

**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: highwayssudssupport@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:
Martin Nash
for Warren Peppard
Head of Development

Date: 01 August 2019



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

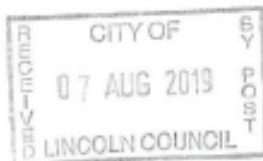
Comment Details

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.

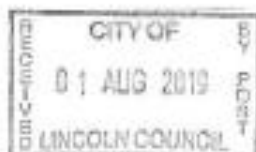
The scale and height of the proposal should be reduced to single storey with a greater distance from the retaining wall, in consideration of the residential amenity of surrounding residents.

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,



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

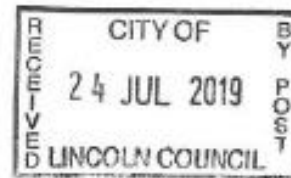
We are happy for this development to proceed if the building is single storey, planting does not obscure the view, and that the retaining wall to the east of the development is fully reinforced.

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]

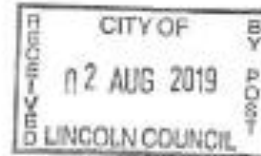
G & E C Brooks
33 Bellevue Road
Lincoln
LN1 1HH

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.

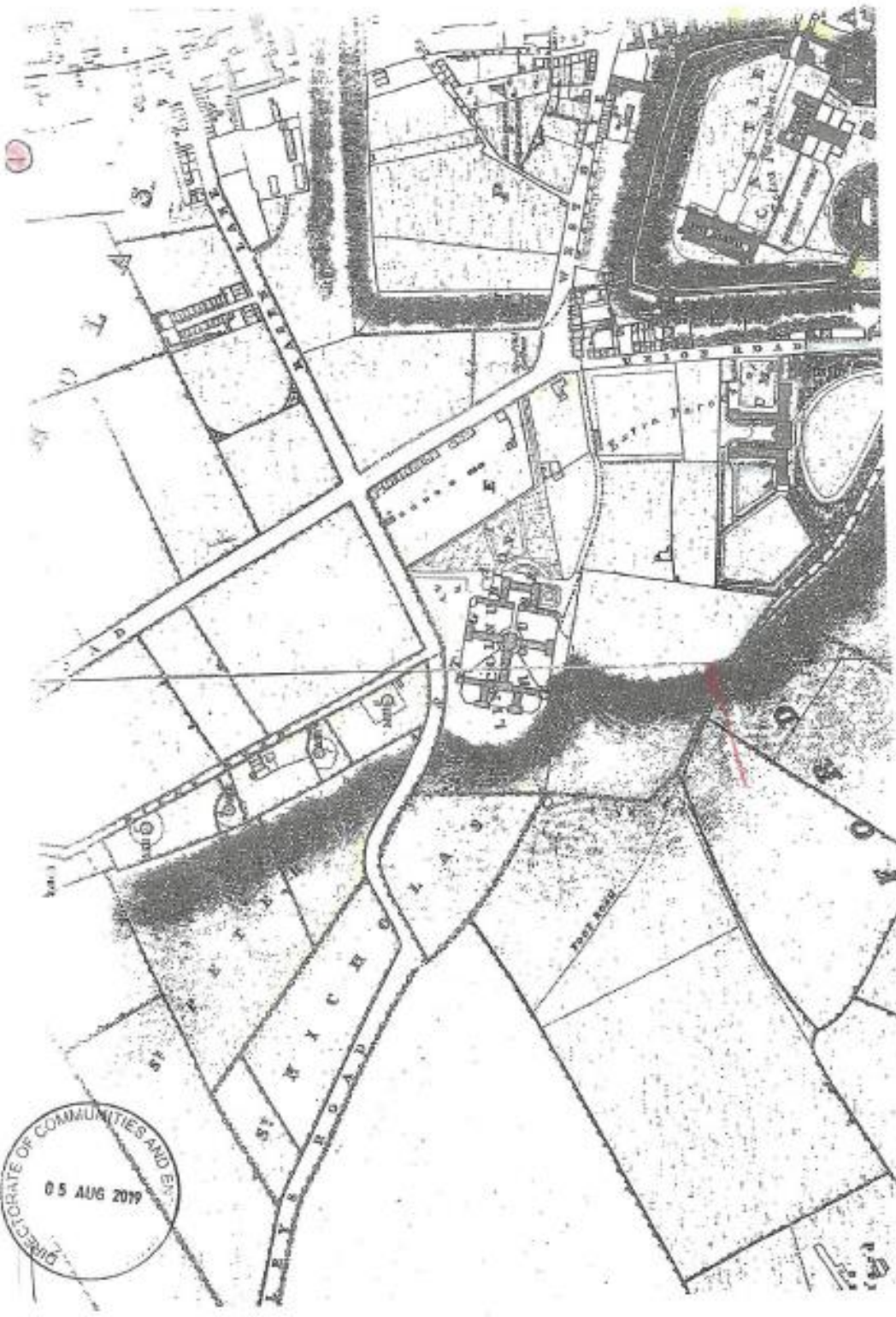
This has modern 200 foot contour marked in red and if inspected closely there is a break in this contour from the north west corner of the rear garden of 25 Carline Road and a point to the rear of north west corner of the house at the junction of Belle Vue

