

<b>Application Number:</b>	2021/0598/FUL
<b>Site Address:</b>	471 - 480 High Street, Lincoln, Lincolnshire
<b>Target Date:</b>	27th October 2021
<b>Agent Name:</b>	Stem Architects
<b>Applicant Name:</b>	Mr Chris Burns
<b>Proposal:</b>	Erection of elderly residential living apartment building comprising of 20 residential apartments and conversion of existing former United Reform Church to form additional 5 residential apartments. To include access from Cross Spencer Street, car park, landscaping, attenuation pond, 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 part of a Peugeot Garage and is now vacant. The boundary of the site also includes the former United Reform Church fronting High Street. The scheme is submitted by Torsion Care who were the applicants for a recently granted planning permission under a separate application for a care home fronting High Street (2021/0597/FUL). Whilst the applications have been submitted separately due to funding arrangements for each scheme, the applicant stated that they intend to construct the two schemes simultaneously should the current application be granted.

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 of the Church is another garage which does not form part of the application site.

Residential properties line Spencer Street to the north of the application site. The site is situated within the St Catherines Conservation Area No. 4.

### Description of Development

The application proposes a new building comprising 20 retirement living flats and conversion of the former United Reform Church to form 5 residential flats. The new building would be accessed via Cross Spencer Street. 27 parking spaces are provided on the site which includes accessible spaces.

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.

## **Site History**

Reference:	Description	Status	Decision Date:
2021/0597/FUL	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).	Granted Conditionally	7th July 2022

## **Case Officer Site Visit**

Undertaken on 28<sup>th</sup> 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 LP11 Affordable Housing
- Policy LP12 Infrastructure to Support Growth
- Policy LP13 Accessibility and Transport
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP16 Development on Land affected by Contamination
- Policy LP21 Biodiversity and Geodiversity
- Policy 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
- Policy LP35 Lincoln's Regeneration and Opportunity Areas
- 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.

### **Statutory Consultation Responses**

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

### **Public Consultation Responses**

Name	Address
Mrs Sheila Edens	466 High Street Lincoln Lincolnshire LN5 8JB
Janet Nissler	13 South Park Lincoln Lincolnshire LN5 8EN

Lauren White	6 Spencer Street Lincoln Lincolnshire LN5 8JH
Mr & Mrs Paul Pyrah	31 Spencer Street Lincoln Lincolnshire LN5 8JH
Mr Mark Edens	1 Spencer Street c/o 24 Saxilby Road, Sturton by Stow Lincoln LN1 2AB
Mr Christopher Bonnett	Woodbine Cottage, No. 5 South Park Lincoln LN58EN
Vicki Edens	Tony Edens Ltd
Miss Natalie Swain	12 South Park Lincoln Lincolnshire LN5 8EN

## **Consideration**

### **Summary of Representations**

Various representations have been made to the proposals. The concerns raised include traffic and parking, access difficulties into the site, general noise and disturbance, scale of building, loss of privacy, light pollution and impact on wildlife.

Please note some of the objections that have been submitted against this application but discuss matters in relation to the previously approved care home rather than the submitted scheme specifically.

### **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 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."

The area is within a regeneration area and Policy LP35 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 (C3) is considered appropriate in principle under Policy LP33. 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 former United Reform Church makes a positive contribution to the Conservation Area; a sympathetic conversion of this building is therefore welcomed. It is considered that the erection of a building for retirement living and conversion of the church to residential is acceptable in principle and supported by LP27 and LP33 of the CLLP. The retirement flats would help to meet accommodation needs of older people in accordance with LP10.

### Developer Contributions

The development falls within use class C3 therefore Planning Policy requires contributions to affordable housing, playing fields/play space and the NHS.

Original contributions in line with Policy requirements were as follows:

NHS -	£16,855.75
Green Infrastructure -	£19,683
Affordable Housing -	£611,340
Total	£647,878.75

The applicant has submitted a viability appraisal to show that the above contributions would render the scheme unviable. A revised figure has been reached which has been independently checked by a viability expert appointed by the Local Planning Authority. The revised figure is a total of £127,539.

The revised figures have been attributed based on the original policy requirements as follows:

NHS	£3,318.16
Green Infrastructure	£3,874.72
Affordable Housing	£120,346.12
Total	£127,539

The applicant has agreed to sign a S106 agreement securing the above contributions 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 workshop buildings positioned to the rear of the former Showroom fronting High Street. 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 Campions garage in the south of the Character Area."

The proposed building would essentially sit behind the recently granted care home which would front High Street. The care home would be of three storeys whilst the retirement apartments would mainly be of two storeys along Sincil Dyke rising to three on its western corner where it would meet the care home.

The proposed building's main elevation would be to Sincil Dyke whilst seven of the apartments would face into the site towards Cross Spencer Street. The main access to the building would be via an entrance on the north elevation. There would be a communal patio area on the south elevation facing the Sincil Dyke. An attenuation pond would be positioned to the east of the building providing surface water drainage for the site.

