

Application Number:	2023/0218/RG3
Site Address:	Land Adjacent To Garage Court, Hermit Street, Lincoln
Target Date:	11th August 2023
Agent Name:	Lindum Group
Applicant Name:	Ms Maria Clayton, Major Developments Department
Proposal:	Demolition of existing garage blocks and erection of 11 dwellings with associated parking, bin stores, landscaping and boundary treatments.

Background - Site Location and Description

The application relates to the city council owned garage court off Hermit Street. The application proposes to remove the existing 55 garages, within two blocks, to accommodate 11, 2 and 2½ storey dwellings arranged as four pairs of semi-detached dwellings and one terrace of three. The five 2 storey houses will accommodate two bedrooms with the six 2½ storey dwellings accommodating three bedrooms. The scheme would be 100% affordable and would be delivered and managed as affordable rented accommodation by the city council.

The application also proposes associated parking, for the dwellings and also providing public parking, and two bin stores. It proposes alterations to the existing access from Hermit Street and to the electricity sub-station. The application site also includes areas of land to the north east, on the corner with Hermit Street and Portland Street, and to the south, off Monson Street. These will receive landscape improvements and additional tree planting to off-set the proposed removal of three Ash trees within the existing garage court. A further parcel of land within the passageway serving the Portland Street terrace is also included within the site, which will have a secure gate installed. All of the proposals will be detailed in full later within the report.

The site is located to the west of Hermit Street with the 2 and 3 storey flats of 1-21 (odd) sitting on the opposite side of the street. To the north is the rear of two terraces on Portland Street. The terrace to the western end of the site includes no.s 3-17. These are a mix of flats with some of the properties having a commercial use on the ground floor with residential above. The other terrace includes no.s 21-23, which is occupied as The Nest Nursery and Pre-School, and no.s 25-43, each occupied as five flats. To the south are 3 storey flats on Hermit Street. To the west of the site is a 2m high palisade fence with the end of Chaplin Street and the Thomas Cooper Memorial Church beyond. There is an access within this boundary to 3 and 5 Portland Street, which will be blocked up as a result of the development.

The site is located within Flood Zone 2 and abuts the West Parade and Brayford Conservation Area to the north.

The application has been submitted by the City Council's Major Developments Department and is part of wider proposals to undertake enhancements to some of the existing flats, to improve the housing in the area. The works are expected to be delivered in two phases over the next three to four years, with the proposed 11 dwellings forming Phase 1. The application advises that as part of the design and planning process, the Major Developments Department carried out a survey both online and via post to 238 residents which took place from the 27th January to 10th February. A total of 18 responses were received. Overall, the results showed that the most important issue was a feeling of safety and security, followed by the desire to have an affordable home. In terms of regeneration

of the area, most people said they would prefer to see a mix of houses and flats in any future development plans, with more green open spaces for residents to enjoy.

The proposed development has been formulated to address these comments and some key challenges facing the area. These include poorly defined private and communal external spaces with little direct value to the adjacent residents, lack of natural surveillance which contributes to incidences of anti-social behaviours and fear of crime, the need to provide affordable rented housing in the area for mixed families and a lack of on street parking.

Prior to the submission of the application the proposals were subject to extensive pre-application discussions between the applicant, agent, Planning Officers and the Principal Conservation Officer. The proposals have been revised during the application process to address concerns raised by the nursery, residents and Lincolnshire Police in relation to access and security to the Portland Street terrace and fire escape and refuse access for the nursery. All neighbours and statutory consultees have been re-consulted on the revised proposals.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 21st June 2023.

Policies Referred to

- Policy S1 The Spatial Strategy and Settlement Hierarchy
- Policy S3 Housing in the Lincoln Urban Area, Main Towns and Market Towns
- Policy S6 Design Principles for Efficient Buildings
- Policy S7 Reducing Energy Consumption - Residential Development
- Policy S12 Water Efficiency and Sustainable Water Management
- Policy NS18 Electric Vehicle Charging
- Policy S21 Flood Risk and Water Resources
- Policy S22 Affordable Housing
- Policy S45 Strategic Infrastructure Requirements
- Policy S47 Accessibility and Transport
- Policy S53 Design and Amenity
- Policy S54 Health and Wellbeing
- Policy S56 Development on Land Affected by Contamination
- Policy S57 The Historic Environment
- Policy S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- Policy S66 Trees, Woodland and Hedgerows
- Supplementary Planning Document Central Lincolnshire Developer Contributions
- National Planning Policy Framework

Central Lincolnshire Local Plan Adopted April 2023

The application was submitted in March 2023 and was subject to extensive pre-application

discussions which saw the proposals be developed. These discussions and the submission date for the application were before the adoption of the Central Lincolnshire Local Plan (CLLP) in April 2023.