**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.



P.45

1842

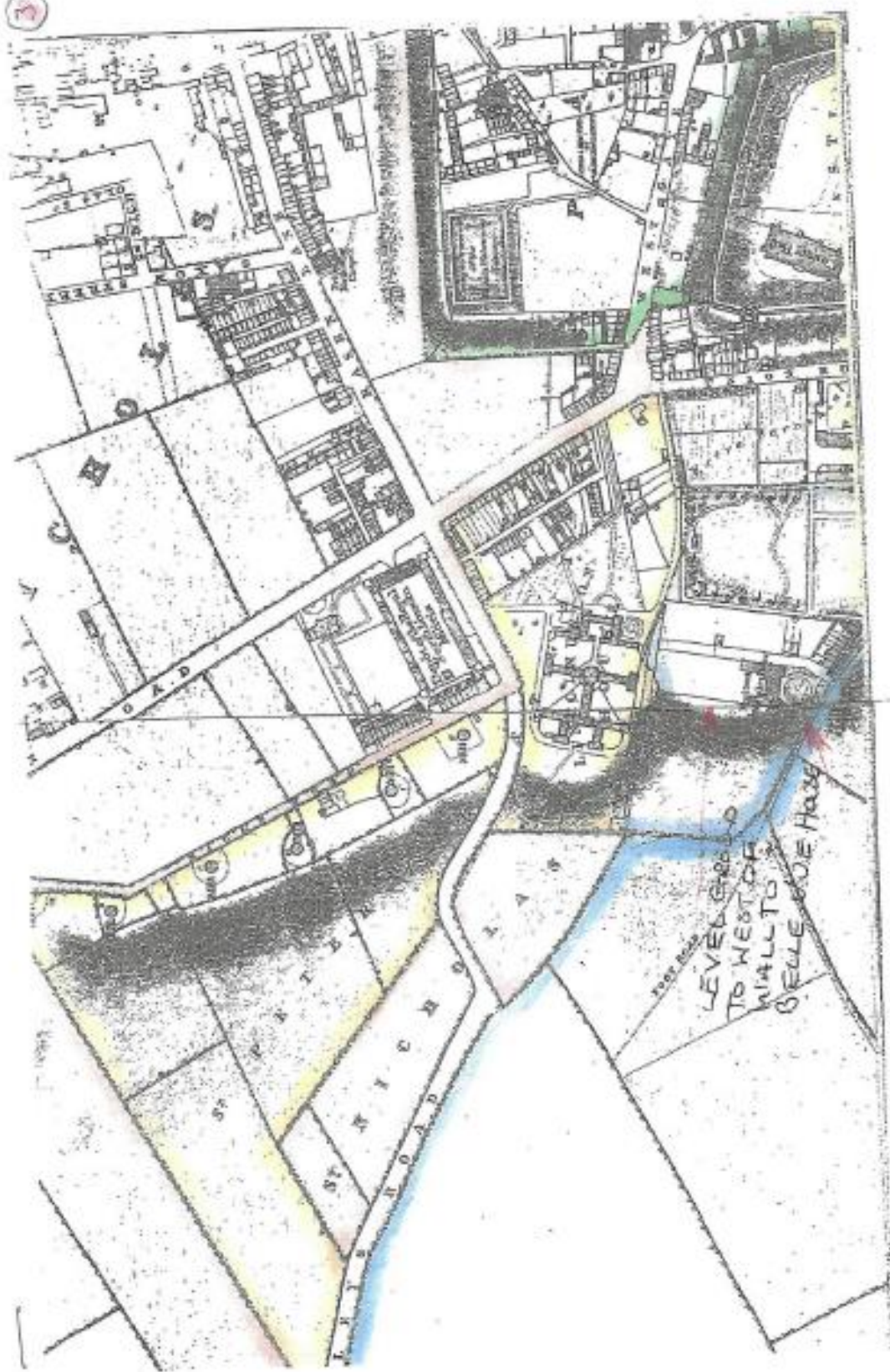
