

<b>Application Number:</b>	2016/0842/OUT
<b>Site Address:</b>	Land At Wolsey Way (between Larkspur Road And Windermere Road), Lincoln, ,
<b>Target Date:</b>	2nd November 2016
<b>Agent Name:</b>	LK2 Architects LLP
<b>Applicant Name:</b>	Mr D Race
<b>Proposal:</b>	Erection of 14 Bungalows (Outline) (Flood Risk Assessment and Drainage Layout received in relation to proposals 29 August 2017)

## **Background - Site Location and Description**

### *Site Location*

The application site is roughly rectangular in shape and is located to the west of Wolsey Way. It adjoins the King George V Playing Field to the west and residential development in Westholm Close, Hurstwood Close and Wolsey Way to the north; and Larkspur Road to the south. Opposite the site on Wolsey way is a larger residential site being developed by the applicant, that land lies in West Lindsey. The applicant still retains ownership of fingers of green space that project into Westholm Close and Hurstwood Close.

### *Description of Development*

The proposals are for outline planning permission for 14 bungalows with only the access fixed for the development, i.e. the position access is taken from Wolsey Way. All other details, including the layout and landscaping of the site; and size of the bungalows are all indicative at this stage. Along with the appearance of the dwellings, these would be agreed through subsequent application(s) for Reserved Matters.

The site is shown without notation within the Local Plan so is not specifically allocated for housing.

## **Site History**

No relevant site history.

## **Case Officer Site Visit**

Undertaken on 8th November 2016.

## **Policies Referred to**

### *Central Lincolnshire Local Plan 2017*

Policy LP1	A Presumption in Favour of Sustainable Development
Policy LP2	The Spatial Strategy and Settlement Hierarchy
Policy LP3	Level and Distribution of Growth
Policy LP9	Health and Wellbeing
Policy LP10	Meeting Accommodation Needs

Policy LP11	Affordable Housing
Policy LP12	Infrastructure to Support Growth
Policy LP13	Accessibility and Transport
Policy LP14	Managing Water Resources and Flood Risk
Policy LP16	Development on Land affected by Contamination
Policy LP21	Biodiversity and Geodiversity
Policy LP24	Creation of New Open Space, Sports and Recreation Facilities
Policy LP25	The Historic Environment
Policy LP26	Design and Amenity
Policy LP29	Protecting Lincoln's Setting and Character
Policy LP36	Access and Movement within the Lincoln Area

*Core Strategy & Development Management Policies of the Lincolnshire Minerals & Waste Local Plan (Adopted June 2016):*

Policy M11 Safeguarding of Mineral Resources

National Planning Policy Framework

**Issues**

In this instance the main issues relevant to the consideration of the application are as follows:

1. The Principle of the Development;
2. Application of Central Lincolnshire Local Plan Policy;
3. Provision of Affordable Housing and Contributions to Services;
4. The Design of the Proposals and their Visual Impact;
5. The Implications of the Proposals upon Amenity;
6. Sustainable Access, Highway Safety and Traffic Capacity;
7. Biodiversity and Arboriculture;
8. Drainage;
9. Land Contamination and Air Quality; and
10. The Planning Balance.

**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
Education Planning Manager, Lincolnshire County Council	Comments Received
Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received
Environment Agency	Comments Received
Anglian Water	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
West Lindsey District Council	Comments Received

### **Public Consultation Responses**

Name	Address
Mrs. L. Graby	Kidra 22 Larkspur Road Lincoln LN2 4SS
Mr. & Mrs. Kendall	3 Hurstwood Close Lincoln LN2 4TX
Mr. & Mrs. Crampton	9 Hurstwood Close Lincoln LN2 4TX
A Coulbech & J Lindsay	9 Westholm Close Lincoln LN2 4TS
Mr. & Mrs. Crowder	12 Westholm Close Lincoln LN2 4TS
Mr. A. & Mrs. J. Byrne	10 Hurstwood Close Lincoln LN2 4TX
Mr. N. & Mrs. S. Bolton	1 Hurstwood Close Lincoln LN2 4TX
Mr. & Mrs. Lofts	11 Hurstwood Close Lincoln LN2 4TX
Mr. L. & Mrs. I. Millward	Pickwick 7 Westholm Close Lincoln LN2 4TS
Mr. & Mrs. Maplethorpe	13 Larkspur Road Lincoln LN2 4SS
Mr. D. & Mrs. H. Redmile	14 Westholm Close Lincoln LN2 4TS

