

<b>Application Number:</b>	2018/0531/FUL
<b>Site Address:</b>	Land Including 98 Newland (Viking House) And 100, 102 and 104 Newland, Lincoln, ,
<b>Target Date:</b>	20th June 2018
<b>Agent Name:</b>	Globe Consultants Ltd
<b>Applicant Name:</b>	
<b>Proposal:</b>	Change of Use of Viking House to student accommodation (Sui Generis) alongside external alterations; Erection of partial subterranean building to provide four storeys of student accommodation (Sui Generis) between No. 96 and No. 100 Newland including glazed link to No. 100 Newland; Change of Use of No. 100, 102 and 104 Newland to student accommodation (Sui Generis); and associated hard and soft landscaping works including creation of internal courtyard.

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

### *Site Location*

The application site is occupied by two buildings, No. 98 Newland (Viking House) and the terrace at Nos. 100-104 Newland (even only). The former was previously occupied for office use by the Department for Work and Pensions and is situated to the north of and adjoins One The Brayford (formerly Mill House), which has been extended to provide a mixture of commercial, office and residential uses. The latter was also most recently in office use by CAD Associates. To the south and west is the Horse and Groom Public House and to the east is the Taste of Marrakesh restaurant (with accommodation above) and the Doubletree by Hilton hotel, which has also recently been extended toward Newland.

The access to the buildings is currently a mixture of pedestrian access from Newland and vehicular access is from Carholme Road and the traffic lit junction at the foot of the Brayford Way flyover where it meets Carholme Road. Moreover, the ground floor of Viking House currently serves as a car park, and is accessed through the OTB car park. Meanwhile, the rear courtyard of 100-104 is also car parking.

The proposals affect all floors of the buildings and include extensions to Newland (north of Viking House) and for a further extension between this and Nos. 100-104 Newland to incorporate student accommodation on a sui generis basis. A total of 173 bedrooms would be created.

### *Description of Development*

The building most recently occupied by CAD Associates (Nos. 100-104 Newland, even only) was arranged with a mix of reception, conferencing and office uses over three floors. It is proposed to provide management spaces incorporating a reception to serve both buildings at ground floor, along with laundry accessed from the rear; and the remaining footprint at ground floor would incorporate living spaces including separate living, TV and Kitchen/Dining rooms. Meanwhile, the first and second floor would incorporate a total of 13 bedrooms.

In terms of Viking House (No. 98 Newland), due to the site levels, the existing ground floor is below Newland and currently incorporates parking. This was proposed to serve the conversion of the remainder of the building from office to residential.

The proposal incorporates a red brick and slate roof extension to the north towards Newland which would be partially subterranean as the ground floor from Viking House would continue towards the street. Moreover, the ground floor would be lower than the street and face a void created next to the footpath. Therefore, only three floors would be visible from the street. The top floor would be partially accommodated in the roof space of the building, which would be steeply pitched facing Newland with windows half below and half above the eaves level.

The north-western corner of the existing building would incorporate a brick wrap-around from the north to the west elevation, the remainder of Viking House would be reclad with through coloured render.

Ground floor would incorporate two clusters of accommodation, the frontage to Newland would house a 9-bed cluster with shared living spaces facing into a void adjacent to the footpath. This would be in a similar form to that which serves the listed terraced building to the east. The remainder of the ground floor would be occupied by a cluster of 18 bedrooms, two of which would be suitable for disabled occupants; and a shared living space.

The first, second and third floors would incorporate two separate clusters of accommodation, one being smaller (8 bedrooms and a living space) facing Newland and a second larger cluster (21 bedrooms and a larger living space) in the remainder of the original Viking House. Meanwhile, the fourth and fifth floors utilise the main footprint of Viking House, so do not include any footprint adjacent to Newland. In light of this, each floor incorporates one large cluster of 23 bedrooms.

A further extension would be positioned between both buildings to provide a covered entrance to the reception in 102-104 Newland, as well as a secure access to the courtyard to the rear.

### *Site History*

As detailed below, the conversion of Viking House to residential use was approved under reference: 2016/1222/PAC utilising the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015. Moreover, the Order enabled the applicant to apply for permission to use the accommodation for residential purposes, subject to the consideration of transport and highways impacts of the development; and contamination and flooding risks on the site. There were not found to be any such issues so consent was subsequently granted on 27 January 2017.

