

Application Number:	2018/1007/FUL
Site Address:	Monson Arms, Skellingthorpe Road, Lincoln
Target Date:	16th November 2018
Agent Name:	Framework Architects
Applicant Name:	Mr Matthew Wilkinson
Proposal:	Demolition of the former Monson Arms public house to facilitate the erection of a 3-storey mixed use development comprising of 1no. convenience store, 2no. retail units of flexible use class A1, A2 and A5, and residential apartments above including 1no. studio apartment, 3no. one-bedroom apartments and 6no. two-bedroom apartments. Associated external works including hard and soft landscaping works, 43no. car parking spaces, service yard and bin store.

Background - Site Location and Description

The application site is located on the north side of Skellingthorpe Road within the Hartsholme Ward of the city. It is currently occupied by The Monson Arms, a two-storey former public house although the pub has been closed and the land fenced off for some time. The building itself is situated in the north-western side of the site with the remainder being hard surfaced forming the former parking area of the public house. The site has two existing accesses from Skellingthorpe Road. There are a number of trees located along the boundary with Skellingthorpe Road that are protected by virtue of a Tree Preservation Order, including an English Oak and Lime tree located between the two accesses into the site. Whilst the site is located within a predominantly residential area, the north eastern boundaries of the site abut the adjacent school.

The proposals are to demolish the public house and close up the south-west vehicular access point. A new building is proposed which would be positioned to the rear of the site at two storeys high with an additional floor within the roof space which would be served by dormer windows. The ground floor of the building would accommodate an A1 convenience store and 2 other units which would have a flexible A1, A2 and A5 use. On the floors above the shops there are 10 apartments proposed. 43 car parking spaces are also proposed.

The application has been submitted concurrently with an Outline application for a residential scheme at 239-241 Skellingthorpe Road (2018/1008/OUT). The site subject to the Outline application is currently occupied by a Co-op and some other shop units which would be demolished in order to accommodate the proposed residential scheme. A statement submitted with the application highlights that both of these sites are within the applicant's ownership and therefore essentially this application would be a replacement of the local centre that would be lost through the Outline scheme.

Councillor Hills has requested the application is brought before Planning Committee, in addition the application has received 3 objections from local residents.

Site History

Reference:	Description	Status	Decision Date:
2015/0078/F	Demolition of existing building and erection of a 3 storey 54 bed Care Home (C2) with associated landscaping and car parking.	Refused	26th June 2015

Case Officer Site Visit

Undertaken on 28th September 2018.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP6 Retail and Town Centres in Central Lincolnshire
- Policy LP9 Health and Wellbeing
- Policy LP10 Meeting Accommodation Needs
- Policy LP12 Infrastructure to Support Growth
- Policy LP13 Accessibility and Transport
- Policy LP15 Community Facilities
- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

- The Principle of the Development in Terms of Planning Policy
- Status of the Site as an Asset of Community Value
- Impact on Visual Amenity
- Impact on Residential Amenity
- Impact on Protected Trees
- Other Matters

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

Anglian Water	No Response Received
Lincolnshire Police	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Vicky Allen	Comments Received
Lincoln Civic Trust	Comments Received

Public Consultation Responses

Name	Address
Mr David Lyon	28 Westwood Drive Lincoln Lincolnshire LN6 0HL
Mrs Regina Anderson	19 Hartsholme Drive Lincoln Lincolnshire LN6 0HF
Rebecca Warhurst	Flat At 241 Skellingthorpe Road Lincoln Lincolnshire LN6 0ET

Consideration

Correspondence has been received from 3 local residents on Skellingthorpe Road, Westwood Drive and Hartsholme Drive. In summary concerns are raised to the impact on the trees, traffic, the pub being an Asset of Community Value, interrupting views of the Cathedral, the lack of need for another Coop and increased anti-social behaviour.

The Principle of the Development in Terms of 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 and retail developments. Officers are therefore satisfied that the principle of the development is wholly appropriate in this location, particularly considering the nature of the previous use and that the site is within a predominantly residential.

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).

In terms of the proposed use of new retail and office uses, Policy LP6 along with paragraph 86 of National Planning Policy Framework directs new retail uses to the City Centre or existing local centres. The development would not be located within a local centre. The existing local centre on Skellingthorpe Road is subject to a separate application for re-development and therefore the current scheme would essentially provide an enhanced replacement local centre provision. The Planning Statement submitted with the application states that it is not the intention to operate both centres at the same time nor would it be commercial beneficial to do so. It is considered that the application represents a relocation of an existing centre and therefore would not conflict with Policy LP6.

