

Application Number:	2017/1393/RG3
Site Address:	Land Adjacent To A46 Ring Road And North Of Queen Elizabeth Road, Lincoln
Target Date:	29 June 2018
Agent Name:	Halsall Lloyd Partnership
Applicant Name:	City of Lincoln Council - Mr Clive Pridgeon
Proposal:	Erection of 325 dwellinghouses, including 8 flats, facilitated by the demolition of existing flats known as Garfield View and Woodburn View. Associated infrastructure and external works including new footpath link to Clarendon Gardens, the provision of new parking bays to Garfield Close and Woodburn Close and hard and soft landscaping and children's play area (REVISED PLANS).

Background - Site Location and Description

Site Location and Description

The application site is situated within Ermine West to the north of the city and adjoins development to the south within the residential streets which run perpendicular to Queen Elizabeth Road and between the main north-south routes of Burton Road (to the west) and Riseholme Road (to the east). Meanwhile, to the north is the first section of the duelled southbound A46, which begins at Riseholme Roundabout. The site is shown as being allocated for housing in the Central Lincolnshire Local Plan.

As outlined in the Lincoln Townscape Assessment, “the majority of the current townscape of the Ermine West Character Area dates from the building of the Ermine West Estate by the City of Lincoln Council in the Post-War Period [1946-1966 AD].”

Description of Development

The application effectively brings together two parcels of land in separate ownership as shown below:



The two parcels incidentally closely align with the administrative boundaries of the City of Lincoln with West Lindsey, as such, West Lindsey are also considering an application for the development but the City of Lincoln are the lead authority with the application.

The development is for a significant number of dwellings, all of which would be in two-storey format, including a number of flats. The access into the site would be from either end of Queen Elizabeth Road from existing cul-de-sacs known as Garfield Close, to the western, Burton Road end; and Woodburn Close, to the eastern, Riseholme Road end. This would necessitate the demolition of two of the existing three-storey blocks of housing known as Garfield View and Woodburn View. The application also includes some access works to Garfield Close and Woodburn Close, including road widening.

Beyond these access points, the principle circulations routes into the site therefore run parallel to Queen Elizabeth Road but it is new housing development that primarily backs up to existing accommodation, not the routes themselves. The dwellings would be arranged predominantly in a number cul-de-sacs to the north and eastern end of the site and, as mentioned, a linear arrangement to the southern side, which adjoins existing development in Ermine West.

The green spaces within the site will be through a mix of the retention of the existing tree belt which separates the two portions of land but also to either end, incorporating SUDs and other landscape features.

The dwellings proposed are of a modern appearance and do not copy the form and detailing of the simple dwellings which characterise the Ermine West area. The closest comparable to the appearance of the development proposed are recent schemes involving the same architect team for sites at Blankney Crescent; Ingleby Crescent / Welton Gardens; and Thoresway Drive / Hatcliffe Gardens, all in Ermine East.

EIA Development

Officers have carried out a screening opinion for the development and does not consider that the proposed development is Environmental Impact Assessment development. Therefore the submission of an environmental statement is not required under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 15 February 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 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 LP17 Landscape, Townscape and Views
- Policy LP18 Climate Change and Low Carbon Living
- Policy LP20 Green Infrastructure Network
- Policy LP21 Biodiversity and Geodiversity
- Policy LP24 Creation of New Open Space, Sports and Recreation Facilities
- Policy LP26 Design and Amenity
- Policy LP36 Access and Movement within the Lincoln Area
- Policy LP49 Residential Allocations - Lincoln
- 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) Other Matters; and
- 7) Planning Balance.