The application is therefore within a transition period of the new and previous local plan. The current plan has new policy requirements with regard to energy efficiency, biodiversity net gain and trees. As the application was submitted before these policy requirements were in place, the new policies haven't always been met in full. However, positive steps have been taken towards satisfying the policy requirements where possible. This is considered a reasonable approach in the transition period and is explained where relevant throughout the report.

Issues

- Principle of Use
- Developer Contributions
- Visual Amenity and Views into and out of the Conservation Area
- Residential Amenity
- Trees, Landscaping and Biodiversity Net Gain
- Access, Parking and Highways
- Flood Risk and Drainage
- Energy Efficiency
- Rear Access, Design and Crime
- Contaminated Land
- Archaeology
- Air Quality and Sustainable Transport

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environment Agency	Comments Received
Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received
Anglian Water	Comments Received

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

Public Consultation Responses

Name	Address
Mark Schlanker	Flat D 29 Portland Street Lincoln Lincolnshire LN5 7JZ
Mrs Anna Frow	The Nest Nursery and Pre-school 21-23 Portland Street Lincoln LN5 7JZ
Mr Patrick Hodson	95 De Wint Avenue Lincoln LN6 7DU
Mr Kieran Richardson	95 Cross Street Lincoln Lincolnshire LN5 7UZ
Mark Dore	Property Manager for 25, 27, 29, 31, 33, 35 and 43 Portland Street
Toni and Andy Colley	4 Hermit Street Lincoln Lincolnshire LN5 8EG

Consideration

Principle of Use

CLLP Policy S1 advises that the Lincoln Urban Area, which includes the City of Lincoln, will be the principal focus for development in Central Lincolnshire, including housing. The site has no specific policy allocation within the CLLP allocations map. CLLP Policy S3 advises that within the Lincoln Urban Area, housing development proposals at appropriate locations not specifically identified as an allocation will be supported in principle. Officers are therefore satisfied that the principle of the residential use is wholly appropriate in this location, which sits within a predominantly residential area. Additional relevant aspects required by this policy in relation to affordable housing, harm to the character of the area and travel will be considered later within the report.

Supporting the application would also be in accordance with the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development.

Developer Contributions

In accordance with CLLP Policy S22 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). The application is for a 100% affordable scheme, which is welcomed by officers and exceeds the expected 20% provision required by Policy S22.

CLLP Policy S54 states that, in line with the SPD, contributions towards new or enhanced health facilities will be sought from developers where development results in a shortfall or worsening in provision, as informed by advice from health care commissioners. NHS Lincolnshire has advised 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 contribution of £6,957.50 has therefore been requested, which will go towards the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the Lincoln Health Partnership Primary Care Network (PCN) at Heart of Lincoln Medical Group (Portland, University & Newland) and/or Brayford Medical Practice. 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.

The applicant has no objection to meeting this contribution. While this would usually be secured through a S106 Legal Agreement, this is not possible in this case as the city council is the applicant. On other, similar council owned sites officers have requested that authority to secure this, either before the issuing of the planning permission or via condition, be delegated to the Planning Manager. Accordingly, officers would therefore recommend that, if Members are in support of the application, this matter be delegated to the Planning Manager to secure.

Lincolnshire County Council (LCC) has not made any request for contributions for education.

The application would therefore meet the requirements of Policies S22, S45, S54 and the SPD.

Visual Amenity and Views into and out of the Conservation Area

CLLP Policy S53 advises that development should integrate into the surroundings and relate well to the site as well as its local and wider context. It should reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design which sympathetically complement or contrast with the local architectural style. 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 mixed. The application site sits between traditional two and three storey terraces to the north and three storey blocks of flats to the south. There are further two and three storey flats to the east with the Thomas Cooper Memorial Church and the rear of High Street properties to the west. Buildings are generally constructed in red brick with some elements of render and blockwork.

