

<b>Application Number:</b>	2021/0817/HYB
<b>Site Address:</b>	Former William Sinclair Holdings Site, Firth Road, Lincoln
<b>Target Date:</b>	25th March 2022
<b>Agent Name:</b>	DPP
<b>Applicant Name:</b>	The Ashcourt Group
<b>Proposal:</b>	Hybrid application for the erection of 22no. buildings for use as HMO (Class C4/Sui Generis) (totalling 67no. units) and 1no. office building with 8no. residential apartments on the first and second floors (Class E(g)/C3) with associated parking and landscaping works (Phase 1 - Full Planning Permission); and erection of approximately 3no. apartment blocks (Class C3) and 9no. HMOs (Class C4/Sui Generis) with associated parking and landscape works (Phase 2 - Outline planning permission including details of access only)

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

This application seeks planning permission in Hybrid form with full details submitted for the eastern part of the site (Phase 1) for the erection of 22 buildings comprising 67 residential units including 40 C4 Houses in Multiple Occupation (HMOs) and 19 Sui Generis HMOs. An additional building at the entrance to the site will contain office accommodation at ground floor with 8 apartments over two floors above. The site creates 310 bedspaces, within Phase 1. 16 of the units would be accessible and their layouts also comply with Building Regulations M4(3).

Phase 2 is in outline form with only the details of the access being considered as part of the current application, all other matters are for consideration on subsequent reserved matters applications. However, an indicative layout has been submitted showing 276 bedspaces within Phase 2.

The site is located to the southwest of the City Centre and currently vacant although previously hosted a series of industrial buildings which have now been demolished. The site is located within a Regeneration Opportunity Area as identified in the Central Lincolnshire Local Plan (CLLP) and located within Flood Zone 3. Vehicular access to the site is via Firth Road to the north.

To the north-west of the site is Tritton Retail Park with an industrial estate to the north-east. The site is abutted by the River Witham on the eastern boundary with residential properties located beyond. The southern boundary is defined by the Boultham Pump Drain with Coulson Road located beyond the southern side of the bank. Coulson Road is lined with residential properties on the southern side facing the application site. A gym and a row of terraced properties line the western boundary on Waterloo Street, with their rear yards backing onto the site.

### **Site History**

No relevant site history.

### **Case Officer Site Visit**

Undertaken on 14th February 2022.

## **Policies Referred to**

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP9 Health and Wellbeing
- Policy LP10 Meeting Accommodation Needs
- 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 LP18 Climate Change and Low Carbon Living
- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- Policy LP29 Protecting Lincoln's Setting and Character
- Policy LP32 Lincoln's Universities and Colleges
- Policy LP35 Lincoln's Regeneration and Opportunity Areas
- National Planning Policy Framework

## **Issues**

The key issues for consideration are:

- Principle of Use
- Objection from University/Student Demand
- Developer Contributions
- Visual Amenity
- Energy
- Impact on Residential amenity
- Traffic and Pedestrian Safety
- Flood Risk and Drainage
- Landscaping and Biodiversity Net Gain
- Archaeology
- Contaminated Land

## **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

The applicant has also undertaken their own pre-application engagement via a consultation letter to 186 local residents and businesses which provided information on the proposed development. A link was given to these residents to make comments or raise any queries.

Comments have been received as part of the consultation process. They can be viewed in full online or at the end of this report. Concerns from neighbouring properties include, but are not limited to, scale of the buildings, risk of flooding, impact on historic environment and hours of work.

## **Statutory Consultation Responses**

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

## **Public Consultation Responses**

Name	Address
University Of Lincoln	C/o Ravinder Uppal 45 Church Street Birmingham B3 2RT
Mr East	77 Waterloo Street Lincoln Lincolnshire LN6 7AQ
Mr Stephen Pepper	73 Waterloo Street Lincoln Lincolnshire LN6 7AQ
Mr John Woodward	24 Brookside Scopwick Lincoln LN4 3PA

## Consideration

### National and Local Planning Policy

#### Principle of Use

Central Lincolnshire Local Plan (CLLP) Policy LP2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire, including housing. Policy LP1 and the National Planning Policy Framework (NPPF) also advise that housing applications should be considered in the context of the presumption in favour of sustainable development.

The site is allocated as a re-development opportunity within the CLLP, with a range of uses being acceptable in principle. Policy LP35, in relation to this site, states that *"Planning permission will be granted for the appropriate redevelopment of sites in the regeneration area for housing, including accommodation for students, either solely or as part of a mixed use development in association with: Business use (B1); Education and community use (D1); Small shops/ cafés/ restaurants on the ground floor along the waterfront; and Leisure."*

The development of the site for student accommodation is therefore in principle in accordance with the policy allocation for the area.

#### Student Demand

The University of Lincoln has objected to the application. The objection states that there is a surplus of student accommodation in the City, currently of 2670 beds which would rise to 3542 in 2023 if the Firth Road and other pending schemes are granted. Whilst those figures have been provided, specific details have not been included as to which of the pending schemes they refer nor where the existing 2670 surplus are located within the City. The university objection states that the existing supply of student accommodation is sufficient to support the predicted forecast rise of student numbers over the next decade. The Planning Authority does not hold information regarding student numbers therefore cannot substantiate or analyse these details given by the university.

