

<b>Application Number:</b>	2023/0854/FUL
<b>Site Address:</b>	Site of Victory Hotel 50, Boultham Park Road, Lincoln
<b>Target Date:</b>	30th April 2024
<b>Agent Name:</b>	Rob Bradley Building Design Ltd
<b>Applicant Name:</b>	JST Homes Limited
<b>Proposal:</b>	Erection of 9 dwellings. (Revised plans)

### **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 built out at any point.

More recently an application (2022/0352/FUL) for two buildings to accommodate 18 flats was submitted. This was approved by Members of the Planning Committee in January 2023 with delegated authority granted to officers to secure a S106 legal agreement for a financial contribution towards affordable housing, health and education. However, a formal decision was never issued as a discrepancy with the site ownership was identified during the conveyancing process for the S106. A strip of land to the north of the site, which provided historic access to former buildings to the west, is owned by another party. The scheme that was approved by committee could not therefore be constructed without this land being purchased by the applicant. The applicant did not wish to go through this process and decided to withdraw the application.

This current application, on a slightly smaller site which does not include the land to the north, proposes to erect nine, three bedroom dwellings. A terrace to the front of the site will accommodate six properties with a further terrace at the rear of the site accommodating three. The application also proposes associated external works including car parking and soft landscaping. The existing access point towards the north will be reconfigured to be the main access into the development, with the additional access point to the south being closed.

The boundary to the north of the site, with the strip of land, is not currently defined. Beyond this are the boundaries with 48 Boultham Park Road, the side elevation of this property faces the site at its frontage, and properties on Glenwood Grove. The semi-detached properties along Glenwood Grove are occupied as ground and first floor flats (no.s 1-23). The boundaries are defined by approximately 1.6-1.8m high fencing with a number of mature trees and conifers adjacent, some within the strip of land and others sitting on neighbouring land. None of these trees fall within the application site boundary. The south boundary of the site is also defined by approximately 1.8m-2m high fencing with some smaller trees and plantings within 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.

Revised plans were received during the process of the application, proposing alterations to the rear terraces. All neighbours that adjoin the site, including those that have made representations, were re-consulted on the revised plans. Further revised plans were submitted to address concerns raised by the occupants of 54 Boultham Park Road. This neighbouring occupants were accordingly notified of this.

The application is being presented to Members of the Planning Committee for determination at the request of Councillor Watt.

### **Site History**

Reference:	Description	Status	Decision Date:
2018/0074/CX N	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/DE M	Demolition of public house.	Prior Approval Not Required	29th May 2014
2022/0352/FU L	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).	Withdrawn	11th May 2023

### **Case Officer Site Visit**

Undertaken on 6th March 2024.

## **Policies Referred to**

- Policy S1 The Spatial Strategy and Settlement Hierarchy
- Policy S2 Growth Levels and Distribution
- 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 S47 Accessibility and Transport
- Policy S53 Design and Amenity
- Policy S56 Development on Land Affected by Contamination
- Policy S57 The Historic Environment
- Policy S60 Protecting Biodiversity and Geodiversity
- Policy S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- Policy S66 Trees, Woodland and Hedgerows
- Policy S77 Housing Site in the Lincoln Urban Area
- National Planning Policy Framework

## **Issues**

- Policy context and principle
- Visual amenity
- Residential amenity
- Access, parking and highways
- Flood risk
- Drainage
- Energy efficiency and consumption
- Trees, landscaping and biodiversity net gain
- Contaminated land
- Archaeology

## **Consultations**

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

## **Statutory Consultation Responses**

Consultee	Comment
Lincolnshire Police	Comments Received
Environment Agency	Comments Received
Highways & Planning	Comments Received

Upper Witham Drainage Board	Comments Received
Anglian Water	Comments Received

### **Public Consultation Responses**

Name	Address
Mrs Lorraine Smith	2 Sunningdale Drive Lincoln Lincolnshire LN6 7UD
Mrs Emma Richards	27 Glenwood Grove Lincoln Lincolnshire LN6 7BA
Mrs Jenny Connell	54 Boultham Park Road Lincoln Lincolnshire LN6 7BB

### **Consideration**

#### **Policy Context and Principle**

Central Lincolnshire Local Plan (CLLP) Policy S1 advises that the Lincoln Urban Area, which includes the City of Lincoln, along with allocated sites will be the principal focus for housing development in Central Lincolnshire. CLLP Policy S2 deals with growth levels and distribution of housing, allocating a mix of sites to meet housing need. The spatial strategy identifies that the Lincoln Strategy Area will secure around 64% of the supply for the Central Lincolnshire area.

