

Application Number:	2018/0655/FUL
Site Address:	Homebase, Lidl Outlet, ToppsTiles and Part of BHS (Units C, D, E), St Marks Retail Park, Lincoln
Target Date:	19 September 2018
Agent Name:	Montagu Evans
Applicant Name:	Standard Life Investments
Proposal:	Demolition of existing buildings and development of the site for purpose built student accommodation with commercial floor space, car parking, cycle storage and associated landscaping

Background - Site Location and Description

Site Location and Relevant Planning History

The application site is located within the south western corner of the wider redevelopment site encompassing the St. Marks Retail Park and Shopping Centre (reference: 2017/0097/OUT). The site is the area currently occupied by the Homebase, Lidl Outlet and Topps Tiles units and part of the BHS unit and surface parking area in the foreground of these units. Prior Approval has already been granted for the demolition of the units (2018/0762/PAD).

The site is bound on three sides by carriageways being to the west of Firth Road, to the north of Beevor Street and to the east of Tritton Road. A row of terraced houses and a small triangular shaped plot of disused land border the application site's southern corner.

Description of Development

The outline planning application for this part of the site included a portion of the 150 residential units approved across the development site and up to 1,100 student units (Sui Generis Use), with some commercial uses at ground floor to the northern perimeter.

This application is for the erection of ten blocks of student accommodation, varying in height from four to ten storeys in height, for a total of 1368 bed spaces in clusters with shared living spaces.

The main vehicular access for the site would be from the current service yard access at Firth Road, this joins Tritton Road at the traffic light controlled intersection with Beevor Street. The access will lead into the site for servicing purposes but will be primarily for the collection of refuse from storage areas adjacent and the drop off point for students.

Between the blocks would be a series of spaces with seating, landscaping and cycle stores, which will ultimately permit public access from outside the site through to the remainder of the St. Marks development.

Case Officer Site Visit

Undertaken on 24/05/2018.

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 LP6 Retail and Town Centres in Central Lincolnshire
- Policy LP7 A Sustainable Visitor Economy
- Policy LP9 Health and Wellbeing
- 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 LP21 Biodiversity and Geodiversity
- Policy LP24 Creation of New Open Space, Sports and Recreation Facilities
- 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 Outline Planning Application and Consideration of Central Lincolnshire Local Plan Policy;
2. Environmental Impact Assessment;
3. The Principle of the Development;
4. Sustainable Access, Highway Safety and Traffic Capacity;
5. The Impact of the Design of the Proposals;
6. The Implications of the Proposals upon Amenity;
7. Other Matters; and
8. The Planning Balance.

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environment Agency	Comments Received
Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received
Historic England	Recommendations made
Anglian Water	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received

Public Consultation Responses

Name	Address
Lincolnshire Fire And Rescue	Grantham Fire Station Harlaxton Road Grantham NG31 7SG

Consideration

1) The Outline Planning Application and the Consideration of Central Lincolnshire Local Plan Policy

The outline planning application for the development of the wider St. Marks Retail Park and Shopping Centre was considered at the cross over point from the 1998 Local Plan to the Central Lincolnshire Local Plan. In the interests of fairness to applicants, the Council's within Central Lincolnshire decided not to strictly apply those policies for applications received before the adoption date where doing so would lead to a material change in circumstances. In particular, officers did not strictly enforce the policy seeking contributions from developers in relation to health provision for such applications (Policy LP9).

In light of the fact that the outline application considered the principle of the development of student housing, it is considered that it would not be reasonable to turn the clock back and revisit this issue for the proposals, so the policy will not be applied in this respect.

2) Environmental Impact Assessment

The Environmental Impact Assessment (EIA) is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('The EIA Regulations'). These regulations apply the requirements of the Environmental Impact Assessment Directive "*on the assessment of the effects of certain public and private projects on the environment*" to the planning system in England. It aims to ensure that any significant effects arising from a development are identified, assessed and presented to help Local Planning Authorities, statutory consultees and other key stakeholders in their understanding of the impacts arising from development.