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Public Consultation Responses

Name	Address
C.R.C.Greenwold	2 Edendale View Edendale Gardens Lincoln LN1 3RW
Mrs Janice Farrar	1 Riverton View Riverton Close Lincoln LN1 3RA
Mr Michael Stafford	38 Clarendon Gardens Lincoln LN1 3RQ
Mr M Foster	35 Garfield Close Lincoln LN1 3QL
Mr Nigel Williams	375 Burton Road Lincoln LN1 3XE
Mrs Julie Dolby	12 Ridge View Garfield Close Lincoln LN1 3QW

In addition, officers have also been provided with copies of the responses that have been received by West Lindsey District Council. These include correspondence from one resident, which is attached to this agenda.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received
Shane Harrison	Comments Received
Lincoln Civic Trust	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received in relation to impact upon Primary and Secondary Education
County Council Planning	No Response Received
Environment Agency	No objections
Lincolnshire Police	Comments Received
Anglian Water	No Response Received
Bat Conservation Trust	Comments Received
Natural England	Comments Received
Lincolnshire Wildlife Trust	Comments
NHS England	Comments received in relation to Health Impacts of the Development

In addition, officers have also been provided with copies of the responses that have been received by West Lindsey District Council. These include correspondence from Anglian

Water, Burton and Riseholme Parish Councils and Lincolnshire Fire and Rescue. All of which are attached to this agenda.

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). Moreover, Policy LP49: Residential Allocations – Lincoln identifies the sites that are allocated for residential use.

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 one of those that is allocated.

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 three strands 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 apartments, 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) 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) *Affordable Housing*

The development being sizeable and above the threshold for affordable housing would be expected to provide dwellings for affordable purposes onsite. In this instance, this would equate to 81 properties; and the applicant has indicated that it would be their preference that the majority of these are for affordable rent.

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 (attached to this report), 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. This would need to be secured through a S106 agreement.

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. As with education provision, this matter can be secured through a S106 agreement.

e) *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 the 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 also be addressed through the signing of a S106 agreement.

f) *Mitigating the Direct Impact of the Development*

All of the matters raised in subsections (b) to (e) 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 and schemes to deal with 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.

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).

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*

i) The Site Context

The application site does not contain any nationally designated (protected) heritage assets, such as scheduled monuments, listed buildings or registered parks and gardens. However, the location of the site at the edge of the city where it adjoins the A46 is sensitive; and the site is currently dominated by an established tree belt to its centre, along the administrative boundary of the City where it meets West Lindsey.

The site adjoins established housing, the largest of which is predominantly outside but along the southern perimeter of the site, in the form of three storey buildings incorporating maisonette properties. The majority of the wider mix of properties in the locality tend to be two storeys in height and set within soft landscape dominated streets.

ii) The Submission

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 applicant has proposed a mixed approach to the character of the development involving streets, woodland edges and mews character areas. Indicative visuals of these are included below:



Above and below are Street Character Area Concept Images





Above and below are Mews Character Area Concept Images





Woodland Edge Character Area Concept Image

In terms of design and layout of the development, the proposals will reinforce and provide connectivity into surrounding areas and the grain of development is similar to established patterns of development close-by, including road arrangements. However, development engages with the tree belt and takes advantage of it as an ecological and natural amenity resource and utilises it as a transition between the two elements of the site, the south being predominantly more spacious and the north being more closely aligned with the existing grain of development. Overall, the layout, is positive in its appreciation of the positive characteristics of the Ermine West area of the city, particularly the form of the 'village green' spaces that typify a number of the streets that lead from Queen Elizabeth Road. These are with mature trees and housing around the edges.

Meanwhile, the scale of the proposed dwellings would be commensurate with that of other buildings in their context, which would allow for a successful integration with the surrounding townscape. Furthermore, officers are satisfied that the detailed design, including façade treatment, materials and roof form would be modern and provide visual interest.

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 the dwellings through the materials of construction and other fine details in relation to site layout 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 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 dwellings, 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.

