

Application Number:	2019/0390/FUL
Site Address:	Site Of Former Windmill Pine, Beevor Street, Lincoln
Target Date:	14th August 2019
Agent Name:	Stem Architects
Applicant Name:	Torsion Developments Limited And Morrisons PLC
Proposal:	Erection of 51 no. townhouses; 42 no. to be occupied as 6 bed C4 Houses in Multiple Occupation with 2 no. 9 bed and 7 no. 13 bed to be occupied as Sui Generis Houses in Multiple Occupation. Creation of 99 parking spaces with vehicular access from Beevor Street and new pedestrian link to Tritton Road.

Background - Site Location and Description

The application is for the erection of 51 town houses on the former Windmill Pine site. The development would comprise 42, 6 bed Houses in Multiple Occupation (HMOs), falling within the C4 Use Class, as well as two, nine bed and seven, 13 bed HMOs, falling with the Sui Generis Use Class. A total of 361 en-suite bed spaces would be provided, including seven accessible ground floor en-suite bedrooms.

The town houses would be arranged in a series of seven, four storey linear blocks, which overlook private and secure landscaped courtyards. Vehicular access to the 99 space car park would be maintained via the existing access road, which also serves B&Q and Hamilton House from Beevor Street. There would be a controlled access to the development at the entrance with a single storey reception/plant building adjacent, which would both police the site and provide an information point for visitors. A new pedestrian link to Tritton Road would be created between Morrisons' car park and the Coulson drain. Morrisons Plc are joint applicants.

The application site is located to the south west of the city centre and was formerly occupied by Windmill Pine. The dilapidated buildings were demolished and the site now comprises the former building's concrete slab and an area of hardstanding surrounded by scrubland. The site is bounded by sections of timber, chain link and palisade fencing with some trees along the south west boundary and to the east corner. The site is located within Flood Zone 3.

To the north west, north and north east of the site are Hamilton House, B&Q and Morrisons, with Morrisons' car park and Tritton Road to the east. The Coulson Drain runs along the south west boundary beyond which is a public footpath/track, Valentine Retail Park and Valentine Court. Valentine Court is a similar town house student accommodation scheme to that proposed, located on the former Superbowl site. Further west is the railway line and the site of Western Growth Corridor.

Site History

Reference:	Description	Status	Decision Date:
2017/1225/FUL	Erection of building for the purpose of Retail (Class A1) and Leisure (Class D2) along with associated access, servicing, car parking, boundary treatments	Refused	22nd June 2018

	and associated works.		
2015/0023/O	Erection of buildings for the purpose of Retail (Class A1), Leisure (Class D2) and Trade Counter Uses (within Class B1, B2 & B3) along with associated access, servicing, car parking and boundary treatments (Outline).	Granted Conditionally	5th May 2015

Case Officer Site Visit

Undertaken on 6th June 2019

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP9 Health and Wellbeing
- Policy LP10 Meeting Accommodation Needs
- 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 LP25 The Historic Environment
- Policy LP26 Design and Amenity
- Policy LP32 Lincoln's Universities and Colleges
- National Planning Policy Framework

Issues

- Principle of use
- Developer contributions
- Visual amenity
- Impact on residential amenity and neighbouring uses
- Access and highways
- Flood risk and drainage
- Contaminated land
- Trees

Consultations

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

Statutory Consultation Responses

Consultee	Comment
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Lincolnshire Police	Comments Received
NHS England	Comments Received
Environment Agency	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Network Rail	No Response Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Lincoln Civic Trust	Comments Received
Highways & Planning	Comments Received

Public Consultation Responses

Name	Address
Anglian Water	Thorpe Wood House Thorpe Wood Peterborough Cambridgeshire PE3 6WT
Harvey Dowdy	University of Lincoln Brayford Pool Lincoln LN6 7TS
Ysanne Spafford & Debbie Robinson	Lincolnshire Fire And Rescue County Emergency Centre South Park Avenue Lincoln LN5 8EL
Daryl Wright	Hamilton House

Consideration

Principle of Use

Central Lincolnshire Local Plan (CLLP) Policy LP2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire, including housing. The

application site has no specific policy allocation within the CLLP and Policy LP2 goes on to state that additional growth on non-allocated sites in appropriate locations within the developed footprint of the Lincoln urban area will be considered favourably. Policy LP1 and the National Planning Policy Framework (NPPF) also advise that housing applications should be considered in the context of the presumption in favour of sustainable development.

