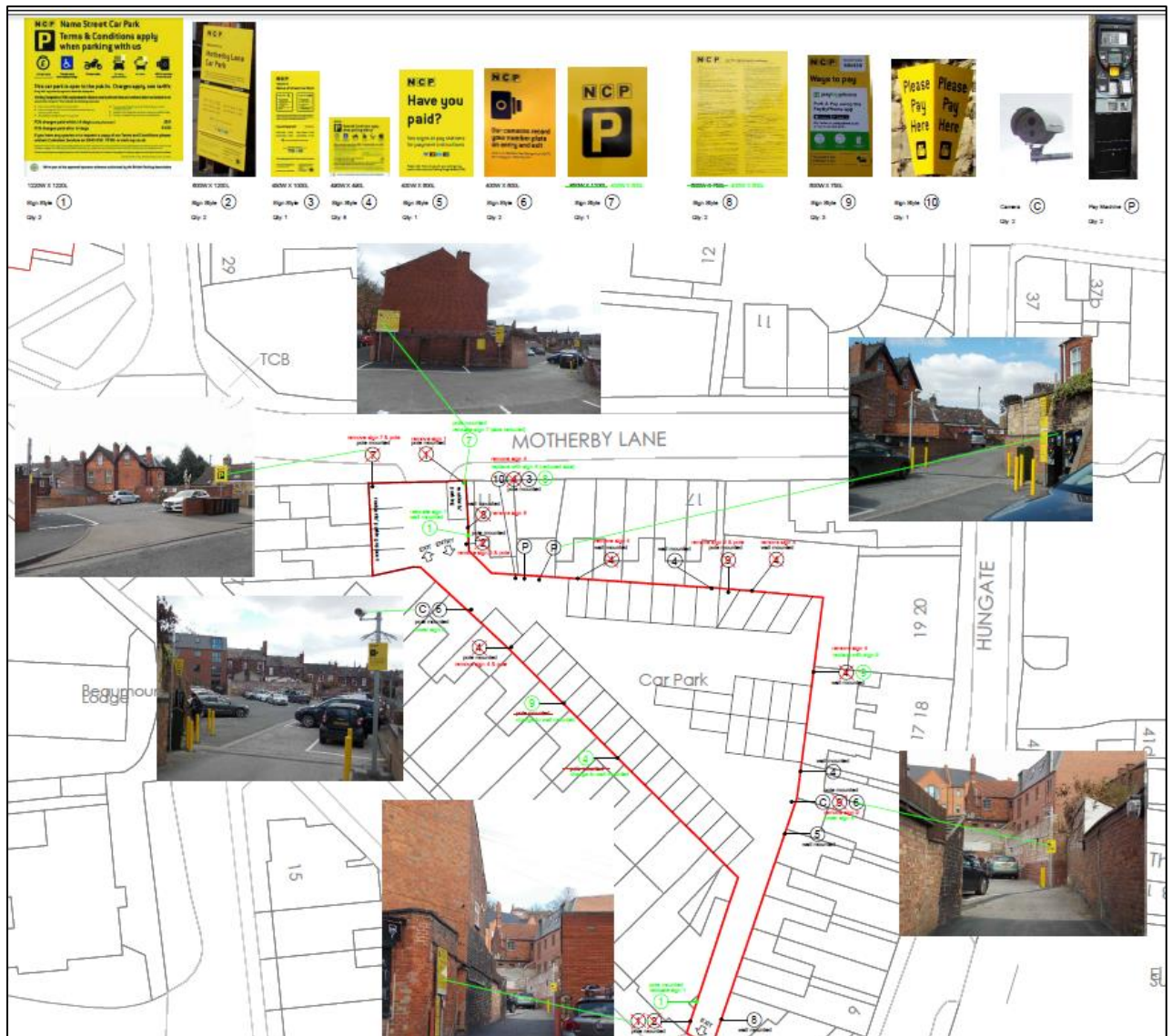
Yes.

Recommendation

That the application is Granted Conditionally (standard advertisement conditions)