The application site is a rectangular shaped parcel of land sitting in an east west alignment, as per the terrace to the north. The dwellings will face south with two parking spaces proposed per property, sitting to the side. In front will be the access road with public parking spaces beyond, adjacent to the site boundary with the Hermit Street flats. To the rear are gardens which will be enclosed by a 2m high fence. To the west end of the site this boundary will abut the rear boundary of the terrace 3-17 Portland Street. In between the boundary of the site and the boundary with the terrace of 21-43, a strip of land will form a walkway providing access for the nursery and another providing access to two bin stores for the occupants of 25-43 Portland Street. The occupants of the proposed properties will have individual bin storage arrangements within their rear gardens.

The terrace of three properties is located towards the west end of the site with four pairs of semi-detached dwellings continuing towards the east. Due to the narrow depth of the site a mixture of 2 and 2½ storey properties are proposed, the latter accommodating three bedrooms. The third storey will be achieved by occupying the loft space with two dormers to the south elevation, which keeps the total height of the building nearer to two storeys. Rooflights are proposed within the rear roof slope of these properties.

Officers consider that the site is of a sufficient size to comfortably accommodate the proposed dwellings along with the associated access, parking and garden areas. The development represents a good use of land and the arrangement of the dwellings is appropriate to the context. It would put an alternative use to the site which accommodates dilapidated garages and their removal would visually be an improvement. The loss of the three Ash trees that currently sit between the garages will be covered in more detail later within the report. These clearly make a positive contribution to the area, and while the loss of these specimens is regrettable, the loss has to be considered in the planning balance along with the benefits that the development will otherwise bring in terms of the provision of affordable housing, parking, an enhancement to the area and improved landscaping elsewhere within the site. The improvements to the landscaping will be detailed later.

The height and scale of the proposal in relation to neighbouring properties is demonstrated with site sections. The height of the development is comparable to the existing terrace and flats and officers do not consider that it would appear unduly dominant or prominent in the street. Accordingly, there is no objection to these height relationships. Existing land levels and proposed finished land and floor levels have been provided, which will ensure the as built relationship is as shown on the submitted plans. Officers are therefore satisfied that the proposal would relate well to the context in relation to the street layout, building types, size, siting, height, scale and massing, in accordance with Policy S53.

With regard to the proposed design, the application advises that, due to the mixed architectural character of the area it was felt it would be appropriate to consider the new streetscape in isolation with a modern approach with subtle detailing to the elevations. The new dwellings would be constructed with Lincolnshire Red Brickwork and riven edge, slate effect roof tiles. The dormers will be pre-formed GRP units with an anthracite finish, which will compliment the slate coloured roof tiles. The feature detailing around the anthracite UPVC windows and entrances will be either pressed aluminium or GRP in anthracite to match the dormers. The soffits, fascia's and rainwater goods will also have an anthracite finish. Officers consider that the design, proportions and detailing results in a scheme which is of a good quality which would sit comfortably in the context, complementing the existing character of the area, in accordance with Policy S53.

Conditions would require samples of the proposed materials for approval and the setting of windows and doors within reveal to ensure the overall finish and quality of the development is to a high standard.

The application also proposes improvements to two areas of land; the strip of land along the entrance to Hermit Street from Portland Street and the other is the pedestrian route through from Monson Street to Hermit Street. The proposals here will help to address anti-social behaviours that can occur in these areas and also to uplift the standard of landscaping and finishes in the area. These will be detailed later within the report, although officers welcome these measures as they will be a visual enhancement.

The two proposed bin stores have been integrated in the boundary walls of the rest of the scheme. One of the bin stores will sit between plots 5 and 6 with the other positioned adjacent to Hermit Street, to the south of the aforementioned landscaped area. The stores will be formed with 2m high walls constructed in red brick in a garden wall style with brick piers, recessed brick panels and brick detailing. The brickwork will reflect the proposed dwellings while the more traditional design will tie into the more traditional style of architecture that remains on Portland Street. Officers consider this to be a successful solution. The bin store wall will continue along the side boundary of plot 11, facing Hermit Street, up to the existing sub-station, which will be overclad with brick slips to match the development. Officers welcome this enhancement. On the boundary to the south of the site, between the public parking spaces and the flats, 1.8m high hooped railings will be erected. This solution is welcomed as it provides a permanent boundary but also a line of sight and therefore natural surveillance between the two areas. The development will therefore provide appropriate landscape and boundary treatments, ensuring that the development can be satisfactorily assimilated into the surrounding area, in accordance with CLLP Policy S53.

