

Application Number:	2018/1261/FUL
Site Address:	Homebase, Lidl Outlet, Topps Tiles and Part of BHS (Units C, D, E), St Marks Retail Park, Lincoln
Target Date:	24 January 2019
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 (Resubmission of 2018/0655/FUL).

Background - Site Location and Description

Site Location and Relevant Planning History

The application site is located within the south western corner of the St. Marks Retail Park and has been occupied by the Homebase, Lidl Outlet and Topps Tiles units and part of the BHS unit. However, Prior Approval has been granted (2018/0762/PAD) and demolition of the units is underway. The site also includes the surface parking area in the foreground of those units.

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.

The site is part of the wider redevelopment of the St. Marks Retail Park and Shopping Centre, outline planning permission for which was secured in by virtue of application 2017/0097/OUT. The area of the overall site covered by this application 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.

Members will no doubt be aware that an application for 1372 bed spaces of student accommodation (reference: 2018/0655/FUL) was considered at the Planning Committee on 12 September 2018. Members debated the issues relevant to that application and determined that the development should not benefit from planning permission for the following reason:

“The design of the proposal is contrary to Lincoln's setting and character; and therefore contrary to Policies LP25, LP26 and LP29 of the Central Lincolnshire Local Plan.”

Description of Development

This application is again for the erection of ten blocks of student accommodation, varying in height from four to ten storeys, for a total of 1372 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 08/11/2018.

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. The Impact of the Design of the Proposals;
5. Sustainable Access, Highway Safety and Traffic Capacity;
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
Anglian Water	Comments Received
Environment Agency	Comments Received
Lincoln Civic Trust	Comments Received
NHS	Comments Received
Historic England	Recommendations made
Internal Drainage Board	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). The same stance was taken with the consideration of the previous application for student accommodation.

Officers are aware that the NHS has provided officers with a response requesting that there would be an impact upon GP services. However, in light of the above, it is considered that it would not be reasonable to turn the clock back and revisit this issue for the latest

proposals.

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.

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)". These refer to economic, social and environmental objectives.

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 refers to Lincoln's Primary Shopping Area and Central Mixed Use Area and 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

i) Nature 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 1372.

ii) Need for the Development

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, Members have received a presentation from the University regarding their planned expansion over the coming years, including how they anticipate accommodating students. Should permission be granted, it is understood that the application is for the development of accommodation to be provided for the University, on a phased basis.

Nonetheless, in the context of Policy LP26 and the evidence base to Policy LP37, the proposals could make a positive impact upon the social imbalance of the community residing

within the West End of the city and other communities. In particular, there could be a reduction in the overall demand for student housing accommodated within new houses in multiple occupation and therefore a lesser impact upon those communities.

iii) Contribution to Housing Delivery

Members may be aware 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). Moreover, the delivery in the past three years (and going forward) of student accommodation will be important when completing returns to government on housing delivery, as required by the Housing Delivery Test.

It is anticipated that this development would be constructed in three phases up to May 2022, with Phase 1 including 407 bed spaces; Phase 2 including 408 bed spaces; and Phase 3 including 557 bed spaces. As such, the development has potential to positively impact upon delivery throughout this period.

iv) Summary

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 due to its proximity to the University campus and the diversion of 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) 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.

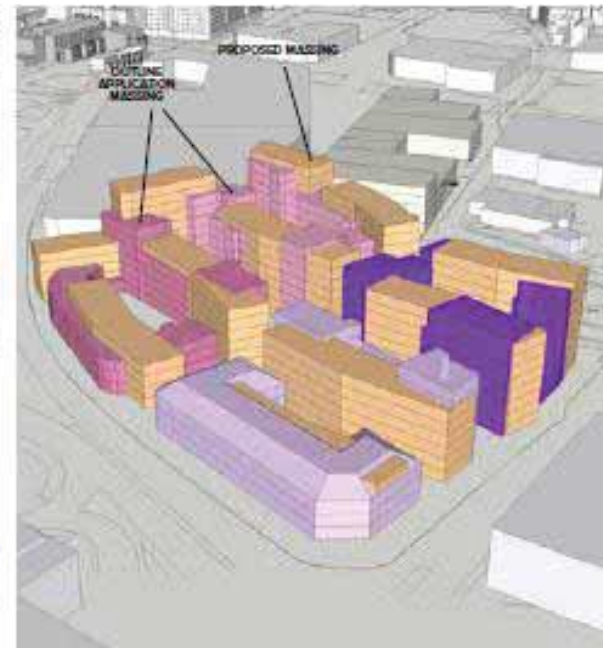
iii) *Viewpoint Analysis*



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

In considering the application ultimately refused permission in September, Members were mindful of the outline planning permission and discussed buildings within the wider context. In particular, 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.

Nonetheless, view analysis remains an important consideration and the importance of achieving an appropriately scaled development within the application site has not been underestimated by the applicant. 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. It also demonstrated that the scale of development would appropriately sustain the significance of the numerous heritage assets on the historic hillside by protecting those important views. Furthermore, the images above demonstrate that there has been some increase to the scale of the buildings to the east but reductions to the west. When this is combined with the proposed materials palette, officers are satisfied that the design of each block within the development would remain recessive in the views explored through these processes.

