

Application Number:	2020/0589/FUL
Site Address:	Land To The Rear Of 1C Boultham Park Road, Lincoln, Lincolnshire
Target Date:	5th November 2020
Agent Name:	Heronswood Design Ltd
Applicant Name:	Mr Alex Holdsworth
Proposal:	Erection of 5no. two-storey dwellings with access from Boultham Park Road.

Background - Site Location and Description

The application proposes five dwellings, which would include a row of three and a pair of semi-detached dwellings. All of the dwellings would be two main storeys each with a bedroom above in the roof space.

The land is positioned to the rear of 1A, 1B and 1C Boultham Park Road and access into the site would be through an existing access road between 1 and 1C Boultham Park Road. The site is surrounded by residential properties with four properties to the north within the site of the Naval Club. To the east is Gresley Drive and the eastern end of the site is positioned between No. 8 and 18 Gresley Drive.

There is a difference in level from the application site to the site to the north, as there is from the south and east, meaning that the land sits lower than neighbouring sites in terms of land levels.

Outline consent was granted in 2018 for three dwellings (2018/1221/OUT) although the current scheme seeks full planning permission for the five dwellings proposed.

The site is located within Flood Zone 3.

Site History

Reference:	Description	Status	Decision Date:
2018/1221/OUT	Erection of 3 dwellings with access from Boultham Park Road (Outline all matters reserved)	Granted Conditionally	4th December 2018

Case Officer Site Visit

Undertaken on 19th October 2020.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

The issues raised by the application are as follows:

- Planning policy
- Residential Amenity
- Visual Amenity
- Flood Risk
- 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
Environment Agency	Comments Received
Lincolnshire Police	Comments Received
Lee George	No Response Received
Highways & Planning	Comments Received
Environmental Health	Comments Received
Upper Witham Internal Drainage Board	Comments Received

Public Consultation Responses

Name	Address
Mr P Jennings	2 Boultham Park Road Lincoln Lincolnshire LN6 7AY
Mrs Carol and Steven Nicholson	1C Boultham Park Road Lincoln Lincolnshire LN6 7BE

Mr Simon Barrows	4 Gresley Drive Lincoln Lincolnshire LN6 7EJ
Miss Eloise Tate	2 Naval Court Lincoln Lincolnshire LN6 7GX

Consideration

Neighbour Comments

Four objections have been submitted in relation to the proposed development. In summary, the concerns raised relate to loss of light and overlooking from the buildings, flood risk, loss of wildlife, air quality, noise during construction and access for emergency vehicles. 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 with an extant outline permission for dwellings on the land. Development of the land would be acceptable in principle subject to other material planning considerations which will be discussed throughout this report.

Impact on Residential Amenity

In terms of impact on residential amenity, the site is bounded on all sides by residential properties. The layout and design has been subject to pre-application discussions with officers to ensure distances from existing properties are maximised through the position of the buildings and overlooking is designed out where possible. The proposal includes a row of three properties within the eastern part of the site. The rear of the terraced dwellings would face Gresley Drive, as there is no access onto the street at this part of the site. The rear of the buildings would be set back from the eastern site boundary by 13 metres and 15 metres from Gresley Drive. The buildings would be positioned approximately 9 metres from the side elevation of No. 18 Gresley Drive to the south. The terraces would be angled slightly away from No.18 and would have no overlooking side windows facing No. 18. Given this relationship, it is considered that the development would have an appropriate relationship with No. 18 ensuring that overlooking and loss of light have been mitigated through the design and positioning of the buildings. It is not considered that the

development would be overbearing on this neighbouring property.

With regard to impact on No. 8 Gresley Drive, the corner of the proposed terrace would be 14 metres at its closest point and positioned almost at a 90 degree angle to this neighbouring property. Given the oblique angle, it is not considered overlooking would be an issue for the occupants of No. 8, nor would the new building appear unduly overbearing or reduce light to the rear garden of this neighbouring property to an unacceptable degree.

With regard to the proposed semi-detached properties, these would be positioned closest to 1A, B and C Boutham Park Road. The proposed properties are in a slightly canted position so the rear elevations do not directly face the neighbouring properties. In any case, there are no first floor overlooking windows within the rear of these proposed properties and it is considered that privacy will be maintained to No. 1A-C Boutham Park Road. The proposed pair of semis would be positioned approximately 18 metres from the rear of the existing properties on Boutham Park Road which exceeds accepted distances for a window to gable relationship. Given the proposal is to the east of the existing properties, there may be some early morning light lost to the rear but this is not considered to be unduly harmful nor would warrant refusal of the application.

Similarly, the development has taken account of the previously built properties within the Naval Club to the north, with no side windows proposed other than a WC at ground floor and two roof lights. Given the type of windows here, it is not considered these would impact on privacy. The separation between the proposals and the rear elevations of the existing buildings would be approximately 15 metres and is therefore acceptable. Given the distances, it is not considered the new buildings would be overbearing nor would they reduce light to the existing properties to an unacceptable degree. However, officers consider it would be prudent to include a condition which removes permitted development rights to the proposed dwellings. This will ensure that any future changes to the buildings, including the addition of any windows, would require planning permission.