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) *Impacts of the Scale of the Buildings in the Development*

Upon the basis of the orientation of the site and the proximity of existing and proposed dwellings, it is considered that the scale and massing of the proposed buildings would not result in 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.

ii) *Overlooking and Loss of Privacy*

The development would inevitably introduce overlooking of shared spaces and the properties that adjoin the site that have not experienced this previously, however, this would be no more harmful than the window to window relationship within the immediate context. Moreover, the distances between the existing and proposed properties would be spaced sufficiently to ensure 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 dwellings would expect to enjoy.

iii) *Noise and Disturbance from the Development*

Upon the basis of the nature of the proposed use, i.e. residential accommodation, it is inevitable that there will be a certain element of noise associated with vehicle movements to and from the proposed dwellings and by virtue of the future occupants. Moreover, the principal impacts associated with the development will be the comings and goings of people and vehicles through the proposed entry points into the development.

It is clear that the changes would result in a significant change in terms of the manner in which Garfield Close and Woodburn Close are currently accessed, both presently being cul-de-sacs; and the a new pedestrian link from the development would be formed into Clarendon Gardens. However, due to the separation distance of the existing roads to properties, officers are satisfied that the proposals would not adversely affect the amenities of the occupants of those properties as the noise and disturbance would not be significantly different from that previously experienced and should not be any different to a normal residential context elsewhere within Ermine West. What is more, as the scheme is effectively split into two separate elements, the loading of traffic and any noise created by traffic would be split between these two streets.

Similarly, the properties adjacent to the proposed footpath link currently face an extensive footpath that runs along the frontages of all the properties located adjacent to the southern boundary of the site. As such, it is considered that the impacts of this new link would not be harmful to amenity. Furthermore, in terms of the general activity associated with people utilising their gardens and their comings and goings would also not be of sufficient detriment to the enjoyment of occupants of other properties to warrant the refusal of the application.

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 details of the construction management for the site are agreed, including a demolition strategy for the development; the location(s) of compound(s); parking for construction staff; wheel washing facilities; and working and delivery hours.

iv) Impacts of Noise from the A46

The principal properties that would be effected by the location of the proposals would be those that are adjacent to the A46 in terms of the noise and pollution created by traffic utilising this route.

The application is supported by an Acoustic Report, which seeks to establish the existing noise climate affecting the proposed development site using a combination of noise monitoring and modelling. Upon the basis of the proximity of the site in relation to the A46, the noise climate is heavily dominated by road traffic, as such this forms the principal focus of the report.

Officers have been provided with an assessment of the applicant's supporting Acoustic Report by the Council's Pollution Control Officer. He has returned comments in two separate areas, firstly in relation to internal noise and, secondly, in relation noise in external areas.

In terms of the first issue, it is clear that the PCO and the applicant differ in their approach to the interpretation of the British Standards. Moreover, the applicant suggests that the noise levels experienced internally should be 35dB (A) but the PCO suggests that this should be 30dB (A). Having considered his advice to officers, it is considered that there would not be a justifiable reason to avoid providing the best mitigation available for residents of the worst affected properties. As such, were Members minded to grant approval for the development, this would be with the expectation that the applicant/developer incorporates a scheme of mitigation to those properties that would need to be agreed by planning condition.

Members will note that a similar approach was taken for the developments at Ingleby Crescent and Blankney Crescent, where reasonable internal noise levels were achieved across the site when windows were not open and an alternative means of acoustically treated ventilation was to be provided. Furthermore, whilst the Lincoln Civic Trust has raised concern regarding whether it would be appropriate to incorporate acoustic fences as part of the development, given the steep incline of the banks the officers understand that this would funnel any noise up and over a fence atop the bank. For a fence to be effective, it needs to be located immediately alongside a noise source between the noise and the effected property. However, as properties are significantly higher this approach would not be appropriate.

The submitted Design and Access Statement, along with the supporting Design Process statement, provides some additional discussion on mitigation for the wider site, including the revised orientation/layout of the development. In brief, it is argued that the layout has been developed to utilise the buildings fronting the A46 to shield the garden/amenity areas. However, in terms of this second issue, the PCO has highlighted that there will still be many garden areas where the upper guideline levels detailed in British Standards will be exceeded and, therefore, there is likely to be a significant observed adverse effect due to noise.