The site is allocated as a housing site (COL/BOU/003) within the CLLP allocations map. The application site also has the benefit of planning permission for residential/commercial development and the most recent application, although not formally granted, was supported by officers and Members of the Planning Committee. Officers are therefore satisfied that the principle of the residential use is wholly appropriate in this location, which will help meet the identified housing need.

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

#### **Visual Amenity**

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 135 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 Boultham Park Road.

The application site has a wide frontage, which will accommodate the main two storey terrace with the re-configured access to the north. The front elevation will sit in line with the frontage of 48 and 54 Boultham Park Road. A streetscene plan has been submitted with the application to demonstrate this relationship. Paths from the highway and small landscaped areas would sit in front of the properties. The entrance doors to each property sit at street level with the ground floor level raised internally to meet flood risk requirements, achieved by internal steps within the entrance hall. This results in a raised terrace to the rear of the properties with steps down into each property's own private garden. In terms of the height of the terrace, the eaves will sit in line with the neighbouring no. 54 with the ridge sitting slightly higher, but only by approximately 300mm. To the rear of each of the end properties a gable will project to the rear, to add variation to the footprint and interest to the end elevations.

The terrace will be constructed in Ibstock Leicester Weathered red bricks and Marley Edgemere Riven Anthracite Slate effect rooftiles. Photovoltaic (PV) panels are proposed on the front and rear roof slopes. The front elevation will include UPVC anthracite feature cladding above and below the windows, with the windows and doors being UPVC with an anthracite finish.

The terrace to the rear of the site is essentially identical in design, albeit smaller accommodating three dwellings as opposed to six. It faces into the site, across the central parking area and towards the rear elevation of the front terrace. The rear gardens would extend up to the rear, west boundary.

Officers consider that the site is of a sufficient size to comfortably accommodate the proposed development along with the associated access, parking and garden areas. 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. Officers have no objection to the height and scale. As previously referenced, the street scene elevation illustrates the height of the front terrace in relation to the neighbouring properties on Boultham 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 rear terrace comparable to Glenwood Grove and Sunningdale Drive. There is no objection to these height relationships. Existing land levels and finished land and floor levels have been provided, principally to satisfy the flood risk requirements, but officers do not consider that these will compromise the appearance of the development. 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, it is considered that the front terrace would sit comfortably in the street. The pitched roof and use of brick with small areas of cladding would relate well to neighbouring properties. The front elevation would include entrance doors with porch canopies. This design approach is replicated on the rear terrace. The occupant of 2 Sunningdale Drive has commented that the design is in keeping with what has already been built nearby.

The simple and modern design approach is considered by officers to be acceptable. The vertical emphasis of the windows and the overall proportions of the properties is successful and would relate well to other properties in the area. Officers are therefore satisfied that the development 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. A condition will also require details of all boundary treatments for approval. Surfacing will comprise tarmac and shared surfaces. Landscaping will be considered in more detail later within the report, although it is clear that the proposed scheme will soften the edges of the central parking court and also at the back edge of Boultham Park Road. The development will therefore provide appropriate landscape and boundary treatments, ensuring that the development can satisfactorily assimilate into the surrounding area, in accordance with CLLP Policy S53.

The proposal would therefore be in accordance with CLLP Policy S53 and paragraph 135 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

The side elevation of the property within the front terrace would sit approximately 1.4m from the south boundary with 54 Boultham Park Road. The side elevation of no. 54 sits approximately 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 roughly in line with 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. The relationship of the building proposed under the previous application was not dissimilar, although this projected beyond the front as well as the rear elevation of this neighbouring property. The ridge height of the proposal will sit approximately 300mm higher than the ridge of no. 54. The terrace to the rear of this property projects a further 2m to the rear, although this is screened by a 1.8m high wall adjacent to the boundary with no. 54. The step accessing the terrace are set on the opposite side boundary of the property's garden, away from the boundary with no. 54.