More recently, following the grant of the above consent, the applicant sought permission for external alterations to the building including re-cladding and the provision of balconies to the north elevation (reference: 2018/0221/FUL), this was granted permission under delegated powers on 01 May 2018.

## **Site History**

Reference:	Description	Status	Decision Date:
2016/1222/PAC	Determination as to whether prior approval is required for the change of use from existing office (Use Class B1(a)) to 40no. apartments (Use Class C3)	Prior Approval Required and Approved With Conditions	27th January 2017
2018/0221/FUL	External alterations to existing building to include re-cladding and the provision of balconies to north elevation.	Granted Conditionally	1st May 2018

## **Case Officer Site Visit**

Undertaken on 24th April 2018.

## **Policies Referred to**

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP3 Level and Distribution of Growth
- Policy LP5 Delivering Prosperity and Jobs
- Policy LP13 Accessibility and Transport
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP16 Development on Land affected by Contamination
- Policy LP17 Landscape, Townscape and Views
- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- Policy LP29 Protecting Lincoln's Setting and Character
- Policy LP31 Lincoln's Economy
- Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- Policy LP36 Access and Movement within the Lincoln Area
- Policy LP37 Sub-division and multi-occupation of dwellings within Lincoln
- National Planning Policy Framework

## **Issues**

In this instance the main issues relevant to the consideration of the application are as follows:

1. The Principle of the Development;
2. The Impact of the Design of the Proposals;
3. The Implications of the Proposals upon Amenity;
4. Sustainable Access, Highway Safety and Air Quality

5. Other Matters; and
6. The Planning Balance.

### **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

The overall public consultation period for the application does not expire until 24 May 2018 due to the press and site notices published, this is the day following the Planning Committee Meeting. Direct consultations undertaken with neighbours and consultees expire on 17 and 15 May 2018 respectively, which are following the closing of the agenda for the Committee but in advance of the update sheet being prepared.

Any responses received as part of the consultation process prior to the closing of the agenda are copied in full as part of the agenda. All subsequent correspondence received as part of the consultation will be added to the update sheet or reported directly at the planning committee if appropriate.

### **Statutory Consultation Responses**

Consultee	Comment
Upper Witham, Witham First District & Witham Third District	Comments Received
Highways & Planning	No Response Received
Environmental Health	Comments Received

### **Public Consultation Responses**

Name	Address
Miss Zoe Burns	16 Alness Close Lincoln Lincolnshire LN6 0YX
Mr Ian Ulyatt	Apartment 210 One The Brayford 20 Brayford Wharf North Lincoln Lincolnshire LN1 1BN

## Consideration

### 1) The Principle of the Development

#### a) *Relevant Planning Policies*

##### i) *Sustainable Development and the Proposed Uses*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration in determining planning applications. Framework paragraph 215 indicates that due weight should be given to relevant policies in the development plan according to their consistency with the Framework i.e. the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

The development plan comprises the adopted Central Lincolnshire Local Plan (the Plan). During its examination the policies therein were tested for their compliance with the Framework and ensures that there is a very clear picture of the options for growth in Central Lincolnshire.

Paragraph 14 of the National Planning Policy Framework (the Framework) outlines the following in relation to the principle of development:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.

For decision taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

In terms of sustainable development, Paragraph 7 of the Framework suggests that there are three dimensions: economic, social and environmental. "These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

Meanwhile, at the heart of the Core Planning Principles within the Framework (Paragraph 17) is the expectation that planning should:-

“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth”

Turning to Local Plan Policy, Policy LP1 of the Plan supports this approach and advocates that proposals that accord with the Plan should be approved, unless material considerations indicate otherwise.

In terms of the spatial dimension of sustainability, proposals need to demonstrate that they contribute to the creation of a strong, cohesive and inclusive community, making use of previously developed land and enable larger numbers of people to access jobs, services and facilities locally, whilst not affecting the delivery of allocated sites and strengthening the role of Lincoln (Policy LP2). Meanwhile, Policy LP3 sets out how growth would be prioritised and Lincoln is the main focus for urban regeneration; and Policy LP5 supports the growth of job creating development which also supports economic prosperity but only where proposals have considered suitable allocated sites or buildings or within the built up area of the settlement; and the scale of what is proposed is commensurate with its location.

