

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