

Application Number:	2022/0352/FUL
Site Address:	Site Of Victory Hotel, 50 Boultham Park Road, Lincoln
Target Date:	31st October 2022
Agent Name:	Peter Kandola
Applicant Name:	Mr Steve Hanham
Proposal:	Erection of one 2 storey and two 2½ storey buildings accommodating 18 flats. Associated external works including car parking, access gate, cycle and bin storage and soft landscaping. (Revised plans and supporting documents).

Background - Site Location and Description

The application relates to the site of the former Victory Hotel, 50 Boultham Park Road. The application site is an irregular shaped parcel of previously developed land, located on the west side of the road, approximately 50m to the south of the junction with Dixon Street. It has an open site frontage with the width of the site narrowing towards the rear. The site is relatively flat and includes areas of hardstanding and grass. It is currently used for vehicle storage and was previously occupied by The Victory Public House. Consent was granted in 2014 for the demolition of the building and a subsequent planning permission (2015/0038/F) also proposed its demolition to facilitate the erection of three detached buildings comprising 14 dwellings with four ground floor commercial units within the frontage building. A further application (2018/0074/CXN) was submitted and later granted for minor alterations to the approved scheme. The pre-commencement conditions associated with this permission have all been discharged and there has been a 'start on site.' This permission has therefore been implemented and, even though work has not progressed any further, this permission could be implemented in full at any point.

The north boundary of the site is defined by approximately 1.8m high fencing with a number of mature trees and conifers adjacent, some within the site boundary and others sitting on neighbouring land. Beyond this boundary, at the front of the site, is side elevation of 48 Boultham Park Road. The remainder of the north boundary, towards the rear of the site, forms the rear boundaries with the gardens of properties on Glenwood Grove. The semi-detached properties along here are occupied as ground and first floor flats (no.s 1-23). The south boundary of the site is also defined by approximately 1.8m-2m high fencing with some smaller trees and plantings within the site and neighbouring gardens. The side elevation of 54 Boultham Park Road sits adjacent to this boundary at the front of the site. The remainder of the south boundary beyond sits adjacent to rear gardens with properties on Sunningdale Drive. To the west of the application site is the rear elevation of an industrial unit on the Sunningdale Trading Estate, off Dixon Close.

The site is located within Flood Zone 3.

The application is for the erection of one, two storey building, fronting Boultham Park Road, and two 2½ storey buildings within the site. The development would accommodate 18, two bedroom flats. Associated external works are also proposed including car parking, cycle storage and soft landscaping. The existing access point towards the north will be reconfigured to be the main, gated access into the development.

Prior to the submission of the application the site was subject to extensive pre-application discussions with the agent, applicant team and Planning Officers. The application originally proposed a three storey block to the front of the site and two further 2½ storey buildings towards the rear. This would have accommodated 27 flats (22 two bed and five one bed)

with 17 car parking spaces.

Officers raised a number of concerns regarding the initial proposal. It was considered that the mass and design of the buildings would be out of scale and character with the area. The height, position and proximity of the buildings would also have had a harmful impact on neighbouring properties through loss of light, overlooking and an overbearing impact. There were also concerns regarding the level of car parking, flood risk and the potential impact on adjacent trees. There has been further discussions and negotiations, and a number of alternative schemes have been considered prior to the formal submission of the current proposals. Officers also engaged with Ward Members during the application process.

All neighbours and statutory consultees have been re-consulted on the revised proposals.

Site History

Reference:	Description	Status	Decision Date:
2018/0074/CXN	Variation of conditions 2 (plans) of planning permission 2015/0038/F to include changes to fenestration to north elevation of units 1-8, alterations to roof of units 9-10, alterations to fenestration and guttering of units 11-14 and changes to materials to be used	Granted Conditionally	8th March 2018
2015/0038/F	Demolition of public house and garages and erection of three detached buildings comprising 14 dwellings and 4 ground floor commercial units for A2 'Financial and Professional Services' or B1 'Office' purposes (REVISED DESCRIPTION)	Granted Conditionally	1st May 2015
2014/0269/DEM	Demolition of public house.	Prior Approval Not Required	29th May 2014

Case Officer Site Visit

Undertaken on 30th May 2022, including visit to the property and garden of 54 Boultham Park Road.