Whilst the building has a close relationship with the neighbouring 54 Boultham 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 a historic 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 the proposal and its orientation to the north. The screen to the terrace would also not appear unduly overbearing and would limit overlooking from here and the glazed doors within the

rear elevation. It is also not considered that the first floor bedroom windows above would be an issue in terms of overlooking, these will face west and therefore any overlooking towards no. 54 will be at an oblique angle.

Within the facing side elevation of the proposed dwelling there is a kitchen window and two first floor windows, which would be obscure glazed as they serve a bathroom and an en-suite. The occupant of 54 Boultham Park Road has objected to the application, raising a concern regarding overlooking from the kitchen towards their window, which sits opposite. Officers agreed and this issue was raised with the agent, requesting that the window be changed to be high level. Revised plans have been duly submitted, also changing the other side windows within the front and rear terrace to be high level. These plans were shared with the neighbouring occupant, and their response confirmed they were much happier with the development. Officers are therefore satisfied that the development would not result in undue harm to this neighbour's amenity through overlooking, loss of light or the creation of an overbearing structure, in accordance with the requirements of Policy S53.

The opposite side elevation of the front terrace would be located approximately 10m from the side boundary with 48 Boultham Park Road, which is defined by an approximately 1.8m high fence. The proposal would be over 13m from this neighbour's side elevation, and in between is the access road into the site, the strip of land adjacent to the site as well as some mature trees. Accordingly, officers have no concerns regarding this relationship.

The side, north elevation of the terrace to the rear of the site would be located approximately 6m from the boundary with the gardens of Glenwood Grove. The boundary is defined by an approximately 1.6m high fence. The separation between the proposal and the rear elevations of the neighbouring properties would be over 30m. The side, south elevation of the terrace would be located approximately 1.7m from the opposite boundary with the gardens of properties on Sunningdale Drive and over 20m from their rear elevations. Officers are satisfied that these separation distances are sufficient to ensure that the proposal would not appear overbearing or result in an unacceptable degree of loss of light. There would be no issues of overlooking as the windows proposed within the facing side elevations are either obscure glazed or high level. Officers are therefore satisfied that the development would not result in undue harm to the amenities of neighbouring properties on Glenwood Grove or Sunningdale Drive through overlooking, loss of light or the creation of an overbearing structure, in accordance with the requirements of Policy S53.

The occupants of 54 Boultham Park Road also objected to the application in relation to the proximity of the air source heat pump (ASHP), with concerns that noise will result in disturbance when they are in their garden. Whilst the City Council's Pollution Control (PC) Officer has raised no concern regarding noise, as ASHPs are now becoming typical additions to residential properties, officers did make the agent aware of the neighbour's concerns. In response the agent has moved the ASHP further away from the neighbouring boundary, as can be seen on the submitted revised plans. These were shared with the neighbouring occupant, and as mentioned above, they have confirmed that they are now much happier with the development.

A comment from the Pollution Control Officer has noted that this type of development often includes the installation of external lighting to serve parking and other communal areas. If not sympathetically designed and installed, such lighting can give rise to problems offsite due to overspill and glare. 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.

Officers have therefore carefully considered the relationship of the proposal with neighbouring properties, taking account of the objections received. Officers are satisfied that the development would not result in undue harm to neighbour's amenity, in accordance with the requirements of Policy S53.

With regard to the amenities of future occupants, the floor area of the dwellings is acceptable when considered against the Nationally Described Space Standard guidance for three bedroom properties. Each bedroom and kitchen/living area would be served by a window and/or glazed door. The development is laid out so there is an acceptable separation between the buildings and each property benefits from its own private garden. Officers are therefore comfortable with the arrangement of the development and consider that it would provide a good level of amenity for future occupants, in accordance with the requirements of CLLP Policy S53.

### Access, Parking and Highways

Access to the site will be taken from the reconfigured access point to the north. The application proposes 13 car parking spaces to serve the nine, three bedroom properties. Opportunities for cycle storage would be available within each of the private gardens.