The requirements for developer contributions has been assessed and due to the nature of the proposed use the development is CIL liable due to the application proposing a convenience retail store although there is no requirement for Section 106 contributions relating to education, health, playing fields or play space.

Status of the Site as an Asset of Community Value

A previous application was refused for a care home on the site in 2015. The refusal reasons related to the impact on trees, the design of the care home and the impact on the existing pub from its loss as an Asset of Community Value. At the point of the previous application, the pub was still open and had not been advertised as a going concern. It was therefore concluded that the potential harm caused to the local community by the loss of the public house and its social functions within the community had not satisfactorily been proven to be outweighed by the need or other benefits associated with the proposed development.

The pub was placed on the register of Asset's of Community Value (ACV) on 27th March 2015 and will remain on the register until 26th March 2020. The ACV status is still a material planning consideration, however, the ACV process allows a period of 6 weeks for the community to come forward with a bid for the Public House. The ACV Register confirms that no bids were received and the owner was therefore free to dispose of the Monson Arms on 6th April 2016. The pub was sold to the current applicant in May 2017. Given the proposal would not result in the loss of an existing facility, it is considered the proposal would not contravene Policy LP15 of the CLLP.

Although the building will remain on the register until 26 March 2020, it is considered that much less weight can be afforded to the ACV designation than with the previous application in 2015. Circumstances have now changed as the site has been sold and it is clear that the pub has remained closed for some time. Furthermore, no bid from the community was received in order to continue the use of the pub. There are no provisions within the Localism Act to insist that a landowner keep a public house trading or fulfil the community function it may have provided in the past.

Impact on Visual Amenity

The new building would be positioned to the rear of the site and centrally located, unlike the previous building which was positioned towards the neighbouring property No. 254 Skellingthorpe Road. An existing vehicular access would be utilised into the site with the other existing access to the west of the site would be stopped up. The remaining site area would be utilised for parking for the residential units and visitor parking for the shops. A service yard would also be included adjacent to the building for deliveries.

The design of the building has incorporated a steep sloping hipped roof, a projecting porch element with entrance into the convenience store, dormer windows with the use of render and red brick. The design of the building has incorporated elements, which are characteristic within the Swanpool Conservation Area. Whilst the building would sit higher than the existing Monson Arms building, it is considered that the site could accommodate the three storey building comfortably and the siting, mass and scale of the proposal would have an acceptable relationship with the street and surrounding area.

With regard to landscaping, there would be strips of planting beds on either side boundaries of site, whilst the planting bed on the boundary adjacent to No. 254 would also incorporate some tree planting. This will help separate the car parking from the rear garden of the neighbouring property.

A representation has been made raising concerns regarding the height of the building which has the potential to interrupt views of the Cathedral. Whilst the loss of a specific view is not a material planning consideration, I do not consider that long views of the Cathedral would be lost given the scale of the development proposed.

The application would be in accordance with LP26 of the Central Lincolnshire Local Plan and paragraph 130 of the National Planning Policy Framework which requires development to take advantage of opportunities to improve the character and quality of an area, the new building and landscaping represents a significant improvement in terms of the visual amenity of the area.

Impact on Residential Amenity

The highest part of the proposed building would be approximately 3.5 metres higher than the existing building, however, the main side elevation of the proposed building would be positioned 13.9 metres from the side boundary with the nearest neighbouring property No. 254 Skellingthorpe Road. There would be a bin store adjacent to the boundary with this neighbouring property although this would be single storey and would be hidden from the neighbouring property by the existing boundary fence which would be retained. The occupier of No. 254 has not made comments on the application. It is considered that there is sufficient separation from the proposal and the neighbouring property to ensure that the proposal would not appear unduly overbearing or result in an unacceptable degree of loss of light or have a significant impact through overlooking.

The City Council's Pollution Control Officer has recommended conditions regarding hours of construction and deliveries associated with construction, given the proximity to neighbouring properties and the amount of demolition required before development starts, times are restricted to minimise the noise and disturbance to neighbouring residential properties. Further conditions are also proposed in order to protect residential amenity including, external lighting, a noise assessment for external plant as well as submission of

fume extraction prior to an A5 use commencing at the development to ensure that these issues are dealt with appropriately.