Given the acceptability of the design of the dwellings, the boundary treatments and the landscaping improvements, officers are satisfied that the views into and out of the adjacent West Parade and Brayford Conservation Area to the north would be enhanced, in accordance with the requirements of CLLP Policy S57.

Residential Amenity

The terrace towards the east end of the site includes no.s 25-43 Portland Street, which are each subdivided into five flats. These properties are two storeys at the rear with basements and a substantial two storey rear off-shoot. There are windows within the main rear elevations and also one window per property at first floor within the facing rear elevation of the off-shoots. The occupant of Flat D within 29 Portland Street (top front flat) has made comments on the application. The response considers the proposal to be a great idea overall, and much better than the eyesore of the garages, but it does raise concern regarding loss of sunlight and overlooking towards the development. The response from the occupant of 95 de Wint Avenue has also raised concern regarding loss of light to the rear of the Portland Street properties.

Three pairs of the 2 and 2½ storey semi-detached dwellings would sit opposite the rear elevations of no.s 25-43. The proposed dwellings would measure 6.2m high to the eaves and a maximum of 9.6m high to the ridge. The eaves sit lower than the Portland Street properties and the pitched roofs slope away. The rear elevation of the proposed dwellings would be located approximately 6.7m from the north boundary. They would be located approximately 14m from the rear elevation of the off-shoots, with the separation increasing

to 22m to the rear elevations of the main properties. While the proposal would have a close relationship to the boundary of these properties officers neither consider that this would be unusual for the context nor would it appear unduly overbearing, certainly not to an unacceptably harmful degree that would warrant the refusal of the application. Similarly, a degree of loss of light will be experienced as a result of proximity of the dwellings and the site's orientation to the south. However, it is not considered that this would be unduly harmful, particularly as the proposed properties do not form a continuous terrace and there are gaps between the pairs of semis, which reduces both any overbearing impact and loss of light.

Within each pair of semis there is a total of four windows at first floor which would face towards the adjacent terrace. Of these, two serve bathrooms, which would be obscure glazed, another serves a landing and the final window is to a bedroom. Again, while the relationship is close, only a small number of windows are 14m away, with the majority being within the rear elevation of the main dwelling. It is therefore not considered that the development would result in an unduly harmful level of overlooking. There would be no impact from the rooflights within the rear roof slope and the 2m high boundary treatment would mitigate any overlooking from the ground floor windows or gardens.

The proposed terrace at the west end of the site would sit opposite the boundaries with the terrace including 3-17 Portland Street. The boundary is for the most part defined by an approximately 3m high wall. This will obscure the majority of the development from these properties. The separation to the rear off-shoots of the neighbouring terrace is approximately 17m, increasing to over 25m to the rear elevations. These separation distances are greater than to the aforementioned terrace and accordingly officers are satisfied that the proposed development would not appear unduly overbearing or result in an unacceptable level of loss of light or overlooking.

The front elevation of the proposed dwellings would be located over 15m from the side elevation of the Hermit Street flats to the south. This closest section forms the stair wells and the facing elevations are blank. Officers therefore do not consider there would be any undue impact on these neighbouring occupants.

There would be no undue impact on the flats to the east of the site on Hermit Street or to the properties to the west.

A comment from the City Council's Pollution Control (PC) Officer has noted that the applicant intends to install Mitsubishi Ecodan R32 PUZ air source heat pumps (ASHPs) at each dwelling. The PC Officer requested the specifications for these during the application process. Having reviewed the data sheets for the ASHPs he has advised that the noise from these units are unlikely to have an unreasonable impact at any properties outside of the proposed development. He has therefore recommended a condition to require that the maximum sound level emissions are equal to or less than those specified.

The PC Officer has also requested a condition to restrict construction and delivery hours, to limit the impact on the amenities of neighbouring occupants during noise sensitive hours. This condition will be duly applied to any grant of planning permission.

Officers have therefore carefully considered the relationship of the proposal with neighbouring properties, along with the objections received. Officers are satisfied that the development would not result in undue harm to neighbour's amenity through overlooking, overshadowing or loss of light, in accordance with the requirements of Policy S53.

With regard to the amenities of future occupants, the floor area of the houses is acceptable when considered against the Nationally Described Space Standards. Each bedroom and kitchen/living area would be served by a window or rooflight. The development is laid out so there is an acceptable separation between the buildings with private amenity areas for each dwelling. Officers are therefore comfortable with the arrangement of the development and consider that it would provide a good level of amenity for future occupants, as required by Policy S53.