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 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 LP18 Climate Change and Low Carbon Living
- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- Supplementary Planning Document Contributions Central Lincolnshire Developer
- National Planning Policy Framework

Issues

- Principle of Use
- Developer Contributions
- Visual Amenity
- Residential Amenity
- Trees and Landscaping
- Parking and Highways
- Flood Risk and Surface Water Drainage
- Climate Change and Low Carbon Living
- Contaminated Land
- Archaeology
- Air Quality and Sustainable Transport

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Anglian Water	Comments Received
Environment Agency	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Highways & Planning, Lincolnshire County Council	Comments Received

Upper Witham, Witham First District & Witham Third District	Comments Received
Lincolnshire Police	Comments Received
NHS - ICB	Comments Received

Public Consultation Responses

Name	Address
Mrs Cath Betts	55 Clive Avenue Lincoln Lincolnshire LN6 7UR
Mr Kevin Clarke	9 Sunningdale Drive Lincoln Lincolnshire LN6 7UD
Mr Ben Richards	27 Glenwood Grove Lincoln Lincolnshire LN6 7BA
Mrs Sally Atkinson	10 Sunningdale Drive Lincoln Lincolnshire LN6 7UD
Anita Grey	46A Boutham Park Road Lincoln Lincolnshire LN6 7BB
Mrs Lorraine Smith	2 Sunningdale Drive Lincoln Lincolnshire LN6 7UD
Ms Catherine Waby	St Mary's Guildhall 385 High Street Lincoln LN5 7SF
Michael Gibson	

Mrs Jenny Connell	54 Boultham Park Road Lincoln Lincolnshire LN6 7BB
Councillor Clarke	Lincolnshire County Council
Mr Dan Race	Taylor Lindsey Ltd 98 Searby Road Lincoln LN2 4DT On behalf of 25 Glenwood Grove
Mr Steve Adamson	58 St Peters Avenue Lincoln Lincolnshire LN6 7QE
Mrs Emma Richards	27 Glenwood Grove Lincoln Lincolnshire LN6 7BA
Mr Terance Connell	54 Boultham Park Road Lincoln Lincolnshire LN6 7BB
Stuart Smith	1 Boultham Park Road Lincoln Lincolnshire LN6 7BE
Mr Chris Smith	2 Sunningdale Drive Lincoln Lincolnshire LN6 7UD

Consideration

Representations have been received from and on behalf of properties on Boultham Park Road, Sunningdale Drive, Glenwood Grove, St. Peter's Avenue and Clive Avenue. While some of the residents support the principle of the re-development, comments and objections have been made in relation to various issues, which will each be addressed within the relevant sections of the report.

Further consultation responses were received from 54 Boultham Park Road and two from 2 Sunningdale Drive following the re-consultation on the revised scheme. Comments have also been received from Lincolnshire County Council's Councillor Clarke in relation to off-street parking and a financial contribution to local schools. These subsequent

responses will also be detailed within the relevant sections of the report.

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 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. The application site also has the benefit of planning permission for residential/commercial development. Officers are therefore satisfied that the principle of the residential use is wholly appropriate in this location.

Supporting the application would also be in accordance with CLLP Policy LP1 which 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 National Planning Policy Framework (NPPF).

Developer Contributions

In accordance with CLLP Policies LP11 and LP12 and the Central Lincolnshire Developer Contributions Supplementary Planning Document (SPD) the proposed development would be expected to provide affordable housing (on site or a commuted sum) and a financial contribution towards playing fields and local green infrastructure.

