

Application Number:	2021/0130/FUL
Site Address:	Land Adjacent to Yarborough Leisure Centre, Riseholme Road, Lincoln
Target Date:	3rd December 2021
Agent Name:	Globe Consultants Ltd
Applicant Name:	Mrs S Kane
Proposal:	Erection of five 3 and 4 storey buildings and twelve 2 and 3 storey town houses for student accommodation with vehicular access from Riseholme Road (Resubmission)

Background

Members of Planning Committee will recall the planning application for Bishop Grosseteste University was granted on 1st December 2021. The application, on land in front of Yarborough Leisure Centre, proposed to build four 2/3 storey buildings fronting Riseholme Road to form townhouses with five 3/4 storey buildings positioned behind. The development consisted of 293 bedrooms of accommodation for students with ancillary on site reception, laundry facilities and warden accommodation. A new vehicular access was proposed from Riseholme Road and 17 parking spaces provided within the site for accessible unloading and staff parking only. The previous committee report and representations are appended for reference.

Members resolved to grant the application as recommended by officers although an additional condition/obligation was imposed requiring the provision of increased public transport services (bus service), at the responsibility of the developer, from Mondays-Saturdays, continuing for 3 years post final completion of the development, prior to occupation of the student accommodation.

Planning Committee resolved to grant permission on 1st December although despite officer's best efforts, they have been unable to issue the final decision on the application due to difficulties with the imposed bus service condition. The intention of bringing the application before Planning Committee again is not to revisit all the previously considered planning issues other than the above condition in light of the present situation and new information which has been considered since the committee decision.

Consideration

The original highway comments on the application were as follows:

“There is an existing commercial Stagecoach evening service which operates on a Friday and Saturday. We request that this service be increased to operate Monday - Saturday. This service should be in place prior to occupation of the student accommodation and continue for 3 years post final completion.

An obligation for delivery of this service should be sought from the developer and secured by condition. The developer is to be responsible for the provision of this service and may wish to enter into a contract with the transport provider to deliver this. The contract would be between the developer and the transport provider and negotiated between the two. The developer should be required to undertake due diligence to ensure that the likely cost of the provision is met. LCC's Transportation department could provide support if required.”

Officers advised members within the previous report that they did not consider such a request to be reasonable or proportionate and they did not consider it met the statutory tests set out within legislation and the National Planning Policy Framework.

The statutory tests state that:

“Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;*
- directly related to the development; and*
- fairly and reasonably related in scale and kind to the development.”*

Whilst officers agree that an increased bus service would be a positive impact for future occupants and local residents, such a request does not pass the tests of being necessary to mitigate an otherwise unacceptable development. Despite this, following the previous committee decision, officers and the applicant have made attempts to find a solution so that the planning permission can be issued, and the development be implemented.

During conversations between the applicant and Stagecoach in order to try and resolve the matter, it has become apparent that an evening bus service referred to in the comments from the Highway Authority no longer runs at all. To restart this service with the additional provision for Monday-Saturday would therefore have a significant cost. Initial figures gained from Stagecoach have suggested that this would likely be in the region of £250,000 over the 3 years as requested. Following re-consultation with the Highway Authority in light of the current circumstances they have agreed with officers that such an amount would be cost prohibitive and not reasonable in scale to the development. They have also confirmed that requesting a reduced amount from the applicant would not be possible as they, as Highway Authority, would not be able to contribute to the remaining running costs in order to deliver the service. The Highway Authority have therefore withdrawn their request for the additional bus service provision. Their revised comments state that:

“In LCC's response (as HLLFA) to this application in May 2021 and to the previous submission reference 2019/0943/FUL, we requested that the applicant be financially obligated to increase a commercial Stagecoach evening service to serve additional weekdays.

Since the initial request was made in December 2019, the public transport sector has changed significantly. Stagecoach are no longer running their existing evening service which we asked the applicant to increase. The applicant approached Stagecoach to discuss the costs of providing the service requested, and although we shall not mention the exact figure in this response, LCC find it to be cost prohibitive and not reasonable in scale to the development proposal. As such, we resubmit our previous response to this planning application with this request omitted.”

Given the above, officers recommend that the requirement on the applicant to provide an increased evening bus service to operate Monday-Saturday is removed as a condition/obligation. No amendments have been made to the scheme since the application was previously considered by members and officers remain of the view that the development would relate well to the site and surroundings, particularly in relation to siting,

height, scale, massing, and design. The proposal allows BGU to continue to develop and ensures that there is little impact on their neighbours and the wider City.

The removal of the previously applied condition/obligation would allow the permission to be issued subject to the conditions listed below.

Conclusion

Offices are satisfied that despite the removal of the condition requiring an additional bus service, the development is still acceptable and is in accordance with the requirements of CLLP Policies and the NPPF.

Application Determined within Target Date

Yes – with extension of time.

Recommendation

Grant conditionally

Conditions

1. Development to commence within three years
2. Hedge and tree protection to be in place at all times during construction
3. Materials
4. Highway conditions
5. Archaeology
6. Remediation shall be implemented in accordance with submitted remediation strategy
7. Submission of construction management plan
8. Retention of parking spaces at all times
9. Development to proceed in accordance with submitted Travel Plan
10. Landscaping to be implemented in accordance with the submitted landscaping plan –
11. Details to show how the site achieves Biodiversity net gain
12. Details to show boundary walls and fences – including any security fencing to the front

A Section 106 agreement has been signed for contribution to NHS Services