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| Application Number: | 2018/1325/FUL |
| Site Address: | Land To The Rear Of 78 Hykeham Road, Lincoln, Lincolnshire |
| Target Date: | 18th January 2019 |
| Agent Name: | None |
| Applicant Name: | Mr Matt Gull |
| Proposal: | Erection of a single storey dwelling and integral garage. (Revised Address) (Revised Description) (Revised Plans) |

Background - Site Location and Description

Site Location

The application site is located to the west the dwellings situated on Hykeham Road and adjoins dwellings within Somersby Close and Hykeham Road. It is served by a long access track situated between Nos. 72 and 78 Hykeham Road. As a result, the site is situated back from this road and opens out to the rear of Nos. 78 and 80. The site is currently laid to grass along the entirety of the access and the main site area.

Description of Development

Members will note that the proposals have been revised, this was as a result of officer concerns in respect of the scale of the development and its relationship with the gardens of neighbouring properties; and overlooking from dormer windows. The proposals are now for a single storey dwelling with a lower conventional roof height and no rooms in the roof space. The dwelling incorporates an attached garage and three bedrooms.

Site History

There was planning permission in the early 1990s (under reference LH11/0527/93) for the erection of a bungalow and garage within this site. That permission has since expired.

Case Officer Site Visit

Undertaken on 7th January 2019.

Policies Referred to

Policy LP1 A Presumption in Favour of Sustainable Development
Policy LP2 The Spatial Strategy and Settlement Hierarchy
Policy LP3 Level and Distribution of Growth
Policy LP13 Accessibility and Transport
Policy LP14 Managing Water Resources and Flood Risk
Policy LP16 Development on Land affected by Contamination
Policy LP21 Biodiversity and Geodiversity
Policy LP26 Design and Amenity
Policy LP36 Access and Movement within the Lincoln Area

National Planning Policy Framework

Issues

In this instance the main issues relevant to the consideration of the application are as follows:

1. The Principle of the Development;
2. The Impact of the Design of the Proposals;
3. The Implications of the Proposals upon Amenity;
4. Sustainable Access, Highway Safety and Traffic Capacity;
5. Other Matters; and
6. The Planning Balance.

Consultations

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

Statutory Consultation Responses

| Consultee | Comment |
|------------------------------|---|
| Highways & Planning | No Objections, Recommend an Informative |
| Lincolnshire Police | Comments Received |
| Lincolnshire Fire And Rescue | No Response Received |

Public Consultation Responses

| Name | Address |
|------------------|---|
| Mr Clive Jackson | 84 Hykeham Road Lincoln Lincolnshire LN6 8AB |
| Mr Kenneth Dunn | 20 Somersby Close Lincoln Lincolnshire LN6 8AF |
| Mr Phil Bedson | 22 Somersby Close Lincoln Lincolnshire LN6 8AF |
| Mr DJ Clapham | 67 Hykeham Road Lincoln Lincolnshire LN6 8AD |
| Miss Lisa Cotton | 72 Hykeham Road Lincoln Lincolnshire LN6 8AB |

Consideration

1) The Principle of the Development

a) *Relevant Planning Policies*

The development plan comprises the adopted Central Lincolnshire Local Plan (the Plan) and during its examination the policies therein were tested for their compliance with the Framework, which advocates a 'presumption in favour of sustainable development' (Paras 10 and 11).

In terms of sustainable development, Paragraph 8 of the Framework suggests that there are "three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)". These refer to economic, social and environmental objectives.

Policy LP1 of the Plan supports this approach and advocates that proposals that accord with the Plan should be approved, unless material considerations indicate otherwise.

In terms of the spatial dimension of sustainability, proposals need to demonstrate that they contribute to the creation of a strong, cohesive and inclusive community, making use of previously developed land and enable larger numbers of people to access jobs, services and facilities locally, whilst not affecting the delivery of allocated sites and strengthening the

role of Lincoln (Policy LP2). Meanwhile, Policy LP3 sets out how growth would be prioritised and Lincoln is the main focus for urban regeneration.

b) Assessment of the Implications of the Proposals

The Council has previously resisted proposals for development situated to the rear of existing properties along Hykeham Road, most notably at 121 and 176-178 but these have primarily been in circumstances where there has been access taken through the curtilage of existing properties and the garden(s) of those properties suggested for development. However, in this instance, the proposals are for an area of land that has independent access and has been separated from neighbouring properties for a considerable period of time. It has also previously had the benefit of planning permission for a bungalow in the past (see the site history).