In more broader spatial terms, Policy LP33 sets out the general mix of uses that would be supported within the Central Mixed Use Area, including shops (A1); offices used by the public (A2); Food and Drink Outlets (A3, A4 and A5); houses and flats (C3); hotels (C1); student halls of residence and theatres.

#### ***b) Assessment of the Principle of the Proposed Use***

The proposals are for student accommodation within existing and proposed buildings and Members will note elsewhere from this report that there is consent for Viking House to be used for residential purposes.

It is noted that both persons commenting on the application have referred to the fact that they consider that the proposals for student accommodation would have a negative impact upon the locality. However, as alluded to in the relevant policies above, the incorporation of student housing within the redevelopment of the site is an appropriate use, as the site is located within the Central Mixed Use Area where such uses are acceptable. Furthermore, there is now no requirement for developers to evidence a need for student accommodation linked to the demand for students but it is still necessary to consider the implications of that use, which will be dealt with elsewhere in this report.

Meanwhile, in terms of the city-wide impact of student accommodation, it is a valid argument that the provision of managed purpose-built student accommodation could have a positive impact upon the social imbalance within nearby residential areas, i.e. the proposals could make a positive impact upon the demand for student housing in those areas. Moreover, the

demand for houses in multiple occupation could reduce thereby facilitating a return of dwellings to family occupation. Notwithstanding this, it is clear that the site is sustainably located in the heart of the city, close to the facilities and services that would support this use and the Universities in the city are accessible by cycle and walking routes. This ensures that this form of residential accommodation would be appropriate in this location.

In terms of the sustainability dimensions of the development, officers recognise that the development would deliver economic and social sustainability directly through the construction of the development. There would also be indirect benefits through the occupation of the student accommodation and the potential spend of occupiers in the City, as well as the retention/creation of other jobs due to the location of the development within the City.

Overall, the erection of development in this location would not in itself undermine sustainable principles of development subject to other matters referred to in the relevant policies, so it is important to consider the wider sustainability of the development.

## **2) The Impact of the Design of the Proposals**

### **a) *Relevant Planning Policy***

So far as this issue is concerned, as alluded to above, the proposals must achieve sustainable development and it is the social dimension of sustainability that relates to design. Moreover, Paragraph 7 of the Framework requires the creation of high quality built environment. In addition, the policy principles outlined in Paragraphs 17, 58, 60, 61 and 64 of the Framework also apply. Moreover, the Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

At the local level, the Council, in partnership with English Heritage, have undertaken the Lincoln Townscape Appraisal (the LTA), which has resulted in the systematic identification of 105 separate “character areas” within the City. The application site lies within the ‘*Newland*’ and ‘*Brayford*’ Character Areas. Policy LP29 refers to the LTA and requires that developments should “protect the dominance and approach views of Lincoln Cathedral, Lincoln Castle and uphill Lincoln on the skyline”. This policy is supported by Policy LP17, which is relevant to the protection of views and suggests that:-

“All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.”

Policy LP26 refers to design in wider terms and requires that “all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.” The policy includes 12 detailed and diverse principles

which should be assessed. This policy is supported by Policy LP31, which refers to the protection and enhancement of the character of the city.

In terms of the wider impacts upon built heritage, Policy LP29 also requires that “proposals within, adjoining or affecting the setting of the 11 Conservation Areas and 3 historic parks and gardens within the built up area of Lincoln, should preserve and enhance their special character, setting, appearance and respecting their special historic and architectural context”; and “protect, conserve and, where appropriate, enhance heritage assets, key landmarks and their settings and their contribution to local distinctiveness and sense of place, including through sensitive development and environmental improvements”.

Meanwhile, conservation is enshrined in the Core Planning Principles of the Framework (Paragraph 17) as planning is expected to “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”. In addition, Section 12 of the Framework also refers to the impacts of development upon designated heritage assets and is supported by Policy LP25 also applies as it specifically refers to the impacts of developments upon these assets. In terms of conservation areas, the policy requires that development should either enhance or reinforce features that contribute positively to the area’s character, appearance and setting. Meanwhile, proposals also need to have regard to the setting of other designated assets, including listed buildings.

