

<b>Application Number:</b>	2023/0819/FUL
<b>Site Address:</b>	Site of 12 Lindum Terrace, Lincoln
<b>Target Date:</b>	12th July 2024
<b>Agent Name:</b>	Franklin Ellis Architects
<b>Applicant Name:</b>	Mr Mike Bullas
<b>Proposal:</b>	Erection of 2no. four storey buildings accommodating 8no. one bedroom and 34no. two bedroom apartments. Associated external works including car parking, cycle and bin storage, temporary access in boundary wall, new pedestrian access in boundary wall, tree removal and landscaping.

### **Background - Site Location and Description**

The application site is a large corner plot with Sewell Road to the north and Lindum Terrace to the east and south. The site is bounded by a high brick wall with mature trees within and around the perimeter of the site. The site is vacant after the original building, which sat to the west, was demolished on safety grounds after numerous vandalism and arson incidents. The site has since become overgrown although, to the east side of the site, lies the fragments of the former Eastcliff House Grotto. The site was previously owned alongside 10-11 Lindum Terrace, located to the west, with both accommodating medical facilities. In 2016 planning permission was granted for the creation of a medical village on the two sites and 30-32 Sewell Road, although this was never implemented.

The site is located within the Lindum and Arboretum Conservation Area. The City Council's Principal Conservation Officer advises that the site is within a Victorian suburb characterised by large individually designed and often elaborate properties set behind brick walls. It is also within the setting of the grade II listed St Annes Bedehouses and 27 and 29 Sewell Road. These properties sit to the north of the site with 10-11 Lindum Terrace to the west.

The application proposes to erect two, 4 storey buildings accommodating a total of 42 apartments; 21 in each block. There will be 8 one beds and 34 two beds with 35 accompanying parking spaces. Building 1 will be located to the front of the site, facing Lindum Terrace, with Building 2 towards the rear. Associated works include cycle and bin storage, a temporary access within the boundary wall, a new pedestrian access within the boundary wall, tree removal and landscaping.

Prior to the submission of the application the proposals were subject to extensive pre-application discussions between the applicant, agent, Planning Officers and the Conservation Officer.

### **Site History**

Reference:	Description	Status	Decision Date:
2016/1140/FUL	Creation of new medical village, to include a flexible mix of primary and secondary health care services (Use Classes D1 (Non-residential Institutions) and C2 (Residential Institutions) of the Town and Country Planning Use Classes Order 1987, as amended). Refurbishment,	Granted Conditionally	30 <sup>th</sup> January 2018

	conversion and extension of Nos. 10, 11 and 12 Lindum Terrace, including some demolition; erection of a two storey building with additional accommodation linking the existing buildings and undercroft parking beneath. Alterations to existing access to Sewell Road and Lindum Terrace; provision of parking and bicycle, motorcycle and ambulance bays; and associated soft and hard landscaping. (REVISED PLANS).		
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### **Case Officer Site Visit**

Undertaken on 9th January 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 S22 Affordable Housing
- Policy S45 Strategic Infrastructure Requirements
- Policy S47 Accessibility and Transport
- Policy S49 Parking Provision
- Policy S53 Design and Amenity
- Policy S54 Health and Wellbeing
- Policy S56 Development on Land Affected by Contamination
- Policy S57 The Historic Environment
- Policy S59 Green and Blue Infrastructure Network
- Policy S60 Protecting Biodiversity and Geodiversity
- Policy S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- Policy S66 Trees, Woodland and Hedgerows
- Supplementary Planning Document- Central Lincolnshire Developer Contributions
- Planning Practice Guidance: Viability
- National Planning Policy Framework

### **Issues**

- Principle of use
- Developer contributions
- Visual amenity and impact on character and appearance of the conservation area and the setting of listed buildings
- Residential amenity
- Trees, Biodiversity Net Gain, landscaping and biodiversity

- Access, parking and highways
- Flood risk and drainage
- Energy efficiency
- Archaeology
- Contaminated land

**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
Lincolnshire Police	Comments Received
Housing Strategy & Investment Manager	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Anglian Water	Comments Received
Environment Agency	Comments Received
NHS - ICB	Comments Received
City Archaeologist	Comments Received
Lincolnshire Wildlife Trust	Comments Received

