

Application Number:	2018/0244/FUL
Site Address:	Land At Westbrooke Road, Lincoln
Target Date:	5th May 2018
Agent Name:	None
Applicant Name:	Mrs Rebecca Archer
Proposal:	Erection of 29 dwellings with vehicular access from Westbrooke Road.

Background - Site Location and Description

Application is for full planning permission for the erection of 29 dwellings for Phase 3 of the Westbrooke Road development known as 'LN6'.

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

The site lies at the rear of properties on St. Helen's Avenue, and between the former school site to the South and Phase 2 to the North which is presently under construction and nearing completion. The heavily trafficked Tritton Road is located directly beyond the western boundary.

- Phase 1 (2014/0510/F) approved December 2014 52 Dwellings.
- Phase 2 (2016/1105/FUL) approved January 2017 27 Dwellings
- Phase 3 (2018/0244/FUL) registered and under consideration. 29 dwellings proposed.
- Phase 4 (2018/0458/FUL) registered and under consideration. 23 dwellings proposed.

The site is currently owned by The City of Lincoln Council and certificate B has been served by the applicant.

Negotiations have been on-going throughout the course of the application and revisions submitted. A re-consultation of those neighbours immediately adjacent to layout revisions has been undertaken.

Site History

Reference:	Description	Status	Decision Date:
2016/1105/FUL	Erection of 27 dwellings with vehicular access from Westbrooke Road (Revised Description).	Granted Conditionally	23rd March 2017

Case Officer Site Visit

Undertaken on 17th April 2018.

Policies Referred to

- National Planning Policy Framework
- Policy LP1 A Presumption in Favour of Sustainable Development

- Policy LP9 Health and Wellbeing
- Policy LP11 Affordable Housing
- Policy LP12 Infrastructure to Support Growth
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP26 Design and Amenity

Issues

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

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	No Response Received
Lincolnshire Police	Comments Received
Anglian Water	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Lincolnshire Wildlife Trust	No Response Received
The Bat Conservation Trust	No Response Received
Natural England	Comments Received

Lincoln Civic Trust	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Environment Agency	Comments Received
Vicky Allen	Comments Received
Environment Agency	Comments Received
Lincolnshire County Council	No Response Received

Public Consultation Responses

Name	Address
Miss Nicola Mather	19 Camwood Crescent Lincoln Lincolnshire LN6 0PH
Mrs V.E. Rose	41 Westbrooke Road Lincoln Lincolnshire LN6 7TB
Mr AD O'Leary MBE	79 Western Avenue Lincoln Lincolnshire LN6 7SZ
Mike Hilton	68 Western Crescent Lincoln Lincolnshire LN6 7TD
Mr David R Hipworth	1 Westbrooke Close Lincoln Lincolnshire LN6 7TL
Mr Rodney Mountcastle	6 Westbrooke Road Lincoln Lincolnshire LN6 7TB

Mr And Mrs Edwards	10 Westbrooke Road Lincoln Lincolnshire LN6 7TB
(Mr + Mrs) D B Marshall, B.Sc.	14 Westbrooke Road Lincoln Lincolnshire LN6 7TB
Mr Rhys Keighron	11 Egret Grove Lincoln Lincolnshire LN6 0JL
Mrs Maureen Bailey	12 Westbrooke Road Lincoln LN6 7TB
Miss Adalma Martin	88 Nightingale Crescent Lincoln Lincolnshire LN6 0JZ
Mr David Marshall	14 Westbrooke Road Lincoln Lincolnshire LN6 7TB
Mr And Mrs Mather	51 St Helens Avenue Lincoln Lincolnshire LN6 7RA
Mr + Mrs A Fraser	47 St Helens Avenue Lincoln Lincolnshire LN6 7RA

Consideration

The development proposal is a continuation of Phases 1 and 2, located adjacent to phase 2 and utilising the existing access road through the site. The layout and housing types proposed are similar to those previously approved.

Construction of Phase 2 is due for completion June 2018. Chestnut Homes has identified that the development of Phase 3 will enable them to retain existing staff further to the completion of Phase 2 later this year.

The site is currently unkempt grassland and trees and has in the past been used as gardens and tennis courts.

Policy

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

In the submitted Design and Access Statement the applicant identifies that the site is in a sustainable location close to existing shops and services including schools and a doctor's surgery within walking distance and with good public transport connections. As with the 2 previous phases, the application proposes a footpath/ cycle link from the site direct onto Tritton Road to increase connectivity.

Effect on Residential Amenity

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

The site layout has been revised during the course of the application in response to concerns raised.

The number of dwellings proposed along the Northern boundary of the site has increased from 4 units to 5. The dwellings proposed at plots 49-53 are 2 storey dwellings. The dwellings are angled away from the northern boundary and at the closest point are 24.5m from the dwelling at 120 Western Avenue and 5.7m from the boundary.

Due to the requirement for a gravity fed foul water system, land levels on the site are to be raised.