## ***b) Assessment of the Implications of the Proposals***

### *i) The Site Context and Submission*

The application site is contained within the West Parade and Brayford Conservation Area and is considered to have the potential to affect views into and within the Area. As such, the visual implications of the proposals for the site are key to the assimilation of development into its context and the creation of high quality built environment. As part of the pre-application process, officers have worked with the applicant in order to ensure that the visual appearance of the development would not have a detrimental impact upon townscape.

Whilst not referred to in the relevant site history, this application is one of two applications for two independent phases of development for the land occupied by Viking House and Nos. 100-104 Newland. Moreover, a second application has been prepared to deal with a further building to the rear of Nos. 100-104 in its car park, which would wrap around the edge of the site boundary to the car park to the Horse and Groom public house toward One The Brayford. This would provide an expanded courtyard (larger than that which is shown in the current application) and encompass refuse storage.

Both phases of the development are shown in the images on the following page.





*The application buildings included in this phase of development are in the centre of the picture. However, the picture also includes a second phase of buildings. Moreover, between the proposed extension to Viking House and the extension of the Doubletree by Hilton hotel, is a white building proposed to replace the Taste of Marrakesh restaurant. Meanwhile, to the right at the rear of 100-104 Newland is a further building proposed in that second phase of development.*



*View northwest across Carholme Road towards the rear of 100-104 Newland and the building proposed in Phase 2 of the development of the site. Viking House is visible above the building.*

## *ii) The Impact of the Development in its Context*

The existing Viking House building does not make a positive contribution to the character and appearance of the Conservation Area and has a tired appearance. The architecture of the building also draws attention to this due to the number of windows and the colour scheme of the materials. Similarly, the building is positioned back from the footpath edge so there is leakage in the building line.

Members will note that there have already been proposals approved to clad Viking House but the current proposals involve a slightly different approach to remove the rendered panels and replace this with an applied render of the black/charcoal cladding. This would help to tie the building back into the architecture of the One The Brayford development, with which it was originally associated. Furthermore, when viewed from the west, either end of the building would be 'bookended' with a more solid element through the incorporation of brick cladding. This will help to frame the building, the horizontality of which currently terminates abruptly at either end.

The brick bookend to the northern end of the building will wrap around to Newland and join the new extension which would infill the frontage of the site. This would be four storeys tall, with the lower floor accommodated below street level as it would link to the ground floor of Viking House, which is lower than Newland. This is not an alien approach to the accommodation of buildings in the locality as the listed terrace to the east incorporates a similar feature.

The architecture of the extension is simple in its composition but maintains the rhythm and balance of windows and brickwork found elsewhere along Newland. The architectural solution is also sufficiently different from others in the street to maintain the individuality of buildings that inform the street scene. The scale of the building will also sit comfortably alongside that of Nos. 100-104 Newland and the other existing buildings to the southern side of the street. Similarly, it will also provide an appropriate transition up to the much taller Viking House building, in a similar way to the recently erected extension to the Doubletree hotel.

The final element of the proposals is a single storey link between the buildings to provide access into Nos. 100-104 Newland, which would be glazed and incorporate a simple overhang to the street frontage.

## **c) Summary in Relation to this Issue**

It is accepted that the Viking House building would undoubtedly have a greater presence as a result of the alteration of its external appearance. However, like the cladding of One The Brayford, the materiality of the scheme of cladding for Viking House remains recessive due to the darker palette so it would not be overly prominent. Furthermore, the architecture of the extensions to Newland would also be complimentary to the existing form and scale of buildings in the street.

Consequently, it is considered that the development would enhance the character and appearance of the Conservation Area, as the proposals would regenerate the Viking House building and its wider environs with a high quality development that would integrate with the surrounding townscape that contributes to the valued character and appearance of the conservation area. Therefore, it is considered that the proposal satisfies the duty contained within section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990

'In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. Furthermore, the proposal is in accordance with the guidance contained within paragraph 137 of the NPPF which advises that Local Planning Authorities should look for new development within a Conservation Area and within the setting of heritage assets to reveal or better enhance significance.