## **Public Consultation Responses**

Name	Address
Mark Goode	20 Northumberland Avenue Lincoln
Dr Philippa Casares	16 Lindum Terrace Lincoln Lincolnshire LN2 5RT
Mrs Frances Halse	17 Lindum Terrace Lincoln Lincolnshire LN2 5RT
Mr Frederick Hackett	27 Sewell Road Lincoln Lincolnshire LN2 5RY
Mr Thomas Pikett	6 Eastcliff Road Lincoln Lincolnshire LN2 5RU
Annette Faulkner p/p Lincolnshire Bat Group	65 London Road Spalding Spalding PE11 2TN
Mrs Philippa Sanders	32 Saxon Street Lincoln Lincolnshire LN1 3HQ
Mrs Jennifer Williams	29 Sewell Road Lincoln Lincolnshire LN2 5RY

## **Consideration**

### **Principle of Use**

Central Lincolnshire Local Plan (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. 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 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 at the site, which was formerly occupied by a residential property and 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

CLLP Policy S45 states that "developers will be expected to contribute towards the delivery of relevant infrastructure, either through direct provision or contribution towards the provision of local and strategic infrastructure to meet the needs arising from the development either alone or cumulatively with other developments." Contributions would be secured via a Section 106 legal agreement (S106).

In terms of health, CLLP Policies S45 and S54 require that, in line with the Central Lincolnshire Developer Contributions Supplementary Planning Document (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. The NHS Lincolnshire Integrated Care Board 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 £23,705 has therefore been requested, which will go towards the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the IMP Primary Care Network at Abbey Medical Practice, Lindum Medical Practice and/or Minster 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.

With regard to education, CLLP Policy S45 states that conditions or planning obligations are likely to require education provision where there is a demonstrated shortfall in capacity. Lincolnshire County Council (LCC) has requested a contribution for education, to mitigate the impact of the development at a local level. The level of contribution sought from the development is £81,753.68.

In accordance with CLLP Policy S22 and the SPD, the proposed development would be expected to provide 20% affordable housing. The policy states that affordable housing should be provided on-site, unless it can be demonstrated that exceptional circumstances exist which necessitate provision on another site within the control of the applicant, or the payment of a financial contribution to the relevant local planning authority. The management of on-site affordable units within developments for flats is often problematic, and in such cases it is typical that a financial contribution will be requested. The City Council's Housing Strategy and Investment Manager has accordingly confirmed that a commuted sum towards affordable housing is requested in the amount of £955,197, which is the equivalent to nine units.

CLLP Policy S59 requires that developments will be expected to make a contribution proportionate to their scale towards green infrastructure, in accordance with the SPD. The contribution expected in the case of the development would be £29,478.29. The SPD also

requires development to contribute towards playing fields, and in this case a sum of £11,414.33 would be required.

The proposed development of 42 units would therefore be expected to provide:

Health	£23,705
Education	£81,753.68
Affordable housing	£955,197
Green infrastructure	£29,478.29
Playing fields	£11,414.33
	<b>£1,101,548.30</b>

In cases where applicants do not consider that they can meet the requested contributions on the grounds of viability the CLLP advises that these can be negotiated if an accurate viability assessment is submitted. This approach is also in line with the NPPF and Planning Practice Guidance: Viability.

The applicant has submitted a Viability Assessment, which advises that the scheme is not viable with the requested contributions.

The Viability Assessment has been assessed on behalf of the local planning authority by an independent third party. The independent assessment concurs; that the scheme is unable to support any S106 as it would not be viable. The independent assessment has also highlighted that, even with no contributions, the scheme generates a residual land value of £112,404, which is below the benchmark land value of £580,000.

In scenarios where a viability case has been made, the SPD advises that the local plan (CLLP) 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. Paragraph 58 of 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 plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available”.

In this case officers are satisfied with the conclusion of the independent assessment; that the scheme would not be viable with 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 without the requested contributions, however, given that the development does not meet the full policy requirements, this recommendation is subject to the applicant signing a S106 within which would be an overage clause, or ‘clawback’ provision. This would allow the viability of the scheme to be revisited in the future as it comes forward. If viability has improved, this would give the council the ability to recover some or all of the lost contributions i.e. the commuted sums that are not being sought at this time. This approach was recommended by the independent assessment and is advocated in the Planning Practice Guidance: Viability. The applicant is in agreement to entering into such a S106, which, if consent is granted by

members, would be secured by officers prior to the issuing of the planning permission.

### Visual Amenity and Impact on Character and Appearance of the Conservation Area and the Setting of Listed Buildings

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 add to the overall quality of the area, be visually attractive and sympathetic to local character and history.