During the process of the application the Lincolnshire County Council (LCC) in their capacity as Local Highway Authority requested that the applicant amend the block plan to show revisions to the proposed crossing point, incorporating a tactile crossing. They also advised that the existing access that is no longer required will need to be removed and the footway reinstating. The agent has provided a revised plan to indicate that a tactile crossing point will be included and that the footpath at the other access will be reinstated. The LCC were re-consulted with this plan and subsequently submitted a response of no objection. Their response concludes that they do not consider the proposed development would have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network. They have, however, requested a condition to require the aforementioned access to be stopped up. This will be applied to any grant of consent as will the LCC's suggested informatives providing advice to the applicant regarding works within the public highway.

In addition to the development providing a level of parking acceptable to the LCC and there being opportunities for cycle storage, officers would also note that 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.

### Flood Risk

The application is accompanied by a Flood Risk Assessment & SuDS Strategy (FRA). The application site lies within Flood Zone 3, which is land defined by planning practice guidance as having a high probability of flooding. The applicant sought pre-application advice from the Environment Agency (EA) and the development has been designed to meet their requirements; that all habitable finished floor levels shall be set no lower than 5.48m AOD. The application advises that the proposed scheme incorporates



non-habitable areas (lower level accommodation - WC/hall/cupboard) built 335mm above existing ground level with habitable accommodation being set 1265mm above lower ground floor level. Therefore, all habitable accommodation is set at 5.67m AOD (1.6m above existing ground level), which is higher than the finished floor level required by the EA. It is also noted that the properties are two storey in height, thus a safe refuge is provided at first floor level.

The EA has considered the FRA as part of the application consultation process. They have advised that the proposed development will only meet the NPPF's requirements in relation to flood risk if any grant of consent is conditioned to require that the development is carried out in accordance with the submitted FRA. The requested condition specifically notes the suggested mitigation measures requiring that all habitable ground finished floor levels of the dwellings shall be set no lower than 1.6m above external ground levels, the dwellings shall have at least two storeys and the flood resilience and resistance measures shall be incorporated into the proposed development as stated. This condition will be duly applied to any grant of consent. The EA has also suggested informatives in relation to a Flood Warning and Evacuation Plan and signing up to Floodline Warnings Direct, which will duly be applied to any grant of consent.

LCC Councillor Clarke raised a query regarding whether the floor level of this development will need to be raised as per other new developments in the area. Officers have shared the plans with him, and he has raised no objection.

The Upper Witham Internal Drainage Board (the Board) objected to the application, as they do in principle to any development in Flood Zones 2 and 3. At the time their comments were received the FRA had not yet been submitted, and the Board accordingly noted the absence of this or annotated drawings denoting floor levels. The Board were duly re-consulted with this information, and they have advised that their previous comments still stand. Officers are satisfied that the EA has appropriately considered the matter of flood risk and that the condition will ensure that the risk of flooding will be reduced, in accordance with the requirements of CLLP Policy S21.

### Drainage

Policy S21 requires that development proposals should incorporate Sustainable Drainage Systems (SuDS). The occupant of 27 Glenwood Grove has raised concerns that the development may adversely affect the surrounding properties with regards to drainage and flooding. The Board has requested that, in consultation with the LCC, the local planning authority should require and approve a surface water drainage scheme. The LCC as well as Anglian Water has advised that they do not provide advice on minor developments such as this (nine dwellings or fewer). Having discussed the proposal with the City Council's Building Control Department, officers are satisfied that the matter of SuDS will be appropriately dealt with as part of the Building Regulations process.

### Energy Efficiency and Consumption

CLLP Policy S6 relates to design principles for efficient buildings. It requires that, when formulating development proposals, the following design expectations should be considered and in the following order:

1. Orientation of buildings – such as positioning buildings to maximise opportunities for solar gain, and minimise winter cold wind heat loss;

2. Form of buildings – creating buildings that are more efficient to heat and stay warm in colder conditions and stay cool in warmer conditions because of their shape and design;
3. Fabric of buildings – using materials and building techniques that reduce heat and energy needs. Ideally, this could also consider using materials with a lower embodied carbon content and/or high practical recyclable content;
4. Heat supply – net zero carbon content of heat supply (for example, this means no connection to the gas network or use of oil or bottled gas);
5. Renewable energy generated – generating enough energy from renewable sources on-site (and preferably on plot) to meet reasonable estimates of all regulated and unregulated total annual energy demand across the year.