Whilst the Council currently has a five-year supply of housing, the application site would be in a sustainable location and would not undermine the housing supply position, rather it would provide additional choice. It is also recognised that the development would deliver economic and social sustainability directly through the construction of the development and indirectly through its occupation, spend in the City and retention/creation of other jobs due to the location of the development within the City. The site is also situated in a sustainable location within close proximity of a bus route which serves the city centre so would be sustainable in this context. However, this contribution, along with the delivery of a further dwelling within Central Lincolnshire would be relatively minor and would not necessarily be benefits that the local community would appreciate, particularly as there would not be direct benefits to the community associated with the development.

2) The Impact of the Design of the Proposals

a) Relevant Planning Policy

So far as this issue is concerned, as alluded to above, the proposals must achieve sustainable development and it is the social dimension of sustainability that relates to design. Moreover, Paragraph 8 of the Framework requires the creation of well-designed and safe built environment. In addition, Chapter 12 of the Framework also applies, as this refers to the achievement of well-designed places.

Policy LP26 refers to design in wider terms and requires that “all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.” The policy includes 12 detailed and diverse principles which should be assessed.

b) Assessment of the Implications of the Proposals

The site is situated to the rear of other dwellings facing two residential streets within the locality, Hykeham Road and Somersby Close, and accessed from the former. The layout of the site is not significantly different from any other property within the vicinity and fills the majority of the width of the site like others adjacent. Where it does differ is in terms of the layout is how much space would be taken by the property and vehicular circulation space within the site. However, it is questionable whether this would be harmful to the character of the area, as the property would be situated a reasonable distance from the highway and would not be readily visible from public areas. Furthermore, whilst the proposed dwelling is

simple in terms of its architectural detailing, this would not be at odds with other bungalows that are situated within the locality.

Notwithstanding this, it would still be important for the materials of construction of the development; and hard and soft landscaping within the site to be agreed by planning conditions. This will bring suitable control over these matters to ensure that the development makes a positive contribution to the character and appearance of the area.

3) Implications of the Proposals upon Amenity

a) *Relevant Planning Policy*

In terms of national policy, Paragraph 127 of the Framework suggests that planning decisions “should ensure that developments...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.” Similarly, those decisions should also contribute to and enhance the local environment by “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of...noise pollution”; and mitigate and reduce any “adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life” (Paragraphs 170 and 180 respectively).

Policy LP26 of the Plan deals with the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy and suggests that these must not be unduly harmed by, or as a result of, the development. There are nine specific criteria which must be considered.

b) *Assessment of the Implications of the Proposals*

It is considered that the dwelling that is now proposed would not be harmful to the amenities of the occupants of neighbouring properties for the reasons set out below in the relevant subsections of this part of the report:-

i) Impacts of Overlooking and Loss of Privacy

The proposed dwelling would be single storey in height so there would be no overlooking or a loss of privacy resulting from the introduction of the property itself within the site. However, it would be important to agree boundary treatments for the site to protect the amenities of neighbouring properties, particularly as boundaries to the north and west are largely open to views at present.

ii) Impacts of Scale and Height

The height of the property is now significantly lower than the original proposals and, whilst the dwelling would be positioned relatively close to the boundaries of neighbouring properties in certain positions within the site, it would not be sufficiently prominent or overbearing from within the gardens of those properties to recommend that the application should be resisted upon those grounds.

iii) Noise and Disturbance

The proposed development would require vehicular movements alongside and to the rear of the existing dwellings situated either side of the access from Hykeham Road. However, there are examples of garages sited in similar locations to the side and rear of existing properties, along Hykeham Road. Given that the proposals are for a single dwelling, officers are satisfied that the vehicular movements associated with the proposed development would not be dissimilar to others experienced in this residential area. As such, officers do not consider that the proposals would lead to undue noise and disturbance to the occupiers of the dwellings or their rear gardens. The proposed development would therefore not be detrimental to the living conditions of these neighbouring residents in this respect. Similarly, the use of gardens adjacent to other existing gardens would not be unreasonable within a residential context.

