

Application Number:	2019/0035/OUT
Site Address:	431 - 434 High Street, Lincoln, Lincolnshire
Target Date:	17th April 2019
Agent Name:	Lomas Architecture Design And Developments Ltd
Applicant Name:	Mr Charlie Creane
Proposal:	Demolition of existing Public House and the erection of a three storey building to accommodate 47 Bedrooms with En Suite Bathrooms for use as student accommodation with associated access, car parking and landscaping (REVISED PLANS).

Background - Site Location and Description

Site Location

The application site is roughly square in shape and occupied by the two-storey Golden Cross Public House, which was built in 1959. The site is located to the eastern side of High Street at the junction with Queen Street. There are commercial properties in all directions and residential development close by, to the north, south and east. The access to the site is taken from Queen Street, along most of this frontage between the public house and the funeral directors to the east.

The site is prominent in its locality, is within the Gowts Bridge Conservation Area but is shown without notation within the Local Plan, so is not allocated for a specific use.

Description of Development

The proposals are for outline planning permission for a development incorporating 47 bedrooms for students, across three floors. Each floor is served by a common room / kitchen and there are two laundry rooms proposed at first and second floor.

Only the access is fixed for the development, i.e. the position access is taken from Queen Street. All other details, including the layout of the site; and scale of the buildings are indicative at this stage. Along with the appearance of the buildings and any landscaping, these details would be agreed through subsequent application(s) for Reserved Matters.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 11 March 2019.

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 LP9 Health and Wellbeing
 - Policy LP12 Infrastructure to Support Growth
 - Policy LP13 Accessibility and Transport
 - Policy LP14 Managing Water Resources and Flood Risk
 - Policy LP16 Development on Land affected by Contamination
 - Policy LP25 The Historic Environment
 - Policy LP26 Design and Amenity
 - Policy LP29 Protecting Lincoln's Setting and Character
 - Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
 - Policy LP35 Lincoln's Regeneration and Opportunity Areas
 - Policy LP36 Access and Movement within the Lincoln Area
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- 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 and Service Provision;
2. The Design of the Proposals and their Visual Impact;
3. The Implications of the Proposals upon Amenity;
4. Sustainable Access, Highway Safety and Traffic Capacity;
5. Archaeology;
6. Drainage;
7. Land Contamination and Air Quality; 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
Education Planning Manager, Lincolnshire County Council	Comments Received
Highways & Planning	Comments Received
Lincoln Civic Trust	Object
Lincolnshire Police	Comments Received
Councillor Helena Mair	Comments Received

Public Consultation Responses

Name	Address
Mr Sam Harrison	18 Rosbery Avenue, Lincoln, LN1 1ND
Mr Jan L. Bogucki	12 Sidney Terrace, Lincoln, LN5 8BZ
Guy Hird	Internal Drainage Board
Mr Mathew McGinlay	4 Queen Street, Lincoln, LN5 8LB
Derek Broughton	38 Clive Avenue, Lincoln, LN6 7UH
Mr Jonathan Bellshaw	7 Queen Street, Lincoln, LN5 8LB
Jonathan Whiting	1-5 Queen Street, Lincoln, LN5 8LB
Mr Ralph Spencer	1 High Street, Scampton, LN1 2SE
Mr Calum Watt	77 Canwick Road, Lincoln, LN5 8HE

Consideration

1) The Principle of the Development and Service Provision

a) *Relevant Planning Policies*

i) Policy in Relation to the Proposed Use

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The 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 National Planning Policy Framework 2012. Whilst the Framework has been revised twice since, including this year (2019), officers remain confident that the Plan remains consistent 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.

Policy LP33 refers to Lincoln’s Primary Shopping Area and Central Mixed Use Area. This encourages residential uses and student accommodation in the Central Mixed Use Area but also requires that active uses prevail at ground floor (Use Classes A1 to A5) within Secondary Shopping Frontages. This is also required through Policy LP35 which prioritises housing above ground floor.

ii) Policy in Relation to Health Infrastructure Provision

Policies LP9 and LP12 of the Local Plan refer to the impact of development upon health infrastructure and developments must contribute towards health provision where there is evidence that a development will impact upon current provision.

b) The Principle of the Proposed Use

i) Comments Received

Residents are concerned that the public house and its space are a valuable community asset. However, in the context of national policy, the public house is not designated and no evidence has been provided to the Council to substantiate this claim. Consequently, whilst it is regrettable that the public house would be lost to the community, it would be difficult to oppose the proposals when there is no case to support its retention. Similarly, it would also not be possible for officers to insist that the applicant changes the proposals to accommodate alternative uses in line with community aspirations for a community use or social housing.