The application advises that the area is dominated by large-scale residential villas within garden plots, the majority of which being 2 and 3½ with some properties to the south of Lindum Terrace being 3½ and 4 storeys. All properties are individually designed with tall boundary walls and a sense of enclosure along the streets, with limited visibility into individual sites. Materials are predominately buildings of red and beige brick and slate roofs, with traditional timber sash windows, stone detailing and chimneys. The previous building was constructed in 19th Century with stone quoins, intricate detailing and a turret. It was set back from the road, positioned towards the west of the site.

There is a clear building frontage line along Lindum Terrace which sets the properties back from the highway. To the north along Sewell Road, properties are tighter to the boundary. The wall is approximately 2m tall along Lindum Terrace and increases in height to approximately 4m as it continues along Sewell Road. There is an approximately 3.5m fall in land level from Sewell Road to Lindum Terrace. Around the eastern edge of the site, the ground levels are raised forming the upper terrace of the former grotto and the boundary wall acts extensively as a retaining wall. In conjunction with the mature trees that feature across the site, the wall provides a large amount of screening from the public highway.

The applicant commissioned a structural report of the boundary wall. This concluded that, despite the observed defects, the wall is not in any immediate danger of collapse or failure although it could benefit from some repairs to be carried out in the near future. Key recommendations were to remove all self-set seedlings, young trees, ivy and climbing plants from behind the wall to prevent further damage. In addition, localised rebuilding and re-pointing work has been advised. Proposals for the removal of trees will be detailed later within the report, however, even with some proposed thinning adjacent to the boundary, the remaining more mature trees would still screen the majority of the site from view.

The proposal is for two distinctly designed villa style buildings. Building One, to the front of the site, will predominantly be viewed in conjunction with 10/11 Lindum Terrace and is therefore proposed to resemble the form of a large traditional massed building. The application advises that the architectural approach for this building is of a traditional form and style, with contemporary elements. There are two villa sized elements which are connected with a more contemporary glazed link with balconies, creating a façade with visual interest. High quality materials with projecting header brickwork detailing and contrasting brick banding provide an ornate facade with attention to detail. The eastern corner has a distinctive tower feature, linking the design to the former 12 Lindum Terrace. Large feature chimneys and well-proportioned windows set the elevational treatment into the character of the area.

Building Two, to the rear of the site adjacent to Sewell Road, will be less visible from Lindum Terrace. A more contemporary style is therefore proposed for the form and massing. The application advises that a similar palette of materials along with similar features will tie the buildings together. The roofscape is simple in form with pitched roofs of consistent eaves height, in contrast to the more varied form of Building One. The south façade incorporates a gable feature, glazed link and chimney to form the front entrance. A contrasting brick sets the remaining element of the southern facade back making this subservient, giving prominence to the entrance. The north façade has a linear pitched roof with low eaves level that is just visible over the boundary wall, with a rhythm of repeated clad bay features and chimneys, taking reference from the Bedehouses. The feature bays have cladding to the upper levels where these will be visible above the wall, with brickwork below.

A number of the objectors have raised concern regarding the contemporary design, which they consider will have an adverse effect on the conservation area. It is considered that the scale and height is excessive and they would be out of proportion and not in keeping with the area. Buildings will dominate the landscape and will harm long views towards the site from Sewell Road and the Arboretum.

Officers consider that the site is of a sufficient size to comfortably accommodate the proposed buildings as well as the parking areas, new landscaping and the large area of retained landscaping to the east. The development represents a good use of land and the arrangement of the buildings is considered to be appropriate to the context. The Conservation Officer advises that the site itself was formerly the gardens to a large mansion, Eastcliff House, which prior to its demolition, was the biggest in the area and bigger than the current neighbouring properties to this plot. Therefore, while the proposed development is substantial, there is historic precedent for this in the locality. She also notes that the perception of large properties in generous well treed grounds is preserved by the proposal with the retention of many of the original landscape trees and therefore the strong garden suburb appeal of the area is retained.

The height and scale of the proposals in relation to neighbouring properties is demonstrated within the application by site sections. The heights of properties in the vicinity vary and land levels generally drop from north to south, with additional land level variations within the site. The Conservation Officer notes that, whilst it is acknowledged that the proposed development is larger than the surrounding domestic villas, it has been established that this massing has a historic precedent and furthermore, it is considered that these masses have been appropriately articulated and detailed to mitigate any undue massing. 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 design and detailing, there has been comprehensive pre-application discussions which have influenced the architectural approach to appropriately reflect the prevailing character and appearance of the conservation area. The Conservation Officer has noted that this has resulted in the distinctive repetitive gable features, domed corner tower, decorative brick work, series of reveals and projections to animate the façade, selection of window designs and balconies on the Lindum Terrace elevation. Attention to materials is essential in this high status area and the use of a traditional palette of brick and slate with decorative brick specials to achieve visual interest and echo the ornate detailing on many of the historic properties is welcomed. The architectural language of Block 2 to the rear of the site is quieter. Tucked behind a historic high red brick boundary wall, the sequence of projecting bays, steep roofscape, slate roof and chimneys, relates well to the smaller range of Bedehouses behind the red brick wall on the other side of the road which themselves