Officers are satisfied that the principle of the proposed use in this location is acceptable. Supporting the principle of this university related development would also be in accordance with CLLP Policy LP32.

The University of Lincoln has objected to the application. The objection states that Members were advised at committee in December 2018 that the university's accommodation demand would be satisfied by the delivery of the St. Marks Development. This would be the final development needed to complement those already approved at Cygnet Wharf, 179 High Street, Valentine Court and Viking House. The objection concludes that this development would not only deliver accommodation which is surplus to demand it would be sited on land that could otherwise be used for employment.

During the course of the application a revised Design and Access Statement (D&A) has been submitted, which was forwarded to the University for their information. The D&A states that Lincoln now has a total student population of 15,000 students, of which 5,215 are 1st year students. The accommodation for first years is provided by the university. The remainder of the student population, approximately 9,785 2nd and 3rd years, will not be housed within the university's accommodation. The D&A advises that the majority will need to find private rented accommodation within the city, which puts pressure on the housing stock in Lincoln. The availability of HMOs for student occupation is managed by the Article 4 Direction and the need to apply for planning permission for such uses, but this, the applicants assert, then results in a shortfall of rented town house accommodation for the student market. The D&A states that this demand is evidenced by the neighbouring Valentine Court Town House accommodation, which is due to open in September 2019, with all the houses being let off plan. The application therefore proposes to create similar town house accommodation to the adjacent Valentine Court for 2nd and 3rd year students to address the issue and meet the demand for students after their first year.

Officers would note that the university's demand figures, and those previously shared with Members, relate to 1st year students. The applicant's D&A is clear that this accommodation will be for 2nd and 3rd year students. At the request of officers the applicant has agreed for this to be controlled through the signing of a Section 106 (S106) legal agreement, restricting any occupation of the development by 1st years. With such an agreement in place officers are satisfied that the university's objection in respect of demand/over supply is addressed. In any case there is no policy framework within the current local plan to assess or control developments in this way.

With regard to the second part of the university's objection, that the proposal would result in the loss of employment land, officers have previously noted that the site has no specific allocation within the local plan. Therefore this cannot be classed as employment land and a range of uses including residential are, in principle, acceptable on such sites.

Developer Contributions

Due to the nature of the proposed use as student accommodation the development is not Community Infrastructure Levy (CIL) liable nor is there a requirement for S106

contributions relating to education, playing fields or play space. Officers would propose that the aforementioned S106 agreement restricting the occupation of the development by 1st year students should also ensure that the development cannot be occupied as open market housing. Such a proposal would therefore require a new application for planning permission, enabling the acceptability to be assessed and also to provide officers with opportunity to require contributions as necessary.

With regard to health a request from NHS England has been received advising that the development would put additional demands on the existing GP services for the area, and additional infrastructure would be required to meet the increased demands. They advise that there are three practices within the Primary Care Network (PCN) that cover the site. Brayford Medical Practice and University Health Centre are both landlocked sites with no opportunities to expand. Portland Medical Practice has confirmed they are currently fully utilising their building, but that they have the potential to extend.

Therefore, to mitigate the impact this development would have on the PCN, S106 funding is requested which would be used at Portland Medical Practice to build an extension for additional clinical rooms. These rooms would be multiuse and as such used by the extended clinical teams which serve patients from all practices in the PCN.

This request would be in accordance with CLLP Policies LP9 and LP12. The applicant has no objection to meeting this contribution and officers would recommend, if Members are in support of the application, that this matter be delegated to the Planning Manager to negotiate and secure.

Visual Amenity

The site extends from the south east to the north west. The south east end of the development would be visible from Tritton Road, across Morrisons' car park, with a degree of the views when approaching from the north east obscured by the supermarket itself. Public views would be available from the track on the opposite side of the drain but are again somewhat obscured when approaching the site from the south along Tritton Road by Valentine Retail Park and Valentine Court. The site is also open to views from the B&Q car park and Hamilton House. The application includes various viewpoints which can be seen following this report.

