

<b>Application Number:</b>	2018/0892/FUL
<b>Site Address:</b>	27-29 Clasketgate, Lincoln, Lincolnshire
<b>Target Date:</b>	14th September 2018
<b>Agent Name:</b>	Globe Consultants Ltd
<b>Applicant Name:</b>	Jackson & Jackson Developments Ltd
<b>Proposal:</b>	Erection of a seven storey building to provide student accommodation (Sui Generis) alongside commercial unit at ground floor level along Clasketgate, following demolition of existing building (Revised Plans)

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

The application site is situated on the north west corner of the junction of Clasketgate with Flaxengate and currently comprises a three storey white rendered building, formerly the office of Pygott and Crone Estate Agency, and associated car parking to the rear. It measures approximately 498.5 sqm and is located within Conservation Area No. 1 'Cathedral and City Centre'.

The site slopes upwards heading north along Flaxengate with a level difference of approximately 1.64m. The northern site boundary is currently defined by a low level retaining wall and line of trees, which are rooted within the adjoining site that has been occupied over recent times by an NCP car park, accessed from Grantham Street. The western site boundary is defined by the commercial building known as Akrill House and associated car parking to its rear. The south east corner is defined by a red brick boundary wall and railings, while the eastern site boundary includes a red brick boundary wall which steps upwards with the site, and barrier controlled vehicle access to the rear parking area.

The proposals are for the erection of a seven storey building to incorporate 114 bed spaces of student accommodation on a Sui Generis basis. The bed spaces will be arranged into a number of clusters, each with a common room whilst the ground floor will incorporate a commercial unit to the corner of the building where it faces Clasketgate and Flaxengate. The proposals would involve the demolition of the existing building on site.

### **Relevant Site History**

#### *i) Direct Site History*

An application for the erection of a 63-bedroom hotel with a restaurant to its roof was approved for the site by the Members of the Planning Committee in May 2018. The permission also included the demolition of the existing Pygott and Crone Estate Agency.

The current proposals would therefore offer an alternative use to these proposals.

#### *ii) Related Site History*

In addition to the direct site history, the site immediately to the north has planning permission for a five storey building for student for a total of 118 bed spaces. Work on this building has commenced on site.

### **Case Officer Site Visit**

Undertaken on 21st August 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 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 86
  
- 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 Traffic Capacity;
5. Other Matters; and
6. 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	No Formal Response Received
Lincoln Civic Trust	Object
Lincolnshire Police	Comments Received
Historic England	Raised Concerns

## **Public Consultation Responses**

Name	Address
Moka And Shack Night Club	11 Silver Street Lincoln Lincolnshire LN2 1DY
Mr Jeremy Wright	73 Nettleham Road Lincoln LN2 1RT

## **Consideration**

### **1) 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 the Central Mixed Use Area within the city. This includes retail, leisure, hotels and student halls of residence, amongst others. Policy LP6 refers to retailing in the city centre. Meanwhile, Policy LP7 (A Sustainable Visitor Economy), also indirectly relates to proposals for additional accommodation and supports their development, subject to four criteria related to their impact upon their context. A Lincoln context is also presented at Policy LP31 which supports its role of employment, including skills and innovation.

## ***b) Assessment of the Principle of the Development***

### *i) The Need for and Impact of Additional Student Accommodation*

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. Nonetheless, Members may recall that there have been numerous discussions recently regarding requirements for developers to evidence a need or demand for student accommodation.

The trajectory of the growth of the universities in the city would point to a strong market for further student accommodation and this development is for accommodation that would be provided for the University of Lincoln should permission be granted.

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.

*ii) Housing Delivery*

Members may also recall that officers clarified at the Planning Committee Meeting in September 2018 that the Council, as Local Planning Authority, is duty bound to provide housing delivery information to the government in order to demonstrate that the Central Lincolnshire Authorities are making good on projected housing delivery (the Housing Delivery Test). A recent development has now determined that LPAs are able to include the delivery of student accommodation over the past three years, as well as going forward. Student accommodation will therefore be important when completing returns to government on housing delivery, as required by the Housing Delivery Test.

In light of this, it is anticipated that this development would add to the 118 bed spaces already approved at the adjacent site with a total of 114 bed spaces. As such, the development has potential to positively impact upon housing delivery in the short term.