feature a deep roofscape regularly punctuated by chimneys. Officers consider that the design, proportions and detailing results in a scheme which is of a good quality. It would sit comfortably in the context, complementing the existing character of the area, in accordance with Policy S53.

To ensure that the overall finish and quality of the development is to a high standard, conditions would require samples of the roof tile, roof slate, chimney pot and brick sample panels to show the mortar and use of English garden wall bond. Further conditions will require details of the colour and finish of the standing seam cladding, aluminium framed windows, projecting balcony fascia, feature corbel and metal railings.

The boundary wall to the site is to be retained, with the exception of the slight widening of the main access and the creation of a new pedestrian access gate further east on Lindum Terrace. The opening for the new pedestrian gate will be temporarily made wider to enable its use as a site access during construction. Details of the replacement pedestrian access, including the stone pillars, copings and gate have been provided. The same detail has been provided for the widening of the main entrance and also the brick built bin store. Officers have no objection to these proposals. Officers also consider that the proposed soft landscaping, which is detailed later within the report, will enhance the existing features on site and complement the proposals. 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.

Taking account of the comprehensive approach to the layout and design of the development, ensuring that it reflects and respects the existing context, officers and the Conservation Officer consider that the character and appearance of the conservation area would be preserved by the development. Some objectors have raised concern regarding the impact of the proposal on the grade II listed Bedehouses and 27 and 29 Sewell Road. The Conservation Officer considers that the language of the elevation facing Sewell Road is relative to its immediate context, which would preserve the significance derived from the setting of the Bedehouses and pair of villas. The application would therefore be in accordance with the requirements of CLLP Policy S57 in respect of preserving the conservation area and setting of adjacent listed buildings.

### Residential Amenity

At its closest point, an approximately 10m long section of the side elevation of Building 2 would be located approximately 2m from the side, west boundary with 10-11 Lindum Terrace. The side elevation of no. 10-11 would be located between 7m and 8.8m from the proposal. There are windows within the neighbour's facing elevation, although officers do not consider that the proposal would have an unduly overbearing impact or, located to the east, would result in an unacceptable degree of loss of light. The only glazing within the upper floors of the section Building 2 which would sit opposite the neighbouring property are full height glazed doors. However, these are within an angled section of the building which orientates the doors to face towards the north west, away from the neighbouring building rather than directly west, towards it. Officers are satisfied that this would not result in a harmful impact through direct overlooking.

Beyond the rear garden of 10-11 Lindum Terrace, to the north west, sits 30-32 Sewell Road. Given that the proposal would be located over 13m from this neighbour's boundary, and there is a distance of over 27m between windows, officers do not consider that this relationship would be unacceptable.

Objections have been received considering that Building 2 would overlook 27 and 29 Sewell Road and also the occupants of the Bedehouses, which would cause loss of privacy. These properties are located to the north the site, across Sewell Road. While Building 2 would be visible above the boundary wall of the application site and have a view towards these properties, there is sufficient separation and, to a large extent, the neighbouring occupants are protected by the position of their own boundary wall trees/plantings within gardens.

With regard to Building 1, at the front of the site, the side elevation would sit over 19m from the side, west boundary with 10-11 Lindum Terrace and over 23m from the side elevation of this neighbouring property. While there are windows proposed within the facing elevation officers are satisfied that this separation is sufficient to ensure there would not be any issues of overlooking. The separation distance would also ensure that Building 1 would not appear unduly overbearing or cause loss of light. Building 1 sits behind the boundary wall to Lindum Terrace with the retained line of trees in between. Give this, and the separation of over 23m to properties on the opposite side of the road, officers are satisfied that there would be no impact on these neighbouring occupants.

An objection has been raised with concerns regarding the density of the development leading to noise pollution. The City Council's Pollution Control (PC) Officer has not raised any objection to the proposal in this respect but has noted that the proposed development would be served by air source heat pumps (ASHPs), which are proposed to be located on the roof of one of the buildings. The same building also appears to incorporate a relatively large plant room. He has advised that noise from these mechanical sources could have the potential to cause elevated noise levels at nearby dwellings, if not designed and installed sympathetically. He has therefore recommended a condition to require a noise impact assessment report, which would identify any mitigation measures that are necessary to minimise the impact of noise.