The proposals are for a scheme of student accommodation incorporating 47 en suite

bedrooms, across all three floors, and the community has suggested that there are already other options for students in the Southern High Street area and there are a number of vacancies. Furthermore, it is also suggested that too many students will lead to an imbalance in the area.

ii) Nature of the Proposals

Whilst the proposals would result in the loss of a public house to a residential use, this would not necessarily mean that the area loses its mixed use character; that the frontage would not maintain interest; or that the High Street would not remain active. In particular, there are a number of non-residential uses within the High Street that are separated from one another by residential uses so this proposal would not in itself be harmful in principle. Nonetheless, the visual implications of the proposals upon the activity of the High Street are referred to elsewhere in this report.

iii) 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, regardless of its proximity to the University. 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 numerous presentations from the University regarding their planned expansion over the coming years. This development should help to make a reasonable contribution to addressing those needs, whether this would be directly or indirectly related to the University.

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.

iv) 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. As such, the development has potential to make an important and positive impact upon delivery throughout this period.

v) 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 High Street 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.

c) *Mitigating the Impact of the Development upon Health Infrastructure*

The application has been referred to the NHS for consideration and their response is awaited, this would be based upon a need for the development to contribute towards a direct impact upon NHS services. The NHS have calculated a formula to address any identified impacts so should a contribution be required this can be utilised to determine whether the development would need to contribute towards infrastructure. Officers will provide Members with an update regarding this matter at the Planning Committee.

2) The Design of the Proposals and their Visual Impact

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. Policy LP26 of the Local Plan 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.

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". Similarly, Policy LP35 requires that proposals should respect the historic street pattern, as well as its townscape.

Section 16 of the Framework 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

The application site is situated within the Gowt's Bridge Conservation Area and demolition of a building within a Conservation Area requires planning permission. As such, the design of proposed replacement building(s) within a Conservation Area is key to the assimilation of development and the creation of high quality built environment.

In this instance, the proposals are for outline approval, with access the only consideration. As such, the details for the layout of the site, the scale of the building(s) and their appearance are yet to be finalised and are currently indicative. These details would therefore need to be considered with further application(s).

Nonetheless, officers (including the Principal Conservation Officer) have worked with the applicant to amend the indicative scheme to give Members confidence that a development of student accommodation can be designed in a manner that would be appropriate for this sensitive site, anticipating changes will be made.

It is important to note that the site does not contain any other nationally designated (protected) heritage assets, such as scheduled monuments, listed buildings or registered parks and gardens.

i) Layout

The particular position of the public house building set back from the street line respects an earlier market place. With a building in the same position, development would undoubtedly maintain variety within the street line. Whilst the loss of the building and this legibility would be unfortunate, the new development will align with the rest of the street and achieve a strong building line. This is to be welcomed, as it will reinforce the valued strong sense of enclosure and contribute positively to the character and appearance of the Conservation Area. Moreover, as the majority of buildings within the High Street and Queen Street are to the back edge of the footpath, it would be difficult to insist that this building should remain set back within the street.

In addition, the existing building has little heritage value and therefore its demolition is not considered to have an adverse impact on the character and appearance of the conservation area.

ii) Scale and Height

In the initial comments received from the public, it was suggested that the building will be significantly more substantial than others in the immediate vicinity and be overwhelming. Officers were acutely aware of this point and have worked with the applicant to reduce the height of the building and to incorporate more locally defining characteristics, such as dormer windows set into the eaves and chimneys on the roof.

The comments received in relation to the height of the building also suggested that three storeys is not common within the vicinity of the site. However, this is misleading as there are many buildings that incorporate three floors, whether in three conventional storeys or with a top storey in the roof as now shown with this scheme.

The building will be taller than that immediately to the south but the change in height is comparable to other situations within the street. The uniform height of the building to High Street is also a common characteristic of other sites where larger buildings have been erected over time. The roof form of the Queen Street frontage is also broken down to be lower at the eastern extent of the site to address the more domestic scale of Queen Street.

iii) Appearance

The comments received in relation to the design of the originally submitted development suggest that it is not in-keeping with the Conservation Area and the design should be reviewed, including use of materials.