Notwithstanding the above, unless there would be controls in place to deal with the noise and disturbance associated with construction working, it is clear that the development of the site could be a nuisance to neighbouring occupiers. In light of this, it is recommended that the hours of working and deliveries for construction are controlled to ensure that disturbance is kept to a minimum at unsociable hours.

iv) Other Impacts

Notwithstanding the implications associated with (i) and (ii), as these impacts could be exacerbated by any changes in levels throughout the application site, it would be necessary for changes to the levels (to accommodate the proposed ground floor and the surrounding levels for the property) to be approved by planning condition. This would provide suitable control to ensure that there would not be overlooking or overbearing impacts.

c) The Planning Balance

Taking all the above in to account, it is considered that the proposed development of the site could be accommodated in a manner that would not cause unacceptable harm. Moreover, with satisfactory controls over the mitigation employed in relation to levels, boundary details and construction working, the proposals would be socially and environmentally sustainable in the context of the Framework and would accord with the policies in the Local Plan.

4) Sustainable Access, Highway Safety and Traffic Capacity

a) Relevant Planning Policies

Paragraph 110 of the Framework sets out the key elements that development should deliver in order to ensure that they are safe and do not have a severe impact upon the road network. This is supported by policies in the Plan, including Policies LP13 and LP36. The latter more specifically refers to development in the 'Lincoln Area' and outlines that "all developments should demonstrate, where appropriate, that they have had regard to the following criteria:

- a) Located where travel can be minimised and the use of sustainable transport modes maximised;
- b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;

- c) Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas”

b) *Assessment of the Implications of the Proposals*

The development would incorporate sufficient space within the site to enable vehicles to enter and leave in a forward gear, as well as to enable vehicles to park clear of the highway. Visibility from the access to the north is compromised to a certain degree by the landscaping along the boundary with No. 72 Hykeham Road but the Highway Authority do not raise any concerns with the application and this relationship is not significantly different from others within the street. Nonetheless, it would be important to agree the details of boundary fences / or walls that would be sited in this area as they would be more permanent and could obscure visibility to the south.

5) Other Matters

a) *Drainage*

i) Relevant Planning Policies

The Framework sets out a strategy for dealing with flood risk in paragraphs 155-165 inc. which involves the assessment of site specific risks with proposals aiming to place the most vulnerable development in areas of lowest risk and ensuring appropriate flood resilience and resistance; including the use of SUDs drainage systems. Meanwhile, Policy LP14 of the Plan is also relevant as it reinforces the approach to appropriate risk averse location of development and drainage of sites, including the impact upon water environments.

ii) Assessment of the Implications of the Proposals

Given that the site adjoins other residential properties to all sides, unless surface water drainage is addressed in an acceptable manner it could lead to flooding of neighbouring land. This would be particularly important due to any level changes resulting from the property or hard landscaped areas. The applicant has indicated that they propose to utilise soakaways but have not provided any details or tested that this would be appropriate. In light of this, it would be necessary for the details of surface water drainage to be controlled by planning condition. Similarly, the applicant has suggested that there is already a foul water drainage connection for the site and intends to connect to this. This would need to be controlled by planning condition.

Consequently, subject to those planning conditions, the proposals would be in accordance with the Framework, specifically in relation to flood risk as the proposals would not result in unacceptable risk to life from inundation or be in conflict with the environmental dimension of sustainability outlined in Paragraph 8.

b) *Air Quality*

i) Relevant Planning Policy

The Framework, through paragraphs 103 and 181, seeks to reduce pollution overall and endorses improvements to air quality and mitigation of impacts. The latter makes specific reference to Air Quality Management Areas and suggests that planning decisions should ensure that any new development should be consistent with the local air quality action plan for these areas. This approach is supported by Policy LP26 of the Local Plan, which requires that the adverse impacts of air quality upon development is considered.

ii) Assessment of the Implications of the Proposals

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.

Given that there are air quality issues in the city, it seems entirely reasonable and proportionate to the scale of development that the property is provided with an electric vehicle recharge point. Officers would advise Members that this matter can be addressed by planning condition.

c) Land Contamination

i) Relevant Planning Policy

Paragraphs 170, 178 and 179 of the Framework refer to land contamination and are supported by Local Plan Policy LP16, which directly refers to the requirements of development in relation to contaminated land.

ii) Assessment of the Implications of the Proposals

The application is not supported by any information in respect of ground contamination and, due to past uses within the vicinity of the site, there is the potential for contamination to be present. However, it is not essential that information is provided before the grant of planning permission, as this can be provided before built development is undertaken. Ultimately the proposals would result in the redevelopment of the site which would lead to remediation of any contamination. In light of this, officers consider that planning conditions could be imposed to deal with land contamination if necessary. This is the advice of the Council's Scientific Officer.