Land Levels

As part of the proposals, there would be some changes to the existing land levels on site. The gardens of the proposed properties to the west of the site would be a proposed ground level of 4.00m AOD compared to an existing of 3.98-4.09 m AOD in that area. Given the negligible difference to land levels in this part of the site, it is not considered that overlooking from the proposed levels within the gardens of the development into the garden of the existing properties of Boutham Park Road would occur. The biggest land level change would be at the Gresley Drive (east) part of the site where levels would be raised from approximately 3.6m AOD to 5.00m AOD. Currently there is a substantial drop in levels from Gresley Drive to the site. Raising the land within this part of the site will ensure the development lines through to Gresley Drive and therefore should not impact on residential amenity. The land levels would then fall downwards from east to west to 4.00m AOD in the western corner of the site.

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.

Impact on Visual Amenity

In terms of the proposed layout, the development has successfully utilised the space on the site effectively to ensure appropriate relationships with neighbouring properties. Whilst the site is surrounded by residential properties, the layout has ensured that no neighbouring property is unduly impacted on by the proposed, whilst each proposed property has its own garden and parking space within the site. Whilst the original outline permission proposed three properties, it is considered that the proposal has successfully accommodated the addition dwellings without compromising the scheme or surrounding residential amenity.

In terms of scale and height, the proposal is set over three levels with a bedroom being located within the roof space on each dwelling. This scale is dictated somewhat by the restrictions imposed by the sites location within a flood zone, although this has been overcome by having the ground floors over two levels, the lower level of the ground floors do not contain habitable accommodation whilst the lounge and kitchen/dining rooms are located on a higher part of the ground floor with sleeping accommodation on the two floors above. This successfully mitigates the flood risk issue and uses changes in ground levels to ensure it does not impact on the design. The resultant scale of development does not appear harmful visually and responds to the established character of the area, whilst importantly overcoming the issue of flood risk.

In more general terms, the design of the properties are an appropriate addition in this back land setting, the modern townhouse and semi-detached approach assimilates effectively with the existing variations of architectural style which currently exist within the area. The chosen materials would be a mix of red brick and render with grey roof tiles and anthracite fenestration and rainwater goods.

The majority of the site has been recently cleared and there are no protected trees on the site. Landscaped areas are proposed within the site, namely adjacent to the passing place and three existing trees adjacent to Gresley Drive have been retained. Officers propose a condition for the submission of a landscaping scheme before commencement of the development.

Subject to a condition requiring samples of materials, 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.

Flood Risk and Drainage

The site is located within Flood Zone 3 and has therefore been submitted with a Flood Risk Assessment (FRA). The development would ensure that where habitable rooms are located on the ground floor; this is within areas which have a finished floor level of 5.2m AOD or above. Areas lower than this level contain utility/WC/store facilities only. The surface water runoff will be discharged to crate soakaways, whilst the access and parking areas will be laid as permeable paving.

The FRA has been assessed by the Environment Agency (EA) who consider that the requirements of the National Planning Policy Framework have been met in terms of Flood Risk. The EA require that the mitigation measures as detailed in the applicant's FRA are conditioned. These conditions include:

- Ground floor habitable accommodation to be raised to no lower than 5.2m above Ordnance Datum (AOD), equivalent to 1.6m above lowest site level
- Ground floor areas below 5.2mAOD to be restricted to non-habitable uses (utility, WC, store)
- Flood resilience and resistance measures to be incorporated into the proposed development as stated

The Environment Agency are satisfied, subject to the above measures being conditioned, that this is an acceptable solution and demonstrates that the flood risk can be mitigated and the site is safe. Whilst the Upper Witham Internal Drainage Board have objected to the proposal, this is on a matter of principle; however, the suitability of the site for development has been demonstrated in the FRA. Similarly, the Lead Local Flood Authority have also raised no objection in terms of drainage/flood risk. The proposal is therefore compliant with Policy LP14 of the Local Plan and the requirements of the NPPF.

Highways, Access and Parking

The development is accessed via a private driveway from Boutham Park Road between No.1 and 1C Boutham Park Road. The access would remain privately maintained and not adopted by the Highway Authority. The site layout plan shows two parking spaces for each dwelling and a passing place on the access road. Officers are satisfied that the provision for the dwellings would be acceptable in what is a relatively accessible location.

Concerns have been raised by some of the neighbouring properties with regard to access for emergency vehicles. The access is relatively narrow and will only allow 1 car at a time. It may not be wide enough for a fire engine. The development will need to comply with the Building Regulations in this regard and should the access not be wide enough for a fire engine to enter the site then there are other methods of meeting the functional requirements of the regulations in relation to a fire emergency.

The Highway Authority have raised no objections to the proposal.

Overall, officers are of the opinion that the proposed 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 contamination to be present. Conditions have been requested which will be attached to the grant of any permission.

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 problems 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.

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.

Bin Storage

There is capacity within the site to store bins within each plot. The original layout indicated a bin collection point within the site although this was positioned more than 25 metres from the roadside and therefore further than the refuse company will walk for collection. Instead, future residents will need to present their bins to Boutham Park Road for collection. The site layout drawing has been amended to omit the collection point from the application.

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

Yes pre application and during application stage.

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 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 and meets the requirements NPPF in terms of Flood Risk. 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.

Recommendation

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

- Time limit of the permission
- Development in accordance with approved plans
- Samples of materials to be submitted
- Contamination land standard conditions
- Landscaping to be submitted
- Electric vehicle charging points to be submitted
- Construction and delivery hours to be controlled
- Permitted development to be removed
- Flood mitigation to be incorporated
- Land levels and finished floor levels to be as the drawings