

Application Number:	2022/0647/OUT
Site Address:	Land At 40 Nightingale Crescent, Lincoln, Lincolnshire
Target Date:	2nd December 2022
Agent Name:	Rob Bradley Building Design Ltd
Applicant Name:	Mr R Bushell
Proposal:	Erection of 2 dwellings (Outline including details of access).

Background - Site Location and Description

Planning Permission is sought for Outline permission for the principle of residential development for up to 2 dwellings on a parcel of land on Nightingale Crescent. The site is currently occupied by a large detached double garage within the ownership of 40 Nightingale Crescent.

Number 40 lies on the south side of the highway between its junctions with Kingfisher Close and Redwing Close.

Nightingale Crescent is a long looping residential road with a number of cul-de-sacs off it.

The application is brought before Planning Committee as the applicant is a City Councillor.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 11th October 2022.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

- Planning policy
- Principle of the development
- Visual amenity and design
- Residential amenity and Impact on neighbours
- Technical matters

Consultations

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

Comments have been received as part of the consultation process. They can be viewed in full online or at the end of this report.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received
Lincolnshire Police	Comments Received
Tracey Footsoy	Comments Received

Public Consultation Responses

Name	Address
A Harris	5 Kingfisher Close Lincoln Lincolnshire LN6 0JW
Mr John Young	42 Nightingale Crescent Lincolnshire Lincoln LN6 0JR

Consideration

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. CLLP Policy LP1 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).

Policy LP26 - Design and Amenity of the Central Lincolnshire Local Plan is relevant and is permissive of alterations to existing buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high-quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. The policy states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Principle of the Development

The application site comprises an end-of-terrace-type two-storey townhouse much as dwellings around it but with an untypically large area of garden land to the east side, as part of which a detached double garage sits.

This application is seeking outline planning permission with access considered, all other are matters reserved for subsequent consideration. As a result, the plans and drawings submitted in support of the application are all for indicative purposes only, with detailed matters relating to appearance, landscaping, layout, and scale to be established at the reserved matters stage. The plans submitted with the application demonstrate how 2 no. semi-detached dwellings could be accommodated on the site. This is not a final layout, and the application only seeks the principle of developing the site for up to 2 dwellings.

Visual Amenity and Design

The design and layout of the proposed development would be the subject of a Reserved Matters application should Outline consent be granted. However indicative drawings submitted with the application show that a form of development, similar to adjacent properties, could be accommodated on the site. Two storey dwellings would be appropriate in this location and would accord with Local Plan Policy LP26.

Residential Amenity and Impact on Neighbours

Given the proposed development would be in an established residential area, the principle of developing the site would be acceptable and in accordance with Local Plan Policy. When looking at the Reserved Matters application in the future the applicants would need to consider how the properties are positioned on the site, and designed externally, to ensure that any impacts on existing neighbours are minimised. It is considered that the relationship with neighbouring properties and interface distances on this site is similar to the existing dwellings and is not uncommon in urban areas such as this.

Letters of representation have been received from 42 Nightingale Crescent and 5 Kingfisher Close.

The concerns relate to:

- Overlooking
- Impact on trees and hedges
- Difficulty for access of emergency services
- Noise and disturbance during construction
- Overhead cables requiring diversion
- Materials
- Boundary treatments
- Highway Safety
- Drainage

As previously stated, the application is only in outline with no detailed design or landscaping proposals for the site. At Reserved Matters stage the applicants and planning authority would be able to work together to find a design which would limit impact on neighbours. The applicants could also enter into discussions with neighbours to find a suitable boundary treatment.

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.

Highways

The size of the plot shows that each of the proposed dwellings would benefit from adequate dedicated off-street parking provision. Therefore, it would be reasonable to include a condition that the Reserved Matters application would include 1 off street parking space per dwelling as a minimum.

The Highways Authority have raised no objections to the proposed development but have commented that the gully located within the vehicle access and the telegraph pole may need relocating. These will be at the applicant's expense and will need to be agreed by the Highways Authority and appropriate statutory bodies. It is not considered the proposal would be harmful to highway safety, matters of access are therefore considered acceptable.

Technical Matters

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.

The requirements for electric vehicle charging points would be dealt with through building regulations.

Due to the past uses on the site a former RAF base there is potential for contamination to be present it is therefore recommended a condition relating to unsuspected contamination is placed on an approval should members be minded to approve.

Central Lincolnshire Local Plan Review

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

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

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The principle of developing this site for residential development would be acceptable. The detailed design and technical matters would be considered at Reserved Matters stage, however sufficient information has been submitted at Outline to demonstrate that the site is capable of being developed. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2 and LP26 as well as guidance within the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is Granted Conditionally

- Development carried out within 3 years or within 2 years of approval of last reserved matter
- Reserved matters to be submitted within 3 years
- Reserved matters to be submitted; layout, scale, external appearance, landscaping
- Details of drainage
- Hours of construction 8 am to 6pm Monday to Friday 08:00 to 13:00 on Saturdays
- Reporting of unexpected contamination
- One off road parking space per dwelling