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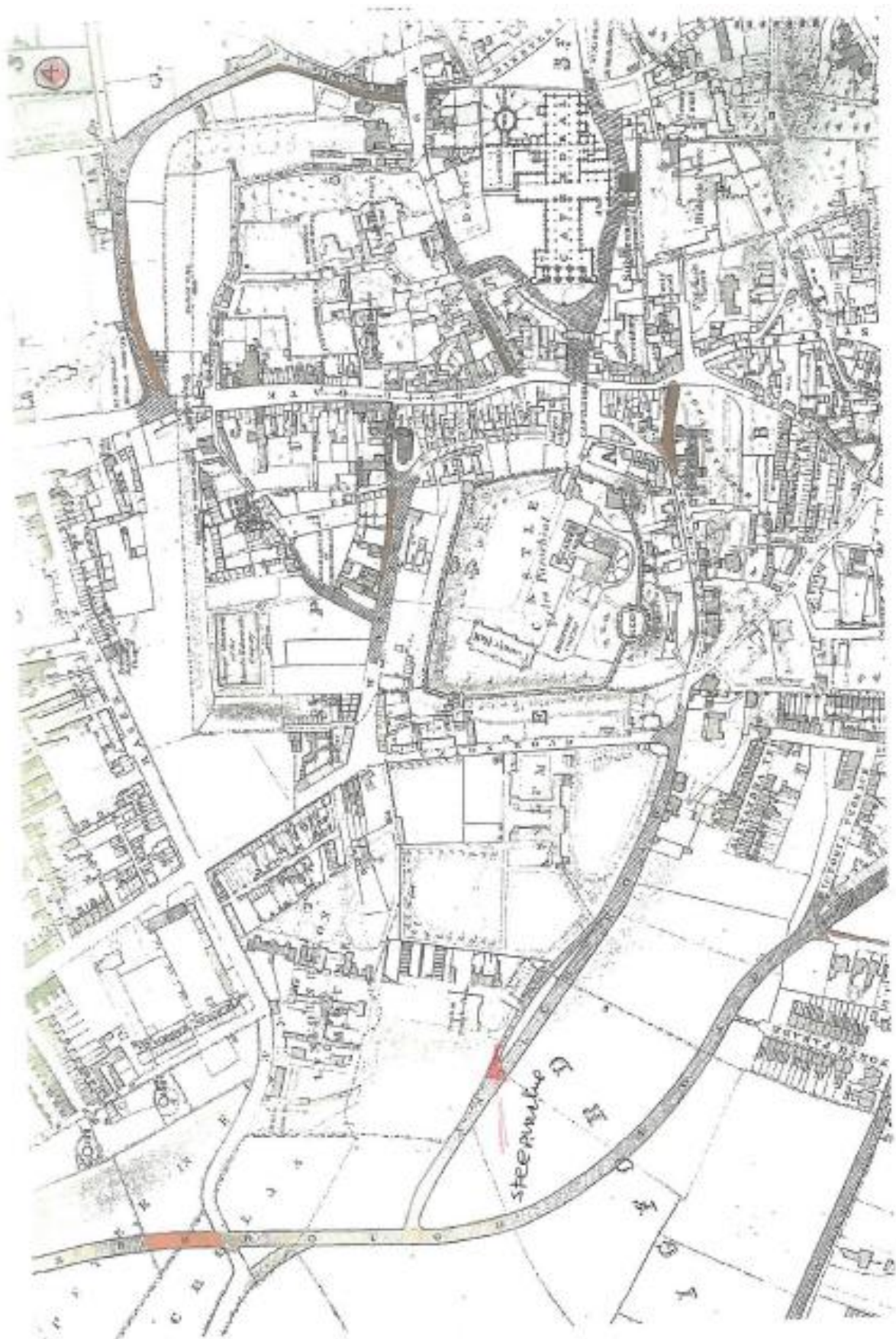
