

Application Number:	2020/0417/FUL
Site Address:	Byron Place, 19 The Colosseum, Lincoln
Target Date:	29th August 2020
Agent Name:	None
Applicant Name:	Mr Howard Roe
Proposal:	Erection of 2no. dwellings.

Background - Site Location and Description

The application proposed two dwellings within a previously developed site. The previously built site consists of a crescent of 14 terraced houses known as the Colosseum. The existing development contains 14 terraced properties with basements and then two full floors of accommodation and a further third floor of accommodation within the roofspace. The original development was built in 2015 under application (2012/1433/F). The specific site subject to the current application was granted planning permission for a 'sunken garden' under application 2014/0550/F. The area is currently used as garden land by the occupants of No. 19 The Colosseum.

The current application proposes two additional dwellings which would be attached to the side of No. 19, continuing the crescent shape of the previous development in form and design.

The development is accessed from Newport by way of a private road within the ownership of the applicant. Following the original scheme of 14 dwellings, a further 4 dwellings and an apartment were constructed directly off the access road and a further 3 dwellings fronting Newport following the demolition of a pair of semi-detached houses under application (2016/0191/CXN).

Directly to the east of the application site are the rear boundaries of the gardens of No. 187, 189 and 191 Newport.

Site History

Reference:	Description	Status	Decision Date:
2012/1433/F	Erection of 14 terraced dwellings	Granted Conditionally	18th July 2013
2014/0550/F	Creation of a sunken garden. (Revised drawings, Part Retrospective)	Granted Conditionally	27th November 2014

Case Officer Site Visit

Undertaken on 12th August 2020

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 LP13 Accessibility and Transport
Policy LP26 Design and Amenity
National Planning Policy Framework

Issues

Planning policy
Visual Amenity
Residential Amenity
Highways, access and parking
Other Matters

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received

Public Consultation Responses

Name	Address
Mrs Katherine Sykes-Tobin	1 The Colosseum Lincoln Lincolnshire LN1 3EX
Mr Lee Birkett	Chaucer Place 9 The Colosseum Lincoln Lincolnshire LN1 3EX
Dr John Kevin Teasdale	Keats Place 13 The Colosseum Lincoln Lincolnshire LN1 3EX
Mr Robert Holland	3 The Colosseum Lincoln Lincolnshire LN1 3EX
Mrs joanna Thornton	Miltons Place 6 The Colosseum Lincoln Lincolnshire LN1 3EX
Mr Simon Craddock	Burns Place 7 The Colosseum Lincoln LN1 3EX
Mrs Linda Dick	2 The Colosseum Lincoln Lincolnshire LN1 3EX
Mr Roger Cairns	

Mrs Glenys Cairney	4 The Colosseum Lincoln Lincolnshire LN1 3EX
Mrs Susan Daykin	The Coach House The Colosseum Lincoln

Consideration

Neighbour Comments

Ten objections have been received to the proposed development. These comments mainly relate to: parking and access issues with the current site, loss of sunken garden/play area, maintenance issues within the estate, sewage issues, over development and out of character with the existing development. These issues will be discussed throughout the report and the letters are copied in full with your agenda.

Principle of Use in Relation to Planning Policy

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).

The proposal is located within a predominately residential area within a previously developed site. Development of the plot would be acceptable in principle subject to other material planning considerations which will be discussed throughout this report.

Affordable Housing

The current development for two dwellings is clearly linked to a previous scheme for 14 dwellings. Policy LP11 states that "If a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings (or floorspace) provided by the first scheme and the subsequent scheme/s provide 11 or more dwellings (or 1,000 sqm or more floorspace), then Policy LP11 as a whole will be applied, with the precise level of affordable housing to be provided being 'back dated' to include the earlier scheme(s)." The original scheme has been complete for more than 5 years and therefore an affordable housing contribution cannot be sought under Policy LP11 of the Central Lincolnshire Local Plan.

Impact on Visual Amenity

The site is accessed via a private road approximately 70m from Newport. In terms of impact on visual amenity, the houses, which are four storeys in total, have a basement which sits predominantly below the existing and proposed ground level, with a slightly raised ground floor accessed by three steps from the front. There are then two main floors of residential accommodation with a further floor accommodated within the roofspace with traditional dormers each having a lead clad, barrel vaulted roof. The roof of the houses is of a conventional pitch and is defined at its verge by a parapet and then there are further parapets defining the extent of each dwelling running up to shared chimney stacks. Elevationally, the proposed dwellings are of a traditional design matching those previously developed on the site. The materials would be the same as those used in the original scheme, consisting of Kellaway yellow facing brickwork with a natural slate roof with sliding sash UPVC windows. The two proposed plots would form smaller units than the majority of those previously built, however, given that the development is made up of

a variety of 4 - 7 bedroomed properties it is not considered that two 4 bedroomed properties would appear unduly out of context.