The policy also states that Energy Statements, as required by Policies S7 (Residential Development) and S8 (Non-Residential Buildings), must accompany applications and set out the approach to meeting each of the above principles. Policy S7 is applicable in this case. This policy requires that developments should generate at least the same amount of renewable electricity on-site (and preferably on-plot) as the electricity they demand over the course of a year. To help meet this, it is also required that a target achieving a site average space heating demand of around 15-20kWh/m<sup>2</sup>/yr and a site average total energy demand of 35 kWh/m<sup>2</sup>/yr is achieved through a 'fabric first' approach to construction.

The application is accompanied by an Energy Statement, which advises:

The energy consumption of the proposed development has been assessed using the National Calculations Method (NCM) - SAP 10 (Standard Assessment Procedure), in order to determine the predicted annual energy demand of the development and the associated planning policy targets. The proposed development will need to generate at least the same amount of renewable electricity on-site as the electricity it demands over the course of a year, such demand including all energy use (regulated and unregulated). It is also noted that to assist in achieving the energy generation target, the proposed development should target an average space heating demand of between 15-20 kWh/m<sup>2</sup> /yr and an average total energy demand of 35 kWh/m<sup>2</sup>/yr, through a 'fabric first' approach to construction. No single dwelling unit should have a total energy demand in excess of 60 kWh/m<sup>2</sup>/yr, irrespective of the amount of on-site renewable energy production.

The proposed development benefits from a range of passive design features including internal layouts that facilitate natural cross-ventilation which should act to reduce overheating risks during the summer months and reduce the likelihood of any mechanical cooling being installed in the future. The use of PV panels is the most viable and cost effective technology for use within the proposed development. This will provide a local source of renewable electricity for occupant use as well as an affordable reduction in the calculated carbon dioxide emissions. The use of MCS Approved Air Source Heat Pumps is proposed as a means of providing the dwellings with a decentralised source of low carbon heating and hot water. The proposed development will have an average space heating demand of 31.79 kWh/m<sup>2</sup> /year, together with a total average energy demand of 42.90 kWh/m<sup>2</sup> /year. Furthermore, through the proposed installation of PV panels, the proposed development will generate 172.11 kWh more renewable electricity onsite than the electricity that it will demand over the course of a year for all regulated and unregulated energy use.

Officers are therefore satisfied that the development meets the requirements of both CLLP Policies S6, in relation to the orientation and fabric of the buildings, and S7, as it has been demonstrated that the development can generate at least the same amount of renewable electricity on-site that it will demand over the course of a year. Standard conditions will be applied to any grant of consent to require that the development is carried out in accordance with the Energy Statement and that, prior to the occupation of the first dwelling, a statement is submitted to verify that the dwelling has been constructed in accordance with the Energy Statement.

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.

### Trees, Landscaping and Biodiversity Net Gain

The application is accompanied by a Tree Survey, Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) metric.

CLLP Policy S66 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 Tree Survey advises that all trees on site, including those within the adjacent strip of land to the north have been assessed. No works to the trees within the strip of land are proposed, which are in any case not within the applicant's ownership. However, a root protection area (RPA) for these has been identified and appropriate tree protection measures, in the form of fencing, has been proposed. The report notes that only two small trees within the site are proposed to be removed; a Willow (T12) towards the west boundary and an Ash (T13) adjacent to the south boundary with 54 Boultham Park Road. The report advises these are young, probably self-seeded, and both are classed as category C trees. The City Council's Arboricultural Officer has considered the report and has raised no objections to either the tree removal or the tree protection measures.

While the loss of any trees is regrettable, their removal is required to facilitate the development. Given that they are not defined as high value trees, they have limited amenity value due to their size and replacement tree planting is proposed, officers have no objection to their removal. The application would therefore meet the requirements of CLLP Policy S66. The implementation of the tree protection measures will be conditioned on any grant of consent.

