

Application Number:	2017/1283/FUL
Site Address:	Site Of Former Wildlife Public House, Birchwood Avenue, Lincoln
Target Date:	24th February 2018
Agent Name:	Globe Consultants Ltd
Applicant Name:	Venture Property Lincoln
Proposal:	Erection of 2no. three storey buildings to provide 30no. one bedroom apartments and 8no. two bedroom apartments; provision of new vehicle access and parking spaces; stopping up of current vehicular access; and, hard and soft landscaping works to include new boundary treatment and provision of shared outdoor amenity space

Background - Site Location and Description

Site Location and Description

The application site is situated on the west side of Birchwood Avenue, a route that provides access into Lincoln from the west, and close to that road's junction with the B1241, Skellingthorpe Road. The surrounding area, which is some 4 kilometres from the city centre, predominantly comprises areas of late 20th century housing, although there is a small convenience store to the north-east of the site and a petrol filling station beyond that.

Description of Development

The application is for two separate three-storey buildings, each accommodating 19 apartments. The buildings are slightly staggered but principally arranged in a horse shoe shape facing away from Birchwood Avenue.

The pair of buildings is book-ended by larger gables, with a smaller gable at the middle where the buildings meet. The eaves level in the 3rd floor is set lower so some of the accommodation is within the roof space of the building.

The access into the site is to the southern edge and leads around the back of the buildings to parking and the amenity space and accesses to the buildings.

Site History

The site was previously occupied by a public house, permission to demolish which was given in 2012 (ref: 2012/0488/DEM).

There have been three applications since the demolition of the public house for the site, two for it to be used for a hand car wash and, more recently, for car sales. The first of these, under application ref: 2015/0256/F, was refused permission on the grounds of its impact upon amenity and the character and appearance of the area. The second application was also refused permission (ref: 2015/0924/F) but only on the grounds of character and appearance and was dismissed at appeal (Appeal Decision APP/M2515/W/16/3147385).

The last application for car sales (ref: 2017/0665/FUL), was refused upon the basis of the visual impact of the vehicles displayed within the site; the disturbance from a valeting area to neighbouring properties; and the harm to highway safety that would be caused between the delivery of vehicles at the site and other road users and inconvenience to the amenities

of the occupiers of nearby properties.

Site History

Reference:	Description	Status	Decision Date:
2015/0256/F	Change of use to hand car wash (Sui Generis)	Refused	16th July 2015
2015/0924/F	Change of use to hand car wash (Sui Generis) with associated Portacabin and canopy (Part Retrospective).	Refused	25th February 2016
2017/0665/FUL	Change of use to car sales (Sui Generis) with associated sales office and valet building	Refused	10th August 2017

Case Officer Site Visit

Undertaken on 17th January 2018.

Policies Referred to

- 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 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
- National Planning Policy Framework

Issues

In this instance the main issues to consider are as follows:-

1. The Principle of the Development;
2. Provision of Affordable Housing and Contributions to Services;
3. The Design of the Proposals and their Visual Impact;
4. Implications of the Proposals upon Amenity;
5. Sustainable Access, Highway Safety and Air Quality;
6. Site Drainage; and
7. 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	No Response Received
Anglian Water	No Response Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Lincolnshire Police	Comments Received
Environmental Health	Comments Received
NHS	Comments Received

Public Consultation Responses

Name	Address
Mr Stephen Brader	15 Landmere Grove Lincoln Lincolnshire LN6 0PD
J.W + D.T Ward	17 Landmere Grove Lincoln Lincolnshire LN6 0PD
Mrs Carol Wilson	16 Birchwood Avenue Lincoln Lincolnshire LN6 0JB
Mr Thomas Turner	5 Landmere Grove Lincoln Lincolnshire LN6 0PD
Mr Glyn Griffiths	9 Landmere Grove Lincoln Lincolnshire LN6 0PD
Mrs Cynthia Ford	13 Landmere Grove Lincoln Lincolnshire LN6 0PD
James Townsend	Spar Filling Station Skellingthorpe Road Lincoln Lincolnshire LN6 0JB
Mrs Anette Flewers	23 Meadowlake Crescent Lincoln Lincolnshire LN6 0HZ

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 National Planning Policy Framework (the Framework) is a material consideration in determining planning applications. Framework paragraph 215 indicates that due weight should be given to relevant policies in the development plan according to their consistency with the Framework i.e. the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

The development plan comprises the adopted Central Lincolnshire Local Plan (the Plan). During its examination the policies therein were tested for their compliance with the Framework.