Site Plan



Revised signage scheme



The CCTV Camera on Motherby Lane



Camera Positions



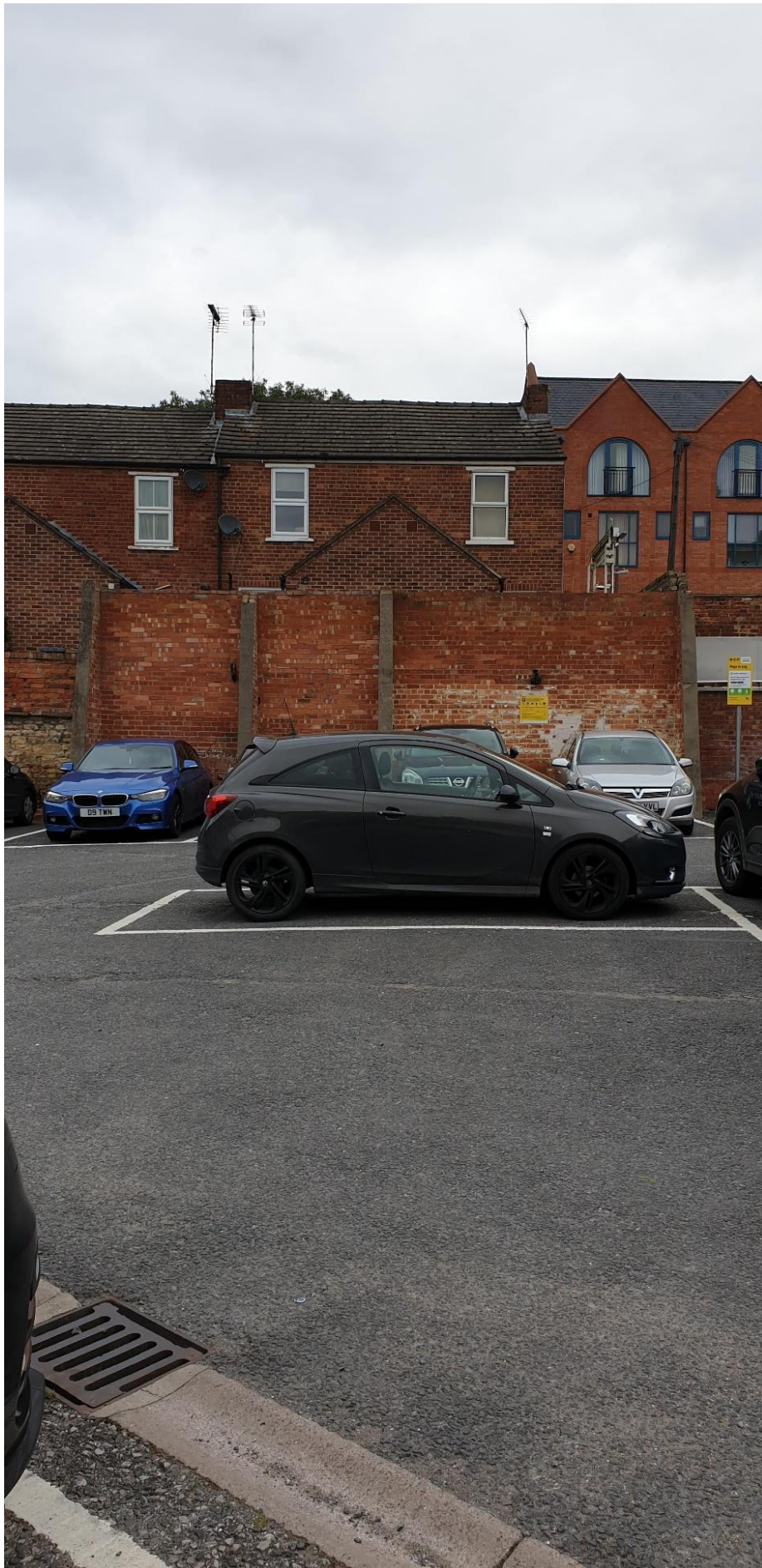
Existing signage (sign on the right to be removed)



West parade entrance signs (welcome sign to be removed and other sign to be positioned further into the site)



Pole mounted signs which would be altered to wall mounted







Entry sign at Motherby Lane entrance to be relocated further into the site

Councillor Lucinda Preston Not Available (Objects)

Comment submitted date: Thu 29 Aug 2019

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As a result of these issues, I am supporting the residents of Motherby Lane in asking that the above applications are delayed until the lighting issues are addressed. Like the residents, I am surprised that lighting is not part of these planning applications. This is a residential area and also part of a conservation area and therefore lighting should surely be part of any planning application.

Mrs Lynne Corcoran 7 Rosebery Avenue Lincoln Lincolnshire LN1 1ND (Objects)

Comment submitted date: Mon 26 Aug 2019

I welcome the fact that the signs at the entrance will be reduced under the proposed plan and in particular the proposed removal of signs that are in front of a resident's window. I think it should be ensured that the large sign at the left of the entrance, which is proposed to be sited on the wall, is re-sited far enough along the wall for it not to be visible to people walking down West Parade towards the car park. The sign at the right of the entrance could also be mounted on the wall, rather than on a pole, sited so that it could still be seen by approaching drivers.

I welcome the fact that the signs in the main body of the car park will be reduced under the proposals but would suggest this should be taken even further, as all of these signs are garish and there is no need to have so much repetition of information.

The element that I know from talking to residents is probably the most intrusive is the lighting. It is very bright and on for long stretches of time. I understand that this is not within your remit but I hope that there will be liaison on this issue with the appropriate department.

Dr Donald Pulford 17 Beaumont Fee Lincoln Lincolnshire LN1 1EY (Neutral)

Comment submitted date: Tue 20 Aug 2019

I have a couple of concerns:

1) The pole-mounted sign at the Motherby Lane entrance is ugly and visually polluting. It might be better against or on the wall of the near house. After all, traffic in Motherby Lane is one way and it would still make an impact without damaging the streetscape.

2) It is not clear how the car park is to be lit. I am keen that any glare not intrude into/on homes in the area.

Dear Councillors - 2019/0608/FUL

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Alex Osmond 15 Motherby lane

JOHN CRICK. 10 HUNGATE LINES

Lois DeLong 12 Hungate LINES

Lincoln Civic Trust

Comment Date: Tue 10 Sep 2019

No Objection
Comment: We appreciate that after consultation the number of signs has already been reduced, but we felt that NCP should be tasked with reviewing the necessity of so many bright yellow signs in a car park.

Highways & Planning

Comment Date: Tue 27 Aug 2019

Does not wish to restrict the grant of permission