The PEA advises that the site was inspected in November 2023 and used the extended Phase 1 Habitat Assessment methodology. The PEA reports that the site predominantly comprises concrete and tarmac hardstanding along with minimal bramble scrub and

sapling vegetation. The site has limited biodiversity at the present time due to the previous use and management of this land. There was neither evidence of any significant locally rare plants and plant communities nor any physical evidence or field signs of protected species within the survey area. Officers are therefore satisfied that the development would not cause harm to any existing on site biodiversity, in accordance with the requirements of CLLP Policy S60.

In terms of BNG, the requirement for small sites to deliver 10% BNG will be mandatory on applications submitted after 2<sup>nd</sup> April 2024 through the Environment Act 2021. Until that time CLLP Policy S61 expects that development proposals should deliver at least a 10% BNG and the net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.

BNG is referenced within the PEA and further details and calculations can be found within the submitted BNG Metric. The PEA advises that the development would result in a small net gain in calculated biodiversity units across this site area from 0.58 units to 0.62 units, which is a gain of 6.28%. It states that "whilst this is less than the target of 10% gain it is still a gain and additional biodiversity enhancements could be achieved by including bat roost tubes and bird nest bricks into new residential buildings and if the landscaping around the building comprises native species this could further enhance biodiversity".

While the addition of bat roosts tubes and bird nest bricks are welcomed, these would not count towards the BNG gain figure. However, officers consider that there is scope to increase landscaping, both in terms of the amount and through the use of native species, which would increase the overall net gain. It is therefore proposed that, in addition to a condition to require details of the roost tubes and nest bricks, that a further condition requires details of a landscaping scheme to increase the BNG gain above 6.28%. With these conditions in place to improve the overall biodiversity officers are satisfied that the proposals will provide biodiversity enhancement, as required by CLLP Policy S61.

### 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 Ground Contamination, Investigation and Assessment - Phase 1 Desk Study and a Ground Investigation report have been submitted as part of the application. These have been assessed by the City Council's Scientific (Contaminated Land) Officer. He does not consider that the reports are sufficiently detailed to characterise the site and allow removal of the relevant recommended conditions should consent be granted. Additionally, the reports, originally produced in 2017, are considered to be out of date. He advises that new reports to meet current requirements should be submitted. In addition, following completion of the site investigation and reporting, a remediation scheme will be required to confirm how the development will be completed to mitigate potential land contamination risks. However, he is satisfied that these can be completed following determination in accordance with the recommended pre-commencement conditions. These conditions will therefore be applied to any grant of consent, and with these in place, officers are satisfied that the application would meet the requirements of Policy S56.

### Archaeology

The City Council's City Archaeologist has previously considered an Archaeological Desk Based Assessment at the time of the previous application. At the time he advised that,

given the previous disturbance of the site, it is unlikely to have any archaeological significance. Officers have discussed this current proposal with the City Archaeologist and he has confirmed he has no objections and that there is no requirement for further investigations or archaeological conditions. In this respect the application would meet the requirements of CLLP Policy S57 and section 16 of the NPPF.

#### Other Matters

##### 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 requirements of CLLP Policy NS18.

##### Refuse Storage

This would be accommodated within each private garden. There is no objection to the proposed arrangement from officers or statutory consultees.

##### Deign and Crime

A response from Lincolnshire Police has been received, raising no objections to the development. They have, however, made a number of recommendations which have been shared with the applicant for their information.

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

Yes.

#### **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.

Matters relating to parking and highways, flood risk, drainage, energy efficiency, trees, landscaping, BNG, 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 S1, S2, S3, S6, S7, S12, NS18, S21, S47, S53, S56, S57, S60, S61, S66 and S77 as well as guidance within the NPPF.

**Application Determined within Target Date**

Yes.

**Recommendation**

That the application is Granted Conditionally subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Samples of materials including hard surfacing
- Details of all boundary treatments
- Windows and doors to be set in reveal
- Assessment of off-site impact of any external lighting
- Hours of construction/delivery
- Closing of existing access
- In accordance with FRA flood mitigation measures
- Construction in accordance with Energy Statement
- Submission of statement to verify construction in accordance with Energy Statement
- Water efficiency standards
- Landscaping scheme, to increase the BNG net gain on site
- Details of bat roost tubes and bird nest bricks
- Implementation of tree protection measures
- Contamination site characterisation and remediation measures/implementation