The surrounding area is predominantly characterised by large scale retail units, generally constructed with blockwork, brick and cladding. The notable exception to this character is Valentine Court, which is similar in height and appearance to that proposed, although this neighbouring development is much larger, measuring 160m in length.

The proposal is for seven, four storey blocks of accommodation, separated into two groups, measuring approximately 12.5m high to the top of the parapet, which extends marginally above the flat roof. A group of three blocks to the south east of the site would measure 54m long x 33m deep, with the other group of four blocks behind measuring 80m long x 28m deep. This serves to break up the overall mass, with the mass within each group of blocks further broken up by the use of variations in the depth of sections of the elevations and to the south by the courtyard access points. The overall scale is therefore smaller than Valentine Court, but the proposal would also sit comfortably when compared with the scale of Morrisons, Valentine Retail Park and B&Q. It should be noted that although the proposal is taller than the adjacent Morrisons building it would sit over 2.5m behind the south corner, therefore not appearing unduly dominant. Accordingly officers consider that the length, height and mass would not be out of character here.

It is therefore considered that the site is of a sufficient size to comfortably accommodate the proposed development, also providing outdoor amenity areas and parking. Officers are therefore satisfied that the proposal would relate well to the site and surroundings in relation to the height, scale and mass, in accordance with CLLP Policy LP26.

With regard to the design the D&A considers that there is little to draw inspiration from the surrounding vernacular other than the neighbouring Valentine Court development currently under construction. Therefore the development proposes a strong, hard wearing low maintenance palette of materials which breaks up the elevations to soften the linearity of the terraced blocks to offer some individuality to the houses. The D&A goes on to state that feature concrete clad panels and grey brickworks create interest to break up the elevations. Windows are full height to create good daylight conditions and surveillance overlooking the landscape courtyards.

While the Civic Trust has raised objection to the non-descript blocks, officers are of the opinion that the design has been carefully considered and welcome the incorporation of design features such as protruding vertical elements which add shadowing and interest, and also the vertical proportions of the glazing, concrete panels and full height glazed sections. The elevation of block 7, which faces east towards Morrisons' car park and Tritton Road presents this same high quality façade as a frontage to the development from this aspect. As previously considered, the gaps in the elevations created by the courtyards reduce the mass, but in the case of the solid elevation to the north of blocks 1-4, this incorporates a large degree of glazing to soften it.

Samples of the materials will be required by condition but there is no objection in principle to the palette suggested. Officers are therefore satisfied that the design and appearance of the elevations is acceptable. It is considered that the development would improve on the architectural style of the local surroundings, in accordance with CLLP Policy LP26.

There is also no objection in terms of design and scale of the single storey reception building adjacent to the entrance of the site.

There is some indication within the application of areas of hard and soft landscaping as well as boundary treatments, although full details of these will be required by condition on any approval

The proposal would therefore be in accordance with CLLP Policy LP26 and paragraph 127 of the NPPF, which requires that developments should make a positive contribution to local character and distinctiveness.

Impact on Residential Amenity and Neighbouring Uses

The only residential properties in the vicinity of the site are those currently under construction at Valentine Court. There is a separation of over 38m between the proposal and the adjacent elevation of Valentine Court, which only incorporates windows to stairwells. Officers are satisfied that this relationship would be acceptable. The standard condition to restrict construction and delivery hours will be applied to any grant of permission to limit the impact on the amenities of these neighbouring occupants during this period. In accordance with CLLP Policy LP26, it is therefore considered that the amenities which neighbouring occupants may reasonably expect to enjoy would not be unduly harmed by or as a result of the development.