Trees, Landscaping and Biodiversity Net Gain

The application is accompanied by an Ecological Appraisal, Biodiversity Impact Assessment and a tree removal plan. The application proposes to remove the three Ash trees which currently sit between the garages, with the tree closest to Hermit Street being retained.

CLLP Policy S66 is a new local plan policy which was adopted after the current application was submitted. This requires that development proposals should be prepared based on the overriding principle that the existing tree and woodland cover is maintained, improved and expanded. The policy has specific requirements for the loss of trees that are protected by a Tree Preservation Order, are within a conservation area or are classed as veteran trees. The trees proposed to be removed are not subject to any of these, and for the purposes of the policy are considered to be 'other' trees. With regard to 'other' trees, the policy states proposals will be expected to retain those trees that make a significant contribution to the landscape or biodiversity value of the area, provided this can be done without compromising the achievement of good design for the site. The policy requires that where it is appropriate for higher value trees (category A or B trees) to be lost as part of a development proposal, then appropriate mitigation, via compensatory tree planting, will be required.

The City Council's Arboricultural Officer has assessed the trees, identifying them as category B Ash trees. He notes that the root plates of the three trees are partially exposed due to the restrictive nature of the kerbstone edged planting squares that the trees are located within. The extent and height of the exposed root systems suggests that retention of these trees on site may be problematic. The Officer has advised that the proposed loss of the trees would be negligible to the aesthetics of the surrounding area and therefore recommends that consent for their removal is granted.

Officers consider that the loss of the trees will clearly have an impact on the area, however, given the advice regarding the potential issues associated with their exposed root systems, it is unlikely that the trees would warrant protection through the imposition of a Tree Preservation Order. The tree that arguably contributes most to the area visually is located at the east end of the site, which will be retained. The Arboricultural Officer has recommended a number of tree protection measures for this tree and those adjacent to the site, which would be required by condition on any grant of consent.

In an attempt to off-set the loss of the trees, improvements will be made to the strip of land along the entrance to Hermit Street from Portland Street and also to the pedestrian route through from Monson Street to Hermit Street. The junction between Hermit Street and Portland Street currently has a shipping container sited in the alcove that was previously parking spaces. The container was being used by the university for community engagement. This will be removed and the existing block paving taken up. The proposal

for this area is to provide a green planted area that is low maintenance including two new trees, set behind traditional style 1.5m high hooped profile metal fencing. This will be an area which the public can view into but not access, in the interests of limiting anti-social behaviour. The area of land to the south on Monson Street will also be enhanced and fenced off with the same style 1.5m high railings. The applicant has taken advice from the Arboricultural Officer in relation to the species of the landscaping and replacement trees, although the full details of the landscaping scheme would be required by condition on any grant of consent. The private amenity space to the rear of the proposed dwellings will be grassed.

The addition of the 'green' areas is noted in the submitted Biodiversity Impact Assessment. Biodiversity Net Gain (BNG) is another of the new policies introduced within the local plan, which was adopted after the submission of the application. The requirement for sites to deliver 10% BNG is expected to be mandatory from November 2023 through the Environment Act 2021. Until that time CLLP Policy S61 expects that development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric. The applicant's consultant has used the relevant biodiversity metric, which calculates that the development will achieve a net gain of 17%.

The development has therefore clearly made efforts to off-set the loss of the trees, creating and enhancing green areas which will be of benefit to biodiversity and the wider community. Officers have considered this along with the fact that there are potential issues with the trees proposed to be removed, the tree that makes the most significant contribution to the area to the east will be retained and the delivery of this 100% affordable scheme would not be viable if the trees were retained. Therefore, while the loss of the trees is regrettable, on balance, officers would not raise objection to this and consider that the proposals would comply with Policies S61 and S66.

Access, Parking and Highways

The application proposes to demolish fifty-five garages. There are two existing access points into the site from Hermit Street. The one to the north will be closed off, with a dropped kerb remaining for the sub-station access and bin collections. The access to the south will be reconfigured to provide access to the dwellings, each served by two parking spaces, along with a turning head. This will also provide access to the proposed thirty-one parking spaces, which are in addition to the eight undercroft garages that will be retained.

The site is in a sustainable location with good access to local facilities and public transport. Travel can therefore be minimised, and the use of sustainable transport modes maximised, as required by CLLP Policy S47.