In terms of sustainable development, Paragraph 7 of the Framework suggests that there are three dimensions: economic, social and environmental. "These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

Meanwhile, at the heart of the Core Planning Principles within the Framework (Paragraph 17) is the expectation that planning should:-

"proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth"

Turning to Local Plan Policy, 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.

The relatively recent adoption of the Local Plan ensures that there is a very clear picture of the options for growth in Central Lincolnshire.

The Framework expects LPAs to have a 5 year supply of deliverable sites (para. 49) that provide for a full range of market and affordable housing, with an additional buffer of 5%. The buffer should be increased to 20% for authorities who have persistently under delivered against their targets and, although there is some debate regarding what constitutes "persistent under delivery", the view is taken that the Council does not fall within this category. Sites with planning permission contribute towards this supply but Councils must also identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 (para. 47). The supply can contain an allowance for windfall sites under certain criteria (para. 48).

b) Housing Supply

The Council's current housing supply was considered as part of the preparation of the Central Lincolnshire Local Plan and evidence currently available to officers indicates that the Council is able to demonstrate a five-year supply, as such the local development plan policies can be considered up to date and there is not pressure for the Council to approve development which may not otherwise satisfy the three strands of the Framework as referred to above.

The site is located within a sustainable position for housing 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, this is only one of the issues relevant to the consideration of sustainability. Moreover, 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 apartments, spend in the City and retention/creation of other jobs due to the location of the development within the City. 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) 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 highlights that planning should be a creative exercise in finding ways of enhancing and improving the places in which people live (para.17). Perhaps most crucially however, is Paragraph 70 which refers to new development and states:

“To deliver 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 space, community facilities (such as local shops, meeting places, sports venues, 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 72 of the Framework refers to the importance of ensuring "that a sufficient choice of school places is available to meet the needs of existing and new communities." The Framework therefore advocates that LPAs should "give great weight to the need to create, expand or alter schools".

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).

This also aligns with the requirements of Policy LP9 of the Local Plan, which requires that developments of 25 or more dwellings demonstrate how they have taken into account health impacts have been designed into the development. Furthermore, developments should also contribute towards health provision where there is evidence that a development will impact upon current provision.

b) Impact upon Education and of the Community Infrastructure Levy

The County Council as Education Authority has not made a request towards the impact upon education provision. Furthermore, the development would not be subject to the Community Infrastructure Levy given that it is for the development of apartments.

c) 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. As such, it would be necessary to improve existing provision off-site. This can be secured through a planning condition.

d) Impact upon Health

i) Health Impact Assessment

The application is supported by a Health Impact Assessment and it is considered that the outcomes of the checklist and conclusions of the document are reasonable in the context of the scale of development, site context and other matters, i.e. the contributions that will be made to facilities in the city. Officers therefore agree that no further assessment is required

to demonstrate compliance with Policy LP9 of the Central Lincolnshire Local Plan.

ii) Mitigating the Impact on Health Provision

Notwithstanding the above, including reference in the HIA to GP Services, NHS England has identified that the development would have an impact upon the provision of primary care in community. Their response highlights the direct action that would need to be taken to address this matter. This includes a contribution to the provision of additional facilities locally. A scheme to mitigate this impact can be addressed by planning condition.

e) *Mitigating the Direct Impact of the Development*

In the context of the relevant policy framework and the scheme presented, the development should provide:

- 10 affordable units on site (25% of 38 units, rounded up);
- A contribution of £16,187.60 to the provision of / improvements to existing off-site strategic playing fields;
- A contribution of £11,354.60 to the provision of / improvements to existing local green infrastructure; and
- A contribution of £15,466.00 towards the services for patients and relief of pressures on health services within the area.

All of the 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.