Officers note the concerns of the PCO and whilst the noise in the gardens of the properties may not be ideal, with conditions there would be sufficient mitigation measures in place to protect occupants of the properties indoors but the outdoor impact could only reasonably be addressed by significant alterations to the layout of the site. This would include significantly setting the dwellings back from the northern boundary of the site but also potentially providing a solid band of development with no breaks in the frontage, even roadways leading north-south would enable noise to penetrate further into the site. Such, significant alterations would undoubtedly affect the viability of the development and potentially jeopardise the delivery of a large number of dwellings on an allocated site, which would otherwise make a significant contribution to housing supply in Central Lincolnshire. This would also include a significant portion of affordable homes, which cannot be ignored. Furthermore, the development would also result in the enhancement of green infrastructure and strategic playing fields nearby, which would help to mitigate the impact of the harm caused by noise in individual gardens. In light of this, it is considered that these benefits would weigh in favour of the proposals and would outweigh any harm resulting from the development.

v) *Crime, Anti-Social Behaviour and Safety*

A consultation response has been received as part of the application from Lincolnshire Police whom offer pertinent advice in relation to the design of the dwellings and boundaries to design in crime reduction measures. However, the provision of these facilities is not an obligation of planning, rather it is for the applicant to consider. Notwithstanding this, officers are satisfied that there would not be unacceptable risks to residents resulting from the development and that the layout of the site would promote sufficient legibility to promote safe environments.

In light of comments received from a resident of Burton Road, the applicant has revised the position of the SUDs pond adjacent to the properties at the west of the site and omitted a footpath link that would duplicate the one shown through the tree belt to the centre of the site. Nonetheless, concerns expressed by a resident in relation to the safety of residents (particularly children), in terms of the SUDs ponds are not new concerns with such proposals. Depending on the adopting body, it is possible that they would insist on safety

fences. However, Members will note that this has not always been necessary, as shown at the LN6 Development adjacent to Tritton Road.

Similarly, the security of neighbouring land would be ensured through an appropriate scheme of boundary treatments for the site controlled by condition.

c) *The Planning Balance*

Taking all the above in to account, it is considered that the application would demonstrate that the proposed development could be accommodated within the site in the manner suggested with mitigation. Moreover, upon the basis of orientation and position of the buildings, their proximity to existing development and the scale of the buildings and location of windows, officers are satisfied that there would not be unacceptable harm caused to the occupants of nearby properties in terms of the amenities that they would expect to enjoy.

In addition, the harm that would be caused by noise to properties within the development would not be ideal but the benefits of the scheme would outweigh this harm. There would therefore be compliance with Local Plan policies, as well as the amenity principles in the Framework. However, it would be necessary to agree the details suggested by conditions above, including those matters relevant to construction and the mitigation to properties. Consequently, as these matters can all be resolved by suitable planning conditions Members are advised that this matter would not be sufficient to outweigh the presumption in favour of sustainable development or tip the planning balance against the application.

5) Sustainable Access and Highway Safety

a) *Relevant Planning Policy*

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."

b) Access and Highway Safety of the Proposals

i) Concerns Outlined in Responses Received

The Lincoln Civic Trust have raised concerns regarding the implications of the traffic resulting from the development upon the Queen Elizabeth Road / Riseholme Road and the Queen Elizabeth Road / Burton Road junctions and the appropriateness of the road network to serve the development. They have therefore questioned the response received from the County Council, which does not raise any concerns in relation to the traffic impact of the proposals. A resident has also raised concerns regarding traffic in the context of the development.

ii) Access

As noted above, concerns have been expressed regarding additional traffic resulting from the development, particularly in relation to the junctions at either end of Queen Elizabeth Road.

There would clearly be an increase in the number of vehicles accessing and egressing either road serving the development and entering Burton Road and Riseholme Road. The application is supported by various assessments and appraisals and the Highway Authority is satisfied that these junctions as well as others further afield would not be severely affected as a result of the development. They are also satisfied that Monies to be secured through CIL would help to mitigate any impact as this would be utilised for the construction of the Lincoln Eastern Bypass.