Ms. L. Rose	25 Larkspur Road Lincoln Lincolnshire LN2 4SS
Mr. C. Graby	Kidra 22 Larkspur Road Lincoln Lincolnshire LN2 4SS
Mrs. C. Gurga	14 Montaigne Garden Glebe Park Lincoln LN2 4LR

## **Consideration**

### **1) The Principle of the Development**

#### **a) *Relevant Planning Policies***

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises the adopted Central Lincolnshire Local Plan (the Plan) and during its examination the policies therein were tested for their compliance with the National Planning Policy Framework 2019 (the Framework), which advocates a 'presumption in favour of sustainable development' (Paras 10 and 11).

In terms of sustainable development, Paragraph 8 of the Framework suggests that there are "three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)". These refer to economic, social and environmental objectives.

Policy LP1 of the Plan supports this approach and advocates that proposals that accord with the Plan should be approved, unless material considerations indicate otherwise.

In terms of the spatial dimension of sustainability, proposals need to demonstrate that they contribute to the creation of a strong, cohesive and inclusive community, making use of previously developed land and enable larger numbers of people to access jobs, services and facilities locally, whilst not affecting the delivery of allocated sites and strengthening the role of Lincoln (Policy LP2). Meanwhile, Policy LP3 sets out how growth would be prioritised and Lincoln is the main focus for urban regeneration

## **b) *Location and Supply of Housing***

The Council's current housing supply was considered as part of the preparation of the Central Lincolnshire Local Plan and includes those sites allocated for residential development. The application site is not included as an allocated site as it falls below the threshold for these sites being for less than 25 dwellings.

Evidence currently available to officers indicates that the Council is able to demonstrate a five-year supply and local development plan policies can be considered up to date. There is therefore not pressure for the Council to approve development which may not otherwise satisfy the requirements of the Framework as referred to above. This will be referred to in detail throughout the remainder of this report.

Notwithstanding this, the site is located within a sustainable position for the proposed dwellings to meet local demand. Moreover, the location would offer the opportunity to promote sustainable transport choices (due to accessibility by bus, cycle and walking routes) and connections to existing areas of employment, schools and other services and facilities. However, the accessibility to existing services is only one of the issues relevant to the consideration of sustainability.

Officers recognise that the development would deliver economic and social sustainability directly through the construction of the development and indirectly through the occupation of the proposed dwellings, spend in the City and retention/creation of other jobs due to the location of the development within the Lincoln Urban Area. In addition, the erection of development in this location would not in itself undermine sustainable principles of development subject to other matters as set out below.

## **2) Application of Central Lincolnshire Local Plan Policy**

### **a) *Local Plan Designation of the Site***

#### **i) *Important Open Space***

Members may or may not be aware but at the point that the application was submitted, the application site was included in the 1998 plan as part of the Green Wedge and as functional open space. In light if this it was proposed as part of the Central Lincolnshire Local Plan as an area of Important Open Space encompasses the King George's playing fields.

However, the Inspector for the Examination of the Local Plan concluded that this narrow parcel of land is clearly separated from the playing fields by a fence and a row of trees. It is also largely overgrown and whilst there are informal routes across the site, the land is within private ownership with no formal access. The boundary of the Important Open Space was therefore amended on Inset Map 47 to remove this parcel of land north-east of the playing fields, as shown below:-



*Inset Map 47 Extract*

The designation of the site for an informal recreational use has therefore been lost and the green wedge has also been omitted in this part of the city, due to the development of land in the neighbouring housing allocation. Whilst this is a point of frustration for residents, the non-designation in the Local Plan is a material consideration in the determination of this application and the applicant cannot be forced to allow access to their land. Nonetheless, the report will refer to the nature of the route through the site that is proposed to be provided.

*ii) Minerals Designations*

The application site is shown on the map above as a Site Specific Minerals Safeguarding Area but this is not a designation as there are no mineral policies within the Local Plan. The designation relates to the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (Adopted June 2016), Policy M11 of which deals with the 'Safeguarding of Mineral Resources' and is a material consideration.

