

Application Number:	2021/0597/FUL
Site Address:	471 - 480 High Street, Lincoln, Lincolnshire
Target Date:	27th October 2021
Agent Name:	Stem Architects
Applicant Name:	Mr Chris Burns
Proposal:	Erection of 73 bedroom residential elderly care home including access from Cross Spencer Street, car park, and turning area, landscaping, refuse and cycle storage. To include demolition of former Abacus Motor Group showroom and ancillary motor repair buildings (revised plans).

Background - Site Location and Description

Site Location

The site is located at the south end of the High Street on the eastern side. The site was previously a Peugeot Garage and is now vacant. It is occupied by a former showroom building fronting High Street with garage/workshop buildings to the rear. All of these buildings would be demolished as part of the proposal.

The site is adjacent to the South Park/St Catherines roundabout. To the south of the site is the Sincil Dyke with residential properties located on the other side of the bank fronting South Park. To the north is the former United Reform Church which is subject to a separate application. To the north of the Church is another garage which does not form part of the application site. To the east is vacant land forming a separate application for re-development. Residential properties line Spencer Street to the north of the application site. The site is situated within the St Catherines Conservation Area No. 4.

Whilst the site is vacant in terms of its land use, Bentley's on behalf of the Environment Agency have been undertaking works for several months in relation to the bank on the south boundary of the site. The works have included removal of the trees along the boundary with the bank as part of a scheme of measures to improve flood defences in the area. These works did not require planning permission and are not connected to the development proposed under this application. Despite the proximity to the Sincil Dyke the majority of the site is within Flood Zone 1 with a small area on the south-western corner of the site located within Flood Zone 2.

Description of Development

The application proposes a residential care home comprising 73 en-suite rooms set within a purpose built facility over three floors. Ancillary facilities would include office space, kitchens, laundry facilities with shared kitchen and lounge facilities. The building would be accessed via Cross Spencer Street with the existing access from High Street to be stopped up. Pedestrian access would be via the rear of the building into a reception space within the centre of the building. 23 parking spaces are provided on the site for use for staff and visitors.

Pre-application discussions have taken place and further discussions have continued throughout the application process with the applicant and their architect. Revisions have been submitted to address officer concerns regarding overlooking, design and access.

The scheme is submitted by Torsion Care who have submitted a separate application for retirement flats on land to the rear of this site and including the former United Reform Church to the north (2021/0598/FUL). Officers are still in discussions with the applicant on the retirement flat application.

Case Officer Site Visit

Various, most recently 14th February 2022.

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 LP21 Biodiversity and Geodiversity
- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- Policy LP27 Main Town Centre Uses – Frontages and Advertisements
- Policy LP29 Protecting Lincoln's Setting and Character
- Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- National Planning Policy Framework

Issues

- Principle and Policy Background
- Developer Contributions
- Assessment of Impact to the Character and Appearance of the Conservation Area
- Impact on Residential Amenity
- Highways and Drainage
- Archaeology
- Contamination
- Other Issues

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

Comments have been received as part of the consultation process. They can be viewed in full online or at the end of this report. Concerns from neighbouring properties include, but are not limited to, traffic, parking, access into the site, loss of privacy, impact on local GP services, concerns with scale, wildlife and light pollution.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Anglian Water	Comments Received
Environment Agency	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Lincoln Civic Trust	Comments Received
Lincolnshire Police	Comments Received
Historic England	Comments Received
NHS England	Comments Received

Public Consultation Responses

Name	Address
Mrs Sheila Edens	466 High Street Lincoln Lincolnshire LN5 8JB
Ms Janet Nissler	13 South Park Lincoln Lincolnshire LN5 8EN
Mr Christopher Bonnett	5 South Park Lincoln Lincolnshire LN5 8EN
Mrs Wendy Crooks	14 South Park Lincoln Lincolnshire LN5 8EN

Mr Mark Edens	1 Spencer Street c/o 24 Saxilby Road, Sturton by Stow Lincoln LN1 2AB
Lauren White	6 Spencer Street Lincoln Lincolnshire LN5 8JH
Vicki Edens	Tony Edens Ltd
Longhi Daniele And Patrizia Loria	
Mrs Alison Greenwood	Tony Edens Ltd 466 – 468 High Street Lincoln Lincolnshire LN5 8JB
Miss Natalie Swain	12 South Park Lincoln Lincolnshire LN5 8EN

Consideration

Principle and Policy Background

The National Planning Policy Framework (NPPF) sets out three overarching objectives (social, economic and environmental) to be pursued in mutually supportive ways. The overall planning balance must look across all three strands (paragraph 8), it states that development should be pursued in a positive way therefore at the heart of the framework is a presumption in favour of sustainable development.

