

Application Number:	2018/0533/FUL
Site Address:	Land At 94 And 96 Newland (Taste Of Marrakesh) And No. 100, 102 And 104 Newland
Target Date:	17th August 2018
Agent Name:	Globe Consultants Ltd
Applicant Name:	Jackson and Jackson Developments
Proposal:	Erection of four storey building to the south of Nos. 100, 102 and 104 Newland to provide student accommodation (Sui Generis) and demolition of rear extension to Nos. 100, 102 and 104 Newland; Demolition of Nos. 94 and 96 Newland (Taste of Marrakesh) and erection of partial subterranean four and five storey building to provide student accommodation (Sui Generis); and, erection of partial subterranean building to provide four storeys of student accommodation (Sui Generis) between Nos. 96 and 100 Newland, including glazed link to No. 100 Newland (REVISED DESCRIPTION)(REVISED PLANS)

Background - Site Location

From east to west, the application site is occupied by a mix of buildings and parking. Moreover, to the east is the Taste of Marrakesh restaurant (Nos. 94-96 Newland) and to the west is Nos. 100-104 Newland and the car park to its rear. Between these is the forecourt to Viking House (No. 98 Newland).

The Taste of Marrakesh restaurant (Nos. 94-96 Newland) is a three-storey building incorporating residential accommodation above a restaurant. Viking House itself was previously occupied for office use by the Department for Work and Pensions. The forecourt area of the building was used as part of the access to the building to provide stepped and ramped access along the eastern side of the building.

Nos. 100-104 Newland (even only) are a terrace of former dwellings that are three-storeys in height. The building was most recently occupied as the offices of CAD Associates. The car park to the rear of the building is accessed from the southbound side of Carholme Road.

Meanwhile, in the context of the surrounding area, to the east is the Doubletree by Hilton hotel, which has recently been extended toward Newland. To the south is One The Brayford (formerly Mill House), which has also been extended to provide a mixture of commercial, office and residential uses. Furthermore, to the south and west is the Horse and Groom Public House and its car park.

The access to the buildings is currently a mixture of pedestrian access from Newland and vehicular access from Carholme Road.

Background – Description of Development

Extension to 98 Newland (Viking House)

In the first instance, it is important to acknowledge that Members considered a planning application at the Planning Committee on 23 May 2018 in relation to the original Viking House and 100-104 Newland buildings, as well as the erection of an extension to Viking House toward Newland. Members subsequently delegated authority to the Planning

Manager to finalise the approval of the application following the completion of public consultation and the drafting of planning conditions.

Notwithstanding this, since the Planning Committee, the applicant has carried out some exploratory work to determine the position of utilities. As a result of the position of a gas pipe, the applicant has again included the extension to Viking House, as the building may subsequently need to be moved 1.4m to the east should it not be possible to relocate the gas pipe. This would therefore provide the applicant with some flexibility.

As before, this element would be a red brick and slate roof extension 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.

However, as a result of the changes, the single-storey building that would be positioned between this and No. 100 Newland would be slightly wider, this would provide a covered entrance to the reception, as well as a secure access to the courtyard to the rear; and the extension to Viking House would be inset from the north-western corner of the building.

Demolition of Taste of Marrakesh and Erection of New Building

The proposals to demolish the Taste of Marrakesh restaurant and replace it with a new building would incorporate a partial subterranean four and five storey building. The lowest floor would be below street level like that of the extension to Viking House. As such, only four of the five floors would be visible from the street. The top floor would be partially set back in a manner similar to the neighbouring hotel. The building would be accessed by a glazed stairwell adjacent to Newland at its frontage, which would serve the ground to third floors; and the fourth floor would be accessed by an independent stairwell due to this top floor being set back from Newland.

This element of the development would be self-contained and would incorporate 17 studio apartments, each with their own cooking facilities. These either face Newland or towards the rear of the site of the building.