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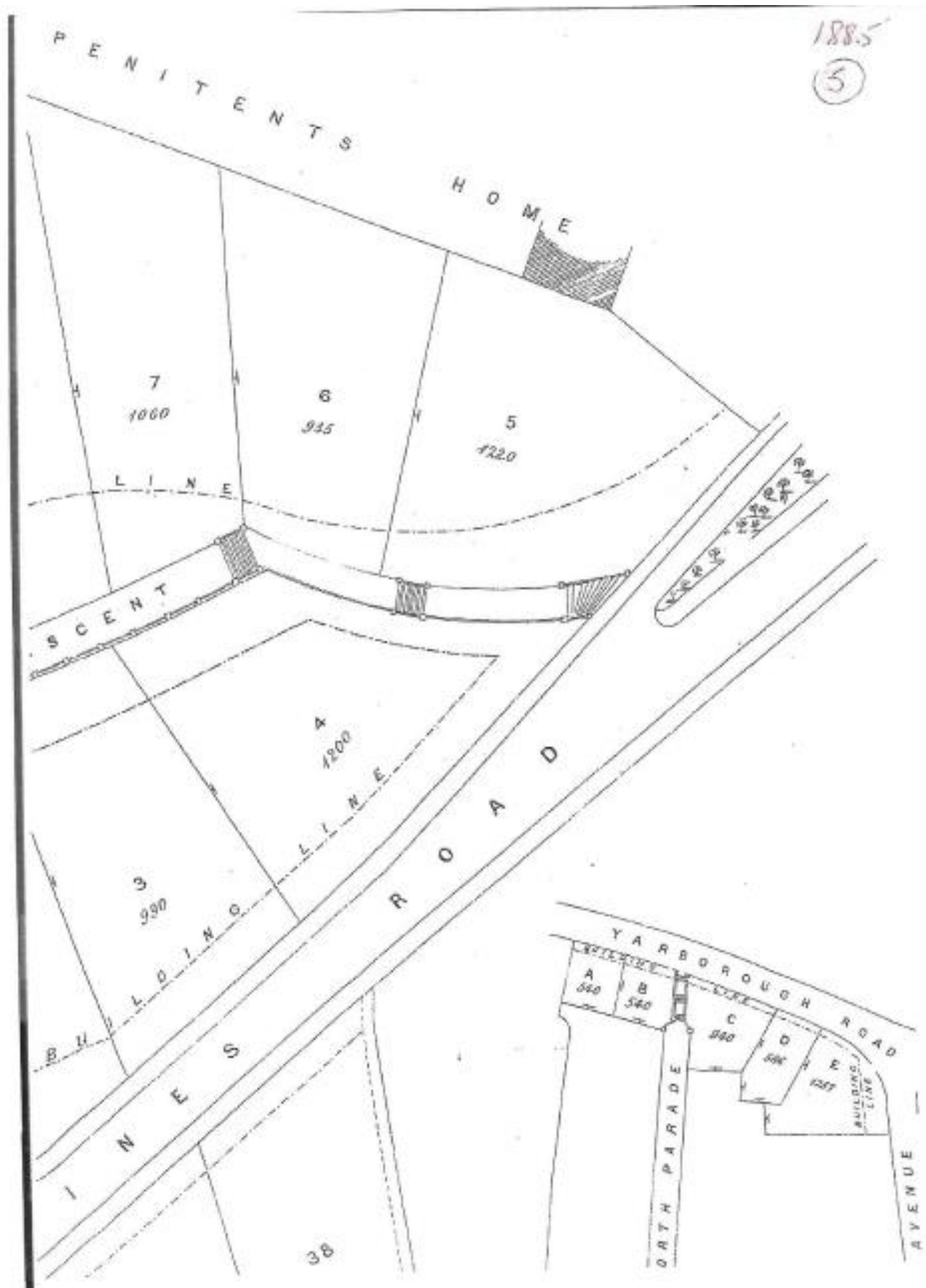
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