The applicant has responded to the University's objection. Both the university objections and the response from the applicant are detailed in full on the agenda. The applicant has stated that: *"As there is no policy requirement to demonstrate student need, the comments made by the University relate more to a commercial decision of Ashcourt as to whether to deliver a development which the University believes may be left empty due to lack of student demand. Ashcourt are confident that their scheme is viable and deliverable. The proposal is based upon a very successful scheme that the Ashcourt Group built and operate in Hull close to the University of Hull. The accommodation is presented in a series of townhouses, giving intimate individual student communities largely used by 2nd, 3rd and 4th year students who have formed social groups through coming together during the first year at university. Many of the Ashcourt properties are reserved by the same student groups throughout their university life. As such the product very much competes with converted residential properties scattered across the city. As such it will assist in easing tensions within residential communities where the different lifestyles can and do cause conflict. It is entirely possible that the product could be used by some first-year students but in the experience that Ashcourt have in Hull, this is limited. The product offers enhanced student accommodation and will increase and enrich the student experience,*

*ultimately to the benefit of the university. It will help create long lasting social groups and friendships extending students relationships with each other, the University, and the city.”*

The response from the applicant also advises that the proposed development would likely see a reduction in demand for HMOs within areas such as the West End of the City where residential properties have been lost to student HMOs. They assert that this proposed development would free up traditional housing stock, allowing families to move back into houses and re balance those communities.

Officers would note that the type of accommodation being proposed under the current scheme is different to that of some of the others in the City such as the St Marks development north of this site. The layout of the units proposed are more akin to that of a shared town house rather than a Hall of Residence. This may mean that the demand for the accommodation is likely to be from those who would ordinarily rent an HMO within a residential area rather than competing with existing purpose built accommodation. In any case, officers consider that concerns relating to issues regarding competition in the student accommodation market is not a material planning consideration.

The layout of the proposed accommodation would also mean that it would be more easily converted into a conventional residential use (subject to a further planning application), should the accommodation not be required for student use in the future.

Notwithstanding the above, as the applicant has rightly stated, there is no demand policy within the local plan. Therefore, as with any proposal for a new use within the City, there is no obligation on the applicant to demonstrate a demand for such a use. The applicant is confident that this scheme is deliverable and viable despite the figures from the university.

Officers are therefore satisfied that the principle of the proposed use in this location is acceptable. Supporting the principle of this university related development would also be in accordance with CLLP Policy LP32.

The university also raised issues with flooding and design and these issues are discussed later within the report.

### Developer Contributions

Due to the nature of the proposed use as student accommodation the development is not Community Infrastructure Levy (CIL) liable nor is there a requirement for S106 contributions relating to education, playing fields or play space. A proposed condition and clause in the proposed S106 agreements will ensure that the development can only be used for the purposes of student accommodation. Should the developer want to use the development for a conventional residential use in the future then a planning application would be required to vary the condition and S106 which would then trigger contributions for education and playing fields/play space.

A request from NHS England has been received advising that the development would put additional demands on the existing GP services for the area, and additional infrastructure would be required to meet the increased demands. A commuted sum has therefore been requested to contribute to the development of additional clinical space. This request would be in accordance with CLLP Policies LP9 and LP12. The applicant has agreed to sign a S106 agreement securing the contribution which will be finalised should the Planning Committee be in support of the application.

## Visual Amenity

Phase 1 of the development would provide 22 buildings of student accommodation with an office building at the entrance to the site with student apartments above. The buildings would all be three storeys high but a range of house types within the site creates variety whilst maintaining a sense of collective identity throughout the scheme.

The house types range from parapet, mansard and gabled roofs but all maintain similar characteristics such as the use of red brick, large vertically proportioned windows and brick detailing between each floor to add interest to the elevations.

The layout maximises the views of the site of the River Witham and the Boultham Pump Drain with the proposed buildings lined along both the southern and eastern boundary, with a further 9 buildings positioned within the site. Access into the site would be from Firth Road.

The design has been subject to discussions both at the pre-application stage and during the course of the application. Revisions have been made to add interest and variety to some of the elevations through redesigning the entrances to the blocks to create more emphasis to those elements. Samples of materials to be used in the development would be required by conditions although officers raise no objections with the palette of materials suggested. Officers consider the contemporary design as submitted is appropriate for the site.

The prevailing character along Couslon Road to the south is two storey properties, whilst there is more variation to the east with some three/four storey residential properties. To the north there are three storey former industrial buildings and the retail park which is of an equivalent scale of 2/3 storey buildings. The university objection includes comments regarding the impact from the development on key buildings such as Crown Windmill, Lincoln Cathedral and Lincoln Castle. However, the site itself has been host to large scale industrial buildings for decades previously, before they were recently demolished. The proposed buildings being considered under this application are all 3 storeys in height which is considered to be appropriate to the site and its surrounding context. Furthermore, breaking the buildings up into a number of individual townhouses also ensures that massing is not an issue and adds interest from longer views. Larger scale buildings are indicated on Phase 2 of the development although these will be considered during a later reserved matters application.