The provision of affordable housing and schemes to deal with the impact upon other facilities can be secured by virtue of a planning condition. However, should the applicant subsequently fail to meet these requirements, it could undermine the principles of sustainable development outlined in the Framework.

3) 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. Paragraph 7 of the Framework requires the creation of high quality built environment. In addition, the policy principles outlined in Paragraphs 17, 58, 60, 61 and 64 of the Framework also apply. Moreover, the Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

At the local level, the Council, in partnership with English Heritage, have undertaken the Lincoln Townscape Appraisal (the LTA), which has resulted in the systematic identification of 105 separate “character areas” within the City. The application site lies within the Birchwood Estate Character Area.

Policy LP26 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*

In the responses received as part of the planning application process, a number of residents have raised concerns with respect to the scale of the proposed building being out of context with its surroundings. Moreover, residents are concerned that the three storey building will look out of place in the context of surrounding single and two storey buildings. They have also drawn attention to the previous refusals of permission for smaller buildings at the site but it is important to note that these were for modular buildings of a temporary appearance and the proposals are for a permanent architecturally designed building.

Although it is inevitable that the proposed building would be set higher than those in its immediate context, the third storey is partly accommodated within the roof of the building. This combined with the inclusion of gables and variation in the plane of the elevations helps to reduce the perceived scale of the building. Nonetheless, the visual impact of the building would not be harmful to the character of the area, as it is considered that the building would add interest to the streetscape.

In particular, the proposals would help to address the current lack of enclosure given the presence of the petrol filling station at the important junction of Birchwood Avenue and Skellingthorpe Road, which is due to be an entry point to the Western Growth Corridor. What is more, further to the south there is a very similarly scaled building situated close to the corner of Larchwood Crescent and Birchwood Avenue, this is bordered by single storey and two storey buildings.

Consequently, officers would advise Members that the development would not be harmful to the character of the area and it would successfully integrate with the surrounding townscape, providing a complimentary façade treatment which would add visual interest. The proposals would therefore be development that would not harm the social sustainability of the locality as required by the Framework. Notwithstanding this, it would be necessary to control the final look of the buildings through the materials of construction and other fine details through the imposition of planning conditions.

c) *Summary on this Issue*

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. Officers are satisfied that the application demonstrates that the use could be accommodated within the site in the context of the established form of development and would not be harmful to the character of the area.

4) Implications of the Proposals upon Amenity

a) *Relevant Planning Policy*

In terms of national policy, the NPPF suggests that development that results in poor design and/or impacts upon the quality of peoples’ lives would not amount to sustainable

development. Consequently, the implications of both are key to the consideration of the acceptability of the principle of development within a given site. Moreover, the Framework (Paragraph 9) sees “seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life” as being important to the delivery of sustainable development, through “replacing poor design with better design” and “improving the conditions in which people live” amongst others. Furthermore, the core principles of the Framework (Paragraph 17) indicate that “planning should...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

Policy LP26 of the Plan deals with design and amenity. The latter refers to 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. The policy is in line with the policy principles outlined in Paragraphs 17, 59 and 123 of the NPPF. Indeed, Paragraph 123 of the Framework suggests that “decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”.

b) Assessment of the Implications of the Proposals

i) Overshadowing and Loss of Light

A number of residents have raised concerns with respect to the scale of the proposed building and the potential for loss of light into adjacent properties and their gardens, as well as to solar panels on the roof of the properties.

The information in the Solar Studies document provided as part of the application considers the impact of the development upon the properties neighbouring the site and it is clear that there would not be overshadowing or loss of light resulting from the development in Summer months due to the sun being higher in the sky, particularly at the Summer Solstice (21 June). However, the rear amenity space of Nos. 5-13 Landmere Grove would be cast in shade as well as the rear façades of the building in the morning as a result of lower Winter sun. However, this situation improves throughout the day with parts of the amenity areas and all façades free of shade by midday.

Whilst the suburban context within which the area is situated would mean that one would expect a greater degree of protection of amenity than an urban context, the harm that would be caused to the amenities that the occupants of the properties would expect to enjoy would not be sufficiently harmful in its own right to warrant the refusal of the application. Furthermore, there may be other considerations that could outweigh this harm. This will be addressed later in this report.

ii) Impacts of Scale / Massing and Outlook from properties

A number of residents have referred to the fact that their view would be obstructed across the site due to the development. Whilst, this is not a planning matter, issues of outlook are more relevant and the impacts upon properties can be considered as part of this report.