An occupant of 95 De Wint Avenue, who holds a parking permit, considers that the garages and parking are vital to the local and wider community. There will be no parking for Portland Street properties and the access to the rear of the Portland Street properties is inadequate for large deliveries and emergency services. The occupants of 95 Cross Street and 4 Hermit Street also consider that parking is an issue for residents and the loss of garages will lead to parking issues. There will be additional cars on the street with nowhere for them to go. The Civic Trust has noted the revised layout, but still raises concerns regarding the provision for access for service and emergency vehicles is inadequate to the rear of Portland Street.

The comments made in relation to the loss of the garages are noted, however, the application advises that the garages are often used by non-residents and for reasons other than car parking. The LCC in their capacity as Local Highway Authority has provided an initial response. In this they do not raise any objections to the access to the site or to the proposed, reconfigured parking arrangements. The response requests some additional information, including that the site layout be updated to confirm that the vehicle access is to be constructed to LCC specifications, the width of the shared surface will be reduced to 5m in order to increase the root protection area around the proposed tree and the improvements to the western footpath that falls within the application site boundary are to LCC specifications. A revised plan to address these points has been submitted by the applicant which is currently being considered by LCC officers. At the time of writing no response has been received. Officers will therefore provide an update on this at committee, which is reflected in the recommendation.

Flood Risk and Drainage

The application site is located within Flood Zone 2 and the application is accompanied by a Flood Risk Assessment (FRA). The FRA has been assessed by the Environment Agency (EA). The EA has advised that the proposed development will only meet the NPPF's requirements in relation to flood risk provided it is carried out in accordance with the submitted FRA. The FRA states the finished floor levels (FFL) are to be set no lower than 5.75m above Ordnance Datum (AOD). The EA requested a condition to require that the FFLs of the dwellings be set at this level and that they are at least two storeys. The EA has submitted further comments following the re-consultation on the revised plans. They have provided advice to officers and the applicant, noting that the FFL suggested in the FRA at 5.75mAOD is 300mm above the 1:100 CC level of 5.42mAOD. This floor level is therefore in line with standing advice. However, they note that the proposed site plan shows FFLs for plots 1-9 to be below 5.75mAOD. Instead, FFLs of 5.64, 5.65 and 5.69mAOD are shown for these plots. Officers are aware that the FFLs have been revised to achieve a level access to these plots. However, even though these FFLs are below 5.75mAOD the EA has confirmed that they would not object as there is still 200mm of freeboard in a 1:100 CC scenario, it is just not completely in line with standing advice. The suggested condition will therefore be amended to ensure that the FFLs are set no lower than those specified within the revised site plan. The application would therefore meet the requirements of CLLP Policy S21 in respect of flood risk.

The Upper Witham Internal Drainage Board has noted that the site is potentially at risk from flooding but that an FRA is included in the application that contains appropriate mitigation. Following re-consultation, the board confirmed they had no further comments to make.

Policy S21 requires that development proposals should incorporate Sustainable Drainage Systems (SuDS). Anglian Water has also advised that the preferred method of surface water disposal would be to SuDS. They have advised that the surface water strategy/FRA submitted with the planning application relevant to Anglian Water is unacceptable due to no evidence of the surface water hierarchy and that the proposed rates are excessive. They recommended that the applicant consults with Anglian Water. The applicant has been in ongoing discussions with Anglian Water since, and while these have been positive, they may not be resolved prior to the committee meeting. The applicant is therefore happy to accept the suggested condition by Anglian Water to deal with this, which will require a full surface water management strategy to be submitted for approval. This will be applied to any grant of consent and will allow the matter to be dealt with post

decision, to meet the requirements of Policy S21.

Anglian Water has advised that the sewerage and foul drainage systems have capacity for the development.

The LCC in their capacity as Lead Local Flood Authority requested additional information in relation to gullies and the need to upgrade them to LCC specifications. Similarly, to their request in relation to alterations to the highway, the applicant has provided revised information, including a drainage strategy layout plan which is currently with the LCC for consideration. At the time of writing no response had been received. Officers will therefore provide an update on this at committee, which is reflected in the recommendation.