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. CLLP Policy LP1 states that there should be a presumption in favour of sustainable development and planning applications that accord with the policies in the local plan will be approved without delay. This presumption in favour of sustainable development reflects the key aim of the NPPF.

The area is within a regeneration area and Policy LP27 sets out that planning permission will be granted for appropriate development in the regeneration area for housing (above ground floor level) small shops, cafés, restaurants, pubs/ bars and offices (A2 ground floor/ B1 above) provided the proposals: Respect the historic street pattern and take account of the existing townscape character of the area with reference to the Lincoln Townscape Assessment; Ensure existing historic shopfronts are retained and refurbished and where alterations to ground floor street frontages are proposed they shall be designed in accordance with Policy LP27; and take account of and, where appropriate, enhance existing pedestrian and cycle routes.

The site is also located within the Central Mixed Use Area where the proposed use (C2) is considered appropriate in principle under Policy LP33. Whilst the building would not have

active shopping uses at ground floor, as the site is positioned at the southern end of the High Street, it is not considered the use would detract from the vitality and viability of the area nor would the introduction of such a use result in the area losing its mixed character. The site has been vacant for some time and the buildings on the site; the showroom fronting High Street in particular, does not make a positive contribution to the High Street or the wider conservation area. It is therefore considered re-development of the site for a care home is acceptable in principle and supported by LP27 and LP33 of the CLLP. The facility would help to meet accommodation needs of older people in accordance with LP10.

The site is within a conservation area; the NPPF states that “*great weight should be given to asset’s conservation*” and that this is regardless of the level of harm. Where harm is established, paragraphs 201 and 202 are relevant which require a balancing exercise to be undertaken as to whether the public benefits of a scheme would outweigh the harm, in this case to the Conservation Area.

In addition to Planning Policy, there is a duty within the Planning (Listed Buildings and Conservation Areas) Act 1990 that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”

Developer Contributions

The development falls within use class C2 (residential institution) and as such there is no requirement on the development to contribute to education, playing fields or play space nor provide affordable housing.

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. A commuted sum (for £28,707.25) has therefore been requested to contribute to the development of additional clinical space. This request would be in accordance with CLLP Policies LP9 and LP12. The applicant has agreed to sign a S106 agreement securing the contribution which will be finalised should the Planning Committee be in support of the application.

Impact of the Proposed Development on the Character and Appearance of the Conservation Area and Visual Amenity

The site is occupied by a showroom building with other workshop buildings positioned to the rear. The buildings on site themselves provide little to draw inspiration from in terms of the re-development of the site. The Lincoln Townscape Assessment recognises the site as being somewhat of an anomaly stating that such buildings have the impact of “*considerably reducing the sense of enclosure typically associated with a high street*” (e.g., *St. Peter at Gowt’s School and Champions garage in the south of the Character Area.*”

The proposed building footprint is within a V shape with the main elevation to High Street, the building chamfers at its south western corner then continues along the Sincil Dyke boundary. The existing High Street access would be occupied by the new building with the access being stopped up as a result. Officers consider that, in design terms this is the right approach and building positioned adjacent to the back edge of the footpath would bring much needed enclosure to this part of the High Street.

The building is setback slightly from High Street to allow some privacy to the ground floor residents and to create a defensive space along the boundary. It is anticipated low railings

with a hedge would be positioned along this boundary with details to be submitted via condition. A small sensory garden is proposed at the east end of the building adjacent offering outdoor amenity for residents.

The building would be over three storeys. The floorplan of the development is based on the requirements of the end user in order to be functional and successful as a care home although officers have worked with the applicant's architect to revise the elevations to create a building which is appropriate for the High Street and the character and appearance of the Conservation Area. The original submission included two asymmetric gables to the High Street elevation with three to the Sincil Dyke elevation. Officers felt that the proposal failed to deal with the overall massing of the building in a way that responded to the prevailing character of the High Street, being predominantly Victorian and Edwardian, characterised by relatively narrow frontages.

The architect has revised the designs, in line with officer comments, in order to introduce more variation and visually break up the elevation and the mass of the building in general, particularly to the High Street. The revisions have introduced variation in the window proportions and the inclusion of dormer windows on the High Street and Sincil Dyke elevations, the projecting gables have been amended so they are symmetrical. Textured brick detailing is featured within the gables, again adding variation to the elevations.