As alluded to above, based upon the scale and massing of the proposed buildings and their relationship with adjacent properties it is considered that there would not be an overbearing effect resulting from the development. As such, there would not be conflict with the planning

policies relevant to this aspect of residential amenity.

iii) Overlooking and Loss of Privacy

A number of residents have raised concerns with respect to overlooking from the proposed properties towards existing properties on Birchwood Avenue and Landmere Grove.

The site layout plan is annotated to include the distance of windows on the rear façades of the buildings to the properties situated on Landmere Grove, in this instance, no window is closer than 25 metres from the properties opposite. This is considered to be in excess of what officers would expect in any residential context, regardless of whether or not there were previously properties opposite. In terms of this latter point, the development would inevitably introduce overlooking of properties that have not experienced this previously across their gardens. However, this would be no more harmful than the window to window relationship within the immediate context.

Similarly, the windows in the southern elevation of the building facing towards No. 14 Birchwood Avenue, would face the blank façade of that property or be positioned at an acute angle from the windows in the property. Furthermore, the distance of these windows to the side boundary of the property would be in excess of 13 metres. Finally, given the commercial nature of the use to the northeast of the site, the incorporation of windows facing that use would be acceptable.

Having regard to the distances between the existing and proposed buildings and their orientation, officers are satisfied that there would not be harm caused through overlooking or loss of privacy that would be harmful to the amenities that the existing or future occupiers of those buildings would expect to enjoy.

iv) Other Impacts of the Development

Residents have also raised concerns regarding the impact of noise from vehicle movement and idling, as well as car doors slamming within the site; and from additional residents. Furthermore, the operators of the Petrol Filling Station have suggested that this operates 6.00am-23.00pm 7 days a week; and that the Council will need to consider the impact upon amenity. In addition, the construction of the development has also attracted concerns due to the potential for noise and dust / pollution from works on site to be a disturbance and potentially harmful to health.

- Noise from Neighbouring Uses

The Council's Pollution Control Officer has acknowledged the relationship with the existing petrol station/retail unit and the potential for noise from this existing use. In light of this, it would be necessary to ensure that the future occupants of the proposed use would not be adversely affected, particularly where there is externally mounted plant such as chiller units. In order to ensure that any noise issues are adequately mitigated as part of the redevelopment of the site, it is recommended to officers that a planning condition is included, if the application is granted, which would include mitigation of off-site noise sources.

- Noise from the Development

The principal impacts associated with the development will be the comings and goings of vehicles. The current proposals are for the access for the site to be relocated further south

along Birchwood Avenue, closer to No. 14. Given that this location would be in a similar location to the parking that was situated along this boundary. Officers are therefore satisfied that the proposals would not adversely affect the amenities of the occupants of that property as the noise and disturbance would not be significantly different from previously.

Similarly, the general activity associated with comings and goings within the site would also not be of sufficient detriment to the enjoyment of occupants of other properties to warrant the refusal of the application, as the movement of vehicles would be unlikely to be on such a consistent basis to be harmful to amenity to warrant refusal of the application.

- Impacts of Construction

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. As such, it is recommended that a Construction Environmental Management Plan would be necessary, alongside working and delivery hours.

- External Lighting

As the site incorporates a large area of shared parking and external amenity areas, it is inevitable that there would be a requirement for external lighting. If this is appropriately designed it should not have a detrimental impact upon neighbouring properties. It is therefore recommended that an appropriate scheme of lighting is controlled by planning condition.

- Crime and Anti-Social Behaviour

Concerns have been expressed in relation to the potential overlooking from the development and whether this would decrease security of surrounding properties. However, officers would suggest that a greater level of surveillance would actually improve security of the area.