It is therefore considered that the development is appropriate and the level of amenity for both neighbouring and future residents is acceptable, in accordance with requirements of Policy LP26.

Access, Parking and Highways

The application has been accompanied by a Transport Statement that has been considered by the Highway Authority. The parking arrangements on the site include 32 spaces for the shops and 11 spaces for the residential units. The site will be accessed by a single point and turning space is afforded within the parking area in order to leave the site in a forward gear. A cycle stand is also provided for visitors. The Transport Statement shows swept path analysis' demonstrating that service deliveries would be able to enter the site and access the service yard and turn around within the site. The Highway Authority have raised no objections in terms of traffic capacity or highway safety subject to a condition for the submission of details of the stopping up of one of the existing access points.

Taking account of the advice from Lincolnshire County Council, it is considered that the development would be in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

Impact on Protected Trees

An Arboricultural Survey has been submitted as part of the application process, following concerns from the City Council's Arboricultural Officer with regard to the protected trees on the front boundary of the site. There are five trees within the grassed area to the front of the site which are subject to Tree Preservation Orders. Whilst the new building would be positioned to the rear of the site and therefore unlikely to encounter any major tree roots, there was concern originally regarding the proposed removal of the existing car parking surface and kerbs in order to replace the surfacing with new tarmac and how this might impact on the roots of the protected trees. Following these concerns the surfacing arrangements for the parking areas have been amended in line with the Arboricultural report which establishes root protection areas around the trees and confirms that within the bulk of these protection areas, the existing surfacing will remain insitu and a top coat applied. The survey also identifies a tree within the site as dead which would be removed along with 2 other trees within the site, although these are not protected. The survey also recommends a crown lift of the 4 protected trees to the front on the northern side in order to allow vehicle movements within the car park.

The City Council's Arboricultural Officer considers that the assessment of the trees is thorough and complete and considers the tree protection measures to be appropriate and adequate. It is therefore concluded that the development has been considered in relation to the impact on the protected trees within the site and subject to conditions relating the tree survey recommendations, the application is in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Other Matters

Drainage

The application is accompanied by a Drainage Scheme showing that surface water will be dealt with by infiltration into soakaways. The scheme incorporates calculations to show that in a 1 in 30 year +20% event all water would be contained within the designed system and up to and including a 1 in 100yr + 20% no off site-flooding occurs.

The LCC in their capacity as Lead Local Flood Authority has raised no objections in respect of surface water drainage although given the on-site drainage elements would not be adopted by LCC the calculations have also been checked by Building Control.

There has also been no objections raised by Anglian Water or the Upper Witham Drainage Board.

Contaminated Land

A Site Investigation Report has been submitted with the application in relation to Contaminated Land. These have been considered by the City Council's Scientific Officer who has advised that the site investigation work and a period of gas monitoring has concluded that no remedial measures are required. It is therefore recommended that no further information is required with regard to contaminated land albeit a condition is recommended in respect of any unexpected contamination.

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. It therefore 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 and CLLP Policy LP13. This matter will accordingly be conditioned on any grant of consent.

Archaeology

A desk based assessment has been submitted with the application with regard to the potential for archaeological deposits on the site. The City Council's Archaeologist has confirmed that there is no reason to impose further archaeological conditions on the consent given the likely development would already have caused to any potential deposits.

Bin Storage

The City Council's Community Contracts Officer has raised no objections to the application and has provided information regarding communal bin requirements, which have been forwarded to the agent.

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

Yes.

Financial Implications

None.

Legal Implications

None.

Conclusion

The principle of the use of the site is considered to be acceptable and 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. Tree protection measures are considered acceptable and technical matters relating to highways, contamination and drainage are to the satisfaction of relevant consultees. The proposals would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP6, LP9, LP10, LP12, LP13, LP15 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

Proposed Conditions

- Time limit of the permission
- Development in accordance with the approved plans
- Samples of materials to be submitted
- Details of electric vehicle charging points
- Noise impact assessment in relation to the external plant
- Lighting scheme to be submitted
- Fume extraction for any A5 use
- Details of stopping up of access
- Construction proceed in accordance with Arboricultural recommendations in terms of tree protection
- Development to proceed in accordance with the surface water calculations
- Reporting of unexpected contamination
- Time restrictions on commercial deliveries, waste collection and construction