The ridge height of the proposed dwellings at these plots are therefore 2.2m higher than the ridge height of adjacent 120 Western Avenue. There is an existing large conifer hedge along the Northern boundary. The applicant has identified that the hedge is in the ownership of no 120 Western Avenue. The hedge will therefore be pruned by the applicants but will remain under the control of the neighbour with a new boundary fence erected on the south side of the coniferous boundary. Given that the hedge will remain, any concerns regarding overlooking from a slightly elevated position to the rear garden of the existing dwelling at 120 Western Avenue are resolved.

Plots 49-50 are also located to the west of the rear of 122 Western Avenue and angled away, therefore the outlook from the rear of this existing property will not be detrimentally affected to a point which is harmful.

Further to concerns being raised, negotiations have improved the relationship between the units proposed at plots 54, 55 and 56 and existing dwellings at 45, 47, 49 St. Helens Avenue.

Concerns were raised that the proposed dwellings were close to the rear boundaries of these existing properties on St. Helen's Avenue and that the development would appear overbearing and enclosing, particularly given the proposed raising of ground levels to the application site and the resulting height of the new dwellings.

The proposal has been revised to omit one dwelling from this location, changing from a terrace of 4 dwellings to the now proposed terrace of 3. The dwelling nearest the boundary with existing development is plot 54, which has been revised to be 6.4m from the boundary with no.47 St. Helen's Avenue. The revised position of this dwelling is now 24m at the nearest point to the rear of no. 49 St Helens Avenue and 22m to 47 St. Helen's Avenue.

An objection has been received from the occupiers of 47 St. Helen's Avenue, citing increase in traffic, loss of outlook and light due to the position and proximity of the new dwellings to their property as a concern, the proximity of the pumping station and the potential to generate noise and odour, effect of raised ground levels and flooding of surrounding areas and wildlife seen within the area.

Levels across the site are to be raised by varying amounts. At Plot 54 to the rear of 45- 49 St. Helen's Avenue, the ground immediately adjacent to the rear of the dwelling is to be raised by approx.1m. The overall ridge height of plot 54 will be approx. 2m higher than that of 47 St. Helen's Avenue.

In response to concerns regarding overlooking from the new dwellings and gardens due to the raised ground levels, the applicants have submitted revised boundary treatment. A new combined boundary treatment of fence, trellis and gravel boards to a total of 2.7m high is to be located to the Eastern side of the garden to plot 54. This substantial boundary treatment will be slightly set in from the existing boundary with 45 and 47 St. Helens Avenue.

Sections provided show that the rear garden to plot 54 will slope down away from the house towards the rear boundary.

A new 1.8m high fence will also be erected around the 4 no. parking spaces located between plot 54 and 49 St. Helen's Avenue, again to prevent overlooking from an elevated position.

Pumping Station

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

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

The applicant states that the pumping station is constructed to a standard design set by Anglian Water with a view to the facility being adopted by AW. The compound will be surrounded by fencing and therefore the applicant states that the equipment will not be visible. Environmental Health has requested that a noise impact assessment is conditioned should permission be approved or if information is not submitted in the

meantime. The pumps and other equipment is all located underground and this is a common installation on many new residential developments. We do not expect noise or odours to be an issue but reassurance from the applicant on this matter is required.

The plans submitted for Phase 3 show that should phase 3 be granted in isolation without phase 4, then the pumping station would be located to the east of plots 54-56 and therefore well within the site away from existing development.

Highways and Drainage

As with the previous 2 Phases, a number of objections have been received regarding the impact the development will have on drainage and the existing road network, particularly as the access to both Phase 3 and 4 is via Western Crescent and Westbrooke Road.

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

The application has been assessed by the County Council as the Highway Authority and Lead Flood Authority. At the time of writing the final consultation response from the Highway Authority is awaited but previous responses from them indicate that they consider that there is the necessary capacity within the existing highway network to absorb the additional traffic generated by the application proposals.

Ecology

A Phase 2 Habitat Survey has been undertaken by Delta Simons and submitted as part of the application.

The Survey identifies the site as "being situated within an urban setting with predominately poor semi-improved grassland with tall ruderal and scrub also present. Scattered broadleaved trees occupy the central area of the site, whilst a block of broadleaved plantation woodland characterises the western extent of the site. "Species-poor hedgerows are present along the North and Eastern boundaries, whilst the site is generally flat".

As with the previous two phases of the 'LN6' development a woodland block to the western boundary is to be retained. The purpose of the retained woodland is twofold; to act as an established landscape buffer between the site and Tritton Road and to continue the 'green/wildlife corridor' along all 3 phases of the site up to the Catchwater Drain to the north of Phase 1.

Trees

The survey has identified a number of broad leaved trees within the centre of the Phase 3 site. A number of these trees are semi-mature Oaks. The proposed site layout plan identifies that 2 of the Oaks are to be retained as part of the landscaping to the proposed site layout adjacent to the swales for the new SUDs drainage system.

The City Council's Arboricultural Officer has also visited the site and considered the

proposal with regard to trees at the site. In particular the Arboriculturist has also surveyed the large Oak on the boundary between Phase 2 and 3 which is proposed for removal. The Oak is considered to have been in decline for some time with extensive dead wood and some potential root problems. The tree is not therefore considered suitable for a Tree Preservation Order.