Nonetheless, the consultation response received from Lincolnshire Police contains pertinent advice in relation to the proposed building including designing-in crime reduction measures within the site and building. It is considered that much of which is suggested can be dealt with through other planning conditions, including effective site lighting but the applicant should be made aware of these recommendations if Members are minded to grant permission for the application.

c) *Summary on this Issue*

The applicant has suggested that the Council may wish to consider a temporary consent if officers have reservations regarding the application. It is suggested that this would enable monitoring to take place to establish if there was any harm to amenity. However, officers do not consider this approach appropriate for this type of development as the impacts could be immediate and implications felt for two years. Furthermore, whilst the Council's Pollution Control Officer has raised no objections to those points raised above it is still considered that the overall impact of the development on local amenity is such that permission should be refused.

5) Sustainable Access, Highway Safety and Air Quality

a) *Relevant Planning Policy*

i) *Access and Highway Safety*

The impacts of growth are enshrined in the Core Planning Principles of the Framework (Paragraph 17), which expects planning to actively manage this growth “to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. As such, Paragraph 35 requires that: “developments should be located and designed where practical to [amongst other things] give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; and should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones”.

A number of Local Plan Policies are relevant to the access, parking and highway design of proposals. In particular, the key points of Policy LP13 are 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”

There are also transport measures referred to in Policy LP36, which more specifically refers to development in the ‘Lincoln Area’, the key measures add to and reinforce the criteria within Policy LP13. As such, they are intended to reduce the impact upon the local highway network and improve opportunities for modal shift away from the private car. In particular, development should support the East West Link in order to reduce congestion, improve air quality and encourage regeneration; and improve connectivity by means of transport other than the car.

Paragraph 32 of the Framework suggests that the residual cumulative impacts of the development would need to be severe for proposals to warrant refusal. This is reinforced by Policy LP13 of the Local Plan which suggests that only proposals that would have “severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.”

ii) *Air Quality*

The Framework also seeks to promote and enable sustainable transport choices and, in doing so, aims to protect and enhance air quality. Paragraph 35 states “developments should be located and designed where practical to....incorporate facilities for charging plug-in and other ultra-low emission vehicles”.

b) Access and Highway Safety of the Proposals

i) Concerns of Residents

The proposals have invited a number of objections from residents in relation to a number of highway safety matters, including the potential impact of additional vehicle movements, associated with the development, upon the road network. In particular, residents are of the opinion that the traffic around the junction of Skellingthorpe Road and Birchwood Avenue already causes a problem and is added to by the interaction with buses which stop opposite the site.

Residents fear that this situation would worsen due to the development, particularly in relation to access for existing residents into their properties and Meadowlake Crescent; and safety of pedestrians crossing the roads. Residents do not agree that the proposals will have lesser impact than the previous public house. Furthermore, it is suggested that there is insufficient parking provided for the proposed development.

ii) Car and Cycle Parking

The proposed development would be accessed via a repositioned access, which would be closer to 14 Birchwood Avenue. This would serve the private parking area to the west and north of the building. There would be 48 car parking spaces for the 38 apartments (which equates to 1¼ spaces for each apartment), as well as potentially 40 spaces for the storage of cycles. This seems entirely reasonable given that the site is also accessible by bus.

This approach would be consistent with the development further to the south, close to the junction of Larchwood Crescent, which is for 14 apartments, with one-for-one parking provision. Therefore, the provision of more than one space per property with the proposed development would be beneficial, particularly as other means of transport are possible.

Although greater provision of spaces may be possible with reconfiguration of the areas around the building, a balance needs to be struck between the provision of circulation space / amenity areas and general separation from the road / parking and the building. Moreover, providing additional parking could be more harmful than beneficial, particularly in light of the fact that the Highway Authority has not requested further parking.