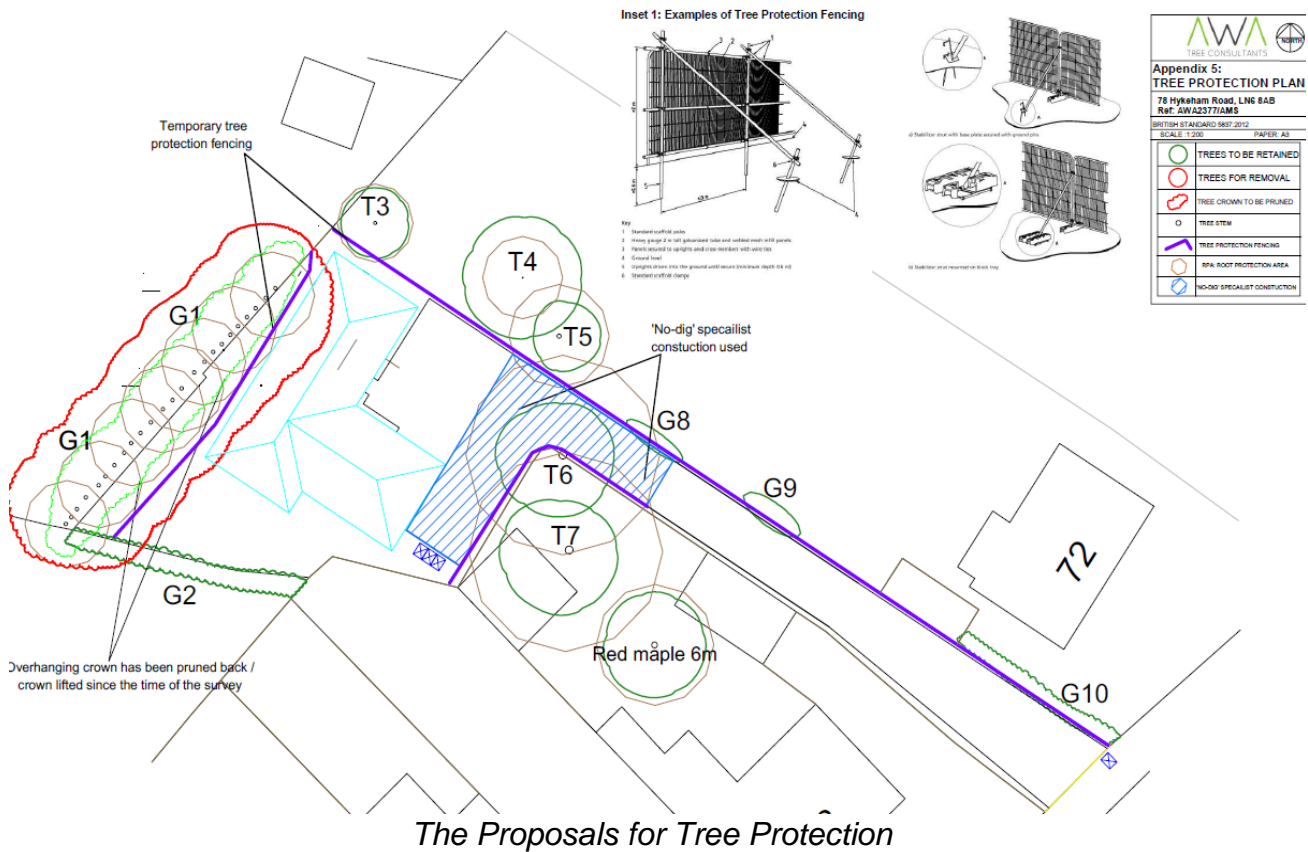
d) Ecology, Biodiversity and Arboriculture

i) Relevant Planning Policy

Paragraphs 170 and 175 of the Framework apply to the proposals and require that development conserve and enhance biodiversity and permission refused where mitigation or compensation are not available. Meanwhile, Policy LP21 refers to biodiversity and requires development proposals to "protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site; minimise impacts on biodiversity and geodiversity; and seek to deliver a net gain in biodiversity and geodiversity." The policy then goes on to consider the implications of any harm associated with development and how this should be mitigated.