Erection of New Building to Rear of Nos. 100-104 Newland

Finally, the largest part of this application would be for the erection of a four storey building that would be positioned to the south of Nos. 100-104 Newland, this would be accessed by a glazed link building that would be positioned on the rear wall of Nos. 100-104, which would be facilitated by the removal of a rear projection. The building would then follow the boundary of the site with the adjacent public house car park toward One The Brayford in roughly an L-shape. This would enclose the courtyard between the new building, 98 and 100-104 Newland.

This building would be accessed by stair and lift access and serve clusters bedrooms arranged around shared accommodation. This would be in clusters of eight on the ground floor and ten on the floors above, totalling 76 bedrooms (4 of which would be adapted for disabled occupants).

Meanwhile, the plant servicing the building and the refuse storage for the wider development would be sited within the building at ground floor.

Site History

Reference:	Description	Status	Decision Date:
2018/0531/FUL	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.	**Pending Issue of the Decision**	
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
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

Case Officer Site Visit

Undertaken on 24th May 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 wider public consultation period for the application does not expire until 21 June 2018, this is the day following the Planning Committee Meeting. The timing is due to the date of the Press Notice. Meanwhile, the Site Notice consultation date expires on 14 June 2018 and consultations with consultees run until 15 June 2018.

In terms of direct consultations undertaken with neighbours, the majority of consultations expire on 13 June 2018. However, officers undertook further consultation with 14 apartments within One The Brayford which face out towards the site. This was undertaken on 31 May 2018 and expires on 23 June 2018. The applicant has confirmed that they currently retain the ownership of seven of these apartments (one of the two apartments on floor 3; both apartments on floor 5; and all four apartments on Floor 6).

In addition, the applicant has also asked that Members are made aware of the consultation that they undertook independently of the Council with all of the owners/occupants within the One The Brayford building, as well as potential purchasers of apartments. A copy of this letter is therefore attached to this report (Appendix A).

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
Lincolnshire Police	Comments Received
Highways & Planning	Comments Received
Anglian Water	Response Awaited
Lincoln Civic Trust	No Objection
West End Residents Association	Response Awaited
Environment Agency	Response Awaited
Upper Witham, Witham First District & Witham Third District	Response Awaited

Public Consultation Responses

No responses received to date by virtue of all the public consultation undertaken.

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 further purpose built student accommodation within the grounds of Nos. 100-104 Newland and in the form of a replacement for the Taste of Marrakesh restaurant. Meanwhile, the building recently consented as an extension to Viking House is amended due to the footprint moving slightly to the east to avoid utilities beneath the site.

As with the application for the first phase of the development of the wider site, officers appreciate that the incorporation of additional student accommodation would be an emotive issue, particularly as there were concerns with that application that students could 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, Members may recall that the previous officer report and discussion at the Planning Committee in May outlined that there is now no requirement within Local Plan Policy for developers to evidence a need or demand for student accommodation. Similarly, the future use of the buildings and the risks associated with non-occupation by students are also points that are not currently addressed by the policies of the Local Plan. As such, it would be difficult to insist that the developer addresses the future implications of potential changes of use. However, the trajectory of the growth of the universities in the city would point to a strong market for student accommodation so such risks should be low. Notwithstanding this, it would still be necessary to consider the implications of the proposals, which will be dealt with elsewhere in the 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.

As 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, this second application has been prepared to deal with the building to the rear of Nos. 100-104 within 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 was shown in the first application) and encompass refuse storage to the southern end of the building.

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



The application buildings included in this phase of development are to the left and rear of the three storey building situated at the corner of Newland and Carholme Road. Moreover, whilst this image has not been updated to show the slightly revised siting of the proposed extension to Viking House toward Newland, the impact in this view would be very similar. Meanwhile to the east of this, a white building with a recessed top floor is shown to replace the Taste of Marrakesh restaurant. The stepped appearance would align with the approach to the massing of the extension to the Doubletree by Hilton hotel. Furthermore, to the right at the rear of 100-104 Newland is a further building proposed, which is shown in greater detail below.