The Lincolnshire County Council (LCC) has requested a contributions for education, to mitigate the impact of the development at a local level. NHS Lincolnshire has also requested a contribution which will go towards expansion in capacity within the APEX and Lincoln Health Partnership Primary Care Networks at Boutham Medical Practice and/or Heart of Lincoln Medical Group (Portland). Alternatively, the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

With the exception of education, the level/amount of the required provision has been reduced during the process of the application to reflect the reduced number of units on the site. The proposed development of 18, two bedroom units would therefore be expected to provide:

Affordable housing	£528,980 (5 units)
Health	£11,385.00
Education	£28,267.00
Play space	£5,204.94
Green infrastructure	£13,442.10
Total	£587,279.04

The applicant has submitted a Viability Appraisal. This advises that the development could meet the health, education, play space and green infrastructure requirements, but providing an on-site affordable housing provision or affordable housing commuted sum would make the scheme unviable. Accordingly, the applicant is proposing that the scheme would not provide affordable housing, either on-site or a contribution towards.

The Viability Appraisal has been assessed on behalf of the authority by an independent third party. The independent assessment concurs that an affordable housing provision/contribution would make the scheme unviable, but that other Section 106 Agreement (S106) contributions can be viably paid. However, the independent assessment did not agree with all of the calculations within the report and found that there was a surplus of £27,749. The total sum the scheme could therefore viably provide would be £86,048.04; the total of the contributions towards health, education, play space, green infrastructure and the surplus figure.

The SPD advises that the Local Plan recognises the overriding need to ensure all development is sustainable and supported by necessary and appropriate infrastructure, however, the plan is also committed to delivering growth. Therefore, development viability is not only relevant but critical to determining planning applications. The NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the viability evidence underpinning it is up to date and they reflect the recommended approach in national planning guidance, including standardised inputs.

In this case officers are satisfied with the conclusion of the independent assessment; that the scheme would not be viable with all of the expected contributions. Requiring these would result in the development being unviable and not being brought forward. Officers have carefully considered the viability of the scheme against other factors, such as the demand for housing within the city and the desire to see the site come forward for development. Officers would therefore recommend that the application be granted with the sum of £86,048.04 secured through a S106, despite the full affordable housing requirement not being met.

Officers would also recommend that the total sum is distributed as the table below. It is considered that it would be preferable in this case for the play space and green infrastructure sums, along with the surplus figure, to instead be used to provide an affordable housing contribution. This is as a result of discussions between officers and the City Council's S106 Officer, taking into account the individual sums, the nature of occupancy of the proposed scheme and its location.

Affordable housing	£46,396.04
NHS	£11,385.00
Education	£28,267.00
Total	£86,048.04

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

CLLP Policy LP26 advises that development should respect existing character and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and form. Development should also reflect or improve on the original architectural style of the local surroundings. Paragraph 130 of the NPPF requires that development should function well and add to the overall quality of the area.

The character of the surrounding area is predominantly defined by two storey detached and semi-detached properties. However, in the wider area there are also bungalows and three storey residential properties, with the single storey car sales premises opposite the site. Buildings are generally constructed in red brick. Render is used often as a feature to the first floors, bays and side gables of some properties, including the neighbouring 48 and 54 Boutham Park Road.

The application site has a wide frontage, which will accommodate the main building, Block A, with the re-configured access to the north. Block A is two storey although the floor levels are raised and there is a ramped/stepped access at the front, up to the back edge of the footpath. This is constructed in brick with black railings and landscaping, which makes this functional element an attractive feature. In terms of the height of the building, the ridge of the proposal will sit approximately 500mm above the ridge of the neighbouring 54 Boutham Park Road. It is worth noting that this is only 300mm taller than the approved building, which is represented by a hatched red line on the street scene elevation. The proposal will also sit slightly forward of no. 54.

Block A is designed to appear as three individual buildings; with three identical gable features and three front doors. The building is predominantly constructed in red brick, although the central 'building' has a render finish. Render and timber panelling are used as feature elements on the sides and rear of the block.

Blocks B and C have a different arrangement, being 2 ½ storey, but they have a smaller footprint and therefore appear more modest. The scale and layout of these two smaller blocks is more appropriate at the rear of the site and is a vast improvement on the original proposal. Within the original scheme Block B replicated the scale of Block A, and Block C was pushed up against the rear boundary of the site.