This assessment has been undertaken through the submission of an Environmental Statement (ES) which addresses a number of environmental issues, the scope of which was agreed on 27 April 2018 by the LPA. The ES covers the following chapters:

- Alternatives and Design Evolution;
- Proposed Development Description;
- Demolition and Construction Environmental Management;
- Daylight, Sunlight, Overshadowing and Solar Glare;
- Wind Microclimate;
- Cumulative Effects;
- Summary of Residual Effects.

What is more, the chapters of the Environmental Statement are informed by a *Built Heritage, Townscape and Visual Impact Assessment* and other *Technical Appendices* contained within Volumes 2 and 3.

Officers are satisfied that the information contained and the methods adopted within the ES meets the necessary requirements prescribed within the regulations. The majority of the impacts are negligible, minor or moderate with a range of mitigation and environmental enhancement measures identified throughout the process which are capable of forming planning conditions which would mitigate against any potential impacts of the scheme.

The ES has also been independently reviewed for the applicant by Institute of Environmental Management & Assessment, who have not raised any concerns with the document.

3) The Principle of the Development

a) *Relevant Planning Policies*

The development plan comprises the adopted Central Lincolnshire Local Plan (the Plan) and during its examination the policies therein were tested for their compliance with the Framework, which advocates a 'presumption in favour of sustainable development' (Paras 10 and 11).

In terms of sustainable development, Paragraph 8 of the Framework suggests that there are "three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the

right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

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.

Policy LP33 sets out the mix of uses that would be supported within these areas, 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. It suggests that a mixture of these uses should not detract from the vitality and viability of the Primary Shopping Area. Conversely, the aim should be to "add to the overall vitality of the area and to create a purpose and presence extending beyond normal shopping hours." This would be through the inclusion of significant elements of housing, which would accord with the Framework (Paragraph 81).

There is also an expectation that these areas would contain active ground floor uses within the Primary and Secondary Shopping Frontages, including leisure uses. This approach is reinforced by Policy LP7 (A Sustainable Visitor Economy), which suggests that "culture and leisure facilities, sporting attractions and accommodation" will be supported subject to four criteria related to their impact upon their context. A Lincoln context is also presented at Policy LP31 which supports its destination for tourism and leisure; and status as provider for retail services.

b) *Assessment of the Implications of the Proposals*

Sections 1 and 3 of Volume 1 the Environmental Statement refer to the nature of the uses proposed within the development, which were referred to in the wider outline planning permission. The principal differences between that permission and what is now proposed are that the residential units proposed in the south western corner of the site are omitted and the number of student bed spaces has increased from 1100 to 1368.

As alluded to in the relevant policies and permitted by the outline planning application, the incorporation of student housing within the redevelopment of the site is considered to be appropriate. Unlike previous applications within the city, there is now not a requirement for developers to evidence a need for student accommodation linked to the demand for students. However, the application is for the development of accommodation to be provided for the University on a phased basis should permission be granted.

Nonetheless, in the context of Policy LP26 and the evidence base to Policy LP37, given the impact upon the social imbalance within the community residing within the West End of the city, the proposals could make a positive impact upon the overall demand for student housing in this and other communities. Moreover, there could be a direct impact upon the demand for new and existing houses in multiple occupation, which could in turn lead to a return of dwellings to single family occupation.

Notwithstanding this, 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 and indirectly through its occupation, spend in the City and retention/creation of other jobs due to the location of the development within the City. The provision of student accommodation would also improve the social sustainability of the development being in close proximity to the university campus and diverting need away from family homes elsewhere within the city. In addition, the erection of development in this location would not in itself undermine sustainable principles of development, subject to other matters. However, it is important to consider the wider sustainability of the development.

4) Sustainable Access, Highway Safety and Traffic Capacity

a) *Relevant Planning Policies*

Paragraph 110 of the Framework sets out the key elements that development should deliver in order to ensure that they are safe and do not have a severe impact upon the road network. This is supported by policies in the Plan, including LP5, LP13 and LP33, as well as Policy LP36, which more specifically refers to development in the 'Lincoln Area'. The latter, in particular, outlines 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"

b) *Assessment of the Implications of the Proposals*

Section 3 of Volume 1 the Environmental Statement refers to Transport and Accessibility but a Transport Assessment is also included within the Technical Appendices.