This image is a view northwest across Carholme Road towards the rear of 100-104 Newland and the four storey building proposed as part of this second phase of the development of the site. Viking House is visible above the building and the building joins to Nos 100-104 with a lower glazed building, which replaces the rear projection to the building that staggers down along the Carholme Road frontage.

ii) The Impact of the Development in its Context

The existing taste of Marrakesh building has unfortunately been unsympathetically altered over time and its fabric compromised as a result. Consequently, it does not make a positive contribution to the character and appearance of the Conservation Area and weakens the street frontage due to its presence at the footpath edge.

The architecture of the replacement building is simple in its composition but maintains the rhythm and balance of windows and façade found elsewhere along Newland and would be a suitable transition between the extensions to Viking House and the Doubletree. Moreover, the architectural solution would have the individuality to ensure that it aligns with the approach taken over time with different buildings. The step in the scale of the building will also ensure that the building will sit comfortably in wider views of the street and roofscape.

Meanwhile, the proposals to the rear of Nos. 100-104 Newland would be of a scale similar to that of the existing building and would begin to fill the gap between that building and the adjacent public house whilst also providing an appropriate transition up to the much taller Viking House building, which would soften the visual implications of this taller building. The alignment of the building is not necessarily commonplace within the locality but this does not mean that it would not be an appropriate intervention. Rather, the use of red brick façades and a strong roof form of darker materials would ensure that this building assimilates appropriately with the other surrounding buildings and wider context.

Both of the new buildings on Newland would accommodate rooms below street level in a similar manner to the listed terrace to the east, so this would not be an alien approach to the accommodation of buildings in the locality. What is more, the inclusion of glazed stairwells and entrance building between the new and existing buildings would help to provide a break between the different approaches to the architecture of the façades of the buildings within the site.

c) Summary in Relation to this Issue

It is accepted that the introduction of a new building between Viking House and Carholme Road would undoubtedly make a significant contribution to townscape and the grain of development. However, the development would help to provide a suitable step up to that building with the result that it would soften its impact in its context. What is more, the other new buildings would be complimentary to the existing form and scale of buildings and would be detailed to ensure that they have sufficient prominence. Therefore, it is considered that the development would enhance the character and appearance of the Conservation Area, as the proposals would regenerate Newland and the important spaces around the prominent Viking House building with a high quality development that would integrate with the surrounding townscape that contributes to the valued character and appearance of the conservation area.

Consequently, officers would advise Members 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 proposals would be 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) *Assessment of the Implications of the Proposals*

As there are existing buildings adjacent to the proposed accommodation, it is important to establish whether there would be any harmful impacts associated with the proposals in connection with these; and whether the proposals would be appropriate for future occupants.

i) *Impacts of Overlooking / Loss of Privacy*

In terms of the apartments in One The Brayford that face north, it is proposed that there would not be any directly facing windows in the development that could not be obscure glazed to ensure that there would not be a loss of privacy. Similarly, the elevations of the hotel that face north and west are either blank or incorporate obscure glazing (this was in order to protect the original Taste of Marrakesh building).

The greatest impact would undoubtedly be between the facing windows of the student accommodation but, given that the development is owned / managed by one party, it is considered that the relationship would not be unreasonable. The same could not be said for independent residential accommodation where a greater degree of protection would be expected. However, the proposals would not promote direct facing windows between the student accommodation and the apartments in One The Brayford so there would not be a harmful impact upon privacy.

ii) *Impacts of the Scale of the Building and Outlook*

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. Notwithstanding this, it is clear that the occupants of a number of the apartments within the lower levels of One The Brayford would face towards the southern façade of the building proposed to the rear of Nos. 100-104 Newland, whilst others would look over the top of the building so would not be affected.

Moreover, whilst there would be some overshadowing and loss of light, as well as implications upon outlook resulting from the close proximity of two developments, it is important to acknowledge that the properties in One The Brayford currently face north. Given this orientation, very much upon balance, it is considered that the change in circumstances with respect to loss of light and overshadowing would not be so significantly different to the existing situation to be harmful to the occupants of those properties. Likewise, with respect to the outlook from those apartments, officers are mindful that the site is situated within a more densely spaced context, as such, the expectations of occupants would not necessarily be the same as within a suburban or looser grain of development.