A number of objections were received from neighbouring properties in relation to the original proposal. These raised concerns regarding the scale, height and positioning. Block A was three storey and would have sat much higher than neighbouring properties. Objectors considered that this would look out of place and not in character. The Civic Trust considered that the proposals would be overdevelopment of the site and be an inappropriate height. Following the re-consultation on the revised scheme, the occupants of 54 Boutham Park Road remain concerned that the height is not in keeping.

Officers consider that the site is of a sufficient size to comfortably accommodate the proposed development along with the associated access, parking, garden areas and bin/cycle storage. The development represents a good use of land. It would put to use a site that has been vacant for some time and would visually be an improvement on the current arrangement, which comprises vehicle storage and informal grassland. Whilst the height and scale of the original proposal was considered wholly inappropriate, officers consider that the revised proposal is acceptable in this respect. As previously referenced, the street scene elevation illustrates the height of Block A in relation to the neighbouring properties on Boutham Park Road. The development sits marginally higher but would not appear unduly dominant or prominent in the street. The application also includes site sections indicating the height of the blocks comparable to Glenwood Grove, Sunningdale Drive and the industrial unit on Sunningdale Trading Estate. Proposed visuals also illustrate the development in the context of neighbouring properties. There is no objection to these height relationships. Existing land levels and finished land and floor levels will be conditioned to ensure this relationship is maintained. Officers are therefore satisfied that the proposal would relate well to the site and surroundings in relation to siting, height,

scale and massing, in accordance with CLLP Policy LP26.

With regard to the proposed design, it is considered that Block A would sit comfortably in the street. The pitched roof and use of brick with render elements would relate well to neighbouring properties. The front elevation would include entrance doors with canopies above, deep overhanging eaves to the roof, window cills and headers and brick detailing. The landscaped, ramped access to the front adds further interest.

Blocks B and C replicate the material palette of brick, render and timber panelling. The 2 ½ storey design and the use of dormers is different, however, the design elements such as the overhanging eaves and brick detailing are replicated. These buildings therefore have their own individual appearance, but the overall design of the blocks is coherent.

Conditions would require samples of the proposed materials for approval, including details of hard surfacing, and the setting of windows and doors within reveal to ensure the overall finish and quality of the development is to a high standard. Conditions would also require further details of the size and design of the refuse store and the cycle store. Examples of the proposed vehicular access gates have been provided, it is indicated that these will be of an open metal design with a black finish, similar to the railings to the ramped access. A condition will require details of all fences, walls, railings and gates for approval.

The proposal would therefore be in accordance with CLLP Policy LP26 and paragraph 130 of the NPPF, which requires that developments should make effective and efficient use of land, add to the overall quality of the area and be sympathetic to local character.

Residential Amenity

A number of objections were received from neighbouring properties in relation to the initial scheme. They raised concern regarding the height of the blocks, overlooking and loss of privacy and light. The occupant of 54 Boultham Park Road also raised concern regarding the proximity of Block A to adjacent windows and also overlooking from the raised walkway at the south end of the building. The height and scale of the blocks within the original scheme was greater than the revised proposal. Block B was also closer to the north boundary with windows in the facing elevation, and the trees were suggested by the applicant to be sufficient mitigation to the impact. Officers shared a number of the concerns of neighbours and the revised scheme has attempted to address these by reducing the scale, increasing separation distances and better positioning of windows.

In response to the re-consultation on the revised scheme the occupants of 54 Boultham Park Road and 2 Sunningdale Drive have reiterated their concerns regarding loss of light and overlooking, including from the walkway.