Comments have been received from the adjacent Hamilton House, 35m to the west of the site, with concerns regarding the impact on the business during the construction phase and the potential security risk from the building. The concerns from the construction phase relate to noise and disturbance and obstruction of the access. While the concerns relating to the construction phase are not a material planning consideration, during conversations with the Lincolnshire County Council (LCC) highways officers they have advised they will be requesting a Construction Management Plan be conditioned. This would mitigate against traffic generation during the construction stage, controlling aspects such as parking of construction vehicles, storage of plant and materials and the routes of construction traffic. This should go some way to allay the concerns of Hamilton House. With regard to access into the site of Hamilton House over the perimeter fencing, the proposed building is over 4m from the fence and there are no proposals for any trees to be planted in the area in between. Officers are therefore satisfied that the proposal would not cause undue harm to the amenities of the occupants of Hamilton House or any other building occupants in the vicinity, in accordance with Policy LP26.

In terms of the amenities of future occupants the application is accompanied by a Noise Assessment. The City Council's Pollution Control (PC) Officer has considered this and raised no objections to the development in respect of noise subject to a condition requiring details of the trickle vents and glazing to be installed, which, as a minimum, should meet the acoustic design criteria set out within the report.

The potential impact from off-site lighting has also been considered within a submitted lighting assessment. The PC officer again has no objection subject to a condition requiring the installation of black out blinds, as set out in the submitted assessment, to the rooms which may be affected by lighting levels above the assessment criteria for night time.

The proposal includes seven, ground floor accessible rooms, with access to the communal living facilities on the same floor, in this respect the application would be in accordance with the requirements of CLLP Policy LP10.

Access and Highways

The D&A advises that the site is in an excellent location on the fringe of the university's new Science and Innovation Park on Beever Street, with the main campus within walking distance. There is a bus stop on Tritton Road 0.2 miles walk from the site and the railway station is approximately 1 mile away. The site has excellent connectivity to the cycle way along Tritton Road, which provide easy access to the university and the city centre. A new pedestrian link will be provided at the south corner of the site to Tritton Road, along an existing grass verge adjacent to Morrisons' car park. At the request of the LCC in their capacity as Local Highway Authority the number and type of cycle storage shelters and hoops has been increased. Officers therefore consider that the site is in a location where travel can be minimised and the use of sustainable transport modes maximised, in accordance with CLLP Policy LP13.

In addition the development would provide a 99 space car park, which the applicant considers is attractive to later year students. The existing access to the site from the north would be utilised, adapted to accommodate larger vehicles and incorporate the proposed controlled access gate.

Concerns have been raised by Hamilton House and the Civic Trust in respect of vehicle numbers and the access. During discussions with officers the LCC has raised no objections in principle to the application, although at the time of writing the report officers

had not received final comments or any suggested conditions. Members will be accordingly be updated on this matter at committee.

Flood Risk and Drainage

The site is located within Flood Zone 3 and a Flood Risk Assessment (FRA) and other supporting information has accordingly been submitted with the application.

The Environment Agency has no objection subject to conditions requiring the development to be constructed in accordance with the FRA and the mitigation measures it details, the submission of a contamination remediation strategy and restrictions on drainage systems for the infiltration of surface water.

Anglian Water has requested conditions to require a foul water management strategy and also a surface water management strategy to ensure that these are dealt with appropriately. These will be attached to any grant of consent.

The Upper Witham Internal Drainage Board has objected in principle to the application given the site's location within a flood zone. However, they note that the FRA contains some appropriate mitigation. Their response also details that the applicant has been in contact with the Board and the appropriate 6m clear strip between the development and the watercourse (Coulson Drain) is maintained. They recommend that officers should consult with the LCC as Lead Local Flood Authority regarding a surface water drainage scheme.

In this capacity the LCC has requested some additional information. This has been submitted and LCC officers have advised they are satisfied with this. As per the position with LCC's comments in respect of highways, at the time of writing the report officers are yet to receive a final response with the suggested conditions, so this will be reported on the update sheet.

Contaminated Land

CLLP Policy LP16 advises that development proposals must take into account the potential environmental impacts from any former use of the site. The City Council's Scientific Officer has been involved in discussions with the agent and their consultants during the application process. The officer has reviewed the submitted information and discussions are still ongoing, however, this matter could be appropriately dealt with by the imposition of the standard contaminated land conditions on any grant of permission.

These conditions would also include the requirements of Anglian Water and their request for such conditions to also relate to the potential contamination to controlled waters.