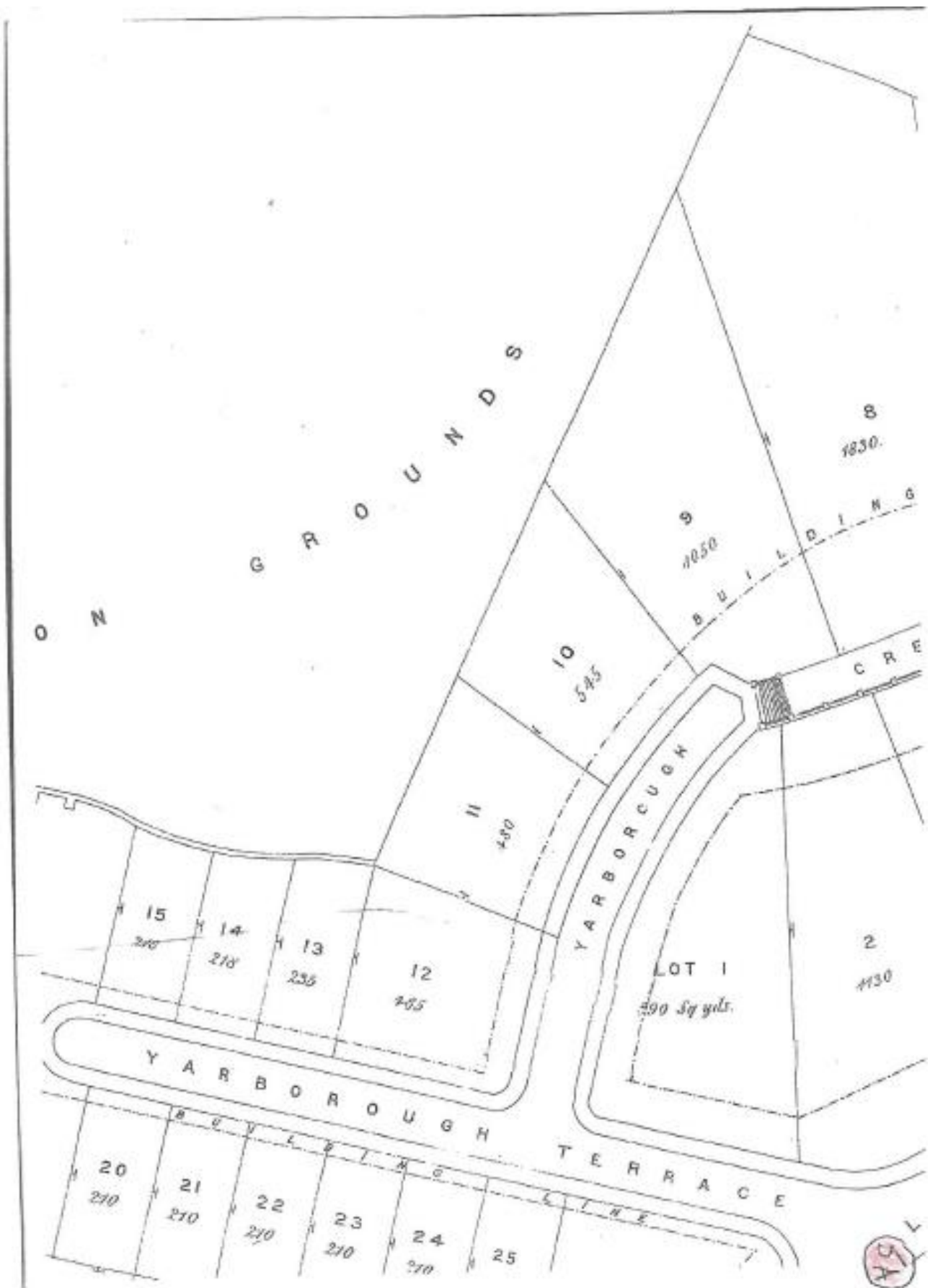
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1883