The side, blank facing elevation of Block A will sit approximately 1.3m from the south boundary with 54 Boultham Park Road. The side elevation of no. 54 sits approximately 2.2m beyond, incorporating a ground floor and first floor window. A low level wall defines the boundary opposite the neighbour's side elevation, which then increases to an approximately 1.8m high fence to the neighbour's garden beyond. The proposal would sit 2.6m forward of the front elevation of no. 54 and project approximately 1.5m beyond the rear. The bulk of the building will therefore sit opposite the neighbour's facing elevation. It is worth noting that the proposed site plan includes a red hatched line, which indicates the position of the approved building. The footprint of the proposal is similar in size to this, although sits marginally further back on the site. The ridge height of the proposal will sit

approximately 500mm higher than the ridge of no. 54.

There is a ramped and stepped access at the front of the Block A. A set of steps are located adjacent to the boundary with no. 54 with the raised walkway continuing along the side of the building where steps at the rear will provide access into the development. This will be gated at the front with a 1.8m high fence along the side. This and the relationship of Block A with no. 54 can be seen on the street scene plan and visuals.

Whilst the building and raised, fenced walkway in between would have a close relationship with the neighbouring 54 Boutham Park Road, and there will undoubtedly be some impact, it is not considered that this impact would be unacceptable. The impact certainly wouldn't be sufficiently harmful to warrant the refusal of planning permission, particularly when the site has permission for a building in a similar position and of a comparable height. It is not considered that the proposal would appear unduly overbearing and any loss of light would be minimal given the position of Block A and its orientation to the north. The fence to the raised walkway would ensure that there is no overlooking from here. Officers would recommend that the detail of this fence is conditioned so it can be ensured that this extends along the full length of the walkway and provides appropriate mitigation. There are first floor bedroom windows within the rear elevation of Block A, however, these will face west and therefore any overlooking towards no. 54 will be at an oblique angle.

The opposite side elevation of Block A would be located approximately 8m from the north boundary, with the proposed access road in between. It would be located over 11m from the side elevation of 48 Boutham Park Road. Accordingly, officers have no concerns regarding this relationship.

At its closest point Block B, a 2 ½ storey structure, would be located 6.5m from the north boundary. This would be over 22m from the rear elevation of the building accommodating 1, 3, 5 and 7 Glenwood Grove. The boundary is defined by an approximately 1.8m high fence and there are some trees in between. While these trees will help soften the potential impact from the Block B, officers are in any case satisfied that the relationship of this building to the neighbouring properties is acceptable. The building would not appear unduly overbearing and loss of light would be limited to mid-day. There are no windows proposed within the north facing elevation, so direct overlooking would not be an issue.

With regard to the relationship of Block B with the properties to the south, namely 54 Boutham Park Road and properties on Sunningdale Drive, the structure would be located approximately 10m from the south boundary and over 30m from the rear elevations of properties on Sunningdale Drive. Trees are proposed to be planted along the south boundary, but in any case, officers are satisfied that the separation distance is sufficient to ensure that there would be no issues of overlooking, loss of light or an overbearing impact.

Block C will have a closer relationship with the south boundary, positioned approximately 2.5m away, although the overall separation to the Sunningdale Drive properties would be over 22m. The separation and relationship is similar with the north boundary; with a separation of over 25m with the properties on Glenwood Grove. Accordingly, it is not considered that the 2 ½ storey building would appear unduly overbearing or result in an unacceptable degree of loss of light. The facing side elevations of the building are blank, so there would be no issues of direct overlooking.

A comment from the City Council's Pollution Control (PC) Officer has noted that the site layout plan indicates that the development will include street lighting. He advises that, if

not sympathetically designed and installed, such lighting can give rise to problems off-site due to overspill and glare. No specific details have been provided regarding the external lighting and no assessment has been made of its potential impact. Therefore, he has recommended a condition to require an assessment of the potential off-site impact of all external lighting and, where necessary, a scheme should be submitted proposing appropriate mitigation. This will be applied to any grant of consent.

Some concern has been raised by objectors, including 54 Boutham Park Road, regarding disruption and the potential physical impact on neighbouring property during construction works. While concerns relating to the construction phase are not a material planning consideration the City Council's PC Officer has requested a condition to restrict construction and delivery hours, to limit the impact on the amenities of these neighbouring occupants during noise sensitive hours. This condition will be duly applied to any grant of planning permission and should go some way to allay the concerns of the neighbouring occupants.

