

Application Number:	2022/0168/FUL
Site Address:	Former Carpets 4 Less, Dunford Road, Lincoln
Target Date:	8th September 2022
Agent Name:	Faber Architecture Ltd
Applicant Name:	Mr Aziz
Proposal:	Demolition of existing building to facilitate the erection of a part four-storey, part five-storey mixed use building containing 47 apartments, 2 ground floor retail units (use class E) with associated car, motorcycle and bicycle parking.

Background - Site Location and Description

This application seeks planning permission for the erection of a part four-storey, part five-storey building containing 47 apartments and two ground floor retail units. The apartments would consist of 33 one bedroom and 14 two bedroom apartments with associated car, motorcycle and bicycle parking.

The site is of a triangular shape located to the southeast of the City Centre, immediately south of Pelham Bridge. The two storey flat roofed building on the site was formerly occupied by Carpets 4 Less and has since stood vacant for a number of years. The site is located within a Regeneration Opportunity Area as identified in the Central Lincolnshire Local Plan (CLLP) and is located within Flood Zone 2. Vehicular access to the site is from Dunford Road to the northeast.

Kesteven Street and Dunford Road bound the site to the northeast and north. The area beyond comprises light industry buildings and retail units. To the south is the former Jacksons building that is now occupied by Buildbase and is attached to the showroom room building on the site. Canwick Road is to the west with residential properties located on its west side, facing the application site.

Pre-Application Discussions

The proposals have been subject to extensive pre-application discussions with your officers, which began in October 2020. During pre-application discussions the scale of the proposal has been considerably reduced from that originally proposed.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 2nd March 2022.

Policies Referred to

- Policy LP13 Accessibility and Transport
- Policy LP11 Affordable Housing
- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy

- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP16 Development on Land Affected by Contamination
- Policy LP29 Protecting Lincoln's Setting and Character
- Policy LP35 Lincoln's Regeneration and Opportunity Areas
- Policy LP12 Infrastructure to Support Growth
- Policy LP10 Meeting Accommodation Needs
- National Planning Policy Framework
- Policy LP26 Design and Amenity

Issues

The key issues for consideration are:

- Principle of Use
- Objections Received
- Visual Amenity
- Impact on Residential amenity
- Traffic and Pedestrian Safety
- Flood Risk and Drainage
- Archaeology
- Contaminated Land
- Crime and Anti-Social Behaviour
- Developer Contributions

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Environment Agency	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
NHS England	Comments Received

Highways & Planning	Comments Received
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Public Consultation Responses

Name	Address
Upper Witham Drainage Board	Witham First District Internal Drainage Board Witham Third District Internal Drainage Board Upper Witham Internal Drainage Board North East Lindsey Drainage Board
Miss Caroline Curry	61 Canwick Road Lincoln Lincolnshire LN5 8HE
Mr S C Fota	89 Canwick Road Lincoln Lincolnshire LN5 8HE

Consideration

Summary of Representations

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, the scale of the building, loss of light and traffic.

National and Local Planning Policy

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. 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.

The site is allocated as a re-development opportunity within the CLLP, with a range of uses being acceptable in principle. Policy LP35, in relation to this site, states that "Planning permission will be granted for the appropriate redevelopment of the sites in the regeneration area for employment and housing, either solely or as part of a mixed use development in association with: *Business use (B1); Leisure, Education and community use (D1) and Small shops/ cafés/ restaurants on the ground floor.*"

Officers are therefore satisfied that the principle of the proposed mix use development of the site for apartments with two small ground floor retail units in this location is acceptable and in accordance with CLLP Policy LP35.

Visual Amenity

The prevailing character along Canwick Road to the West is two/ three storey terraced residential properties. On the east side of the road and to the south within the 're-development area' defined by LP35, are a number of large-scale industrial buildings which are of an equivalent scale of 4/5 storey buildings. To the north is the Pelham Centre building a 3 storey building with an equivalent storey of plant rooms above.

The proposed building would have a triangular shape layout largely dictated by the shape of the site, the building would be five storeys in height, with the ground floor occupied by two retail units and parking, the remaining floors above would accommodate residential apartments. The top floor is set back from the primary façade, constructed from a different material to the rest of the building, which helps minimise the perceived height of the building.

In terms of scale, the building would have a similar eaves level height of the adjacent BuildBase building whilst being lower than its ridge height, ensuring longer views of the historic hill side are not interrupted from longer range views.

The proposed building picks up on the strong vertical emphasis of the adjacent BuildBase building. The main body of the building has an uninterrupted brick exoskeleton approach, with a repetition of fenestration set within deep reveals to maintain a rhythm to the design. Whilst there is a vertical emphasis, the design also includes horizontal detail that is carried through from the separate floor levels. Recessed rendered panels and deep window reveals will create light and shade and add interest to the elevations. At ground floor the shop fronts would continue the design theme from above; the openings serving the parking area would feature grey aluminium louvres.