Notwithstanding this, as alluded to in the 'Consultation' section of this report, the applicant has confirmed that they currently retain the ownership of 7 of the 14 apartments located in the north facing façade of the building (one of the two apartments on floor 3; both apartments on floor 5; and all four apartments on Floor 6). As such, those properties remain empty and any potential purchasers would be aware of the proposals were they to be consented. However, the consultation section also refers to the letter sent by the applicants to all residents and those in discussions to purchase apartments regarding the proposals.

Whilst the lack of objections or comments in relation to the scheme from occupants of the remaining properties should not necessarily be seen as support for the development, extensive consultation has been undertaken for the application and no such responses have been received to date. Consequently, very much on balance, having regard to the context referred to above, officers would not raise objections to the proposals upon the grounds of the impacts upon those properties.

Meanwhile, in terms of the other adjoining developments, given that the new building within the site of the Taste of Marrakesh would not result in a material change in the manner in which accommodation adjoins the extension to the Doubletree by Hilton hotel or Viking House, it is considered that there would not be any harmful impacts upon the future occupants of the existing and proposed buildings. Furthermore, in terms of the outlook from the subterranean areas of the new buildings, this would not be significantly different from the accommodation contained within the listed terrace to the east of the site so it would be difficult to argue that this approach to residential accommodation would not be appropriate.

iii) Noise from the Proposed Use

Due to the large number of occupants that the proposed development could accommodate, 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 the remainder of this developments and others in the city, 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.

c) 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 (including from plant and machinery), 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 to the rear of Nos. 100-104 Newland, 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 safe and secure access for refuse collections through the One The Brayford car park to the south of the site, which can be controlled by planning condition. 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 Carholme Road frontage would be closed off as part of the proposals as it would be blocked by the extension to the rear of Nos. 100-104 Newland.

The Highway Authority has provided their formal response to the application as part of a dual response to the application for Phase 1 of the development. This includes reference to the surface water drainage scheme for the site as well as the closing up of an access to Newland. However, this would also need to include the access to the car park from Carholme Road, as this would also no longer be in use.

Consequently, as the Highway Authority's response does not raise any concerns regarding the implications upon traffic capacity, parking or highway safety, officers consider that it would be difficult to raise concerns regarding the development. Moreover, there would not be conflict with Paragraph 32 of the Framework.

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 parking at the rear but 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.

Notwithstanding this, as alluded to above, 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. The applicant has carried out some evaluation but will ultimately need to carry out further evaluation to inform the foundation design. This is currently being negotiated with officers in order to establish whether this can be utilised as a preservation strategy. However, officers are still in discussions with the applicant in relation to the final design of the foundations for the building and the nature of further evaluation and mitigation to be undertaken.

Consequently, officers will provide Members with an update in relation to the progress made since the completion of this report on the update sheet and whether the proposals would fulfil the requirements of both National and Local planning policy.

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.

Whilst it is noted that the Drainage Board objects to this application, the response from Lincolnshire County Council (as Lead Local Flood Authority) has confirmed that the surface water drainage principles for the site would be acceptable subject to the final design of the scheme to serve the site. Furthermore, as part of the Phase 1 application, Anglian Water 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 were content that there is capacity within the current system to accept the flows from the development. The comments of Anglian Water in relation to this phase are awaited and if they report any changes in circumstances with regard to the response provided to the first phase, this will be reported to Members on the update sheet.

In addition, as with Phase 1 of the development, the direct mitigation within the site to address the potential implications from surface water flooding upon the use of the buildings would be proportionate.

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 buildings 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 buildings. 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 One the Brayford but these are not considered to be so harmful to warrant refusal of the application or to unnecessarily restrict development. As such, at the time of writing this report, with suitable schemes to deal with drainage, contamination, noise, air quality, site lighting and particularly archaeology, 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 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 and Carholme Road are key routes 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 23 June 2018, 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 (including design of plant and machinery)

Conditions to be discharged before use is implemented

Closing of Accesses to Newland and Carholme Road
Building-wide Management Plan
Scheme of Landscaping
Refuse Storage and Servicing

Conditions to be adhered to at all times

Construction Working Hours and Deliveries

Scheme of External Site Lighting

Report by Planning Manager