The objection from 54 Boutham Park Road also raises a safety concern regarding the four parking spaces opposite the boundary fence to this neighbour's garden. Officers would suggest that a condition requires details of bollards or an alternative measure that will prevent vehicles from being able to drive into the fence.

Officers have therefore carefully considered the relationship of the proposal with neighbouring properties, taking account of the objections received. Officers are satisfied that the amenities which neighbouring occupants may reasonably expect to enjoy would not be unduly harmed by or as a result of the development through either loss of light, overlooking or the creation of an overbearing structure. The proposal would therefore be in accordance with the requirements of CLLP Policy LP26.

With regard to the amenities of future occupants, the floor area of the flats is acceptable when considered against the Nationally Described Space Standard guidance for two bedroom properties. Each bedroom and kitchen/living area would be served by a window. The development is laid out so there is an acceptable separation between the buildings. There is a communal amenity area for the occupants of Block A whereas the occupants of Blocks B and C will have private amenity/garden areas. Officers are therefore comfortable with the arrangement of the development and consider that it would provide a good level of amenity for future occupants.

Trees and Landscaping

The application is accompanied by a Pre-development Tree Survey and Tree Protection Plan. The City Council's Arboricultural Officer has assessed these and also visited the site. An Arboricultural Report and Tree Planting Plan has also been submitted as part of the revised application. The application does include some tree removal, to which neighbours have objected.

There are some areas of the revised documents which are awaiting clarification from the agent and final comment from the Arboricultural Officer. Therefore, the full details of the tree removal plan, tree protection measures and landscaping will form part of the update sheet for the consideration of members.

Parking and Highways

The application is accompanied by a Transport Statement. This considers that the proposed development site is located within a sustainable location due to the access it provides to regular bus services connecting residents to the city centre and important amenities. The site further provides strong pedestrian access along the surrounding footways, which extend in all directions from the site providing access for future occupant to a variety of key local services and facilities. It considers that the sustainability of the site is also demonstrated through its cycle accessibility to key locations such as Lincoln Railway Station (8 minute cycle ride) and Lincoln City Centre (9-10 minute cycle ride).

The original scheme proposed 27 flats and only 17 car parking spaces, whereas the revised scheme improves the parking ratio; with 18 flats and 19 parking spaces. The car parking is provided along the internal access road and also within the undercroft of Blocks B and C. Cycle parking is also provided within the undercrofts along with a communal cycle store for Block A adjacent to the rear elevation of this building.

In response to the consultation on the original development a number of objections were received from neighbours and the Lincoln Civic Trust in relation to the insufficient parking. There were concerns that this would lead to on street parking on either Boultham Park Road, which would obstruct the highway and cause safety issues, or on other neighbouring streets, which are already full. There were also concerns regarding the increased number of vehicles, which will add to congestion on Boultham Park Road.

Following the re-consultation on the revised plans the three responses from neighbours at 54 Boultham Park Road and 2 Sunningdale Drive, maintain their earlier objections. It is stated that, even with the increased number of parking spaces, there would still be issues with on street parking, an increase in traffic, congestion and highway safety concerns. The response from Cllr. Clarke also considers that the main concern is still off-street parking.

In their capacity as Local Highway Authority, the LCC has noted that the site incorporates parking and communal areas, which will be privately managed and maintained. The proposals demonstrate gated access, with the gate set back 10m into the site to enable vehicles to wait for the gates to open clear of running traffic on the carriageway. The site is in a sustainable location and residents will not be reliant on a private car. The LCC raised no objection to the original proposal, for 27 flats and 17 car parking spaces. They considered that there was scope for additional informal parking within the site and there is also the provision of secure cycle parking spaces. The LCC confirmed they were supportive of the level of car and cycle parking provision proposed. The LCC note that it is proposed that refuse vehicles will enter the site on collection days, and manoeuvre in the turning head to egress the site in a forward gear.