The PC Officer has also requested a condition to require an assessment of the offsite impact of all external lighting. With this condition in place, it can be ensured that the external lighting associated with the development will not give rise to offsite problems due to light overspill. The PC Officer has also requested a final condition to restrict construction and delivery hours, to limit the impact on the amenities of neighbouring occupants during noise sensitive hours. All of the conditions requested by the PC Officer will be duly applied to any grant of consent.

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 flats is acceptable when considered against the Nationally Described Space Standards. Each bedroom and kitchen/living area would be served by a window or glazed doors. The development is laid out so there is an acceptable separation between the two buildings. 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, Biodiversity Net Gain, Landscaping and Biodiversity

The application is accompanied by a Preliminary Arboricultural Assessment, Arboricultural

Impact Assessment, Arboricultural Method Statement, Preliminary Ecological Appraisal, Preliminary Bat Roost Assessment and a Biodiversity Metric Assessment.

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 requires that applications should provide evidence that existing trees on site have been subject to adequate consideration. None of the trees on site are protected by a Tree Preservation Order (TPO), although the trees are afforded protection given their location within a conservation area. Policy S66 advises that in such areas, where proposals will result in the loss or deterioration of trees on site, permission will be refused unless; there is no net loss of amenity value which arises as a result of the development or the need for, and benefits of, the development in that location clearly outweigh the loss.

The application advises that, following assessment, the majority of the trees located along the boundaries of the site were identified as mature specimens which are visually prominent in the local landscape. The trees were considered to be characteristic of the local area and in keeping with the current setting. During the assessment four trees were considered particularly good examples of their species and therefore categorised as Retention Category A. Trees within the centre of the site are of less significance from a visual perspective, and none considered high value (category A) in the Arboricultural Assessment. Many of these are self-set or have grown in proximity to each other. All the proposed tree removal has been carefully considered alongside the Arboriculturist's advice, and only the internal trees that are required to enable the development are proposed for removal. All boundary trees are to be retained and will have maintenance and appropriate pruning to prolong their health and life. This will future-proof one of the key characters within the conservation area.

Some of the objectors have raised concerns regarding the loss of trees on the site.

The City Council's Arboricultural Officer has visited the site and considered the Preliminary Arboricultural Assessment, Arboricultural Impact Assessment and Arboricultural Method Statement. He has advised that these are all fit for purpose. He has confirmed that the majority of trees identified for removal are located within the central section of the site and many are located on significantly graded slopes; where this is the case root plates have experienced a significant degree of undermining which may negatively affect individual tree stability. The majority of trees identified for removal have developed a cohesive canopy as a result of their proximity to one another. None of those proposed to be removed warrant protection through a TPO. He notes that the outer perimeter of the site contains a significant number of mature trees which mask the central zone from the general public, therefore the loss of trees identified for removal will have little effect on the external aesthetic appearance of the site. The Arboricultural Officer accordingly raises no objections to the development proposals.

Officers welcome the retention of the boundary trees, which will benefit from appropriate pruning to prolong their health. These are important to the character of the area but also serve to screen the trees within the site which will be removed to facilitate the development, and on the basis of the Arboricultural Officer's advice, are not worthy of retention. Those trees retained here are also likely to benefit from the removal of some of the trees that are not considered to be healthy or stable. On balance it is considered that there will be no net loss of amenity value and the trees that are to be retained will indeed benefit from the management, as required by Policy S66. Officers would recommend a condition to require works to proceed in accordance with the Arboricultural Method Statement, to ensure trees are protected during construction works.

The application advises that soft landscaping will enhance the existing features on site, including an understorey grassland below the mature trees, green climbing wall against the boundary wall to the rear of Building 2, biodiverse turf to open spaces and new native shrub planting and trees to further enhance the biodiversity on the site and provide an attractive setting for the residents.

In terms of Biodiversity Net Gain (BNG), the requirement for all qualifying sites to deliver 10% BNG became mandatory on major applications submitted after 12<sup>th</sup> February 2024 through the Environment Act 2021. The application was submitted in advance of these dates and therefore, as an interim, CLLP Policy S61 requires 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.