The design of the gables in particular respond to the former United Reform Church to the north. The eaves line of the proposed building follows a similar line to the parapet of the front elevation of the church. There are various other examples of three storey buildings in the vicinity including those positioned on the west side of High Street opposite the application site. Given this relationship, it is considered that the building would sit comfortably in its position without appearing out of scale to the prevailing character. The materials include red brick with a mix of stretcher and English Garden Wall bond in order to add interest and texture to the brickwork. A sample panel will be required via condition to ensure the materials used are suitable for the conservation area.

The proposal represents contemporary architecture whilst being sympathetic to the historic townscape of the south of High Street and indeed the Conservation Area. The proposal, in its revised form, responds positively in form and scale to the context. The proposal would introduce a sense of enclosure to this part of the High Street which is currently occupied by buildings which aren't positively contributing to the Conservation Area. The proposal would also introduce a use to this site which has been vacant for some time. The proposal accords with Policies LP25 and LP26 of the Central Lincolnshire Local Plan and paragraph 199 of the NPPF.

In addition to the NPPF, the City Council are also duty bound by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990. However, despite the demolition of buildings on the site, officers consider that in this instance the design of the development would ensure a positive contribution to the character and appearance of the Conservation Area. The re-development of the site with a high quality building both preserves and enhances the character and appearance of the Conservation Area in accordance with Section 72 (1).

Residential Amenity

On the opposite side of the Dyke are two storey residential properties fronting South Park with their rear gardens to the Dyke and the application site. The distances from the main

rear elevations of these existing properties and the proposed building range from 22-27 metres separation. Whilst the window to window distances are within the range that are generally considerable acceptable, officers have sought to reduce the overlooking impact to the neighbouring properties on South Park. As a result, the proposal has been amended so that the second floor windows facing south contain fewer bedrooms and mostly communal spaces including a training room, an office, clinic, lounge and laundry room. Officers acknowledge that the proposal would introduce a new overlooking relationship which has not been present previously however, given the separation distances and with the amendments to reduce the amount of bedroom windows on the second floor looking south, it is not considered that the overlooking would be unduly harmful to warrant refusal of the application. With regard to the building itself, it is positioned to the north of the residential properties on South Park therefore loss of light is unlikely to be an issue.

The only access into the site would be via an existing vehicular access from Cross Spencer Street/Spencer Street. Residents on Spencer Street are therefore likely to see an increase in traffic in this area. The Highway Authority has requested access widening to ensure that vehicles can access the site safely and this will be discussed in more detail later within the report. On balance, it is not considered an increase in traffic to the existing access would cause undue harm to residential amenity.

The City Council's Pollution Control Officer has recommended conditions to protect residential amenity, these include:

- Details of external lighting to be submitted in order to minimise the risk of overspill and glare to neighbouring residents.
- Details of noise mitigation measures - A noise assessment was submitted with the application which details how acceptable internal noise levels can be achieved within the development, in order to protect future residents of the proposed care home a condition is proposed to submit a noise mitigation scheme in line with submitted noise assessment.
- Construction and delivery hours restrictions - To help limit any potential impact to adjacent premises during construction.
- Waste collection – Restricted to avoid noise sensitive hours

In summary, it is considered that the proposal can be accommodated on the site without having a detrimental impact on surrounding properties subject to the above proposed conditions. The proposal would therefore be in accordance with the requirements of Policy LP26 in terms of impact on residential amenity.

Highways and Drainage

The site is highly sustainable with good access via walking, cycling and public transport. A secure cycle store is provided on site. Residents within the care home will not have their own cars although 23 parking spaces are provided within the site for staff and visitors via the existing access from Cross Spencer Street. A condition is proposed for the submission of a scheme of electric vehicle charging points. It is anticipated that refuse will be collected from within the site and revised drawings have been received to show that, with junction improvements to widen the radius at Cross Spencer/Spencer Street, all vehicles expected to visit the site will be able to do so and leave in a forward gear.

The County Council as Highway Authority and Lead Local Flood Authority (LLFA) has assessed the application and considers that a robust Travel Plan has been submitted containing measures to encourage staff to access the site via sustainable means.

The Highway Authority does not raise any objections to the application in respect of highway safety or traffic capacity subject to recommended conditions regarding the submission of a construction management plan and the existing access to High Street be stopped up on completion of the development.