Following the submission of the revised plans the LCC has confirmed that these original comments still stand, and that there are no concerns with the revised proposals. A condition has been requested which requires the existing southern access into the site to be stopped up within seven days of the access to the north first being brought into use, returning it to a full height footway and kerbs. This will be applied to any grant of consent. Informatives to the applicant will also be applied to any grant of consent, which will include advice that the new access will require approval from the LCC. It is noted that this will require realignment in accordance with the submitted plans and a tactile crossing should be incorporated into the design.

On the basis of this professional advice officers are satisfied that the car and cycle parking provision is acceptable and there would be no undue impact on highway capacity or safety. It is also considered 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.

Flood Risk and Surface Water Drainage

The application site lies within Flood Zone 3, which is land defined by planning practice guidance as having a high probability of flooding. The Environment Agency (EA) raised an objection to the original proposal, as the Flood Risk Assessment (FRA) was not acceptable and did not comply with the practice guidance. The EA stated that their flood risk data shows the site is at risk of flood depths of between 1-1.6m, and the ground floor finished floor levels are not set above this. Accordingly, they could not support the application as it proposes self-contained single storey residential accommodation and ground floor habitable rooms. To overcome the objection, it was advised that a revised FRA would need to be submitted, which should recognise the potential flood depths and propose appropriate mitigation based on this. The floor levels would need to sit above existing, surveyed, ground level by 1m-1.6m, or if this is not achievable, sleeping accommodation and other habitable rooms would need to be removed from the ground floor.

The Upper Witham Internal Drainage Board objected to the application, as they do in principle to any development in Flood Zones 2 and 3. However, they noted similar issues to the EA with the data in the FRA and that the finished floor levels are lower not sufficient.

A number of local residents also objected to the application on the grounds of flood risk, with concerns how the development will be protected and that it should not increase the risk of flooding to neighbouring land. A number also noted that the previous permission was required to have no ground floor living accommodation.

The revised plans that have been submitted raise the floor levels of Block A and the ground floor of Blocks B and C provide parking and utility/storage only. An updated FRA was submitted to accompany the revised proposal, which the EA has reviewed. They have confirmed that it satisfactorily addresses their earlier concerns. They have requested conditions that all habitable finished floor levels across the development shall be set no lower than 5.48m above Ordnance Datum and that the ground floor of Blocks B and C shall not be used for habitable accommodation. The Internal Drainage Board has maintained their objection, but officers are satisfied that the EA has appropriately considered the matter of flood risk and that the conditions will ensure that the risk of flooding will be reduced, in accordance with CLLP Policy LP14.

With regard to surface water drainage the Internal Drainage Board has made comments and responses have also been received from Anglian Water and the LCC as Lead Local Flood Authority.

The LCC has advised that surface water drainage will be managed by rain gardens and permeable paving within the site, incorporating attenuation to discharge at a restricted rate to the mains sewer. They have raised no objection in this respect. Anglian Water has advised that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to the sewer seen as the last option. They have reviewed the submitted FRA & SuDS Strategy and confirm that the proposed strategy to discharge surface water at a rate of 2l/s is acceptable. The submitted FRA and SuDS

statement reads "Anglian Water have confirmed that 5.0l/s would be acceptable regardless". Anglian Water has highlighted that this is not correct and does not fall in line with their policy, however, this will be dealt with separately from the planning process. Anglian Water has accordingly raised no objections in this respect. A local objector has raised concerns regarding the capacity of sewers and surface water pipes. Anglian Water has raised no objection to the development in terms of the capacity of the used water network or foul drainage.

Climate Change and Low Carbon Living

CLLP Policy LP18 states that development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards one or more of the following, which are listed in order of preference:

- Reducing demand
- Resource efficiency
- Energy production
- Carbon off-setting

The submitted Design and Access Statement advises that the blocks would be "low carbon and energy efficient buildings, using SIP (Structural Insulated Panels) building technology... SIPS buildings are generally more energy efficient, stronger, quieter and more airtight than older technologies. Less air leakage means less drafts, fewer noise penetrations and significantly lower energy bills, thus a reduction in CO₂ emissions." SIPS is "an efficient, effective, viable and more environmentally-friendly alternative to timber." Officers welcome this and are satisfied that the development would therefore meet the resource efficiency requirement of CLLP Policy LP18.