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. However, the Travel Plan submitted with the application should be amended either prior to the determination of the application or the implementation of the development in order to ensure that it reflects the comments of the County Council which seek to encourage usage of other forms of transport (there would also be a small payment to the County Council to monitor this). Furthermore, 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 accesses, officers consider that it would be difficult to raise concerns regarding the intensification vehicle movements in a similar position.

Notwithstanding this, officers have engaged with the applicant in order to ensure that the road widths within the development reflect the comments made by the County Council, particularly in respect of shared surfaces, which need to be wider for pedestrian safety.

iii) Car and Cycle Parking

The proposed properties are catered for, primarily with two spaces per property but the Highway Authority considers that this is not sufficient for some larger properties. However, they do not have any specific guidance that they can call upon to support their request. As such, it would not be reasonable to insist that the developer provides further parking, particularly as the reconfiguration of the areas around the dwellings could reduce separation of dwellings from the road, lead to more cars being visible in the street and lead to there being less landscaping to soften the appearance of streets. Moreover, providing additional parking could be more harmful than beneficial, particularly in light of the fact that the roads would be sufficiently wide in many places to enable further vehicles to be parked in the streets created by the development.

c) Summary on this Issue

Consequently, in the absence of evidence from the relevant authority to suggest matters of congestion or safety are so severe that refusal is warranted in relation to traffic generation or road safety, there would not appear to be justification to refuse the application upon such grounds.

6) Other Matters

a) Site Drainage

i) Relevant Planning Policy

The Framework sets out a strategy for dealing with flood risk in paragraphs 93-108 inc. 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.

ii) Assessment of the Implications of the Proposals

The application is supported by a Drainage Strategy and the County Council, as Lead Local Flood Authority, has been in dialogue with the applicant but it has not been possible for both parties to come to an agreement in terms of the overall scheme of drainage for the site. Moreover, there is not consensus regarding the impact of the geology of the site, which the applicant argues would not be conducive overall to a fully SUDs compliant scheme.

The scheme does incorporate two fairly large SUDs ponds, one at either end of the site but the County Council argue that the scheme should incorporate swales to convey water to the ponds. However, the applicant argues that these would not be appropriate in the context of the geology and that they would have a significant impact upon the number of dwellings that could be accommodated within the site which would adversely affect the viability of the development. This is a fundamental element of the sustainability of the development as a fully viable scheme would deliver crucial infrastructure to serve the residents of the

development. Furthermore, the County Council has not objected to the drainage scheme proposed as this has been proven to be proportionate to the development and would not lead to surface water flooding elsewhere; and they have also accepted similar drainage schemes for developments at Blankney Crescent and Ingleby Crescent elsewhere in Lincoln.

Similarly, Members will note that officers have been provided with a consultation response from Anglian Water for West Lindsey District Council, this suggests that the scheme for foul water drainage would need to be agreed by planning condition.

Finally, as the development is large scale and could require raising of levels for drainage or other purposes, it would be necessary for the developer to provide full details of the existing and proposed land levels within the development. This would ensure that there would not be harmful impacts upon neighbouring properties from the perspective of run-off but also ensure that established trees and other vegetation are not adversely affected by changes in levels.

In light of the above, officers are satisfied that the final details of the surface water and foul water drainage schemes for the site could be secured by condition. Subject to the development being constructed in accordance with these details, there would not appear to be grounds to resist the application in relation to these matters.

b) Archaeological Implications of the Development of the Site

i) Relevant Planning Policy

Paragraph 128 of the Framework states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Paragraph 141 of the Framework states that LPAs should ‘require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.’