Subject to the recommended conditions, officers consider the development would promote the use of sustainable modes of transport for users of the site and would not have a severe impact on the transport network in accordance with paragraph 111 of the NPPF and LP13 of the CLLP.

The advice from the Highway Authority also contains a request for this site to contribute to funding public realm works in the area. Officers have requested further information from the Highway Authority on how such a request would meet the legislative tests for a S106 agreement, including how the request relates to the proposed development. No such information has been received and therefore officers would advise that the request does not meet the tests set out in legislation in relation to off-site contributions from development; the request is not reasonable or proportionate and we recommend that this request does not form part of the S106 for the application.

With regard to drainage, the applicant has undertaken some intrusive ground investigation although these were taken in June and not within a traditionally wetter month. Access to the site for such work is difficult given the ongoing works by the Environment Agency.

The application has been considered by the County Council as Lead Local Flood Authority (LLFA) who has raised no objections to the proposed arrangements subject to a pre commencement condition which would require further ground investigation to take place to inform a drainage strategy. Anglian Water have no objections to the proposal subject to a condition regarding foul drainage which will be included accordingly. The Environment Agency did not require a Flood Risk Assessment to be submitted for the site given the low probability of flooding. They have no objections to the proposal subject to standard conditions regarding contaminated land which are included accordingly. The development would therefore satisfy the requirements within paragraph 167 of the NPPF and LP14 of the CLLP.

Archaeology

The site lies within an area of archaeological interest. The application is accompanied by a desk-based assessment (DBA) with a detailed appraisal of the potential archeology within the site and its likely significance. To support the DBA, Ground Penetrating Radar (GPR) has also been used within the site to establish the likelihood of a boundary wall which once existed between Great Bargate and Little Bargate. The results of the GPR doesn't show any strong evidence of its survival on the site.

The City Archaeologist has considered the submitted information and agrees with its findings that the impact of development on the archaeology within the site can be appropriately mitigated, subject to the provision of an approved foundation design, and a Written Scheme of Investigation detailing any further works to be undertaken on the site.

Overall, it is considered that the public benefits presented by the scheme outweigh the potential harm to archaeology. Notwithstanding that, detailed conditions will ensure limitation of harm to archaeological remains where possible. Officers therefore consider the proposal accords with LP25 of the CLLP and paragraph 194 of the NPPF.

Contaminated Land

The City Council's Pollution Control Officer has advised that, due to past uses on the site, there is the potential for contamination to be present. Conditions have been requested which will be attached to the grant of any permission.

Other Issues

Ecology

A desk and field survey have been undertaken in order to assess the potential of the site to support protected habitats and species. Bats and birds were established as the main at risk from the development. It is worth noting that all species of bat and their roosts are fully protected under the Conservation of Habitats and Species Regulations and the Wildlife and Countryside Act. A bat field survey was undertaken to establish their presence at the site. Only 1 of the building on the site was assessed to have moderate potential for bat roosting which was further assessed for activity. No bats were observed entering or leaving the building during the field surveys and the survey concludes that the impact on the bat population would be minor. In any case, officers consider it would be prudent to include a condition on the application for further details on how the development would include faunal features such as bat and bird boxes for local wildlife.

Subject to the proposed condition, officers consider the proposal would be in line with Policy LP21 of the CLLP.

Conclusion

The development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design. The proposals would bring a vacant site back into use and would ensure the character and appearance of the Conservation Area is preserved. Technical matters relating to noise, highways, contamination, archaeology and drainage are to the satisfaction of the relevant consultees and can be dealt with as necessary by condition. The proposals would therefore be in accordance with the requirements of CLLP Policies and the NPPF.

Application Determined within Target Date

Yes – extension of time agreed.

Recommendation

Delegate the application to grant upon signing of the S106 for NHS contribution subject to the conditions set out below

Conditions:

- Time limit of the permission

- Development in accordance with approved plans
- Bat/bird boxes
- Layout as granted – in order to protect residential amenity
- Lighting
- Noise mitigation measures to be submitted
- Hours
- Contaminated land
- Anglian Water details of foul drainage to be submitted
- Materials including sample panel
- Surface water drainage
- Landscaping to be submitted
- Boundary walls and fences to be submitted
- Archaeological WSI and foundation design
- Construction of the development (delivery times and working hours)
- Waste collection times
- Highway construction management plan
- Existing dropped kerb to be reinstated to High Street
- Lighting scheme to be submitted
- A scheme for electric vehicle charging points to be submitted