*iii) Retailing or Other Uses at Ground Floor*

The proposals also include a small area of commercial space at the ground floor of the building and the application indicates that this may be for retail use. However, the proposals could equally be for a number of commercial uses. This would be acceptable in the context of the location of the development in the Central Mixed Use Area and would provide a degree of activity at corner of the building where it meets Clasketgate. Nonetheless, details of the final use of this part of the building can be controlled by condition.

**c) Summary on this Issue**

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, diverting need away from family homes elsewhere within the city and contributing to housing delivery. 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.

**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 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 High Street 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.

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 preserve and enhance the special character, setting, appearance of conservation areas, as well as respecting their special historic and architectural context.

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) Dialogue with the Applicant in Relation to Design*

The application site is contained within the Cathedral and City Centre Conservation Area and has a direct frontage with Clasketgate and Flaxengate. 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 a high quality built environment. As part of the application process, officers have been actively engaging with the applicant in order to ensure that the alternative proposals for this site would make an equally positive impact upon the character and appearance of the Conservation Area, as Members expected the approved hotel development to.



*Visual Looking West along Clasketgate of the Approved Hotel Development*

In order to assist the consideration of the proposals in relation to the approved hotel development, this report will also include visuals included in the presentation to Members at the Planning Committee in May, such as that shown above.

*ii) Scale and Height of the Proposals and the Fall Back Position*

This application is for a building with one further storey but no greater appreciable height. Moreover, the maximum height of the hotel development was 36.080AOD, whereas the proposed development would reach a height of 35.950AOD. Whilst the Civic Trust remains sceptical around how this has been achieved it is possible to confirm that the additional height incorporated in the ground floor reception and functional areas of the hotel was not necessary for this application and the heights of each floor have also been amended. Consequently, the inclusion of another storey has been possible. Furthermore, as with the hotel development and the adjacent development at Grantham Street, contrary to the Civic Trust's assertion, the top floor remains set back and would be no closer to the frontage of the building than the approved development.

Upon the basis that the erection of a building to a scale and height commensurate with the proposed development has already been agreed through the approval of the hotel, officers would advise Members that it would be difficult to revisit the principle of the scale and height of the building for this site. For the purposes of clarity, the overall footprint and height of the development would be comparable with a development that already benefits from planning permission and the proposals would again result in a building which would occupy the majority of the extent of the plot.

The principal difference between the overall scale of the developments is the break that would have been visible between the two buildings were they ultimately to be constructed alongside one another. However, the applicant has designed the intersection of the two buildings to be lighter weight in its appearance and construction with the incorporation of a greater degree of glazing from ground level to the top of the building. Nonetheless, it would

be difficult to argue that the lack of a physical break between the buildings would harmfully increase the scale of development to warrant refusal of the application, particularly given that the continuous built frontage of streets within the city centre is a common characteristic.

Historic England remain concerned regarding the proposals for this site; and the Lincoln Civic Trust and a resident of Lincoln have also submitted objections to the submissions for this application.

The Civic Trust has made reference to the objections that they raised with the previous application for a hotel. At that time they suggested that the scale of that building was too large but the Members of the Planning Committee were satisfied that the height of the development was suitable for the site. This is therefore important in considering the latest response from both parties, particularly those of a resident as their letter is supported by a number of visuals (which are copied in this agenda).

With this in mind, officers would urge caution in how the line drawings provided by a resident are considered, as these do not reflect the architectural finish, including the change in the depth of the façade through openings or other detailing or the choice of materials for the construction of the building.

In addition to this, at Appendix A of this report, the applicant has provided the same visuals but with further visual clarification of the scale of the proposed buildings. Moreover, the outline of the building has been corrected and edged in red. The applicant has also asked that the photorealistic CGIs, included later in this report, from a series of viewpoints are relied upon as they provide a much more useful exercise in illustrating how the building would be read within the surrounding townscape.

### *iii) Loss of the Existing Building*

The current application again proposes the demolition of the existing building to facilitate the new development. Demolition of a building within a Conservation Area requires planning permission. Historic England considers the proposed demolition of the existing building would be harmful to the character and appearance of the Conservation Area, however, it is for the Local Planning Authority to determine whether the loss of the existing building would be acceptable when considered in the wider context of the proposed development

As Members may recall that the previous application for the hotel development of this site considered this impact. Moreover, following consideration of Lincoln's Historic Environment Record and assessment by the Council's Principal Conservation Officer, officers were able to recommend that "*the quality of the contribution of this building to the character and appearance of the conservation area is low and therefore [the loss] is not considered to be a reason to refuse the application.*"

Officers remain satisfied that there has not been a material change in circumstances since the determination of the application and it considered that the loss of the building would still be acceptable, as any impact on the character and appearance of the Conservation Area that may result would not outweigh the wider benefits of the proposed development as described below.