Policy LP25 in the Central Lincolnshire Local Plan requires that development does not lead to significant detrimental impacts on heritage assets. This issue is directed in relation to archaeology that could be non-designated heritage assets.

ii) Assessment of the Implications of the Proposals

The application has been the subject of a search of the Lincoln Archaeological Resource Assessment (LARA). This indicated that the location of the proposed development may have potential to contain archaeological remains associated with prehistoric settlement. An initial appraisal of the Lincoln Heritage Database revealed that a number of undated burials had been discovered in the immediate area. As a result, the applicant was advised to undertake a number of evaluation trenches in order to establish the likelihood of archaeological remains being present on the site.

The evaluation of the site demonstrated that there is a very low likelihood of archaeological remains being present on the site, and that the development is therefore unlikely to have a negative impact on the archaeological resource.

This information has been considered by the City Archaeologist and it is his advice to officers that no further work is required in mitigation of this development. Officers are satisfied with this approach and consider that there would not be conflict with Policy LP25 of the Local Plan or Section 12 of the Framework.

c) Air Quality

i) Relevant Planning Policy

Paragraph 109 of the NPPF introduces the section in relation to the conservation and enhancement of the natural environment. Given that the site is located adjacent within the Air Quality Management Areas (declared by the Council due to the likely exceedance of the national air quality objectives for nitrogen dioxide and particulate matter), this section of the NPPF should be given great weight. It states that “the planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

Paragraph 120 sets the scene and refers to development being “appropriate for its location”. It goes on to say that “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.” Paragraph 124 refers in more detail to the implications of the location of development within an Air Quality Management Area and requires that “planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan”.

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”.

ii) Assessment of the Implications of the Proposals

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 the site is at the outer edge of the city and there are air quality issues in the city, this seems entirely reasonable and proportionate to the scale of development that the significant amount of off-street parking to be provided would incorporate electric vehicle recharge points. Officers would advise Members that this matter can be addressed by the planning condition referred to in the response received from colleagues.

d) 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

The application is supported by a number of independent and complimentary surveys and documents which help to provide a clearer picture upon any implications associated with the development. These have been assessed in detail by the Lincolnshire Wildlife Trust and they have offered a number of supportive comments in relation to the proposals. However, they have also referred to a number of further enhancements or revisions to the mitigation suggested for the site. The combined mitigation required would not necessarily be restrictive to development and would improve the current situation overall. Subject to these matters, alongside ecological enhancement, being satisfied by condition, it is considered that ecology would not represent an insurmountable constraint to development in the context of Policy LP21 of the Local Plan.

e) 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 applicant's consultant is still currently in discussions with the Council's Scientific Officer who has requested further information. Although this has not been provided to date, it is not essential that the outstanding matters are closed out before the grant of planning permission. Moreover, further detailed information can be provided before built development is undertaken and 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 could be imposed to deal with land contamination if necessary.

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 application site is a housing allocation in the Central Lincolnshire Local Plan. In addition, the location of further residential development in a sustainable location would not undermine the housing supply position, rather it would provide additional choice.

In addition, the benefits of providing the proposed dwellings 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. In particular, the enhancement of public spaces nearby, which would help to mitigate the impact of the harm caused by noise in individual gardens.

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 ecology, drainage, contamination, noise and air quality, the development would be environmentally sustainable.

Thus, assessing the development as a whole, officers are satisfied 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 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; the County Council receive payment towards infrastructure for primary education and for the monitoring of the Travel Plan; and the proposals will contribute to affordable housing.

Legal Implications

The S106 agreement will require legal input in relation to schemes proposed to deal with affordable housing, NHS and primary education services and strategic playing fields/green infrastructure.

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 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

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;
- Revised Travel Plan before Implementation of the Development (if not amended);
- Strategy for Site Lighting;
- Finished Site Levels;
- Scheme of Noise Mitigation;
- Scheme for Ecological Enhancement and Mitigation including tree protection;
- Scheme for Electric Vehicle Recharging Points;
- Hours of Construction Working and Deliveries; and
- Construction Management (compounds, parking, wheel washing and working/delivery hours).

Report by Planning Manager