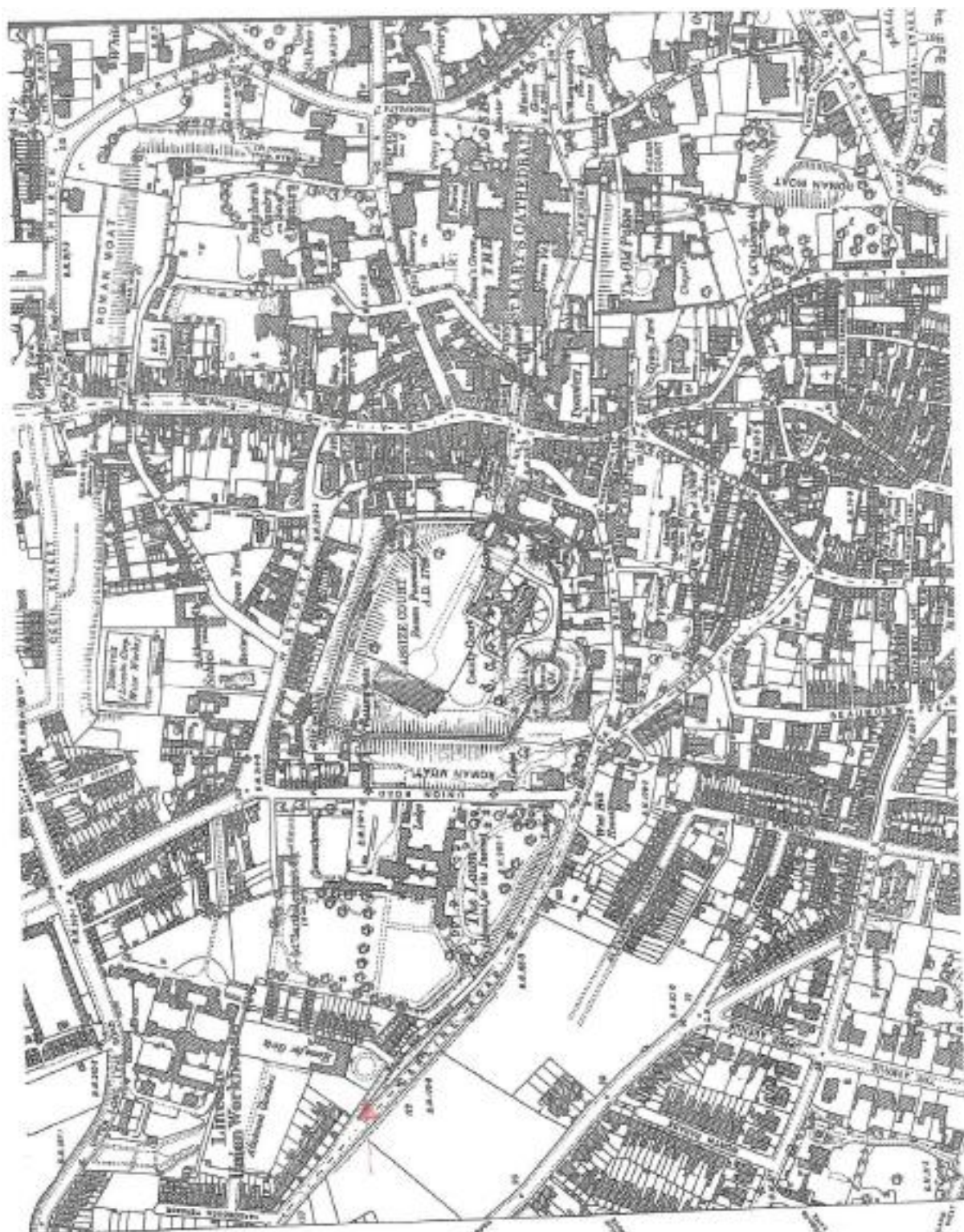






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