Conditions for tree protection measures during construction for those trees to be retained should be included on any permission. A number of new trees will be planted at the site as part of the detailed landscaping condition.

Bats and Birds

The Phase 1 report states that majority of the trees at the site lack suitable roosting opportunities for Bats and having negligible BRP (Bat Roosting Potential). The site does provide suitable foraging and commuting habitats for bats and birds, particularly the woodland edge (to be retained to Tritton Road) providing connectivity to the wider landscape.

Two Oak trees on the Northern boundary were found to contain features suitable to support roosting bats. One tree was assessed as having a moderate BRP (Bat Roosting Potential) and the other a low BRP. The applicant has confirmed that these 2 trees are to be retained as part of the proposal.

Woodpigeon and blackbird were recorded on site during the phase 1 survey. One of the neighbours states that there is a pair of owls on the site. The Phase 1 Habitat Survey states that "No birds listed on Schedule 1 were recorded during the survey. The habitats occurring on site are not considered suitable to support the majority of them".

The Phase 1 report advises that clearance and management of the site will need to take account of nesting birds and appropriate mitigation undertaken during clearance. A condition should be included for works during nesting season between March and August.

Other Species

The report identifies there is no evidence to show that the site supports badgers or other protected species including the breeding of Great Crested Newts or reptiles at the site.

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

The statement identifies that 'mammal tracks have been found in the area but there is no evidence such as droppings or foot prints to suggest that they have been created by deer. The report states that several of the mammal runs run from the small woodland area adjacent to Tritton Road. The report concludes that there is presently a gap in the fence which potentially enables access to animals and that if deer were present at the grassland, they can enter and leave of their own accord and are not trapped.

Natural England has been formally consulted as part of the application and a response of no comments has been received.

Flood Risk

The Environment Agency has no objections to the proposal, requesting that a condition is included to state that the development is carried out in accordance with the submitted Flood Risk Assessment and that the finished floor levels are no lower than 6.5AOD for 2 storey dwellings and 6.6AOD for single storey dwellings.

Contributions

CIL will be chargeable on this development. A levy of £42,133 has been identified for the development by both the applicant and the City Council. The requirement for CIL is set out in the adopted CLLP through policies PL9-LP15, with particular reference to LP12 which sets out the use of CIL to deliver the various infrastructure needs generated by a development.

As the land is currently owned by the City Council, a unilateral agreement is also required to cover a contribution towards Local Green Infrastructure (Playing Field, Play Space and Amenity Space). The applicant is requested to contribute a total sum of £36.440 for playing fields and children's play space.

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

NHS England has been consulted on the application and has concluded that no contributions are required.

Affordable Housing

Policy LP11: Affordable Housing of the CLLP states that affordable housing is required on site at the ratio of 25%. Chestnut Homes has met this requirement and identified 7 affordable units on the site (13 across the 2 phases). The same approach has been taken as with Phases 1 and 2 in that the affordable housing is indistinguishable from the market dwellings. The 7no. affordable units are 2 storey, 2 bed properties, integrated within the development.

The provision of the affordable housing will be secured through the unilateral agreement.

Archaeology

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

On-Going Management/ Maintenance

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

A management company has already been set up for the LN6 development which is now

operational for phases 1 and 2. The management company oversees the on-going maintenance of the common areas including any open space, private parking courts etc. Each property is a shareholder in the company and a service charge is paid.

Electric Charging Points

Environmental Health has requested that electric car charging points are provided on site at units where appropriate i.e. private drives or garages as stated by para. 35 of the NPPF. Further to on-going negotiations the applicant has agreed to provide electric charging points to plots across the site where there is on -plot parking.

Sale of City Council Land

The site is currently owned by the City Council and is due to be sold to Chestnut Homes subject to planning permission. A number of the objections received has concerned the sale of the land. The matter of the sale of the land is not a material planning consideration and has been dealt with separately by the City Councils Property Services Department.

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

Yes.

Conclusion

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

Negotiations have secured revisions to the proposals including the removal of the proposed footpath link to Skellingthorpe Road (phase 4) and revisions to the layout and position of proposed dwellings, in response to concerns regarding residential amenity and the occupiers of existing properties.

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

Application Determined within Target Date

No.

Recommendation

That the application is Grant Conditionally subject to the signing of the unilateral agreement.

Standard Conditions

1. 3 years
2. Drawing numbers
3. Materials
4. Landscaping scheme
5. In accordance with FRA and finished floor levels
6. Tree protection measures during construction.

7. Any removal of scrub, hedgerows or trees between March to late August to be supervised by an ecologist and mitigation measures applied if required.
8. Sensitive lighting plan.
9. Installation of bat boxes.
10. Noise impact assessment for the pumping station.
11. Archaeology- development to proceed in accordance with the submitted WSI. Fieldwork report to be submitted within 6 months of completion
12. Electric charging points to be installed in accordance with drawing no WLR3 01 Rev E
13. Land contamination-1) Implementation of approved remediation scheme, 2) Reporting of unexpected contamination
14. Removal of pd for plots adjacent to existing residential development
15. Fencing to plots 54,55,56 not to be altered without the prior consent of the Council