Nonetheless, it is important to note that due to the revisions to the proposed energy strategy for the buildings, the scale of each building is lower than originally intended as part of the last application, i.e. the towers to the roofs of the buildings are now lower.

v) Detailed Design and Layout

In refusing the application in September, Members highlighted concerns regarding the articulation of key elevations within the development, as well as the materials utilised in those locations. In particular, the elevations to the northern and western edges of the development have been targeted by the applicant and the design ethos carried through to the remaining blocks.

Starting with the northern edge (Blocks A and B), the plane of the elevations and the materials proposed to be used in their construction have been revisited. Metal panels are used to provide breaks between the contrasting materials of Block A. The building closest to Tritton Road also has greater presence as it turns the corner into the development. Meanwhile, the lowest blocks within the development, Blocks C and G which front Tritton Road, have been designed with greater flexibility in the plane of the elevations. The changes add visual interest to the elevations through projecting and recessed sections, as well as larger areas of glazing, particularly to shared spaces. The design of Block B has also been amended to include a metal clad exterior to the top two floors, in a similar manner to the approach proposed for other buildings considered by the Planning Committee in recent times.

Officers consider that the design ensures that the development will retain suitable visual links with the Campus, without appearing as an extension to it, and integrate with the wider city. The use of softer red tones and lighter yellow and buff tones, alongside compatible metal panels between blocks and bricks and panels within recesses adds to the visual interest of the architectural solutions. Furthermore, officers are satisfied that the detailed

design, including façade treatment and roof line, would assist in breaking up the perceived mass of the buildings.

The following images help to illustrate how the applicant has sought to address the concerns identified by Members of the Planning Committee; they should be considered in context of the plans and images towards the end of this report.



Views across the frontage of Block A towards Block B. Above is the refused development; and below is what is now proposed.





Views of the interface of Blocks A and Block B. Above is the refused development; and below is what is now proposed.





Views along the frontage of Blocks C and G. Above is the refused development; and below is what is now proposed.





Views towards the southern elevation of Block G. Above is the refused development; and below is what is now proposed.



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.

5) 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 applicant has clarified how this would operate in reality:-

"Working on the number of car parking spaces (45) available and a 30 minute time slot, this results in a turnover of 90 students per hour (45 spaces x 2 students per hour = 90 students per hour). For 1,372 students this means that the process will take approximately 15 hours. The process will be split over two days of a weekend, between 09:00 – 17:00 on Saturday and Sunday (allowing a 30-minute buffer at the end of the day)."

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. Existing pedestrian links within the vicinity would be maintained through this element of the wider redevelopment of the retail park. 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.

Officers have discussed the application with the Highway Authority's representative. They have considered the application and do not intend to raise any concerns in relation to the development, subject to a number of conditions. This would include the submission of a Travel Plan to promote sustainable modes of transport, as referenced in the applicant's Transport Assessment. 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.

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, 6.3, 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 Beevor Street. Moreover, the ES accepts that the proposals could result in moderately adverse loss of daylight to the terrace of properties situated on Beevor 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 has been undertaken and reported on. This document has been carefully considered by the City Archaeologist and officers and it is recommended that the details of the foundation design for the proposed development, along with a Written Scheme of Investigation (WSI) for a programme of monitoring and recording of all groundworks can be satisfactorily controlled by planning conditions.

In light of the above, officers are satisfied that the concerns raised in respect of archaeology by Historic England have been satisfactorily addressed.

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 and Drainage Strategy. 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.

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. The County Council, as Lead Local Flood Authority, has sought clarification regarding the latest design of the drainage scheme for the development, which has been updated for this latest application. However, the points to clarify would not affect the principle of the development and if it is not possible to address the points that they have raised, the final scheme could be agreed by planning condition. Officers will provide an update in relation to this matter at the Planning Committee

In terms of other drainage, 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. They have therefore offered advice on how this could be agreed.

Scheme(s) for the disposal of foul and possibly surface water will therefore need to be agreed by planning conditions. Consequently, subject to those 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. Whilst comments are awaited from the Council's Pollution Control Officer, there has been no material change in circumstances since the last application to suggest that it would not be appropriate to rely on the previous advice provided that the mitigation that is proposed to the buildings alongside Tritton Road would 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. Whilst comments are awaited from the Council's Scientific Officer, there has been no material change in circumstances since the last application to suggest that it would not be appropriate to rely on the previous advice provided that it would be appropriate to impose planning conditions to deal with land contamination. This 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

It is noted that the Fire Authority has raised concerns regarding the application and 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.



Overall Proposed Landscaping Scheme

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

None.

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

If officers are not able to provide an update regarding highway matters then it is requested that authority is delegated to the Planning Manager to grant planning permission subject to the receipt of the final response from the Highway Authority and any relevant planning conditions, as well as 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 firefighting appliances;
- Future Development Wide and Building Management (security and safety of occupants);
- 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