The proposed development consists of student accommodation, which Members will appreciate is not a car-led form of development, as the majority of movements to and from the proposed development would be on foot or by bicycle to and from the University, and other local trips to the city centre. There will inevitably be more significant trips at the beginning and end of terms when students move in and out of the accommodation.

However, the applicant has indicated that arrangements will be made to facilitate moving in and out, with clear instructions to be set out in the student's tenancy agreements in relation to the development remaining car-free (except for disabled students) and allotted loading and unloading times.

The parking that is to be provided will be accessed from Firth Road, where an existing service yard is situated. This would serve permanent and temporary parking spaces to be provided at the proposed vehicular arrivals space. Temporary parking would be within the public realm at this point.

In terms of wider accessibility, new pedestrian routes would be provided from Beevor Street through the development to the northern edge, which will align with the main west-east route proposed in the wider outline permitted scheme, linking to High Street (via St Marks Shopping Centre) and the University. Similarly, there would also be permeability through the development west-east from Tritton Road to Firth Road.

What is more, there will also be covered and secure cycle storage units within each courtyard for a total of 126 cycles; and additional cycle stands would also be provided for visitors and members of the public.

The Highway Authority have considered the application and have not raised any concerns in relation to the development, subject to a number of conditions, including the submission of a Travel Plan to promote sustainable modes of transport, this is also referenced in the applicant's TA. There is therefore no evidence to suggest matters of congestion or road safety would warrant refusal of the application due to the social or environmental sustainability of the development.

5) 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 8 of the Framework requires the creation of well-designed and safe built environment. In addition, Chapter 12 of the Framework also applies, as this refers to the achievement of well-designed places.

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 is within the Tritton Road Industrial Character Area. 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 also 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 LP5 which also refers to the impact on the character and appearance of the area; by Policies LP7 and LP31, which refer to the protection and enhancement of the character of the city; and by Policy LP29 which seeks to protect waterside environments through ensuring they remain open and enhanced as focal points in the City; and contribute towards green infrastructure.

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”.

Section 16 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

The application site does not contain any nationally designated (protected) heritage assets, such as scheduled monuments, listed buildings or registered parks and gardens. However, the site within the setting of the historic hillside, the focus of which is Lincoln Cathedral. The position of the Cathedral against the skyline on the escarpment overlooking the city was designed to enhance its presence and visual drama. In its elevated position the monumental architecture can be best appreciated and this intentional experience reinforced the status of the church.

In the latter part of the 20th century and continuing in recent years the existing retail park and the area in general has had increasing prominence as a principal gateway into the city. This role has exacerbated the unsatisfactory edge of city townscape the site currently presents in terms of overall character design, build quality, grain, layout and scale. In short, it is incongruous and harmful to have an ‘out of town’ retail park as an urban extension to the historic High Street and Brayford Pool.

ii) *The Submission*

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 and Volume 2 of the Environmental Statement contains a *Heritage, Townscape and Visual Impact Assessment*. This refers to the implications upon Heritage Assets and character areas and it has meticulously investigated the impact of the proposals. What is more, the application submission includes a huge amount of detail, down to the street furniture and landscaping scheme to be utilised. This would enable the Council to reduce the number of planning conditions required to control additional details required.