### **3) Implications of the Proposals upon Amenity**

#### **a) *Relevant Planning Policy***

In terms of national policy, the NPPF suggests that development that results in poor design and/or impacts upon the quality of peoples' lives would not amount to sustainable development. Consequently, the implications of both are key to the consideration of the acceptability of the principle of development within a given site. Moreover, the Framework (Paragraph 9) sees "seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life" as being important to the delivery of sustainable development, through "replacing poor design with better design" and "improving the conditions in which people live" amongst others. Furthermore, the core principles of the Framework (Paragraph 17) indicate that "planning should...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

Policy LP26 of the Plan deals with design and amenity. The latter refers to the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy and suggests that these must not be unduly harmed by, or as a result of, the development. There are nine specific criteria which must be considered. The policy is in line with the policy principles outlined in Paragraphs 17, 59 and 123 of the NPPF. Indeed, Paragraph 123 of the Framework suggests that "decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development".

#### **b) *Concerns of Residents and Occupants of Buildings***

Concerns have been expressed by an occupant of the residential apartments adjacent in relation to the student occupation of the building and the relationship with the apartments. Moreover, it is suggested that there would be access to One The Brayford from Viking House. However, it is understood that the link to the building would actually be for fire escape purposes from the residential apartments.

In terms of other matters, it is suggested that student occupation would lead to increased noise, litter and other waste. The response to these matters will be set out below.

#### **c) *Assessment of the Implications of the Proposals***

As there are existing buildings within the site and extensions to these to provide additional accommodation, it is important to establish whether there would be any harmful impacts associated with the proposals in connection with these from either perspective.

*i) Impacts of Overlooking / Loss of Privacy*

In terms of the original Viking House building, it is the impacts of overlooking / loss of privacy that are perhaps the main area of consideration as the alterations to the fabric of the building would not result in any other implications upon amenity. However, due to the change in the internal layout from office to residential use, there would be a reduction in the number of windows in the façades of the building facing the hotel and existing apartments. In light of this, there would be fewer opportunities for overlooking or loss of privacy to neighbouring properties and vice versa. Similarly, given the separation distance from Nos. 100-104 Newland to neighbouring buildings, there would also not be direct implications upon neighbouring uses in terms of overlooking or loss of privacy.

Meanwhile, in terms of the new windows proposed in the eastern elevation of the extension toward Newland, these would primarily face toward the side elevation of the Taste of Marrakesh restaurant but some would permit views towards the rear of the building. However, it is important to consider that the building is proposed to be demolished, as part of the second application submitted by the applicant (Note: the applicant has also served notice on the owner of the property as part of that application and has been in discussions to acquire that building to realise those proposals). With this in mind and the strong possibility of an alternative building and occupancy within that site, it is considered that the impacts upon privacy would not be sufficiently harmful to warrant delaying the proposals for this adjoining development.

*ii) Impacts of the Scale of the Building*

The dense urban context within which the area is situated would mean that one would not necessarily expect the same degree of protection of amenity in this context as in a suburban context. However, it is clear that there would be a considerable change in circumstances, including overshadowing and loss of light and outlook resulting from the development upon the existing Taste of Marrakesh restaurant and residential occupancy above. Notwithstanding this, as alluded to above, the second phase of development of the environs of Nos. 98-104 Newland is to erect a new building within the site of the Taste of Marrakesh. In light of this, it is considered that the impacts of the scale of the building would not be sufficiently harmful to warrant delaying the proposals for this site.

*iii) Noise from the Proposed Use*

Due to the large number of occupants that the proposed development could house, there is potential for comings and goings associated with student accommodation to impact upon the residents of the adjacent apartments, particularly at unsociable hours. However, as with other similar developments, this potential issue could be mitigated by implementing an appropriate building-wide management plan, such as a 24 hour concierge serving the main entrance/reception. This could be controlled by a suitable condition requiring that details of a management plan be submitted prior to occupation.

At this time, it is not possible to be sure what plant and machinery may be required for the proposed use, particularly in the context of the mitigation of noise and/or air pollution from nearby roads. However, these matters can be controlled through the use of planning conditions, alongside controls over the collection hours for refuse and the construction working hours for the development.

#### *iv) External Lighting*

As the site is close to residential properties, any lighting used to illuminate the building or its entrances may have an impact upon those residents. It is therefore important that this is appropriately designed not to have a detrimental impact upon neighbouring properties. It is therefore recommended that an appropriate scheme of lighting is controlled by planning condition.