Having considered the context of the site, officers are satisfied that the loss of the site for mineral extraction purposes would not be harmful as it is unlikely that it would be extracted due to the size of the site and its immediate residential context. As such, it would not harm the Cathedral in the long term in terms of its environmental or social sustainability. Consequently, officers are satisfied that the development would not conflict with aforementioned policy and there would be no justification to resist the development of the site upon such grounds.

*iii) Summary*

In light of the above, officers would recommend to Members that there would not appear to be a justification to resist the development of the site upon the grounds of its designation in the Local Plan.

### ***b) Policy in Relation to Health Infrastructure Provision***

As alluded to above, the application was received whilst the 1998 Local Plan was being replaced by the Central Lincolnshire Local Plan. In the interests of fairness to applicants, the Council's within Central Lincolnshire decided not to strictly apply those policies for applications received before the adoption date where doing so would lead to a material change in circumstances. In particular, officers did not strictly enforce the policy seeking contributions from developers in relation to health provision for such applications (Policy LP9). Furthermore, due to the date the application was received, the NHS have not been consulted as part of this application. It is therefore recommended that the same stance should be taken with the consideration of this application and it would not be reasonable to turn the clock back and revisit this issue.

### ***c) Other Policy***

Upon the basis that the other policies in the current Local Plan replace those in the 1998, it is considered that the current position should be applied in respect of those policies, i.e. in relation to Affordable Housing, Local Green Infrastructure, Strategic Playing Fields and Education.

## **3) Provision of Affordable Housing and Contributions to Services**

### ***a) Relevant Planning Policies***

#### ***i) Provision of Affordable Housing***

The Framework maintains the principle of creating sustainable, inclusive and mixed communities and calls for local planning authorities to set policies for meeting identified affordable housing needs on site unless offsite provision or a financial contribution of broadly equivalent value can be robustly justified (para. 50). The Council's current policy for affordable housing dictates that 25% of all units should be affordable homes (Policy LP11) for all schemes incorporating 11 or more residential properties.

#### ***ii) Other Community Infrastructure and Services***

The Framework, at Paragraph 92 refers to new development and states:

"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; and
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."

Paragraph 94 of the Framework refers to the importance of ensuring "a sufficient choice of school places is available to meet the needs of existing and new

communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education".

In addition, developments which would result in an increase in the number of households within the locality are expected to contribute to improvements to existing playing facilities or provide play and amenity and open space that could be utilised by the development (Policy LP24 of the Plan).

**b) *Affordable Housing***

The development being over 11 dwellings in size will be above the threshold for affordable housing, it will therefore provide 25% of the proposed dwellings for affordable purposes onsite. In this instance, this would equate to 4 properties. In accordance with Policy LP11, the exact tenure mix should be informed by and compatible with government guidance and discussed with the Local Authority, having regard to local evidence, particularly if the developer retains nomination rights.

**c) *Impact upon Education and of the Community Infrastructure Levy***

The County Council as Education Authority would receive contributions to Secondary Education Provision by virtue of the Community Infrastructure Levy. However, in their consultation response (included in the papers attached to the committee report and uploaded to the Council's Public Access system), the County has also referred to the impacts of the development upon primary education. They have requested that the applicant is required to provide a contribution in order to mitigate the impact of the development upon primary education. Ultimately, the total to be spent on a specifically derived project will need to be secured through a S106 agreement. Notwithstanding this, officers are satisfied that the requests are CIL Regulations compliant and that the scale of development should not have a bearing on the actual impact resulting from the development.

**d) *Local Green Infrastructure and Strategic Playing Fields***

The size of the development site would not be sufficient to meet the requirements of policy in respect of on-site provision of strategic playing fields and would be expected to contribute to the development of local green infrastructure projects.

In terms of the former, it is clear that there is existing playing field provision adjacent to the site but investment in facilities is calculated on a pro rata basis as the population expands and contributions towards strategic playing fields (SPF) would be used within a 15mile travel distance of the site, which would take in the whole of the administrative area of the city. Investment in SPF across the city would therefore not necessarily be into the King George V playing field. Moreover, as Members will appreciate, the Council's current strategy is to improve access to playing fields to permit all year round use with all-weather pitches. The nearest pitches would be Yarborough Leisure Centre or Sudbrooke Drive and we would also be seeking the full contribution in this respect for this site.

Meanwhile, in terms of the latter, through the Central Lincolnshire Local Plan this can

include a multitude of differing forms of Local Green Infrastructure (LGI), not just play space. The offsite contribution sought would be likely to be used for:-

- improvements to the King George V play space; or
- the creation of informal space; or
- investment in allotments or other similar green infrastructure.