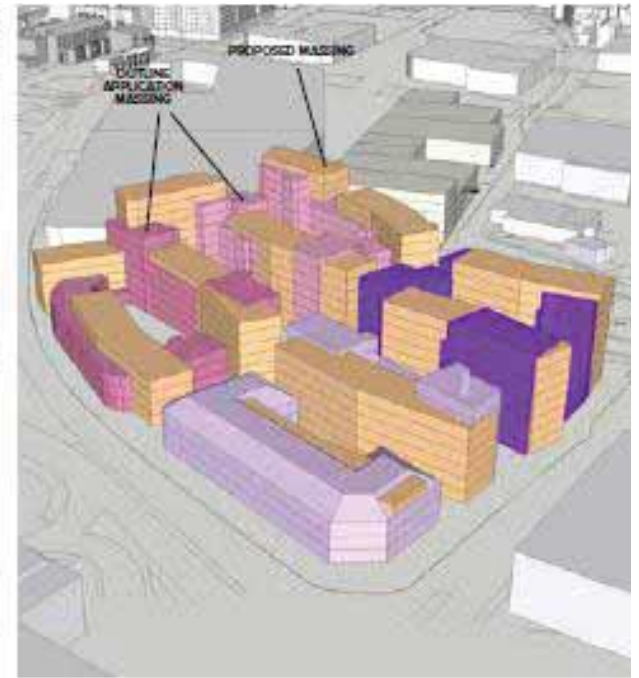
iii) *Viewpoint Analysis*



Outline application massing



Proposed massing



Combined Massing Diagram

The following images show the proposals in context of the outline planning permission approved scale parameters, when viewed from progressively further away on Tritton Road. When these are considered in relation to the overall 3D model above, it is clear that there are increases in height towards the north and east of the site but largely, the scheme proposed is smaller in scale in key positions within the view corridor towards the hillside and Cathedral.

View 01



View 02



View 03



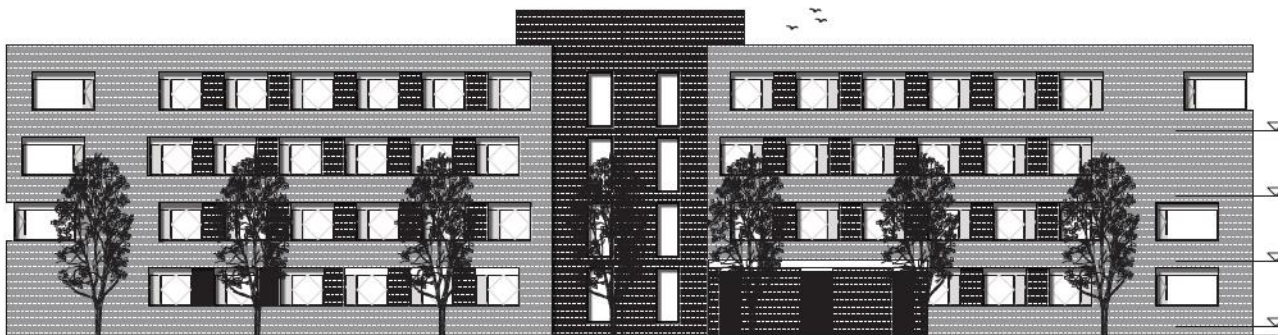
View 04



iv) Grain of Development and its Scale and Mass

It is clear that there are tall buildings within the vicinity of the application site, particularly in terms of the Holiday Inn Express hotel and 'The Gateway' student accommodation; what is more, the four storey Isaac Newton building has recently been constructed to the north of Rope Walk. However, as alluded to above in terms of the view analysis, the importance of getting the scale right within the application site has not been underestimated. Moreover, whilst Historic England have suggested that the scheme needs to be tested from various viewpoints around the city, officers do not consider that this is proportionate as the outline planning permission was tested in the context of its wider impact within the city and it was demonstrated that this would appropriately sustain the significance of the numerous heritage assets on the hillside by protecting important views. Furthermore, whilst the scale of the buildings is taller in certain parts of the site, through the use of the materials palette proposed, the design of the development would remain recessive in the views explored through that process. This latter point would address additional concerns identified by HE.

It is also important to note that due to the revisions to the proposed energy strategy for the buildings, the scale of each building has reduced slightly as plant and machinery is no longer required to the degree initially envisaged, i.e. the towers to the roofs of the buildings are now lower as illustrated from the top to bottom images below:



Block G - Rear Elevation (Before)



Block G - Rear Elevation (After)

v) Detailed Design and Layout

In terms of design and layout of the development, there are clear links between the design rationale of proposals and the wider city, particularly in terms of the materials palette that has been amended following officer advice. Moreover, the design has deliberately avoided seeking to appear as an extension of the Campus but instead focuses on integration with the traditions of this part of the city. The use of softer red tones in particular is a reflection of the larger red brick industrial and warehouse buildings historically found here. This would ensure that the development is able to successfully integrate into the surrounding

townscape. Furthermore, in terms of the specific architecture of the buildings within the development, officers are satisfied that the detailed design, including façade treatment and roof line, would assist in breaking up the perceived mass of the buildings.