Trees

The City Council's Arboricultural Officer has undertaken a site visit to assess the trees on site. The officer has advised that the site has been sparsely colonised by young, self-set trees predominantly comprised of Birch, Willow scrub, Sycamore and Buddleia at locations identified in the applicant's existing site layout. He does not consider that any of the trees located within the site to be of significantly high amenity value nor worthy of consideration for protection under a Tree Preservation Order. These trees are to be removed to accommodate the proposal.

The officer notes that the applicant intends to retain the more mature birch trees located just outside, and adjacent to the south west facing boundary of the site. In order to retain

these trees and maintain their health and stability he has recommended a root protection condition during the construction phase to avoid any damage to the trees and their root systems. This condition will be added to any grant of permission along with a condition requiring a landscaping scheme.

Other Matters

Air quality and sustainable transport

The proposed development would include off street parking and the City Council's PC Officer has therefore recommended that the applicant be required to incorporate appropriate electric vehicle recharge points into the development, in line with the recommendations of CLLP Policy LP13 and paragraph 110 of the NPPF. A condition requiring the submission of a scheme will be attached to any grant of permission.

Archaeology

An Archaeological Desk Based Assessment (DBA) has been submitted with the application. The City Council's Archaeologist agrees with the conclusions of the DBA and does not require any further archaeological work to be undertaken, in accordance with the requirements of CLLP Policy LP25.

Fire and Rescue

An initial objection was received from Lincolnshire Fire and Rescue in relation to the availability of fire hydrants and the access to the buildings for fire fighters and equipment. The proposals were revised to accommodate this and an updated response has been received from the fire service. This states that the development is now designed to BS 9991 and BS 9251 standards and accordingly the Lincolnshire Fire and Rescue would have no objections to the extended hose distances to the three premises 41, 42 and 48. The City Council's Building Control Officers have also confirmed that this arrangement will satisfy Building Regulations.

Refuse Storage

Refuse storage would be within individual courtyards and a plan has been submitted to illustrate the arrangements for access by refuse vehicles for collection.

Deign and Crime

Comments have been made by Lincolnshire Police, they have raised no objections but have suggested recommended measures. This correspondence was forwarded to the agent for their information and some of the measures, for example perimeter fencing and a vehicular gate rather than the internal fencing to each block and vehicular barriers, have been incorporated in the scheme.

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

Yes, pre-application discussions and revisions to proposals during the application process.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The principle of the use of this unallocated site for residential purposes is considered to be acceptable. The layout, scale and design of the development is acceptable, improving on the architectural style of the local surroundings. It is not considered that the impact on the residential amenities of the occupants of Valentine Court or the amenities of neighbouring uses would be unduly harmed by the proposal. The amenities for future occupants has also been carefully considered through noise and light assessments. The site is in an accessible location, also providing cycle and car parking to meet an identified need. The LCC has advised they have no objection in principle in respect of highways, and officers await a formal response to confirm this.

Matters relating to contamination, archaeology, fire and rescue and refuse have been appropriately considered and can be dealt with as necessary by condition. Subject to the response from the LCC confirming no objection in respect of surface water drainage there is no issue with this, nor from the relevant consultees to flood risk and foul drainage. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP9, LP10, LP12, LP13, LP14, LP16, LP25, LP26 and LP32, as well as guidance within the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

Subject to receiving no objections from the Lincolnshire County Council in respect of highways and surface water drainage officers recommend that the application is Granted Conditionally:

- a) with delegated authority given to the Planning Manager to secure, through a S106 agreement, the financial contribution as requested by NHS England and to restrict the use (with no occupation by 1st year students), and
- b) subject to the following conditions:
 - Time limit of the permission
 - Development in accordance with approved plans
 - Samples of materials
 - Site levels and finished floor levels
 - Details of trickle vents and glazing
 - Boundary treatments
 - Contamination
 - Development in accordance with FRA and mitigation measures
 - Surface water drainage and management strategy
 - Foul sewerage strategy
 - Construction Management Plan
 - Blackout blinds as per recommendations within lighting assessment report

- Landscaping
- Tree protection measures
- Details of an Electric Vehicle Charging scheme
- Details of any flue/extraction to plant room prior to installation
- Hours of construction/delivery