Samples of materials to be used in the development would be required by conditions although officers raise no objections with the general palette of materials suggested. Officers consider the contemporary design as submitted is appropriate for the site.

The proposed part four storey part five storey building is considered to be appropriate to the site and its surrounding context. Furthermore, the setting back of the top floor from the primary façade, helps break the building up, ensuring that massing is not an issue and adds interest from longer views.

Overall, the development is of a scale that would not appear overly dominant in this part of the City and, long views of the historic hillside are not interrupted by this development. It is considered that the proposal is appropriate in terms of making a positive contribution to local character and distinctiveness and responding to the established character of the area in accordance with Policy LP26 of the Local Plan and paragraph 130 of the NPPF.

Impact on Residential Amenity

The design and scale of the building has been carefully considered to minimise as far as practicable physical impact on adjacent residents. The closest distances from the development to existing properties are approximately 16 metres to the residential properties to the west on Canwick Road. This relationship would be relatively close, however in this close urban context it is not considered to be inappropriate. It is clear there would be a change in circumstances, including limited overshadowing and introducing a new overlooking relationship which has not been present previously from the site.

However, officers do not consider the conditions currently enjoyed by the occupants on this section of Canwick Road would be unduly harmed to warrant refusal of the application.

Therefore, it is considered the scale of development can be satisfactorily accommodated within the local area without undue harm to residential amenity in line with Policy LP26 of the Central Lincolnshire Local Plan.

In terms of the impact to future occupants of the development, a noise impact assessment was submitted with the application to establish if the occupants would be affected by significant level of noise associated with road traffic and commercial uses nearby. The report concludes the occupants would be adversely affected by significant noise levels associated with the adjacent road network. The report accordingly provides examples of noise attenuation measures that could be used in the building to ensure future occupants would not be exposed to unreasonable level of noise. The City Council's Pollution Control Officer acknowledges the noise can be adequately mitigated and has requested a condition, to ensure the specified mitigation measures are provided and implemented with the development.

The City Council's PC Officer has also requested the mitigation measures included within the submitted 'construction management plan' detailing hours of construction/demolition, delivery times etc should be applied to any grant of permission, to help limit any potential impact to adjacent premises during construction.

Subject to the above conditions it is considered that amenity would not be harmed as a result of this development in line with Policy LP26 of the Central Lincolnshire Local Plan

Traffic and Pedestrian Safety

The site would be accessed via Dunford Road for both pedestrian and vehicular access. The vehicular access would take a new access with Dunford Road which leads to an area of undercroft car parking, located to the south-east of the building, this would be suitable for fire appliance access.

A total of 17 car parking spaces are to be provided, of which one will be a dedicated disabled space. 7 motorcycle spaces and 11 secure Sheffield Stands comprising 22 cycle spaces are proposed. A scheme for electric vehicle charging points at the site would be required via a condition, should planning permission be granted.

The site is located within a walkable distance to the city centre with good access to public transport, and cycle and pedestrian routes. A Transport Statement has been submitted with the application that concludes the proposal would not result in a severe residual cumulative impact on highway safety or capacity.

The application has been the subject of consultation with the Highway Authority at the County Council and their comments are appended to this report. The Highway Authority have raised no objection to the development subject to a condition requiring the amendment/resubmission of the construction management plan to take account of the comments raised by the Highway Authority.

The advice from the Highway Authority also contains a request for this site to contribute towards the Broadgate Public Realm and environmental improvements. However, there is no justification or calculation for the sum of money requested or any scheme at present for

which the money could be attributed. It does not therefore meet the tests set out in legislation in relation to off-site contributions from development; the request is not reasonable or proportionate.

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.

Flood Risk and Drainage

The site lies within Flood Zone 2 therefore a Flood Risk Assessment and Drainage Strategy has been submitted with the application. The developer has also undertaken a sequential testing exercise which has concluded that the development site passes the test.

The FRA concludes that:

- The ground floor level for the development shall be set 500mm above the existing ground level to the north of the development (4.65mODN) and is only to be used for Less Vulnerable uses consisting of the residential entrances, 2 No retail units and MEP Plant (5.150mFFL). The resident's car park is to be set at 5.00Modn
- The 'More Vulnerable' uses (residential) are located at first floor level and above, set at 8.90mODN which provides a safe haven for the occupants.
- Any impact of damage to the property can be foreseen and mitigated against by relatively simple design and construction techniques. They will be constructed using materials which are flood resilient construction as outlined in the report.
- As this site is in an area that is capable of receiving flood warnings from the Environment Agency Floodline Warning Direct system. It is recommended that the property residents contact the Environment Agency's Floodline on 0845 988 1188 to register the property to receive advance warning of flooding.

The Flood Risk assessment has been considered by the Environment Agency who have raised no objections to the proposals.