View south west Within the car park to the Retail Park towards the northern edge of the site



View south east across Rope Walk Roundabout towards the northern edge of the site



View north from Beevor Street into the various courtyards between the buildings



Views above and below are looking north and east in the centre of the site



c) *The Planning Balance*

The proposals offer the opportunity to regenerate this important area with a high quality development commensurate with the character and appearance of the area and the setting of the hillside.

6) Implications of the Proposals upon Amenity

In terms of the future occupants of the proposed accommodation, there are a number of design features to mitigate the impacts of daylight, sunlight and overshadowing issues. These include maximising the amount of glazing to increase the penetration of daylight into the buildings; maximising light penetration into courtyards and ensuring that the planting of those spaces is suitable to the light conditions available.

a) *Relevant Planning Policy*

In terms of national policy, Paragraph 127 of the Framework suggests that planning decisions “should ensure that developments...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.” Similarly, those decisions should also contribute to and enhance the local environment by “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of...noise pollution”; and mitigate and reduce any “adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life” (Paragraphs 170 and 180 respectively).

Policy LP26 of the Plan deals with 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. Policies LP5 and LP33 of the Plan also refer to the impact upon the amenity of neighbouring occupiers.

b) Assessment of the Implications of the Proposals

Sections 6 and 7 of the Environmental Statement and Technical Appendices 6.2, 6.4, 6.5 and 7.1 within Volume 3 refer to daylight and sunlight analysis; sunlight amenity assessment; transient overlooking assessment, solar glare assessment and pedestrian wind microclimate assessment.

i) Daylight, Sunlight, Overshadowing and Solar Glare

As the details of the development are now fixed, the final impact of the proposals is known and the proposals would clearly have a detrimental impact upon the occupants of existing properties in Beever Street. Moreover, the ES accepts that the proposals could result in moderately adverse loss of daylight to the terrace of properties situated on Beever Street to the south of the application site. However, in considering the modelling undertaken for the development, this appears to be in the later hours of the day in summer months when the sun is higher and to the west for a longer period of the day. Furthermore, it has to be appreciated that the site is earmarked for urban regeneration and the benefits of providing a large amount of purpose built student accommodation cannot be ignored. In light of this, very much on-balance, it is considered that the harm that could be caused to neighbouring occupiers would be outweighed by the benefits of the scheme. It is also important to note that none of the occupants of those properties have raised any concerns with respect to the development.

The ES also suggests that the impacts upon sunlight and overshadowing would be negligible; and the impacts of solar glare have been addressed through mitigation of the façade design of the proposals, as they have been broken down to reduce glare to a certain extent, thus mitigating the significant effects.

ii) Microclimate

Meanwhile, in terms of wind, a desk based assessment of the wind microclimate has been carried out by a wind engineer to determine the likely microclimatic effects of the proposed development. As a result of this, the block footprints have been angled, avoiding parallel elevations, which would help to alleviate the impact of wind. However, soft landscaping will also be utilised in order to shelter those standing or sitting in amenity areas within the courtyards.

iii) Noise

Noise is referred to in Volume 1 of the ES and this identifies that “the application site is located in an area where road traffic noise is noticeable” and the layout has been informed by the survey work undertaken. However, the façade specifications along the perimeters of building blocks adjacent to Tritton Road are proposed to include upgraded glazing and ventilation. Meanwhile, in terms of the impacts of construction, the applicant has also committed to providing a Construction Management Plan which will, amongst other things, “minimise noise emissions from the proposed development (such as those from demolition and construction works, plant, servicing and delivery arrangements and vehicle movements)”. What is more, the details of any externally mounted plant and commercial kitchen extracts would need to be submitted for consideration.

iv) *Overlooking*

It is inevitable that there would be overlooking from the development but the relationship would be unlikely to be very different from other windows within the existing terrace of properties. Therefore, officers are satisfied that there would not be unacceptable harm caused to the amenities of the occupiers of those properties in this respect.

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. Moreover, with satisfactory controls over the mitigation employed in relation to microclimate, future plant and machinery and construction working, the proposals would be socially and environmentally sustainable in the context of the Framework and would accord with the policies in the Local Plan.