iii) Access

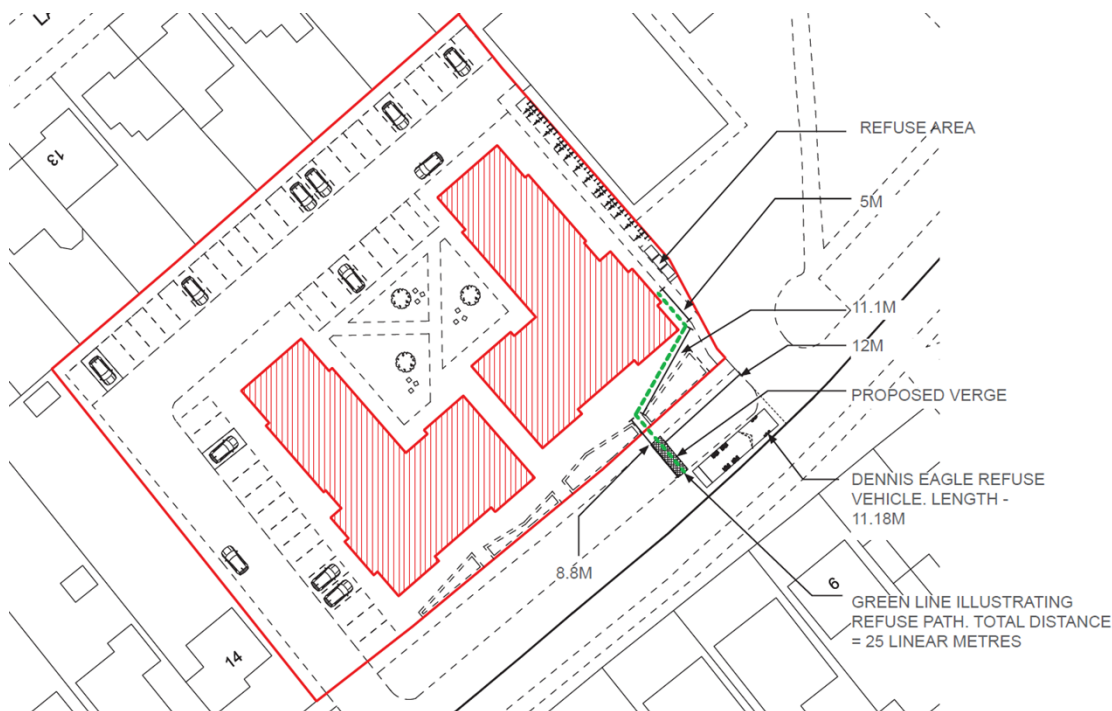
As noted above, concerns have been expressed regarding additional traffic resulting from the development, particularly due to the proximity of the access to the traffic controlled junction of Birchwood Avenue and Skellingthorpe Road but visibility from the access is not problematic given the depth of the highway verge.

There would clearly be an increase in the number of vehicles accessing and egressing the site beyond the current vacant use and although the public house previously incorporated an extensive car park, evidence from residents suggests that the car park public house was rarely at capacity. However, as the Highway Authority has not raised any concerns regarding issues of visibility from the site or noted any incidences of accidents involving the use of the access, officers consider that it would be difficult to raise concerns regarding the intensification vehicle movements in a similar position.

Nonetheless, it is important to consider that the site is accessible by various means of transport and it is by no means certain that all residents will either own or make use of a car within peak traffic flows. Those residents associated with the development that do own a car would be more likely to inconvenience other occupiers of the development itself, not other users, if they find it difficult to egress the site, as they would need to queue within the site.

iv) Servicing

Birchwood Avenue is a busy road as it links Skellingthorpe Road with Doddington Road, two of the main routes into the city, and acts as the main route for residencies within Birchwood. The road is also a busy bus route, with a stop opposite the application site. As part of the application officers have sought to ensure that service vehicles can access and egress the site to collect refuse. However, this is not feasible, so it would be necessary for collections to be made at the highway verge.



The applicant has provided the above plan to show the collection point. Although there may be instances when a bus is stationary at the same time as a refuse collection vehicle, these are likely to be for a short time and infrequent. As such, any blockages to the road would also be infrequent so the inconvenience caused to residents living locally would not be sufficiently harmful to warrant refusal of the application. Moreover, it would be possible to ensure access to the refuse storage area to enable collections to be made in an efficient manner and the Highway Authority do not object to this approach.

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.

In light of this, as the proposed development will include a significant amount of off-street parking, it is considered that the applicant should be required to incorporate appropriate

electric vehicle recharge points into the development, which can be controlled by a planning condition.

d) *Summary on this Issue*

Taking all the above in to account, it is considered that the proposed development could be accommodated within the site in a manner that would not cause unacceptable harm due to the provision of parking or the implications of access or air quality.