#### **d) The Planning Balance**

Taking all the above in to account, it is considered that the proposed development of the site could be accommodated in a manner that would not cause unacceptable harm in respect of the protection of amenity. Moreover, with satisfactory controls over the mitigation employed in relation to noise, servicing / working and external lighting, the proposals would be socially and environmentally sustainable in the context of the Framework and would accord with the policies in the Local Plan.

### **4) Sustainable Access, Highway Safety and Air Quality**

#### **a) Relevant Planning Policies**

##### *i) Sustainable Access and Highway Safety*

The impacts of growth are enshrined in the Core Planning Principles of the Framework (Paragraph 17), which expects planning to actively manage this growth “to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. As such, Paragraph 35 requires that: “developments should be located and designed where practical to [amongst other things] give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; and should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones”.

A number of Local Plan Policies are relevant to the access, parking and highway design of proposals. In particular, the key points of Policy LP13 are that “all developments should demonstrate, where appropriate, that they have had regard to the following criteria:

- a) Located where travel can be minimised and the use of sustainable transport modes maximised;
- b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c) Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas”

There are also transport measures referred to in Policy LP36, which more specifically refers to development in the ‘Lincoln Area’, the key measures add to and reinforce the criteria within Policies LP5 and LP13. As such, they are intended to reduce the impact upon the local highway network and improve opportunities for modal shift away from the private car.

In particular, development should support the East West Link in order to reduce congestion, improve air quality and encourage regeneration; and improve connectivity by means of transport other than the car. Similarly, Policy LP33 also requires that developments do not result in “levels of traffic or on-street parking which would cause either road safety or amenity problems.” Moreover, the policy also highlights the importance of providing appropriate parking for vehicles and cycles for all users within developments; and that walking and cycling links are maintained and promoted.

Paragraph 32 of the Framework suggests that the residual cumulative impacts of the development would need to be severe for proposals to warrant refusal. This is reinforced by Policy LP13 of the Local Plan which suggests that only proposals that would have “severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.”

#### *ii) Air Quality*

Paragraph 109 of the NPPF introduces the section in relation to the conservation and enhancement of the natural environment. Given that the site is located adjacent within the Air Quality Management Areas (declared by the Council due to the likely exceedance of the national air quality objectives for nitrogen dioxide and particulate matter), this section of the NPPF should be given great weight. It states that “the planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”.

Paragraph 120 sets the scene and refers to development being “appropriate for its location”. It goes on to say that “the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.” Paragraph 124 refers in more detail to the implications of the location of development within an Air Quality Management Area and requires that “planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan”.

Meanwhile, Local Plan Policy LP13 also refers to air quality and requires that “all developments should demonstrate, where appropriate, that they...ensure allowance is made for low and ultra-low emission vehicle refuelling infrastructure.”

#### ***b) Sustainable Access and Highway Safety***

It is important to consider the implications of the proposals upon the highway network from the perspective of access, safety and traffic capacity. In this instance, the proposals have been discussed with the Highway Authority prior to the submission of the application. Whilst the application would result in the removal of parking spaces currently provided within the Viking House building, the Highway Authority has historically not requested parking needs to be provided as part of student residential schemes. In this instance, given the proximity of the development to the University of Lincoln and the city centre, it is ideally located adjacent to Newland to be accessible on foot and by bicycle. Meanwhile, in terms of student arrivals, the building can also be reached conveniently by public transport as it is not far from the bus and railway stations and there are public car parks nearby.

In terms of the immediate impacts of the proposals upon the highway, officers are satisfied that it would be possible to provide access for refuse collections in a safe and convenient manner and this matter could be addressed by planning conditions. In addition, it is also important to note that the proposals would result in a positive impact upon highway safety as the vehicular access/egress to the Newland frontage would be closed off as part of the proposals as it would be blocked by the new entrance building.

At the time of writing this report, although the Highway Authority has not provided their formal response to the application, their initial response is primarily in relation to drainage so they have not raised any concerns regarding the implications upon traffic capacity, parking or highway safety. In light of this, officers consider that it would be difficult to raise concerns regarding the development, as it would not be in conflict with Paragraph 32 of the Framework. What is more, with clarification in relation to the location of waste storage and access for servicing there would be limited conflict with vehicular or pedestrian flows in the locality of the site.