7) Other Matters

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

i) *Relevant Planning Policy*

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.

ii) *Work Undertaken for this Application*

The applicant has provided a Historic Environment Assessment in Volume 3 of the Environmental Statement. This is a desk-based study which assesses the impact on buried heritage assets (archaeological remains). Furthermore, a borehole evaluation is has been undertaken and the reporting for this is expected shortly. However, until such time as this information has been considered it will not be possible to confirm what further archaeological work would need to be undertaken. Officers will therefore liaise with the City Archaeologist and provide an update for Members as part of the Update Sheet and/or verbally at the Planning Committee Meeting. This should therefore address the concerns raised in respect of archaeology by Historic England.

b) *Flood Risk and Drainage*

i) *Relevant Planning Policies*

The Framework sets out a strategy for dealing with flood risk in paragraphs 155-165 inc. which involves the assessment of site specific risks with proposals aiming to place the most vulnerable development in areas of lowest risk and ensuring appropriate flood resilience and resistance; including the use of SUDs drainage systems. Meanwhile, Policy LP14 of the Plan is also relevant as it reinforces the approach to appropriate risk averse location of development and drainage of sites, including the impact upon water environments.

ii) Assessment of the Implications of the Proposals

Volume 1 of the Environmental Statement includes reference to Foul Water and Surface Water Management; and Volume 3 includes a Flood Risk Assessment. As the development is located within a portion of the site that was consented for development, the proposals remain sustainably located in terms of the Sequential Test and, subject to suitable mitigation, the development would be safe for its lifetime and not increase flood risk elsewhere.

Similarly, the drainage for the site has been provisionally designed to incorporate SUDs principles for surface water but this may not be feasible should the site be contaminated to a degree that infiltration drainage would not be appropriate. However, the application commits to provide a drainage scheme that the County Council, as Lead Local Flood Authority, and Anglian Water would be in agreement to. Anglian Water has suggested that there is capacity within their system to accommodate the flows from wastewater but the impact of foul water would need to be addressed through a strategy agreed by planning condition.

Scheme(s) for the disposal of foul and surface water will therefore need to be agreed by planning conditions, or drainage to be agreed can address this matter. In terms of foul and waste water. Consequently, subject to planning conditions, the proposals would be in accordance with the Framework, specifically in relation to flood risk as the proposals would not result in unacceptable risk to life from inundation or be in conflict with the environmental dimension of sustainability outlined in Paragraph 8.

c) Air Quality

i) Relevant Planning Policy

The Framework, through paragraphs 103 and 181, seeks to reduce pollution overall and endorses improvements to air quality and mitigation of impacts. The latter makes specific reference to Air Quality Management Areas and suggests that planning decisions should ensure that any new development should be consistent with the local air quality action plan for these areas. This approach is supported by Policy LP26 of the Local Plan, which requires that the adverse impacts of air quality upon development is considered.

ii) Assessment of the Implications of the Proposals

Section 3 of Volume 1 of the Environmental Statement refers to air quality but the applicants have been in dialogue with officers regarding air quality and the Council's Pollution Control Officer has alluded to the fact that the mitigation that is proposed to the buildings alongside Tritton Road is considered to be reasonable and proportionate to the scale of the development and location, this would need to be secured by planning condition. Notwithstanding this, the development would not impact upon air quality elsewhere within the city. There is therefore no evidence to suggest that impacts upon air quality would warrant refusal of the application due to the social or environmental sustainability of the development.

d) Land Contamination

i) Relevant Planning Policy

Paragraphs 170, 178 and 179 of the Framework refer to land contamination and are

supported by Local Plan Policy LP16, which directly refers to the requirements of development in relation to contaminated land.

ii) Assessment of the Implications of the Proposals

The Environmental Statement for the outline planning application included a Ground Conditions Preliminary Risk Assessment and this is included with the current application. Notwithstanding this, further detailed information will be required before built development is undertaken, as the site is known to be contaminated. However, the proposals would result in the redevelopment of the site which would lead to remediation of any contamination. In light of this, officers are advised by the Council's Scientific Officer that planning conditions should be imposed to deal with land contamination, which has also been suggested by the Environment Agency.