Notwithstanding this, it is considered appropriate to again impose a planning condition on an approved application requiring an internal assessment of the building to take place prior to its demolition. This would enable the Council to fully understand its age, phasing and significance. Furthermore, as the loss of the building is necessitated by the proposed development, it is considered appropriate to also impose a planning condition that would prevent its demolition until there is reasonable certainty that the proposed development will follow. This would accord with the requirements of Paragraph 198 of the Framework. A suitably worded planning condition would, therefore, prevent the prospect of there being a long gap between works of demolition and redevelopment, or potentially, the site being cleared and no further development taking place, as well as the creation of an unsightly gap within the Conservation Area.

*iv) Architectural Appearance of the Proposals and Comparison with the Approved Hotel*

Notwithstanding the points made in relation to the scale of the development and the loss of the existing building within the site as a fall-back position, as the architectural solution for the development of the site is different to that proposed for the hotel, it would remain to consider the application upon the basis of the visual appearance of the individual building as well as its impact upon the character and appearance of the wider Conservation Area.



*Eastern Elevation of the Approved Hotel Building*

There are clear differences between the current proposals and the hotel development, as described throughout the report and the applicant for the proposal now before you originally sought to accommodate the proposals within the external fabric originally approved for the hotel. Ultimately this approach presented challenges regarding the location of new floor levels within the building and their relationship with window openings and as a consequence it was agreed that the most appropriate approach would be to design a new building to accommodate the new use now being proposed.

As a result of this, the latest revised elevations are for a new architectural solution for the proposed use. There are some similarities with the architecture of the approved development at Grantham Street due to the fact that the end use of the building and room sizes will be the same, the principal elements of the façades of the building will also include a consistent layout of window apertures set within a wider brick clad frame.

The applicant has given a great deal of attention to the treatment of the external façade of the proposed building and its relationship with the approved development at Grantham Street. This ensures that both developments can be constructed to an equally high quality finish. Moreover, the proposals are to utilise different brick sizes for each building and the façade of the proposed building incorporates larger glazed openings with dark coloured frames and a deeper setback from the brick frame façade.



*Partial Elevation of the Corner of the Building and the Lower Levels of the Flaxengate Frontage*

The inclusion of an additional floor and smaller units of accommodation have undoubtedly changed the way in which the building appears from the street as the building will incorporate an additional horizontal division as well as vertical divisions for each room. However, the architectural solutions are appropriate and would maintain interest across the elevations of the building. In particular, as can be seen from the images above and below, the division between the ground and first floors is recessed back to the glazing to add a feeling of verticality at street level; and the proposals will utilise a slender, long brick, which will return into the window openings with varying degrees of chamfering across the plane of the elevations.



*Partial Elevation of the Corner of the Building and the Lower Levels of the Clasketgate Frontage*

In light of the above, officers are satisfied that the proposals would stand up as a high quality development in their own right and when considered in relation to the approved development at Grantham Street. In particular, officers are satisfied that there would be a suitable difference between the architecture and materials palettes chosen for each of the Grantham Street and Clasketgate Buildings to ensure that they maintain an appearance of separate and distinct buildings.

*v) Design of the Development within its Context*

It is noted that the Civic Trust and a resident raised concerns regarding the original application but that was actually based on the approved architecture for the development of a hotel. As the proposals have now moved away from this approach, it is necessary to consider the impact of these proposals upon the character and appearance of the Conservation Area.

The plans submitted for the development include specific references to the type of materials proposed for the building, as referred to above. The applicant has also provided a number of photovisuals of the proposals to illustrate how the development will assimilate within its immediate context. In particular, the visuals help to illustrate the varied mix of buildings and their heights which prevail along this part of Clasketgate:





As with the design of the individual building, officers are satisfied that the development would incorporate facing materials of sufficiently high quality and colour / texture to have a suitable modern appearance that would enhance the character and appearance of the Conservation Area.

The established views towards the historic hillside would not be affected by the proposal so it is considered therefore that it would not cause undue harm to the setting of the listed buildings on the hillside. Similarly, officers remain satisfied that the development would not have a harmful impact upon the established setting of the Theatre Royal nor on the heritage values of the Theatre Royal building itself.