6) Other Matters

a) *Site Drainage*

Policy LP14 of the Local Plan deals with foul water disposal and it is proposed that the development would be connected to the mains sewer. A resident has queried whether there is sufficient capacity within the existing system to support the development. However, they have not suggested that there is a problem with existing infrastructure. In light of this, officers have no reason to question whether there would be infrastructure available to serve the proposed development. Ultimately the applicant would need to agree a connection with the relevant authority and the design of the proposed scheme can be agreed by condition.

b) *Archaeology*

The City Archaeologist has not made any written comments regarding the application but has verbally indicated to officers that, in this instance, there would not be a requirement for a further archaeological input as part of the application or development processes. There would therefore not be conflict with Policy LP25 of the Local Plan or Section 12 of the Framework.

c) *Ecology, Biodiversity and Arboriculture*

i) *Relevant Planning Policy*

Paragraph 118 of the NPPF requires LPAs to conserve and enhance biodiversity by refusing planning permission where significant harm resulting from a development cannot be avoided, mitigated or compensated for. 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.

ii) *Assessment of the Implications of the Proposals*

Given that the site is absent of vegetation, officers consider that there would not necessarily be conflict with national planning policy principles in the Framework or in Policy LP21 of the Local Plan. However, it is considered that it would be reasonable for the development to provide enhanced opportunities for bird nesting, through bird boxes positioned on the building.

d) *Land Contamination*

i) Relevant Planning Policy

As with air quality, Paragraph 109 of the Framework also refers to contamination. Paragraph 120 expands upon this and suggests that “to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

In addition Paragraph 121 states that planning decisions “should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.”

In terms of Local Plan policies, given the location of the site, Policy LP16 directly refers to the requirements of development in relation to contaminated land.

ii) Assessment of the Implications of the Proposals

The application is supported by a Phase II report but the Council’s Scientific Officer has requested further information. Although this has not been provided, further detailed information can be provided before built development is undertaken. Moreover, 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 should be imposed to deal with land contamination.

7) Planning Balance

Paragraph 14 of 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 location of additional residential development in a sustainable location would not undermine this position, rather it would provide additional choice. Furthermore, as this is 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 drainage, contamination, noise and air quality, the development would be environmentally sustainable.

In addition, the benefits of providing the proposed apartments in a sustainable location would commute to the local community as they would result in the provision of affordable housing, infrastructure and facilities, which would benefit the health and social wellbeing of those living nearby.

Thus, assessing the development as a whole in relation to its economic, social and environmental dimensions and benefits, officers are satisfied that the proposals would be for 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 sought in respect of numerous matters as referred to in the application.

Financial Implications

The proposals would offer benefits to economic and social sustainability through spend by new and existing residents and visitors, jobs created/sustained through construction and the operation of the development respectively. In addition, there would be residential properties that would be subject to council tax payments. What is more, the Council would receive monies towards the upgrade of strategic playing fields and local green infrastructure; the NHS towards upgrade of facilities; and the proposals may contribute to affordable housing.

Legal Implications

The planning conditions imposed may require legal input in the future depending on the nature of the schemes proposed to deal with affordable housing, NHS services and play provision.

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 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 considered that the application should not benefit from planning permission for the reasons identified in the report but subject to the planning conditions outlined below.

Application Determined Within Target Date

Yes, subject to Extension of Time.

Recommendation

That the application is granted subject to the following conditions:

- Timeframe of Permission (3 Years);
- Approved Plans;
- Schemes to provide Affordable Housing and deal with Impact upon NHS Services and Playing Fields / Play Space;
- Materials of Construction (including surfacing);
- Scheme of Landscaping and Boundary Treatments;
- Scheme of Foul Drainage;
- Contaminated Land Remediation;
- Controls over Scheme for Site Surface Water Drainage;
- Highway Access and Parking;
- Scheme of External Site Lighting;
- Scheme of Noise Mitigation;
- Scheme for Ecological Enhancement;
- Scheme for Electric Vehicle Recharging Points;
- Hours of Construction Working and Deliveries; and
- Construction Management Plan.

Report by Planning Manager