The site has a number of trees and also has a large degree of low level vegetation as a result of the site not being occupied for some time. For this reason, officers consulted the Wildlife Trust and the City Council's Ecologist. The Wildlife Trust submitted a holding objection, on the grounds that further ecological information was required. They noted that the submitted Preliminary Ecological Appraisal (PEA) recommends that a Landscape and Ecological Management Plan (LEMP) be submitted to ensure the ecological habitats created post development meet their stated biodiversity value. The City Council's Ecologist also made similar comments regarding the need for a management plan, and also requested the submission of a Biodiversity Metric.

The applicant has accordingly submitted a BNG Metric, BNG Metric Assessment and a letter from their ecological consultant to address the consultation comments. The BNG assessment has identified that the proposed landscaping for the site achieves a BNG of 12.42%. It is noted that there does remain a trading deficit because it is not possible to completely compensate for all habitats on site in terms of 'like for like or better', due to the constraints of the site. Nevertheless, the landscaping has been designed to minimise the impacts of these losses as far as possible. Recommendations are accordingly put forward in vegetated land, woodland and scrub. The applicant accepts that a LEMP will be required for the site and has requested that this be conditioned.

The Wildlife Trust and the City Ecologist were both consulted with the revised information. The Wildlife Trust are satisfied that the comments regarding the BNG metric are reasonable and justified. They have no further comments to make subject to the LEMP being conditioned. The City Council's Ecologist is equally satisfied with the metric. Despite there being a deficit on some of the trading requirements, on the planning balance he doesn't see a significant issue as overall BNG has increased. He also has no objection to the LEMP being submitted post decision, which will be conditioned accordingly on any grant of consent. Officers welcome the gain in excess of the 10% requirement of Policy S61.

In addition to the above BNG requirements, the PEA advises that the development will provide opportunities to enhance the existing woodland and deliver habitats for bats and birds. It also recommends a condition to require a Construction Ecological Management Plan (CEcMP), to minimise any adverse effects on biodiversity from the development. The CEcMP will be conditioned as will a scheme for the provision of additional enhancements, such as bird and bat boxes.

The submitted Preliminary Bat Roost Assessment concluded that the trees on site were found to have low to negligible bat roosting potential. The two small outbuildings were

considered to have high bat roosting potential, although no evidence of bats was found. The report recommends further bat activity surveys on the outbuildings, which will be required by condition. This additional survey was also recommended by the Lincolnshire Bat Group in their consultation response. Officers are therefore satisfied that the development would protect on site biodiversity, in accordance with the requirements of CLLP Policy S60.

### Access, Parking and Highways

The development will utilise the existing access into the site from Lindum Terrace. There is an existing pedestrian access to the north east from Sewell Road, which will be maintained, and a new pedestrian access will be created on Lindum Terrace, to the south. The application proposes a total of 35 car parking spaces, including both surface parking and within undercrofts. There is also an internal cycle store within Building 2, providing 26 spaces.

Objections from local residents consider that there is insufficient parking for occupants, visitors, and deliveries. They note that parking during the day is an issue in the area due to hospital staff and visitors, and the development will lead to parking on surrounding pavements. There is concern for the safety for pedestrians and cyclists, particularly as they consider that Lindum Terrace is effectively one lane during the day due to number of parked cars. Concern is also raised regarding the position of the entrance being close to a blind bend, which has the potential for accidents.

The LCC in their capacity as Local Highway Authority has considered the application. They submitted an initial response requesting additional information, asking for the applicant to give consideration to parking provision recommended for one/two bed flats. This is contained within CLLP Policy S49. The applicant was also asked to provide plans to demonstrate a turning space within the site and a minimum 4.1m wide access.

The applicant provided revised plans to show the requested turning space and an increased width of the access, which will now accommodate two-way traffic entering and leaving the site. With relation to the parking the applicant advised that, due to the constraints of the site, no further parking can be accommodated. It is intended that the proposed parking provision will be allocated to the two bedroom apartments only, one per apartment, with an additional two visitor spaces. No spaces will be allocated to the one bedroom apartments.

This has been considered by the LCC and they have confirmed that they have no objection subject to conditions. In their response they advise that:

Lindum Terrace is located in a sustainable location with good pedestrian links to the surrounding area including central Lincoln and uphill, as well as having good links to the hospital. There is good public transport connections in the area including bus stops within walking distance of the site. There is designated on street parking opposite the site and waiting restrictions on Lindum Terrace. There is areas of local amenity in the area and occupants of the site would not be reliant on travel by car.

#### Highway Safety

The current access is to be widened so that two vehicles can pass in the access to avoid waiting on the highway. There is sufficient turning space within the site for cars and delivery vehicles to be able to access and egress the site in a forward gear. Therefore, there would not be an unacceptable impact on highway safety.