As with education provision, these matters can be secured through a S106 agreement but the specific projects will need to be agreed through this process in compliance with Appendix C of the Local Plan and the Central Lincolnshire Developer Contributions Supplementary Planning Document (Adopted June 2018).

#### **e) *Mitigating the Direct Impact of the Development***

All of the matters raised in subsections (b) to (d) above appear to be reasonable and based upon a solid rationale, as such officers are satisfied that these requests would meet the tests relevant to planning obligations referred to in the Framework. Consequently, the provision of onsite affordable housing can be dealt with by a planning condition and the impact upon other facilities and services can be secured by virtue of a S106 agreement.

The applicant has committed to meeting these requirements and to the signing of a S106 agreement. However, should the applicant subsequently fail to meet these requirements, it could undermine the principles of sustainable development outlined in the Framework. As such, if the S106 agreement has not been signed within six months of the date of Planning Committee, and there is no reasonable prospect of doing so, the Planning Manager will refer the application back to the Planning Committee for further consideration by Members.

#### **4) The Design of the Proposals and their Visual Impact**

##### **a) *Relevant Planning Policy***

So far as this issue is concerned, as alluded to above, the proposals must achieve sustainable development and it is the social dimension of sustainability that relates to design. Moreover, Paragraph 8 of the Framework requires the creation of well-designed and safe built environment. In addition, Chapter 12 of the Framework also applies, as this refers to the achievement of well-designed places. Policy LP26 of the Local Plan refers to design in wider terms and requires that "all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all." The policy includes 12 detailed and diverse principles which should be assessed.

##### **b) *Assessment of the Implications of the Proposals***

The application site does not contain any nationally designated (protected) heritage assets, such as scheduled monuments, listed buildings or registered parks and gardens. The site is also situated between existing residential development to the north and south.

Notwithstanding this, the visual implications of the proposals for the site are key to the assimilation of development into its context and the creation of high quality built environment. In this instance the proposals are for outline approval, with access the only consideration. As such, the details for the layout of the site and the proposed bungalows are yet to be finalised, so would need to be considered with further application(s).

Residents have suggested that the property that is situated adjacent to the end of Westholm Close should be omitted. However, it is considered that the indicative layout would follow the established characteristics of development either side of the application site, in terms of its spacing, alignment in relation to one another and the inclusion of green spaces. In particular, the position of Plot No. 10, with suitable landscaping and boundary treatment would not be unduly imposing or harmful to the character of the area. In light of this, the proposals would not appear out of character.

Similarly, whilst the scale of the proposed bungalows is not known, they should also not be out of place within this context. With suitable consideration of the scale of each property in relation to its neighbours, it would allow for a successful integration with the surrounding townscape.

Consequently, officers would advise Members that the development would not be harmful to the character of the area or to the social sustainability of the locality, as required by the Framework. Notwithstanding this, it would be necessary to control the final appearance of each of the bungalows and a scheme of landscaping through the Reserved Matters application.

### ***c) Summary on this Issue***

Officers are satisfied that the application demonstrates that the proposals could be accommodated within the site in the context of the established grain of development, including in terms of the number and spacing of bungalows, so would not be harmful to the character of the area. The proposals would therefore not be harmful to the character of the area for such reasons and the provision of a high quality built development would improve the social sustainability of the locality as required by the Framework. As such, officers would advise Members that there would not appear to be grounds to resist the development in this regard.

## **5) Implications of the Proposals upon Amenity**

### ***a) Relevant Planning Policy***

In terms of national policy, Paragraph 127 of the Framework suggests that planning decisions “should ensure that developments...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.” Similarly, those decisions should also contribute to and enhance the local environment by “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of...noise

pollution”; and mitigate and reduce any “adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life” (Paragraphs 170 and 180 respectively).

Policy LP26 of the Plan deals with the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy and suggests that these must not be unduly harmed by, or as a result of, the development. There are nine specific criteria which must be considered.