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 PC Officer has advised that, due to past uses on and in the vicinity of the site, there is the potential for significant contamination to be present. Accordingly, he has recommended the imposition of the standard contaminated land conditions on any grant of permission. These will be duly applied.

Archaeology

The application is accompanied by an Archaeological Desk Based Assessment. The City Council's City Archaeologist has considered this and advised that, given the previous disturbance of the site, it is unlikely to have any archaeological significance. Accordingly, there is no requirement for further investigations or archaeological conditions. In this respect the application would meet the requirements of CLLP Policy LP25 and section 16 of the NPPF.

Air Quality and Sustainable Transport

It is proposed that all car parking spaces within the development will have electric vehicle charging points. This is welcomed and would be in accordance with the recommendations of CLLP Policy LP13 and paragraph 112 of the NPPF. The City Council's PC Officer has noted that specific details of the type of recharge points has not been provided. A condition

to require these details and also secure the installation of the recharging facilities has therefore been requested, which will be applied to any grant of consent.

Other Matters

Refuse Storage

A communal refuse storage area for Block A was originally proposed to be positioned to the rear of this building, adjacent to the south boundary. However, this has been repositioned following concerns raised by neighbours, including from 54 Boutham Park Road and 2 Sunningdale Drive, relating to odour. This is now proposed to be located adjacent to the internal access road, to the south east of Block B. This will sit within a gated, timber enclosure, details of which will be required by condition. Refuse storage for Blocks B and C will be accommodated in the under crofts of these buildings. There is no objection to the proposed arrangements from officers or statutory consultees.

Deign and Crime

Responses from Lincolnshire Police have been received, raising no objections to either the original or revised scheme in this respect.

Non-material planning objections

Some of the objections from local residents have raised concerns in relation to loss of a view and that the development will reduce property value. These are not material planning considerations and therefore cannot be taken into account as part of the assessment process.

Central Lincolnshire Local Plan Review

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

Application negotiated either at pre-application or during process of application

Yes, see above.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The principle of the use of the site for residential purposes is considered to be acceptable and the development would relate well to the site and surroundings, particularly in relation to 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.

A S106 will secure a financial contribution towards affordable housing, healthcare infrastructure and education. Matters relating to parking and highways, flood risk, drainage, contamination and archaeology have been appropriately considered by officers and the relevant statutory consultees, and can be dealt with as required by condition. The proposals would therefore be in accordance with the requirements of CLLP Policies LP1, LP2, LP9, LP12, LP13, LP14, LP16, LP18, LP25 and LP26 as well as guidance within the SPD and NPPF.

Application Determined within Target Date

Yes.

Recommendation

Subject to the final tree removal and landscaping proposals being acceptable, it is recommended that the application is Granted Conditionally:

- a) with delegated authority granted to the Planning Manager to secure the financial contribution through a S106 towards affordable housing, health and education; and
- b) subject to the following conditions:
 - Time limit of the permission
 - Development in accordance with approved plans
 - Samples of materials including hard surfacing
 - Existing site levels and finished site and floor levels
 - Details of all walls, fences, railings and gates, including to raised walkway to south
 - Details of refuse storage enclosure
 - Windows and doors to be set in reveal
 - Assessment of off-site impact of all external lighting
 - Closing of existing access
 - Provision of cycle storage prior to occupation
 - Habitable finished floor levels no lower than 5.48m above Ordnance Datum
 - No habitable rooms to ground floor of Blocks B and C.
 - Contamination site characterisation and remediation measures/implementation
 - Scheme for electric vehicle charging points
 - Bollard/other safety measure adjacent to parking spaces to south boundary
 - Hours of construction/delivery