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

Officers are satisfied that the proposals would result in a modern building that will assimilate well within its context, particularly the façade treatments, which address the street edge in a similar way to other buildings within the vicinity and are sufficiently broken down into component parts in order to add visual interest to the building. Moreover, the proposals offer the opportunity to regenerate this important area with a high quality development that is suitably scaled to appropriately integrate with the surrounding townscape that contributes to the valued character and appearance of the conservation area. Therefore, it is considered that the proposal satisfies the duties contained within sections 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990. In terms of the former, officers consider that the proposed development is in accordance with the duty 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Meanwhile, in terms of the latter, officers consider that the proposed development is in accordance with the duty 'In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. Furthermore, the proposal would be in accordance with the requirements of the Framework with respect to new development within the 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, 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***

The nearest residential properties are located on the eastern side of Flaxengate at Clasket House (private accommodation to upper floors) and Danesgate House (student accommodation); and on Swan Street (private apartments) circa. 25m from the rear elevation of the proposed building. In light of the relationship with these properties it is considered that there would not be any harm resulting from the development, particularly in relation to the scale of the development any loss of light or overbearing impacts, or any resultant loss of privacy. Furthermore, it is not anticipated that the occupancy of the development would cause to harm the occupants of those buildings by way of noise or disturbance.

Notwithstanding the above, comments have been received from the owners and operators of 'Moka and Shack', the nightclub opposite the site on Clasketgate. They have expressed concerns about late night noise from their premises and general activity from their customers resulting in complaints from occupants of the proposed student accommodation, leading to restrictions being imposed on their premises licence. A review of City Council records indicates there is no history of complaints from existing residents relating to the 'Moka and Shack' night club.

Whilst the Common Room for each floor would be located at the Clasketgate frontage, closest to that use, the proposals would include a greater number of bedrooms when compared to the previously approved hotel. With this in mind, in order to ensure that the commercial use opposite would not be adversely affected by the proposals being in place and vice versa, it would be appropriate for the applicant to provide a noise assessment and relevant mitigation to protect the occupants of the proposed accommodation. As with the application for the hotel for this site, it would be appropriate to control, by planning condition, that the window specification and measures to reduce the passage of sound into the bedrooms should be approved prior to the occupation of any part of the building. This is likely to mean high specification glazing and limitations on the opening of windows.

As with the application for the neighbouring development, the Council's CCTV Team Leader has enquired whether it would be possible to include CCTV in the proposal, in particular, to ensure that the wireless network transmission paths are not impacted upon. This would necessitate the agreement of the developer to locate transmitters on the building or its roof. Officers have informed the applicant of this requirement and do not consider that it is an unreasonable request in order to ensure the safety of users of the building and the locality.

Finally, the applicant has been made aware of the consultation response received from Lincolnshire Police which contains pertinent advice in relation to designing-out potential issues with safety relating to the building.

### ***c) Summary on this Issue***

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 matters relevant to the protection of amenity.

#### **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***

###### *i) Movements Directly Related to the Development*

The implications of the proposals upon the highway network relate to access, safety and traffic capacity.

Whilst there will inevitably be more significant trips by car at the beginning and end of terms (when students move in and out of the accommodation), it is important to note that the hotel use that has permission could be considered to be a more transient form of accommodation and the Highway Authority did not request any parking for that use. Notwithstanding this, there are several surface and multi-storey car parks nearby and the site can also be reached conveniently by public transport, as it is not far from the bus and railway stations. Furthermore, based upon the proximity of the development to the University of Lincoln and the city centre, it is ideally located to be accessible on foot and by bicycle and there will be secure cycle storage within the courtyard to the rear of the development, with 12 rails to affix cycles to.

###### *ii) Movements Indirectly Related to the Development*

The Civic Trust has raised a question in relation to a dedicated area for deliveries etc. but as can be seen from the submission the proposals are for the development to be interlinked with the approved development at Grantham Street. Therefore, there will be sharing of delivery and servicing areas. For example, the proposals are for refuse collections to be made from the Grantham Street side of the development as waste will be collected from the storage space included as part of that application. Officers are satisfied that this in itself would not sufficiently alter the nature of the existing arrangements to be



harmful to the occupants of neighbouring properties, as the regularity of collections could not be controlled by planning condition. Nonetheless, officers consider that it would be necessary to ensure that the refuse storage area is provided prior to any of the accommodation first being brought into use, which can be controlled by planning condition along with delivery times.