### ***b) Assessment of the Implications of the Proposals***

Subject to the control over the scale and design of the bungalows and layout of the wider site, it is considered that the proposals would not be harmful to the amenities of the occupants of neighbouring properties for the reasons set out below in the relevant subsections of this part of the report:-

#### *i) Impacts of Overlooking and Loss of Privacy*

The proposals are for bungalows so should not in lead to overlooking of neighbouring property if they are of a conventional layout and scale. However, it would be possible to control these impacts through a further application for Reserved Matters, along with boundary treatments and scheme of landscaping for each property to protect the amenities of neighbouring properties, particularly as the boundaries to the north to the green areas serving Hurstwood Close and Westholm Close, which are largely open to views at present.

#### *ii) Impacts of Scale and Height*

A number of residents adjoining the application site have suggested that the proposals should only be single storey in height, particularly having regard to the fact that the properties situated on the eastern side of Wolsey Way are said to be imposing upon the single storey dwellings opposite. Similarly, residents have fears regarding the proximity of the proposed properties with existing bungalows

The height of the proposed bungalows is not known but there is no reason why the final design of the proposals should be harmful to the occupiers of neighbouring properties. This would include the prominence or scale of each bungalow when viewed from within the gardens of those properties and its relationship with the properties. Officers would therefore recommend that the application should not be resisted upon these grounds.

#### *iii) Noise and Disturbance*

Whilst the layout within the site is not fixed, based on the indicative details already submitted, the proposed development would be likely to require vehicular movements to the rear of properties situated within Larkspur Road. However, the access road within the development would be likely to be separated by an area of open space and existing and proposed planting. The development is also only for a modest total of dwellings so it is considered that the vehicular movements associated with the proposed development would be unlikely to lead to unacceptable levels of noise and

disturbance to the occupiers of the neighbouring properties or their rear gardens. The proposed development would therefore not be detrimental to the living conditions of these neighbouring residents in this respect. Similarly, the use of gardens adjacent to other existing gardens would not be any different to other identical relationships within this residential context.

Notwithstanding the above, unless there would be controls in place to deal with the noise and disturbance associated with construction working, it is clear that the development of the site could be a nuisance to neighbouring occupiers. In light of this, it is recommended that the hours of working and deliveries for construction are controlled through a management plan to ensure that disturbance is kept to a minimum at unsociable hours.

*iv) Other Impacts*

Notwithstanding the implications associated with (i) and (ii), as these impacts could be exacerbated by any changes in levels throughout the application site, it would be necessary for changes to the levels (to accommodate the proposed ground floor and the surrounding levels for each property) to be approved by planning condition. This would provide suitable control to ensure that there would not be overlooking or overbearing impacts resulting from the proposed bungalows.

**c) *The Planning Balance***

Taking all the above in to account, it is considered that the proposed development of the site could be accommodated in a manner that would not cause unacceptable harm. Moreover, with satisfactory controls over the final design of the development, the mitigation employed in relation to levels, boundary details and construction working, the proposals would be socially and environmentally sustainable in the context of the Framework and would accord with the policies in the Local Plan.

**6) Sustainable Access, Highway Safety and Traffic Capacity**

**a) *Relevant Planning Policies***

Paragraph 110 of the Framework sets out the key elements that development should deliver in order to ensure that they are safe and do not have a severe impact upon the road network. This is supported by policies in the Plan, including LP13 and Policy LP36, which more specifically refers to development in the 'Lincoln Area'. The latter, in particular, outlines that "all developments should demonstrate, where appropriate, that they have had regard to the following criteria:

- a) Located where travel can be minimised and the use of sustainable transport modes maximised;
- b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c) Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green

corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas”

## ***b) Assessment of the Implications of the Proposals***

Residents have indicated as part of the consultation exercises that vehicular and pedestrian access should only be taken from Wolsey Way. As access is the only ‘Matter’ being considered as part of the application, the point of vehicular access can be fixed as part of the application. There is therefore no intention to access the site from the neighbouring residential streets. Similarly, the indicative site layout suggests that there would not be pedestrian access through to the site from neighbouring streets, the only access would be through to the playing fields to the west of the site.

Residents have also suggested that the proposals will result in highway safety issues and congestion locally, including the location of the bus stop near to the site access. The application is supported by a Transport Statement and the bus stop is shown as part of the application. The Highway Authority does not object to the application, in particular in terms of the nature of the access and its relationship with the bus stop and wider Wolsey Way. In addition, this report has also already referred to the location of the site and opportunities available for other means of transport, including bus travel. The proposals are therefore considered to be in accordance with the abovementioned policies.