Consequently, subject to these planning conditions, the proposals would be in accordance with the Framework, specifically in relation to contamination, in respect of the environmental dimension of sustainability outlined in Paragraph 8.

e) Fire and Rescue

Officers note that the Fire Authority have raised concerns regarding the application and have made the applicant aware of their consultation response. Whilst the applicant will need to ensure that the internal arrangements comply with Building Regulations, it will be necessary to ensure that the external layout takes account of the requirements to ensure access for fire appliances and that there are sufficient provisions made for fire hydrants, as set out in their consultation response. Officers are satisfied that these matters can be controlled by planning condition.

f) Ecology, Biodiversity and Arboriculture

i) Relevant Planning Policy

Section 15 of the Framework requires LPAs to conserve and enhance biodiversity by refusing planning permission where significant harm resulting from a development cannot be avoided, mitigated or compensated for. Meanwhile, Policy LP21 refers to biodiversity and requires development proposals to "protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site; minimise impacts on biodiversity and geodiversity; and seek to deliver a net gain in biodiversity and geodiversity." The policy then goes on to consider the implications of any harm associated with development and how this should be mitigated.

ii) Assessment of the Implications of the Proposals

Section 3 of Volume 1 of the Environmental Statement refers to Ecology and refers to the Preliminary Ecological Assessment (PEA) undertaken for the outline planning application, this included an Extended Phase 1 Habitat Survey.

Whilst there would be total loss of trees and other vegetation during construction and with this a temporary loss in habitat, once the scheme of landscaped courtyards proposed have become established, there would be significant gains in habitat, particularly due to the variety and quantity of planting through tree and other lower level planting.

Consequently, subject to the landscaping for each courtyard and external areas being implemented, the proposals would be in accordance with the Framework in respect of the environmental dimension of sustainability outlined in Paragraph 8.

8) Planning Balance

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 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 student accommodation, spend in the City and retention/creation of other jobs due to the location of the development within the City. The location of additional accommodation in a sustainable location would not undermine this position, rather it would serve the University that continues to grow.

With this suitably designed development, the implications upon the character of the area and the impact of the development upon general amenities would not have negative sustainability implications for the local community, as they would lead to a development that would be socially and environmentally sustainable. What is more, the development would deliver substantial wider benefits to the City, through improvements to this key area of the City as referred to throughout the report, including in relation to the public realm.

Finally, with suitable control over the schemes to deal with air quality, archaeology, contamination, drainage and landscaping, amongst others, the development would be environmentally sustainable.

Thus, assessing the development as a whole in relation to its economic, social and environmental dimensions and benefits, officers are satisfied that the proposals could be considered as sustainable development and would accord with the Local Plan and Framework.

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

Yes.

Financial Implications

The proposals would offer benefits to economic and social sustainability through spend by those occupying the development, 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 three strands of sustainability that would apply to development as set out in the planning balance. Therefore, there would not be harm caused by approving the development. As such, it is considered that the application should benefit from planning permission for the reasons identified in the report and subject to the conditions outlined below.

Application Determined within Target Date

Yes.

Recommendation

That authority is delegated to the Planning Manager to grant planning permission subject to final scheme of archaeological works being resolved and the issues covered by the planning conditions listed below:-

- Time Limit;
- Approved Plans and Documents (including phasing);
- Contaminated Land;
- Archaeology;
- Construction Management (including delivery times and working hours, construction access and the location of site compounds);
- Provision of Fire Hydrants and Access for fire fighting appliances;
- Temporary Fencing and Enclosures (during construction);
- Surface Water Drainage;
- Foul Water Drainage;
- Building Materials (including hard surfaces and boundary treatments);
- Large Scale Details of Shopfront Façades;
- Ecological Enhancement;
- Noise and Air Quality Mitigation to Buildings;
- Hard and Soft Landscaping;
- Travel Plan;
- Flood risk mitigation, including floor levels;
- Street Furniture and Signage;
- Cycle Storage;
- Plant and Machinery;
- Kitchen Extraction; and
- Temporary Uses / Structures.

Report by Planning Manager