*iii) Other Impacts*

Although the development of the site would again result in the loss of approximately 15 car parking spaces, these were consented to be omitted with the scheme for a hotel. The spaces were only used by employees of Pygott and Crone Estate Agency and were not available to the wider public. The loss of these private car parking spaces is not considered detrimental, given the provision of alternative parking and public transport within the Central Mixed Use Area.

**c) Summary on this Issue**

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), the impact upon highway safety or traffic capacity resulting from the development is not considered to be harmful.

**5) 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 resubmitted all the evidence that was submitted during the consideration of the application for the hotel development of the site. Based on this evidence base, Members may recall that officers recommended that permission could be granted subject to a number of planning conditions recommended by the City Archaeologist to govern the following:-

1. The provision of a detailed Written Scheme of Investigation for mitigation of the impacts of shallow foundations through excavation as appropriate;
2. Once the site has been reduced to formation level, further intrusive evaluation to establish the nature and significance of Roman remains;
3. The provision of a final mitigation strategy that is appropriate to the impacts of the piled foundations upon Roman remains, through preservation in situ, excavation, or a mix of the two; and
4. The provision of an appropriate site report to the LPA and the deposition of the site archive with an appropriate museum.

This would enable a staged approach to delivering the development and would 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*

The applicant has resubmitted the information accompanying the application for the hotel development of the site, this included a high-level Drainage Strategy which states there are existing Anglian Water foul water sewers within proximity of the site with sufficient depth to allow a connection of the proposed development foul drainage via a gravity connection.

Furthermore, the drainage scheme also suggested that surface water would be addressed in a more conventional form with an attenuation tank. The details of this will need to be finalised, particularly if the proposals share a drainage scheme with the neighbouring site at Grantham Street and if there are any implications upon archaeology. To ensure the proposed method of surface water disposal is acceptable, it is considered appropriate to impose a planning condition on an approved application requiring the applicant to prepare and submit a detailed surface water management strategy prior to development.

**c) 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 application is not supported by any documents in relation to contamination but it is important to note that a Phase I Desk Study for the hotel development suggested that there is potential for several key contaminants to be present on site. However, as that report was not submitted with the application, it would be appropriate to impose standard contaminated land planning conditions on an approved application, as advised by the Council's Scientific Officer.

**d) External Lighting**

As with the application for the development of the adjacent site at Grantham Street, it would be appropriate for the applicant to provide details of any functional or architectural

external lighting of the building or its curtilage, in order to avoid a detrimental impact upon neighbouring properties. It is therefore recommended that an appropriate scheme of lighting is controlled by planning condition.

## **6) 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. Furthermore, 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. This would also improve environmental sustainability

With this suitably designed development, the implications upon the character and appearance of the conservation 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 wider benefits to the City, through improvements to this key area of the City as referred to in the report.

Similarly, subject to the foundation design of the proposed development being a suitable means of preservation for buried archaeological remains, in this instance officers would advise Members that the planning balance should fall in favour of the proposals due to the long term implications of the enhancement that would be brought to the conservation area, as well as the potential stimulus that the proposals could be for further wider enhancement of the historic townscape.

Thus, assessing the development as a whole in relation to its economic, social and environmental dimensions and benefits, officers are satisfied that there are significant benefits of developing this site in the manner proposed.

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

Yes additional information provided and the scheme revised following officer feedback.

### **Conclusion**

The building proposed is appropriate in terms of its use and is of a high quality design. The design is clearly different from the approved hotel but it is an equally appealing and is sensitive to its context. The scale and massing are very similar to the previous approval and the relationship with the building under construction to the north is equally carefully considered.

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

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

Yes, subject to an agreed extension of time.

### **Recommendation**

That the application is Granted Conditionally subject to the planning conditions listed below:-

#### **Standard Conditions**

Approved Plans  
Timeframe of Permission

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

Historic Building Recording of Existing Building;  
Contract for Redevelopment Works to be Provided Prior to Building Demolished;  
Archaeology;  
Contaminated Land Conditions;  
Noise Assessment and Details of Noise Attenuation for Windows;  
Details of Plant / Machinery and Mitigation;  
Schedule of Materials;  
Foul and Surface Water Management Strategy;  
Details of CCTV Equipment for Building;

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

Cycle Storage Provided on Site;

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

Details of Kitchen Extraction and Mitigation;  
Details of any External Lighting; and  
Controls over hours of deliveries and refuse collections.

#### **Report by Planning Manager**