### **c) *Air Quality***

Whilst there has been no specific supplementary planning guidance produced in relation to air quality, the quality of air throughout the city has been monitored, and the clear goal of the City's action plan is to improve air quality.

The site was used relatively recently for office purposes in connection with the undercroft parking; the proposals, meanwhile, would result in a car-free scheme and thereby the removal of directly linked daily trips. As such, the redevelopment would lead to a direct reduction in the impact upon the city's air quality. However, the occupants of the development could still be effected by the air quality in the vicinity of the site and the applicant is aware that it may be necessary to provide mitigation of the rooms with a close relationship with the roads adjacent to the site. The applicant is currently undertaking their own air quality analysis in order to establish what mitigation, if any, would be required. This would need to be designed in accordance with any scheme to address the implications of noise from the highway.

Consequently, this matter would not, in itself, result in insurmountable issues that would warrant the refusal of the application.

## **5) Other Matters**

### **a) *Archaeological Implications of the Development of the Site***

#### **i) *Relevant Planning Policies***

The Framework and Planning Practice Guide as well as good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including *Managing Significance in Decision-Taking in the Historic Environment* and *The Setting of Heritage Assets* are relevant to the consideration of Planning Applications.

Indeed, heritage is referred to within the core principles of the Framework (Paragraph 17) and Paragraph 128 of the Framework states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the

potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Paragraph 141 of the Framework states that LPAs should ‘require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.’

Policy LP25 in the Central Lincolnshire Local Plan requires that development does not lead to significant detrimental impacts on heritage assets. This issue is directed in relation to archaeology that could be non-designated heritage assets.

#### *ii) Assessment of the Implications of the Proposals*

The proposals have been the subject of pre-application and in-application discussion regarding the archaeological implications of the proposals to develop the site frontage with Newland. The evaluation already undertaken, which was attended by the City Archaeologist, has indicated that there was an absence of human remains in the evaluation undertaken.

In light of this, the advice of the City Archaeologist is that there would be no reason to rule out piling as a foundation design. However, with the proposed depth of other groundworks, there is a distinct possibility that human remains could be present below the evaluation undertaken. As such, the applicant would need to ensure that appropriate contingencies are in place to record them if they are encountered. This is likely to take the form of the following:-

1. Monitoring and recording of the initial site strip to 600mm below ground level to install the piling mat;
2. Monitoring of the piling as it is drilled in order to identify any human remains; and
3. A Scheme of Works to cover all further groundworks to deliver ground beams, pile caps, and any other intrusive excavation that goes below the piling mat.

#### *iii) Summary*

On the basis of the above, officers are satisfied that the application fulfils the requirements of both National and Local planning policy, and is sufficient to establish the significance of archaeological remains, the broad impacts that will result from the development as proposed, and the approach to how this could be mitigated.

### **b) Land Contamination**

#### *i) Relevant Planning Policy*

As with air quality, Paragraph 109 of the Framework also refers to contamination. Paragraph 120 expands upon this and suggests that “to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.



Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

In addition Paragraph 121 states that planning decisions “should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.”

In terms of Local Plan policies, given the location of the site, Policy LP16 directly refers to the requirements of development in relation to contaminated land.

#### *ii) Assessment of the Implications of the Proposals*

The application is not supported by a report into contamination but the applicant has been in dialogue with the Council’s Scientific Officer and is hoping to reduce the need for the pre-commencement planning conditions requested. If it is ultimately not possible to address this matter prior to the Planning Committee, officers will clarify at the meeting whether planning conditions would need to be imposed.

#### **c) *Site Drainage***

Policy LP14 of the Local Plan deals with foul and surface water disposal. This links closely to the Framework, which deals with flooding at Paragraph 103.

The initial response from Lincolnshire County Council (as Lead Local Flood Authority) has confirmed that their records suggest that the site is at risk of surface water flooding, particularly having regard to the subterranean proposals. Furthermore, Anglian Water has suggested that it would be necessary to provide further details to satisfy them regarding the surface water drainage scheme for the development. Meanwhile, in terms of foul drainage they are content that there is capacity within the current system to accept the flows from the development.

As with the recent development of One The Brayford, in theory it should be possible to accommodate direct mitigation within the site to address the potential implications from surface water flooding upon the use of the buildings. However, at the time of writing this report, the applicant was finalising their response to these matters. If it is ultimately not possible to address this matter prior to the Planning Committee, officers will clarify at the meeting whether this matter could be controlled by planning condition or if information would be required through the application process.