Energy Efficiency

The new local plan has introduced a new requirement for developments to be energy efficient in line with Policies S6 and S7, and for this to be demonstrated through an Energy Statement. Whilst full compliance with the new policies has not been sought, given that the application was submitted before the policies were adopted, officers requested that the applicant provide an Energy Statement. Following this request an Energy Statement has been submitted and the applicant has advised that the scheme has been upgraded to make energy improvements that are practical within the budget and importantly within the development footprint and functionality of the buildings. It is noted that the buildings will perform better than the new Building Regulations but will not be able to achieve passive or carbon zero.

The occupant of 95 De Wint Avenue notes that the houses will have EV charging and air source heat pumps, yet no provision for solar panels, which could partially offset their consumption. This option has been discussed with the agent and the Energy Statement advises that the three bed plots utilise habitable loft space and therefore have dormer windows facing south and rooflights to the north. This limits the space on the roof and only a three panel system could be achieved, which would provide a relatively low energy output of 1.2kW. The applicant has advised that typically for a new build residential system for cost viability to balance payback on installation cost and ancillary kit, the system would need to provide nearer 4kW power output, which normally requires nine panels. Instead, it was decided that it would be more appropriate to focus on enhancements elsewhere which include additional insulation to all external walls, an improved air tightness target, system 3 extract ventilation, triple glazing, a waste water heat recovery system, air source heat pumps and rainwater harvesting butts. These measures are all welcomed by officers and will ensure the properties are efficient and go a long way to achieving the aims of Policies S6 and S7.

With regard to water efficiency, a standard condition is recommended to ensure the development achieves the water efficiency standards as required by CLLP Policy S12.

Rear Access, Design and Crime

The application proposes to create a walkway between the rear boundaries of some of the proposed dwellings and the terrace to the north, which includes no.s 21-23, the Nest Nursery and Pre-School, and no.s 25-43. At present the boundary to the flats is partly defined by a low level wall, with sections where the wall has been removed completely. The application advises that there are no plans to repair or rebuild this wall as it is not within city council ownership. The bins for these properties are currently stored at the rear

and are collected via the council owned land. To avoid the bins being moved to be stored at the front of the properties on Portland Street, the application sought to find an alternative solution. The original proposal was to provide a robust timber fence to the rear of the new plots which finished on both sides to provide a walkway to the rear of the Portland Street properties. This would have provided access to the two purpose built bin stores for tenants of the Portland Street properties to store waste for bin collection. The bin stores would be accessible to the Portland Street tenants from the corridor facing side, but on the public facing side access would only be permitted for council and refuse collectors as a safety measure to prevent unwarranted access into the alleyway.

An objection to this was received from Flat D within 29 Portland Street, the Property Manager of a number of the Portland Street properties and 95 De Wint Avenue. These considered that the access to the bin stores will be a dumping ground and would be at risk of becoming a hotspot for antisocial behaviour. Suggestions were made that the bin store be re-located, to reduce the length of the path, and a more permanent boundary rather than a fence be erected. The Nest Nursery and Pre-School also objected as the development would result in the nursery being completely blocked at the rear. It was considered that this raised safety concerns regarding how children would be evacuated. There was also a concern that space for external bins would be lost and if they were moved to the front of the nursery this would then block the emergency access to the front onto Portland Street.

Lincolnshire Police also raised concerns regarding the access opportunities that will be afforded by the rear access pathway. Whilst a gate is indicated on the plans, there was concern that this will not deter unwanted access to the rear of the properties as there is an archway through the Portland Street terrace which would allow unrestricted access for the public to the area from Portland Street. It was strongly advised that if there are any rear access (service) alleyways incorporated, they must be gated at their entrances. It was also requested that consideration should be given to more substantial and higher levels of new fencing, up to 2m.

The applicant held discussions with the Police and the nursery, and as a result revised plans have been submitted. To ensure that the emergency exit to the rear of the nursery was not impacted plots 4 & 5 have been moved west, by re-positioning the turning head. A route is now provided which is separate from the refuse corridor. There will be a gate controlled by a digilock on the outer face with a panic bar from the inside to allow easy escape. The digilock code will be unique to the nursery.

In relation to the concerns raised by the Police and objectors the revised plans show an increase to the height of the walls to the bins stores from 1.8m to 2m and also the fence adjacent to the corridor from 1.8m to 2m. The applicant advises that a wall cannot be provided instead of the proposed fence as there are services running along here adjacent to the site boundary. The separation of the pathway from the nursery access makes it much shorter than originally planned, meaning the route is dedicated for refuse only. A gate will be provided within the archway through from Portland Street to prevent public access to the rear of any of the properties. This will also have a digilock controlled by a pin shared only with Portland Street residents and will have a panic bar for ease of escape. The bin stores will also be controlled by digilock with a pin shared only with Portland Street residents. From the Hermit Street side, the bins stores will only be accessible by council refuse collectors, so there is no through access.