In seeking amendments to the application, officers have also attended to the design of the development and the openings to the High Street frontage of the building have been broken down into different types, including normal and projecting windows (boxed oriel and dormer windows). The façades therefore incorporate a balance between the horizontal and vertical, in particular, the applicant has amended the indicative visuals to provide greater emphasis to the verticality of most of the openings. At ground floor, faux shopfronts are included to provide further visual interest and activity at ground floor.

Meanwhile, in terms of the arrangement of openings to Queen Street, this is a simpler façade with traditional vertically proportioned openings and dormers above. However, the entrances to the car park and the building itself are framed. In addition, the materials that are common to the locality are proposed to be used to better integrate the new building into the Conservation Area, i.e. red bricks and natural slates.

c) *Summary on this Issue*

Officers are satisfied that the application demonstrates that the proposals could be accommodated within the site in the context of the established grain of development, including the articulation of the elevations and roof line to High Street and Queen Street and the perceived mass of the buildings.

Consequently, officers would advise Members that the development would not be harmful to the character and appearance of the Conservation Area or to the social sustainability of the locality, as required by the Framework. As such, officers would advise Members that there would not appear to be grounds to resist the development in this regard. Notwithstanding this, it would be necessary to control the final appearance of the development through the Reserved Matters application to ensure that the proposal satisfies the duty contained within section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990. Moreover, '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'.

In addition, as the loss of the public house building is necessitated by the proposed development, it is considered that it would be 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.

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. Policy LP33(d) also applies to the development given its location.

b) *Assessment of the Implications of the Proposals*

i) Comments Received

A number of responses have been made in relation to the application, copies of which are included with the application. However, the main points made are as follows:-

- the area is predominantly occupied by families and young professionals, noise from students could be an issue, particularly late at night due to the number of occupants;
- the development would overlook the yard area of the adjacent funeral directors (the site boundary should be a suitably high wall);
- movements from the adjacent funeral directors are 24hrs so would impact upon neighbouring occupancy;
- there would be significant loss of light to parts of the adjacent funeral directors which were designed to be light and inviting to bereaved;
- demolition and construction would cause disturbance;
- accommodation at ground floor is not good for occupants;
- there are far too many rooms per kitchen;
- the large number of students results in concerns in respect of waste blowing from the site to neighbouring land;
- the development would narrow the street for the first part, to the detriment of

- the safety of residents;
- times the building is not occupied will increase the risk of crime;
- students will not show respect to the sensitive use next door; and
- the developer needs to have regard to the comments by the Police.

ii) Impacts of Overlooking and Loss of Privacy

The indicative layout of the development shows the location of windows and their relationship with neighbouring uses, given the separation distances involved within the street and to the rear it is considered that the relationships presented would be appropriate in an urban context. However, the precise window to window relationships can be addressed through a further application for Reserved Matters, along with boundary treatments to provide privacy to the neighbouring use. In addition, whilst the indicative scheme indicates that there would be ground floor habitable windows adjacent to High Street and Queen Street, this will not be an uncommon relationship. Nonetheless, with screening or other internal privacy screens, it would be possible to protect the amenities of the occupants of the development.

iii) Impacts of Scale and Height

From the application it is clear that part of the proposed development would extend closer to the adjacent commercial building above the ground floor than the existing public house currently does. However, the majority of the building will actually be further away as it will abut the frontage to High Street. Consequently, whilst there may be some changes to the impacts of shading to the internal spaces of that property, a balance needs to be struck between the benefits of the larger portion of the building being sited further away. Whilst the design is still indicative, it is therefore considered that this impact would not be sufficiently harmful in a future application for officers to be concerned with the potential development of the site.

Similarly, the relationship of the building to the properties opposite on Queen Street would not be significantly different from the established relationship in that street to suggest that the proposals could not be accommodated in this manner in the future.

iv) Noise and Disturbance

Residents have also raised concerns regarding the impact of noise from additional residents (particularly students). In addition, the construction of the development has also attracted concerns due to the potential for disturbance from works on site.

- Noise from the Development

The existing noise and disturbance associated with the public house is unlikely to be comparable with the occupation of a residential use. However, the application suggests that there would be two entry points for pedestrians to the building (indicatively shown to the northern side of the building onto Queen Street and from the car park). With this in mind, due to the large number of occupants that the proposed development could house, there is potential for comings and goings associated with student accommodation to be harmful to residents of the adjacent apartments, particularly at unsociable hours. However, as with other similar applications for student

accommodation, this potential issue could be mitigated by implementing an appropriate level building management plan. This could be controlled by a suitable condition requiring that details of a management plan be submitted at the reserved matters stage to demonstrate how noise will be mitigated.