### Highway Capacity

The site is located in a sustainable location and residents wouldn't be reliant on the use of a car, therefore the impact on highway capacity would be minimal. The junction in the local area would be able to accommodate the minor increase in traffic.

### Site Layout

Site layout has been considered to allow for turning within the site with a sufficient amount of parking spaces provided for the proposals. Cycle storage is to be provided within the site layout to encourage sustainable travel options. Alternatively, there is designated on street parking available on Lindum Terrace should it not be available within the site.

### Off-Site Improvements

Off site improvements via the provision of tactile crossing points at the junction of Lindum Terrace and Eastcliff Road will be required to improve pedestrian connectivity in the area.

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 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. The conditions requested by the LCC- requiring the completion of the highway improvements works at the Lindum Terrace and Eastcliff Road junction and a Construction Management Plan (CMP) will be duly applied to any grant of consent.

### Flood Risk and Drainage

Policy S21 requires that development proposals should incorporate Sustainable Drainage Systems (SuDS). The LCC in their capacity as Lead Local Flood Authority has considered the application. During the process they requested that the applicant provide additional information- including a Flood Risk Assessment/Statement, a Drainage Strategy and proposals for surface water drainage infrastructure.

In response the applicant enquired whether the drainage information could be conditioned, rather than detailed calculations and design be submitted prior to determination. The LCC advised that the matter could be dealt with via condition, although the scheme would need to deliver a SuDS scheme. The applicant has accepted this. The LCC has reflected this position in their final response. They advise that a drainage strategy has not been determined at this point, however, it will be required to provide a sustainable urban drainage system which follows the SuDS hierarchy. It has been noted that the drainage strategy may change the site layout at a later stage and this is something the applicant has considered.

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/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to no strategy being provided, no evidence of the surface water hierarchy and no connection points or discharge rates. They recommended that that the applicant consults with Anglian Water, and this request has been forwarded to the applicant. Given that the applicant has requested that drainage matters be dealt with post decision, Anglian Water has requested a condition 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 also advised that the sewerage and foul drainage systems have capacity for the development.

In their consultation response the Environment Agency has advised that they do not wish to make any comments.

### Energy Efficiency

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: orientation of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated. The policy also states that Energy Statements, as required by Policy S7 for residential development, must accompany applications and set out the approach to meeting each of the above principles. The policy requires that developments should generate at least the same amount of renewable electricity on-site as the electricity they demand over the course of a year.

The application is accompanied by an Energy Statement. This advises that a fabric first approach has been adopted although the standard requirements have not been fully met due to the conservation area location of the application site. The Energy Statement advises that exceptional basis clause 1 of Policy S7 has therefore been applied. Policy S7 states that, where the requirements cannot be met for technical (e.g. overshadowing), other policy reasons (e.g. heritage) or other technical reason linked to the unique purpose of the building (e.g. a building that is, by the nature of its operation, an abnormally high user of energy), then the Energy Statement must demonstrate both why they cannot be met and the degree to which they are not met. The Energy Statement advises that a range of renewable technologies have been appraised, many of which are not feasible for the development, such as wind turbines given the enclosed nature of the site.

The development will use air source heat pumps (ASHPs) to meet 100% of the site's space heating and hot water demand and an array of 122 solar photovoltaic (PV) panels will be installed. The design of the buildings, including the form of the roof, has been subject to detailed discussions with officers, to ensure that it was appropriate to the conservation area setting. The PV panels are therefore only proposed to be installed on the flat roof and internal roof slopes, both of which are not open to public view. On balance, officers are of the opinion that the development has appropriately considered a range of renewable options for the site and has satisfied as much of the policy requirements as is reasonably possible, when considering the conservation location of the site. It is not considered that it would be reasonable in this case to require anything further which could compromise the appearance of the development or the character and appearance of the conservation area.

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.

### Archaeology

The application is accompanied by an Archaeological Desk Based Assessment (DBA), which has been considered by the City Council's City Archaeologist. He has advised that the DBA demonstrates that the archaeological potential of the site is relatively low. While there remains the possibility of isolated features being present, the likelihood of this is low

as the site appears to have been extensively disturbed. Field evaluation was undertaken in support of a previous application to develop the site. The results of this are referenced in the DBA and support the assessment of low archaeological potential.

The City Archaeologist has advised that, despite the evidence of widespread disturbance on the site, and likelihood of such remains being present is low, provision should be made for recording them in the event that they are present. He has therefore recommended a condition to require the applicant to submit a Written Scheme of Investigation (WSI), as required by NPPF paragraph 211.

