

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