Whilst the layout within the site is not fixed, the access into the site is, so the proposed development would require vehicular movements from Queen Street into the car park serving the development. However, the number of spaces proposed would be unlikely to generate sufficient levels of traffic to lead to harm to neighbouring properties from the noise associated with comings and goings from the car park or cars idling.

At this time, it is not possible to determine precisely where refuse will be stored or collected. However, the indicative details show the former will be in the car park and the latter in the undercroft of the access to the car park. Nonetheless, as this would be close to neighbouring properties, it would be appropriate to control the final details through a planning condition, including the collection hours for refuse.

- Noise to the Development

Due to the location of surrounding uses in relation to the proposed development, there is the potential for future occupants of the building to also be harmed by noise levels if appropriate noise mitigation measures are not included in the design of the building. The application does not contain any comment on this potential issue but the Council's Pollution Control Officer has advised that this matter be addressed at the reserved matters stage, if outline consent is granted.

- Impacts of Construction

Given the proximity of the site to neighbouring properties, there is potential for the impacts of construction to disturb residents. As such, officers agree with the Council's Pollution Control Officer that it would be appropriate to ensure that adequate control measures are put in place. As such, it is recommended that construction working and delivery hours are agreed to ensure that disturbance is kept to a minimum at unsociable hours.

v) *External Lighting*

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

vi) *Crime and Anti-Social Behaviour*

Concerns have been expressed in relation to the impacts of the development, particularly security of surrounding properties and the impacts specifically of student occupiers. It is difficult to tar every student with the same brush but the use of CCTV and other management functions associated with the use should help to avoid directly associated issues with occupiers of the building. In addition, officers would suggest that it could also be argued that a greater level of surveillance from occupation of the

site would actually improve security of the area.

Nonetheless, the consultation response received from Lincolnshire Police contains pertinent advice in relation to the proposed building including designing-in crime reduction measures within the site and building. Much of the advice can be dealt with through other planning conditions, including effective site lighting but the applicant should be made aware of these recommendations if Members are minded to grant permission for the application.

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 the future in a manner that would not cause unacceptable harm in respect of most matters relevant to the protection of amenity. Moreover, with satisfactory controls over the design and layout of development at Reserved Matters and controls over the mitigation employed in relation to noise, construction working, refuse storage / collection and lighting, the proposals would be socially and environmentally sustainable in the context of the Framework and would accord with the policies in the Local Plan.

4) Sustainable Access, Highway Safety and 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 Policies LP13, LP33(e) and 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) *Comments Received*

Residents have indicated as part of the consultation exercises that they are concerned that:

- Queen Street is too narrow and there is a requirement to mount the pavement to gain access to existing properties;
- the development would lead to an increase in parking, including during

construction and at start/end of terms, which would need to park in neighbouring streets;

- similarly, despite efforts to restrict access, unrelated vehicles will park on neighbouring private land; and
- the traffic data is not to be relied upon, it is out of date and does not reflect current travel patterns.

c) *Assessment of the Implications of the Proposals*

As access is the only 'Matter' being considered as part of the application, the point of vehicular access can be fixed as part of the application and this is shown from Queen Street. It would serve four parking spaces. There is therefore no intention to access the site from High Street. The indicative site layout also suggests that pedestrian access would be from Queen Street.

The application is supported by a Transport Statement and the Highway Authority does not object to the application, particularly in terms of the nature of the access and its relationship with Queen Street, the level of parking provided and the traffic data presented. Notwithstanding this, the site is also available for other means of transport, including bus travel. In light of this, the Highway Authority has requested details of cycle parking provision are agreed by planning condition. However, the concerns raised by residents in relation to construction parking have been echoed by the Highway Authority, as they request a condition to deal with construction management and its impacts upon the highway. This is reasonable given the constraints that will inevitably affect the construction of a development within the site.

Subject to the above matters being controlled by condition, the proposals would be in accordance with the abovementioned policies.