ii) *Assessment of the Implications of the Proposals*

The application is supported by a tree survey and separate document that deals with protection and the proposals for excavation, including no dig areas under the canopy of trees. As there are trees located outside the site that could be impacted by the proposals it would be important for the retained trees to be protected during construction. This approach has been endorsed by the Council's Arboricultural Officer. There are currently no trees or other forms of landscaping within the site itself so it would be appropriate to ensure that the details of additional landscaping within the site are provided for agreement. Subject to these matters can be controlled by planning condition, it is considered that there would not be any harm caused to the biodiversity of the locality.



e) *Fire and Rescue*

The Fire Authority has not responded as part of the planning application but officers have asked the developer to confirm whether the driveway is wide enough to enable an appliance to enter the driveway to serve the building should there be a fire. The driveway should be sufficiently wide enough for the first ten metres to enable such access to bring the dwelling within firefighting distance.

f) *Refuse Collection*

The applicant has indicated on the plans submitted that the refuse from the development will be collected from the end of the access driveway, adjacent to the highway. As can be seen from the plan and the photographs accompanying this report, the driveway is sufficiently wide to enable a vehicle to pass alongside refuse bins.

6) Planning Balance

A conclusion whether a development is sustainable is a decision that has to be taken in the round having regard to all of the dimensions that go to constitute sustainable development.

In this case, officers recognise that the development would deliver economic and social sustainability directly through the construction of the development and indirectly through the occupation of the dwelling, spend in the City and retention/creation of other jobs due to the location of the development within the City. Whilst the Council currently has a five-year supply of housing, the application site would be in a sustainable location and would not undermine the housing supply position, rather it would provide additional choice. Whilst the benefits of providing the proposed dwelling in a sustainable location would not necessarily commute to the local community as there would not be any contributions made to infrastructure.

The implications upon the character of the area and the residential amenities of near neighbours would not have negative sustainability implications for the local community, as they would lead to a development that would be socially sustainable. In addition, with planning conditions to deal with tree protection, new landscaping, drainage, contamination and air quality, the development would be environmentally sustainable.

Thus, assessing the development as a whole, officers are satisfied that all of the strands would be positively reinforced by the proposals. As such, assessing the development as a whole in relation to its economic, social and environmental dimensions and benefits, it is considered that, in the round, this proposal could be considered as sustainable development and would accord with the Local Plan and Framework.

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

Yes, the site description was changed and the proposals amended as shown in the application.

Financial Implications

The proposals would offer benefits to economic and social sustainability through spend by new residents and jobs created/sustained through construction. In addition, there would be a residential property that would be subject to council tax payments. What is more, the Council would receive monies through the New Homes Bonus and CIL Payments.

Legal Implications

None.

Equality Implications

None.

Conclusion

The presumption in favour of sustainable development required by the National Planning Policy Framework would apply to the proposals as there would not be conflict with the three strands of sustainability that would apply to development as set out in the planning balance. Therefore, there would not be harm caused by approving the development. As such, it is considered that the application should benefit from planning permission for the reasons identified in the report and subject to the conditions outlined below.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted subject to the planning conditions listed below:-

Standard Conditions

- 01) Timeframe of Permission (three years to commence work).
- 02) Approved Plan.

Conditions to be Discharged before Commencement of Works

- 03) Contaminated Land (Investigation and Risk Assessment).
- 04) Contaminated Land (Remediation Scheme).
- 05) Contaminated Land (Verification of Remediation).
- 06) Existing and Proposed Land and Finished Floor Levels.
- 07) Surface Water Disposal.
- 08) Foul Water Disposal.
- 09) Tree Protection Measures.
- 10) Materials.

Conditions to be Discharged before Use is Implemented

- 11) Hard Landscaping.
- 12) Soft Landscaping.
- 13) Boundary Walls and Fences.
- 14) Electric Vehicle Recharge Point

Conditions to be Adhered to at all Times

- 15) Unsuspected Contamination.
- 16) Construction Working Hours.
- 17) Construction Delivery Hours.

Report by Planning Manager