#### **6) Planning Balance**

Paragraph 14 of the Framework sets out a presumption in favour of sustainable development which for decision taking means that where relevant policies of the development plan are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,

when assessed against policies in the Framework, taken as a whole; or specific Framework policies indicate development should be restricted. There are no restrictive policies that would lead to the proposals not being sustainable. However, a conclusion whether a development is sustainable is a decision that has to be taken in the round having regard to all of the dimensions that go to constitute sustainable development.

In this case, officers consider that the principle of the development of the use proposed within the existing and proposed building within the site would be acceptable and the development would deliver economic and social sustainability directly through the construction of the development and the uses proposed therein; and indirectly through the occupation of the building. Moreover, the provision of additional purpose-built student bed spaces available in a location relatively close to both universities in the city should hopefully reduce the dependency further upon houses in multiple occupation, which would in turn also improve environmental sustainability.

It is clear from the main body of the report that the proposed building would have some impacts upon amenities of the occupants of the Taste of Marrakesh, however, there are proposals to demolish that building and erect a further new purpose-built student accommodation building on the site. As such, it would not be reasonable to preserve the site in aspic or unnecessarily restrict development, as both matters are important in the context of the social or environmental sustainability of the development. As such, with suitable schemes to deal with drainage, archaeology, contamination, noise, air quality and site lighting, the development would be environmentally sustainable.

In this instance, in light of all of the above, officers would advise Members that the planning balance should fall firmly in favour of the proposals as long term enhancement would be brought to the conservation area, as well as potential stimulus to the wider enhancement of historic townscape. This is particularly important given that Newland is a key entry point into the heart of the city.

Thus, assessing the development as a whole in relation to its economic, social and environmental dimensions and benefits, officers are satisfied that the benefits of developing this site would, in the long-term, be more important than the potential impacts of not doing so. As such, it is considered that the proposal could be sustainable development and would accord with the Local Plan and Framework, sufficient for the recommendation of officers to be that planning permission should be granted subject to planning conditions.

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

Yes, in respect of numerous matters as referred to in the application.

### **Financial Implications**

The proposals would offer benefits to economic and social sustainability through spend by new and existing students, jobs created/sustained through construction and the operation of the development respectively.

### **Legal Implications**

None.

## **Equality Implications**

None.

## **Conclusion**

The presumption in favour of sustainable development required by the National Planning Policy Framework would apply to the proposals as there would not be conflict with the Framework in respect of sustainability that would apply to development as set out in the planning balance. It is the conclusion of officers and therefore the recommendation to Members that there would not be harm caused by approving the development so the application should benefit from planning permission for the reasons identified in the report and be subject to the conditions outlined below.

However, if any new material planning considerations have been raised within correspondence received following the writing of this report which would lead to a different conclusion being reached or which would require further consideration and/or planning conditions, officers will provide members with a detailed response on the Update Sheet. This will have regard to any further consultation responses received in the timeframe from the agenda being published and the date of the planning committee, or these will be reported directly at the planning committee if appropriate.

## **Application Determined within Target Date**

Yes.

## **Recommendation**

As the overall public consultation period for the application does not expire until 24 May 2018 (as a result of the press and site notices published), it is the recommendation of officers that authority is delegated to the Planning Manager to issue planning permission subject to the planning conditions listed below. However, should there be any further material planning considerations raised (within correspondence received following the Planning Committee agenda being published) that have not already been considered in this report or that could not be addressed by existing or additional planning conditions, the application will be referred back to the next available Planning Committee for the consideration of Members.

## **Standard Conditions**

Timeframe of the planning permission  
Approved Plans

## **Conditions to be discharged before commencement of works**

Materials Schedule and Detailed Plans (Windows etc.)  
Contaminated Land Remediation  
Archaeology  
Site Drainage  
Air Quality and Noise Mitigation

## **Conditions to be discharged before use is implemented**

Building-wide Management Plan  
Scheme of Landscaping  
Refuse Storage

**Conditions to be adhered to at all times**

Construction Working Hours and Deliveries  
Scheme of External Site Lighting

**Report by Planning Manager**