5) Archaeology

a) *Relevant Planning Policies*

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

b) *Assessment of the Implications of the Proposals*

The applicant has provided a *Heritage Impact Assessment*, this is a desk-based study which has considered the Historic Environment Record. Whilst this recommends that there should not be a requirement for further pre-determination archaeological evaluation, it is recommended that a Written Scheme of Investigation (WSI) for the site is controlled by planning conditions.

6) Drainage

a) *Relevant Planning Policy*

The Framework sets out a strategy for dealing with flood risk in Paragraph 163 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.

b) *Assessment of the Implications of the Proposals*

The application is supported by a *Flood Risk Assessment and Drainage Strategy*, which has been considered by the Lead Local Flood Authority (LLFA). The LLFA have not raised any concerns regarding the proposals but have requested that the final drainage scheme is agreed by planning condition. Similarly, whilst a foul water drainage connection to the mains sewer may be appropriate, officers consider that it would be important to agree the final details for foul water disposal as there would be a significant uplift in outflows from the site associated with the occupation by a significant number of people.

Subject to these matters being controlled by planning condition, there would not appear to be grounds to resist the application in relation to drainage.

7) Land Contamination and Air Quality

a) *Relevant Planning Policies*

Paragraph 170(e) of the Framework requires that planning decisions "should contribute to and enhance the natural and 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 soil, air, water and noise pollution". Paragraph 178 goes on to discuss the detailed assessment of applications in relation to these matters. Meanwhile, making improvements to air quality and its impacts are addressed in Paragraphs 103 and 181 in terms of the location of development and the use of green infrastructure making a positive contribution to improvements to air quality. Furthermore, Paragraph 110 states that "applications for development should...be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations".

In addition, policies of the Local Plan apply to contaminated land (Policy LP16) and the impacts of the development upon air quality from the perspective of amenity (Policy LP26).

b) Contaminated Land

The application is not supported by information in respect of ground contamination but this is not essential before the grant of planning permission, as this can be provided before built development is undertaken. Ultimately the proposals would result in the redevelopment of the site which would lead to remediation of any contamination. In light of this, officers consider that planning conditions can be imposed to deal with land contamination if necessary. This is the advice of the Council's Scientific Officer.

c) Air Quality

Officers concur with the Council's Pollution Control Officer that the proposed development, when considered in isolation, is unlikely to have any significant impact on air quality. However, cumulatively the numerous minor and medium scale developments within the city will have a significant impact if reasonable mitigation measures are not adopted. Given that there are air quality issues in the city, it seems entirely reasonable and proportionate to the scale of development that a scheme for Electric Vehicle Recharging should be secured by planning condition.

8) Planning Balance

The Framework sets out a presumption in favour of sustainable development which for decision taking means that where relevant policies of the development plan are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework, taken as a whole; or specific Framework policies indicate development should be restricted.

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. In addition, whilst the Council currently has a five-year supply of housing, the application site would be in a sustainable location and would not undermine the housing supply position, rather it would provide additional choice directed towards a specific sector (student accommodation).

Furthermore, with a suitably designed development, the implications upon the character and appearance of the area and the residential amenities of near neighbours would not have negative sustainability implications for the local community, as they would lead to a development that would be socially sustainable. In addition, with suitable schemes to deal with drainage, contamination and air quality, the development would be environmentally sustainable.

Thus, assessing the development as a whole, officers would advise Members that all of the strands would be positively reinforced by the proposals. As such, assessing the development as a whole in relation to its economic, social and environmental dimensions and benefits, it is considered that, in the round, this proposal 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, the applicant has amended the indicative scheme upon the advice of officers.

Financial Implications

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

Legal Implications

None.

Equality Implications

None.

Conclusion

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

Application Determined within Target Date

Yes, subject to an extension of time.

Recommendation

That the application is Granted Conditionally, with Planning Conditions covering the following matters:-

- Timeframe for Permission (Inclusive of Reserved Matters);
- Reserved Matters;
- Approved Plans;
- Archaeology;
- No Demolition of Existing Building Before a Scheme has been Approved and

- a Contract Agreed for its Development;
- Noise Assessment for Construction of Building;
- Contaminated Land;
- Closure of Existing Access;
- Cycle Storage;
- Highways Construction Management Plan;
- Working and Delivery Hours;
- Arrangements for Management of the Occupation of the Building;
- External lighting scheme;
- Refuse Storage / Collection;
- Electric Vehicle Recharge Points;
- Boundary Walls and Fences; and
- Drainage Works (Surface and Foul Water).

Report by Planning Manager