The City Archaeologist has also made comments in relation to the Pulhamite Grotto at the site. He notes that the proposed development will require the removal of a large part of the remaining grotto feature and will have a severe impact on the significance of the remainder. An objector has suggested this is listed and raised concern about its loss. While the grotto is not listed, the City Archaeologist has advised that it should be considered as a non-designated heritage asset of local significance, and its loss should therefore be tested against the provisions of NPPF paragraph 209. This same test will also apply to the archaeological remains that may be affected as a result of the proposed development.

The Conservation Officer has noted that key features of the grotto, such as waterfalls, are no longer legible, and the grotto is now much disrupted by tree growth and natural decay. The loss of the deteriorated asset has been weighed against the benefit of the delivery of the residential development within a conservation area. It has also been weighed against the proposals that will see areas of stone relocated into the main bowl area and that this provides the opportunity for a future restoration scheme, which could see this feature researched and restored. Officers are therefore satisfied that, on balance, the scale of the benefits are sufficient to outweigh the level and scale of harm caused by these proposals. The overall archaeological potential of the site is low, and officers are therefore also satisfied that the potential level of harm to archaeology on the site from the development is outweighed by the benefit of a scheme which will enhance the conservation area.

The requirement for the submission of a WSI, which shall include a photographic survey of the Pulhamite Grotto, will be duly applied to any grant of consent. A further condition will also require the submission of the final report for archiving. With these requirements in place, officers are satisfied that the application would meet the requirements of CLLP Policy S57 and section 16 of the NPPF.

### Contaminated Land

The City Council's PC Officer has advised that, due to past uses and incidents on the site, there is the potential for significant contamination to be present. He has noted that a preliminary risk assessment has been submitted, which highlights the need for further site investigation. He has therefore recommended that the full set of land contamination conditions are necessary. 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.

### Other Matters

#### 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.

#### Air Quality and Sustainable Transport

It is proposed that electric vehicle charging points will be incorporated within the development, which is welcomed and would be in accordance with the requirements of CLLP Policy NS18. This matter would be controlled as part of the Building Regulations process and as such, is not necessary to condition as a requirement of the planning application.

#### Refuse

The application advises that internal secure refuse storage is provided within each building, with capacity for five 1100 litre bins within each, which will be split between general and recyclable waste. Bin collection will be via Lindum Terrace, with an external refuse enclosure within the permitted distance for collections. On collection day, building management will move the bins to the external area.

### **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. An independently assessed viability appraisal has concluded that the development would not be viable if it were to provide S106 contributions. An overage clause within the proposed S106 would allow the viability of the scheme to be revisited in the future as it comes forward, and if viability has improved, this would give the council the ability to recover some or all of the lost contributions.

The development would relate well to the site and surroundings in relation to siting, height, scale, massing and design. The character and appearance of the conservation area would be preserved and the proposals would also preserve the setting of nearby listed buildings. The proposals would not result in harm to neighbour's amenity as a result of the built development or associated noise from external plant. The development would also provide an acceptable level of amenity for future occupants.

Matters relating to trees, BNG, landscaping and biodiversity; access, parking and highways; flood risk and drainage; energy efficiency; archaeology and contamination have been appropriately considered by officers against local and national policies and by 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 and S66 as well as guidance within the NPPF.

### **Application Determined within Target Date**

Yes.

### **Recommendation**

That the application is Granted Conditionally:

- a) with delegated authority granted to the Planning Manager to secure a S106 including an overage clause; and
- b) subject to the following conditions:
  - Time limit of the permission
  - Development in accordance with approved plans
  - Samples of roof tile, roof slate, chimney pot and brick sample panels to show the mortar and use of English garden wall bond
  - Colour finish for standing seam cladding, aluminium framed windows, projecting balcony fascia, feature corbel and metal railings
  - Highways improvement works- crossing at junction of Lindum Terrace and Eastcliff Road
  - Construction Management Plan
  - Surface water drainage scheme
  - Surface water management strategy
  - Archaeological Written Scheme of Investigation including photographic record of grotto
  - Submission of full archive and report following completion of works
  - Contaminated land site characterisation and remediation
  - Noise impact assessment
  - Assessment of offsite impact of external lighting
  - Landscape and Ecological Management Plan
  - Construction Ecological Management Plan
  - Bird and bat boxes
  - Bat survey of outbuildings
  - Implementation of tree protection measures
  - Water efficiency standards
  - Hours of construction/delivery