All neighbours, consultees and those that had made representations on the application were re-consulted on the revised plans. The only additional response received in relation to the matter of the access was from the Police. They have raised no objections to the development. In their response they state that this is a well-considered development that will significantly help to reduce crime and disorder making very effective use of this space.

Contaminated Land

CLLP Policy S56 advises that development proposals must take into account the potential environmental impacts from any former use of the site. A Geo-Environmental Assessment has been submitted as part of the application, which has been assessed by the City Council's Scientific (Contaminated Land) Officer. He has noted that the report recommends supplementary intrusive investigation beneath the existing garage footprints post demolition to further assess potential contamination risks. He has therefore recommended that the full set of land contamination conditions are attached to any consent granted. The recommended conditions will therefore be applied to any grant of consent and with these in place the application would meet the requirements of Policy S56.

Archaeology

The application is accompanied by an Archaeological Desk Based Assessment. This concludes that there is a high potential for medieval activity and Roman property boundaries, structural and industrial activity, and potentially burials to be encountered in the proposed development area. The City Council's City Archaeologist has considered this and recommended that the standard archaeological conditions be applied which requires a Written Scheme of Investigation be submitted. With this condition attached to any grant of consent officers are satisfied that the application would meet the requirements of CLLP Policy S57 and section 16 of the NPPF.

Air Quality and Sustainable Transport

The revised site layout indicates that each of the dwellings will be served by a 7.4kw Electric Vehicle (EV) recharge point, located adjacent to their respective parking spaces. During the process of the application the PC Officer noted that the development will also create 31 new parking spaces. No detail was provided as part of the application as to whether these new parking spaces will be provided with electric vehicle recharge facilities. The officer considered that, given that these additional parking spaces are likely to be used by the local community, and particularly those who do not have access to their own off-street parking, it would appear to be appropriate to install recharge facilities to encourage the uptake of electric vehicles. The officer suggested that if it is currently cost prohibitive to install recharge facilities to the public parking, could the applicant consider whether it would be possible to put in infrastructure (cable routes) to readily enable the installation of recharge facilities at some point in the future. The applicant has agreed to provide ducting to serve these spaces and a condition on any grant of consent will require both this and the EV points be installed prior to the first occupation of the development. Officers therefore welcome these measures, in line with CLLP Policy NS18 and paragraph 112 of the NPPF.

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 provision of a 100% affordable scheme is welcomed. The development would relate well to the context particularly in relation to the street layout, building types, size, siting, height, scale, massing and design. The well considered boundary treatments, bin store design and enhancement to landscaped areas and sub-station are of further benefit to the site and wider area. The proposals would not result in harm to neighbour's amenity and the development would provide an acceptable level of amenity for future occupants.

Through delegated authority, officers will secure a financial contribution towards healthcare infrastructure. The loss of the trees is regrettable, although given their potential issues and that the development has clearly made efforts to off-set the loss by creating and enhancing green areas, which will create a biodiversity net gain and benefit the wider community, there is no objection to their removal. Other matters relating to parking and highways, flood risk, drainage, energy efficiency, design and crime, contamination, archaeology and air quality 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 S1, S3, S6, S7, S12, NS18, S21, S22, S45, S47, S53, S54, S56, S57, S61 and S66 as well as guidance within the SPD and NPPF.

Application Determined within Target Date

Yes.

Recommendation

Subject to final comments being received from the LCC raising no objection in relation to the revised site layout plan and drainage information, it is recommended that the application is Granted Conditionally:

- a) with delegated authority granted to the Planning Manager to secure the financial contribution towards health; and
- b) subject to the following conditions:
 - Time limit of the permission
 - Development in accordance with approved plans

- Samples of materials including hard surfacing
- Windows and doors to be set in reveal
- Landscaping schemes
- Tree protection measures
- Surface water management strategy
- Archaeological Written Scheme of Investigation
- Development in accordance with specified FFLs and FRA
- Contaminated land
- ASHPs sound level emissions equal to or less than specified
- Implementation of energy efficiency measures
- Water efficiency standards
- Provision of EV charging points for dwellings and EV underground infrastructure for parking spaces
- Hours of construction/delivery