Subject to a condition to ensure the detailing and materials reflect those of the original scheme, officers are satisfied that the proposals reflect the original architectural style of the development and contribute positively to local character, in accordance with Central Lincolnshire Local Plan (CLLP) Policy LP26 and the National Planning Policy Framework.

Impact on Residential Amenity

In terms of impact on residential amenity, the main properties that could be affected by the new buildings themselves would be those on Newport to the east, with their rear gardens backing onto the site. The new properties would be positioned behind the rear boundary of No's 187- 191 Newport. The window-to-window distance from the proposed dwellings to the rear of the properties on Newport would be over 55 metres; this relationship is far greater than the minimum distances that are generally recognised as being acceptable (21 metres). It is therefore considered that the development would be sufficiently distanced from these properties in terms of privacy and amenity. Furthermore, there is some vegetation within the gardens on the rear boundary of some of the properties on Newport which will further ensure current levels of amenity are not harmed to an unacceptable degree.

Some of the neighbour objections have raised concern with the loss of the sunken garden on which the proposed development would be positioned. The sunken garden is currently used by No. 19 The Colosseum as additional garden space; however, the occupants of the property are aware of the planning application, have not raised objections and have a dedicated garden which will remain to the rear of the property occupied by them, in common with the other existing houses. It is not considered the loss of the garden space would be detrimental to their residential amenity or to the occupants within the rest of the development.

Officers would therefore conclude that the amenities which neighbouring occupants may reasonably expect to enjoy would not be unduly harmed by or as a result of the development through overlooking, loss of light or appearing as 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.

Highways, access and parking

The development is accessed via a private driveway from Newport. The Highway Authority have not raised any objections to the proposal for two additional dwellings in this location. Negotiations were undertaken with the Highway Authority during the original application for the 14 dwellings to ensure the access road was built to an appropriate standard for a shared surface and to allow sufficient width of the loop road around the central green for a refuse vehicle to safely enter the site. The common areas within the development site including the access road remain in the ownership of the applicant and it is within his remit to ensure maintenance of these areas. The onus is on the residents to park within their allocated parking space to ensure the estate road remains clear of parked vehicles and accessible to those entering and leaving the site.

The applicant has submitted a drawing showing the allocated parking for both of the proposed properties. This shows an allocated space in the south east parking court as well as a space outside the property for Plot 15 and a garage with a space in front of the garage within the north east parking court for Plot 16. This is in line with the rest of the development and I have no objection to this arrangement, particularly as this is a sustainably located site.

Should any damage be caused to the private road, driveways or entrance gates throughout the construction process, it will be the responsibility of the applicant to ensure this is dealt with; it would, however, not be within the remit of the Local Planning Authority to enforce this and therefore no planning conditions would be appropriate with regard to controlling this issue. Similarly, whilst the applicant has shown there are parking spaces available within the site, it is not

within the remit of the Planning Authority to control or enforce the parking arrangements.

Overall, officers are of the opinion that the proposed additional dwellings would not have an unacceptable impact on traffic capacity or highway safety and would be in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

Other Matters

Contaminated Land

The City Council's Pollution Control Officer has advised that, due to past uses on the site, there is the potential for significant contamination to be present. The applicant has advised officers that groundworks were undertaken on the proposal site at the same time as the previously constructed scheme although given these reports are now a number of years old it has been suggested that the applicant should undertake an updated investigation. Conditions have been requested which will be attached to the grant of any permission.

Drainage

The surface water management of the garden will be the same as the existing surface water management approved under the previous planning application, to ensure surface water runoff is disposed of appropriately. The central green effectively acts as a large soakaway to deal with all of the surface water from the dwellings. Officers consider these arrangements are appropriate.

Construction

The City Council's Pollution Control Officer has also advised that while this is a relatively small development, due to the proximity to neighbouring sensitive uses, there is potential for disturbance due to noise from the construction phase of the development, particularly during the noise sensitive hours. While issues relating to the construction phase are not a material planning consideration a condition restricting the construction and delivery hours will be applied to any grant of permission to help limit any potential impact.

Application negotiated either at pre-application or during process of application

No

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 in this location. The development would relate well to the site and surroundings, particularly in relation to 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. The application is therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies, as well as guidance within the National Planning Policy Framework.

Application Determined within Target Date

Yes –extension of time

Recommendation

That the application is Granted Conditionally subject to the following conditions:

- Begin within 3 years
- In accordance with drawings
- Contaminated land conditions
- Materials to be those specified on the application, to match existing development
- Boundary treatments to be those specified on the application, to match existing development
- Construction and delivery hours restrictions