## **7) Biodiversity and Arboriculture**

### ***a) Relevant Planning Policy***

Paragraphs 170 and 175 of the Framework apply to the proposals and require that development conserve and enhance biodiversity and permission refused where mitigation or compensation are not available. Meanwhile, Policy LP21 refers to biodiversity and requires development proposals to "protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site; minimise impacts on biodiversity and geodiversity; and seek to deliver a net gain in biodiversity and geodiversity." The policy then goes on to consider the implications of any harm associated with development and how this should be mitigated.

### ***b) Ecology***

The application is supported by an ecological report compiled by a suitably qualified expert in April 2016. The report confirms that the site is not of significance for or constraint to great crested newts; reptiles; water voles and otters; badgers; roosting and foraging bats; and barn owls. As such, no mitigation or enhancement is required in connection with any of these species.

The only impact upon other breeding birds is likely to be if the development requires the removal of any hedge, which could be used by birds for nesting. This constraint however only applies during the bird breeding season, which is roughly March to

August inclusive. Nesting birds are not a constraint outside the breeding season i.e. September to February inclusive. In light of this it is suggested that a planning condition is imposed to ensure that vegetation is not removed within this timeframe, unless approved by the Council following consideration of a further survey of that vegetation.

**c) *Arboriculture***

A number of trees have already been removed within the site. Whilst the loss of established trees is regrettable from a visual and ecological context, there are no controls over their protection within this site. Conversely, there are also no guarantees that other trees could need to be removed as the layout is currently indicative. This is a matter that officers can give greater attention to when the design is being finalised. However, greater comfort can be provided through the application for Reserved Matters being accompanied by information of the retained trees and the method of protection for those trees during construction. Subject to this being addressed, it is considered that there would not be any reason why harm should be caused to the biodiversity of the locality through the loss of trees.

**8) Drainage**

**a) *Relevant Planning Policy***

The Framework sets out a strategy for dealing with flood risk in Paragraph 163 which involves the assessment of site specific risks with proposals aiming to place the most vulnerable development in areas of lowest risk and ensuring appropriate flood resilience and resistance; including the use of SUDs drainage systems. Meanwhile, Policy LP14 of the Plan is also relevant as it reinforces the approach to appropriate risk averse location of development and drainage of sites, including the impact upon water environments.

**b) *Surface Water***

The application has required significant discussion between the applicant, Council and Lead Local Flood Authority (LLFA). This has unfortunately resulted in the drainage scheme submitted not being fully SUDs compliant. However, neither Anglian water nor the LLFA has objected to the principles outlined in the application and it would not result in a risk to neighbouring land or property. Given the size of the landholding, the applicant has committed to applying SUDs principles and their scheme has been assessed as being suitable for this location. With this in mind, officers are satisfied that the details of the surface water drainage for the site would be appropriate in accordance with the details already received and no further information would be required for this development. The proposals would therefore accord with the aforementioned policies. Nonetheless, it would be important for the final details of any changes in site levels for the development of this site to be controlled by condition, as these could result in surface water flooding of neighbouring land.

**c) *Foul Water***

Anglian Water have responded as part of the consultation for this application and

suggest that there is capacity within the system to accept flows from the development. In light of this, a foul water drainage connection to the mains sewer would be appropriate. Details of the connection are outlined in the drainage strategy for the site, which can be secured by planning condition.

**d) Summary**

Subject to the development being constructed in accordance with the details submitted as part of the application being controlled by planning condition, there would not appear to be grounds to resist the application in relation to these matters.

**9) Land Contamination and Air Quality**

**a) Relevant Planning Policies**

Paragraph 170(e) of the Framework requires that planning decisions "should contribute to and enhance the natural and local environment by...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water and noise pollution". Paragraph 178 goes on to discuss the detailed assessment of applications in relation to these matters. Meanwhile, making improvements to air quality and its impacts are addressed in Paragraphs 103 and 181 in terms of the location of development and the use of green infrastructure making a positive contribution to improvements to air quality. Furthermore, Paragraph 110 states that "applications for development should...be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations".

In addition, policies of the Local Plan apply to contaminated land (Policy LP16) and the impacts of the development upon air quality from the perspective of amenity (Policy LP26).