The new building would be positioned to the east of the recently granted care home, to the south of the houses on Spencer Street and to the north of the houses on South Park therefore public views of the building would be limited. The building as originally submitted was four storeys high and officers have worked with the applicant to reduce the scale whilst providing a development that is deliverable. Three storeys was considered acceptable on the previously granted care home application, although with non-habitable rooms on the third floor which wouldn't be possible with a residential scheme. The building as proposed has therefore been reduced to two storeys with an additional floor on the western corner which faces onto the care home. The building is a simple, modern design constructed of red brick with asymmetric gables. The gables create a rhythm along Sincil Dyke although window variation and set back elements break up the mass of the long elevation. Whilst being a separate application to the care home, the building does have some design elements which link to the care home including window types and use of materials. Given the gradual fall in land levels from west to east and the smaller scale of the new building when compared to the care home, the building would also appear subordinate to the care home building stepping down in scale from the High Street which is considered appropriate.

The alterations to the former United Reform Church include new windows in the south and east elevations and conservation rooflights in the north elevation. The main west elevation fronting High Street will maintain its existing windows and doors with new timber framed windows positioned behind an existing door.

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, which is mainly two storey residential properties. The proposal would introduce a use to this site which has been vacant for some time and compliment the previously granted care home. 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 is 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 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 differ although the closest relationship is 25.5 metres. The window to window distances are within the range that are generally considered acceptable and officers have sought to reduce the overlooking impact to the neighbouring properties on South Park by a significant reduction in the scale of the building. 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 scale of the building as well as the removal of first floor balconies, 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 and therefore loss of light is unlikely to be an issue. With regard to the relationship to the north, the building has been designed with stairwell windows only adjacent to the gardens with No. 30- 36 Spencer Street whilst the flats within the north elevation are angled away from the rear gardens of the Spencer Street properties ensuring an appropriate relationship. Whilst the new building is positioned to the south of these neighbouring gardens, it is considered that the proposal would have a similar impact to that of the existing garages on the site and loss of light would therefore not be unduly exacerbated by the new building.

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 development, 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

A total of 27 parking spaces are proposed for the flats. Information within the submitted Transport Statement suggests that “The NOMIS census database was utilised in order to obtain car ownership figures for age groups between 55 and 84 (70% car ownership). This indicates that the 32 flats would result in a demand of 23 spaces. An additional 4 spaces are proposed to accommodate any increase in demand and for visitors.” The statement was made before the amount of flats were reduced from 32 to 25 although the quantum of parking has remained the same. The parking for the development and possible visitors is therefore considered adequate for the likely demand.

The site is a highly sustainable location with good access via walking, cycling and public transport. A secure mobility scooter store is provided on site. 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 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, closing of an existing vehicle crossover and submission of a drainage scheme for surface water. The Highway Authority do not consider that any other improvements to the highway network would be required as a result of the proposed development, including restricting right turn access from Spencer Street.

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.

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.

The advice from the Highway Authority also contains a request for this site to contribute to funding public realm works in the area but have failed to provide further information to substantiate the request. 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.

### 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 archaeology 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 did not 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 species 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 buildings 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.

### Energy Efficiency

The applicants hope to achieve an EPC rating of B for the proposal by using increased wall, floor and roof insulation which would be a “fabric first” approach. They are also proposing to use a hot water system which incorporates a localised Air Source Heat Pump to extract heat from air extracted from kitchens and bathrooms into heat for stored hot water. Officers propose a pre-commencement condition for the submission of an energy statement detailing how the development will:

- Reduce demand for energy;
- Improve resource efficiency (in sustainable design and construction); and
- Use energy from decentralised, renewable and low carbon sources (rather than from non-renewable sources).

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

Yes.

### **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.

### **Recommendation**

That the application is delegated to grant subject to the signing of the Section 106 agreement to secure contributions to affordable housing, local green infrastructure and the NHS.

Proposed conditions are:

- 3 Year Time limit for commencement
- Development in accordance with approved plans
- Details of Bat/bird boxes to be submitted
- Details of external lighting to be submitted
- Noise mitigation measures to be submitted
- A scheme for electric vehicle charging points to be submitted
- Contaminated land further information to be submitted
- Anglian Water - details of foul drainage to be submitted
- Details of materials to be submitted
- Details of surface water drainage to be submitted

- Details of landscaping to be submitted to be submitted
- Details of boundary walls and fences to be submitted
- Archaeological WSI and foundation design
- Construction of the development (delivery times and working hours)
- Waste collection times to be restricted to avoid noise sensitive hours
- Construction and Delivery Hours to be restricted to avoid noise sensitive hours
- Highway construction management plan to be submitted
- Stopping up of access on the High Street once new access is brought into use