The drainage strategy for the site establishes that due to the spatial requirements of soakaway features, infiltration drainage would be unfeasible for the site. The nearest watercourse to the site is Sincil Dike located 350m away, the urban environment precludes a direct outfall to Sincil Dike. A direct connection is proposed to the combined sewer for the surface water for the proposed development, this would be restricted using a flow control to 5l/s.

The access road to the development would consist of impermeable construction, surface water runoff generated by the access road and parking spaces will be directed toward linear drains and gullies which will then discharge to a below ground gravity drainage system. The majority of the roof water will be collected by the 'blue roof' system which will provide some attenuation and restrict flows into the downpipes that discharge into the below ground drainage system.

Foul drainage from the proposed development is to be discharged to the existing Anglian Water combined water sewer adjacent to the site.

The drainage strategy has been considered by the County Council as Highway Authority and Lead Local Flood Authority (LLFA) who have raised no objections to the proposed arrangements. The development would therefore satisfy the requirements within paragraph 167 of the NPPF and LP14 of the CLLP. Your officers are satisfied with the approach taken by the applicants and we are happy to recommend that this aspect of the development is acceptable.

Archaeology

A Desk Based Assessment (DBA) has been submitted with the application in order to assess the potential impacts on archaeological remains that may be present within the site. The report concludes that *"The lack of archaeology predating the 1850s in the assessment area and the likely low archaeological value of the industrial remains thought to be present, no archaeological work is recommended."* Overall, the City Archaeologist is in agreement with the findings of DBA and does not request further archaeological work. Officers therefore consider the proposal accords with LP25 of the CLLP and paragraphs 189 and 190 of the NPPF.

Contaminated Land

A preliminary risk assessment has been submitted with the application; this report recommends an intrusive site investigation is undertaken. The report has been assessed by the Council's Scientific Officer as well as the Environmental Agency in relation to controlled waters, they consider that any potential ground contamination can be dealt with in an acceptable manner via a pre-commencement condition on any grant of permission in accordance with Policy LP16.

Crime and Anti-Social Behaviour

Lincolnshire Police have raised no objections to the proposals although have offered advice for the applicant in designing-in crime reduction measures within the site and building which have been directed to the applicant for their information.

Developer Contributions

Due to the nature of the proposed use as apartments with retail on the ground floor the development is not Community Infrastructure Levy (CIL) liable. There is a requirement for S106 contributions relating to affordable housing, education, playing fields/play space and NHS.

Central Lincolnshire Local Plan (CLLP) Policies LP11 and LP12 and the Central Lincolnshire Developer Contributions Supplementary Planning Document (SPD) state that affordable housing provision will be sought on all qualifying development sites of 11 dwellings or more, or on development sites less than 11 units if the total floorspace exceeds 1,000 sqm. The development exceeded this threshold, being for 47 residential units, and is therefore the policy position is that the development would be expected to provide contributions towards affordable housing.

Other contributions in line with Policy requirements were as follows:

Affordable housing-	£1,197,207.50
Education-	£11,276
NHS-	£16,775
Open space-	£37,894

The applicant made a case that the requirement for these contributions would make the scheme unviable, and a viability report was submitted to support this position. The SPD advises that development viability is not only relevant but critical to determining planning applications.

The applicant's report was assessed on behalf of the authority by an independent third party viability specialist, selected by the Council. The independent assessment concurred with the appraisal from the applicant which showed that the scheme would be unviable even before any planning policies are applied. It was concluded that the scheme could not provide any contributions.

However, the applicant has agreed to enter into a S106 review mechanism agreement, this would allow the council the opportunity to revisit viability in the future and in the event that viability improves, potentially securing some contributions at a later date. The review would take place after the construction of the development and the sale of a proportion of the apartments. In that way there would be real time data in respect of sales figures that would be able to inform another viability assessment and if it turns out that the development is more profitable than we currently anticipate then there would be an opportunity to secure some s106 contributions.

Conclusion

The principle of the use of the site for residential with ground floor commercial is considered to be acceptable and the development would relate well to the site and surroundings in respect of siting, height, scale, massing and design. The proposals would also not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy. An independently assessed viability appraisal has concluded that the development would not be viable if it were to provide affordable housing and contributions towards playing fields, HNS and local green infrastructure. Subject to the signing of an S106 officers are satisfied that this can be managed with a requirement for such payments should the profitability position of the development change at the time of completion. Technical matters relating to access and parking, contamination, flood risk and trees are to the satisfaction of the relevant consultees and can be dealt with appropriately by condition. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP14, LP16, LP25 and LP26, as well as guidance within the SPD and National Planning Policy Framework.

Application Determined within Target Date

Yes- With extension of time.

Recommendation

Delegate the application to grant upon signing of the S106 subject to the conditions set out below.

Standard Conditions

1. Development to commence within three years
2. Development to be in accordance with the submitted drawings
3. Materials to be submitted
4. Contaminated land
5. Construction management plan
6. Noise mitigation measures to be implemented
7. EV charging points to be submitted
8. Flood Risk mitigation measures to be implemented
9. Construction and delivery hours
10. Material surfacing