**b) Contaminated Land**

The application is not supported by information in respect of ground contamination but this is not essential before the grant of planning permission, as this can be provided before built development is undertaken. Ultimately the proposals would result in the redevelopment of the site which would lead to remediation of any contamination. In light of this, officers consider that planning conditions can be imposed to deal with land contamination if necessary. This is the advice of the Council's Scientific Officer.

**c) Air Quality**

Officers concur with the Council's Pollution Control Officer that the proposed development, when considered in isolation, is unlikely to have any significant impact on air quality. However, cumulatively the numerous minor and medium scale developments within the city will have a significant impact if reasonable mitigation measures are not adopted. Given that there are air quality issues in the city, it seems entirely reasonable and proportionate to the scale of development that each property is provided with an electric vehicle recharge point.

Officers would advise Members that this matter can be addressed by the planning condition referred to in the response received from colleagues.

## **10) Planning Balance**

The Framework sets out a presumption in favour of sustainable development which for decision taking means that where relevant policies of the development plan are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework, taken as a whole; or specific Framework policies indicate development should be restricted. There are no restrictive policies that would lead to the proposals not being sustainable.

However, a conclusion whether a development is sustainable is a decision that has to be taken in the round having regard to all of the dimensions that go to constitute sustainable development. In this case, officers recognise that the development would deliver economic and social sustainability directly through the construction of the development and indirectly through the occupation of the dwellings, spend in the City and retention/creation of other jobs due to the location of the development within the City. Whilst the Council currently has a five-year supply of housing, the application site would be in a sustainable location and would not undermine the housing supply position, rather it would provide additional choice.

What is more, the benefits of providing the proposed dwelling in a sustainable location would commute to the local community, as there would be contributions made to infrastructure and affordable housing. Furthermore, with a suitably designed development, the implications upon the character of the area and the residential amenities of near neighbours would not have negative sustainability implications for the local community, as they would lead to a development that would be socially sustainable. In addition, with suitable schemes to deal with trees, drainage, contamination and air quality, the development would be environmentally sustainable.

Thus, assessing the development as a whole, officers would advise Members that all of the strands would be positively reinforced by the proposals. As such, assessing the development as a whole in relation to its economic, social and environmental dimensions and benefits, it is considered that, in the round, this proposal could be considered as sustainable development and would accord with the Local Plan and Framework.

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

Yes, additional information has been sought in respect of drainage and the indicative layout amended accordingly.

### **Financial Implications**

The proposals would offer benefits to economic and social sustainability through spend by new and existing residents and jobs created/sustained through construction of the development respectively. In addition, there would be residential properties that

would be subject to council tax payments and the Council would receive monies through the New Homes Bonus and CIL Payments.

### **Legal Implications**

The application is the subject of a legal agreement.

### **Equality Implications**

None.

### **Conclusion**

The presumption in favour of sustainable development required by the National Planning Policy Framework would apply to the proposals as there would not be conflict with any of the three strands of sustainability that would apply to development as set out in the planning balance. There would not be harm caused by approving the development so it is recommendation of officers that the application should benefit from planning permission for the reasons identified in the report and subject to the planning conditions outlined below.

### **Application Determined within Target Date**

Yes, subject to extension of time.

### **Recommendation**

1. That petitions submitted be received.
2. That the application be granted conditionally.

### **Standard Conditions**

- 01) Timeframe for Permission (Inclusive of Reserved Matters).
- 02) The Reserved Matters.
- 03) Approved Plans.
- 04) Trees to be Retained and their Protection.
- 05) Existing and Proposed Land Levels.

### **Conditions to be Discharged before Commencement of Works**

- 06) Scheme for Affordable Housing
- 07) Construction Management Plan (Inclusive of Working and Deliveries).
- 08) Arrangements for Management and Maintenance of Streets.

- 09) Engineering, Drainage, Street lighting and Constructional Details of the Streets.
- 10) 30% of the Properties to Compliant with Part M4 (2) of the Building Regulations in accordance with Policy LP10.
- 11) Electric Vehicle Recharge Points.
- 12) Boundary Walls and Fences.

**Conditions to be Discharged Before Use is Implemented**

- 13) Drainage Works (Surface and Foul Water).
- 14) Footways.
- 15) 30 metres of Estate Road from Public Highway.

**Conditions to be Adhered to at All Times**

- 16) Unexpected Contamination.
- 17) No Removal of Vegetation during Breeding Season

**Report by Planning Manager**