The layout of the buildings means that three areas of green space can be provided on the site as well as landscaped areas being introduced on the north, east and southern perimeters of the site.

Overall, the development is of a scale that would not appear overly dominant in this part of the City. Whilst some localised views of the Cathedral will be affected from Coulson Road, long views of the historic hillside are not unduly interrupted by this development. It is considered that the proposals for phase 1 are appropriate in terms of making a positive contribution to local character and distinctiveness and responding to the established character of the area in accordance with Policy LP26 of the Local Plan and paragraph 130 of the NPPF.

## Energy Efficiency

An Energy and Low Carbon Technology Statement has been submitted with the application. The statement details the low energy design principles that have been established in order to minimise energy demand of the proposed buildings, they include:

- The use of no fossil fuels on site
- Air source heat pumps to generate space heating and domestic hot water requirements
- Photovoltaics to generate renewable energy on the site
- Having thermal properties and levels of insulation in excess of the new building regulations requirement (Part L)
- Lighting controls to limit the use of artificial light
- The use of high efficiency fans to reduce the amount of electrical energy required

The proposals therefore demonstrate how the development can reduce demand, resource efficiency, use renewable energy sources and off-set carbon in accordance with Policy LP18 of the CLLP.

## Impact on Local Residents

The design and scale of the buildings has been carefully considered to minimise any physical impact on adjacent residents in terms of overlooking, loss of light or the creation of an overbearing development. The closest distances from the Phase 1 development to existing properties are approximately 40 metres to the residential properties to the east and 37 metres to the south on Coulson Road. These separation distances will ensure that the scale of development can be satisfactorily accommodated within the local area without undue harm to residential amenity in line with Policy LP26 of the Central Lincolnshire Local Plan. Whilst some concerns have been received from the neighbours at Waterloo Street, the part of the development adjacent to them is within Phase 2 of the scheme and would therefore form part of a future reserved matters application should the current application be granted.

There will be an increase in students in and around the site as a consequence of the development but this in itself would not constitute harm to the amenity of local residents. Officers do not consider that there is an overconcentration of students within this area given the mix of residential to the immediate south and east and retail/industrial to the north. The range of uses as well as the site being close to Tritton Road, a major route into the City Centre would mean that any increase in activity generated by this site is unlikely to be unduly noticeable. A condition restricting the construction hours will be applied to any grant of permission to help limit any potential impact of construction.

## Traffic and Pedestrian Safety

The applicant aims to provide 46% resident parking on site which equates to 143 spaces within phase 1 including accessible parking. 84 secure cycle stores would also be provided within phase 1.

The development will have a controlled access gate from Firth Road and the access roads within the site are suitable for fire engine access, refuge vehicles and maintenance vehicles. A scheme for electric vehicle charging points at the site would be required via a

condition, should planning permission be granted.

The main access for pedestrians, and only access for vehicles, is via the main entrance off Firth Road. There would also be an access controlled pedestrian gate on the east boundary of the site which links to the river cycle/foot path on the western side of the River Witham. The site is located within a walkable distance from the university and city centre with good access to public transport, and cycle and pedestrian routes.

The application has been the subject of consultation with the Highway Authority at the County Council and their comments are appended to this report. The Highway Authority have raised no objection to the development subject to conditions requiring the submission of a construction management plan and that the details of the Travel Plan are implemented.

The advice from the Highway Authority also contains a request for this site to fund the upgrade of pedestrian facilities at the signalised crossing on Tritton Road, near Valentine Retail Park. Officers consider that very few residents of the site are likely use this crossing, the majority of the pedestrian movements will be north towards the city centre and the university. It does not therefore meet the tests set out in legislation in relation to off-site contributions from development; the request is not reasonable or proportionate and we recommend that this request does not form part of the S106 for the application.

Subject to the recommended conditions, officers consider the development would promote the use of sustainable modes of transport for users of the site and would not have a severe impact on the transport network in accordance with paragraph 111 of the NPPF and LP13 of the CLLP.

### Flood Risk and Drainage

The site lies within Flood Zone 3 therefore a Flood Risk Assessment and Drainage Strategy has been submitted with the application. The developer has also undertaken a sequential testing exercise which has concluded that there are no reasonably available alternative sites available for the development.

The FRA concludes that:

- Finished Floor Levels (FFL) should be set at a minimum of 5.700mAOD, with flood resilient construction to a height 300mm above the predicted flood depth, and demountable defences to 600mm above finished floor level.
- The new buildings should be on the Environment Agency's emergency flood line which would advise occupants of potential flood events. A flood procedure plan will be drafted by the management to ensure that all occupants are aware of the evacuation plan / safe egress and refuge routes should flooding occur.
- The proposed scheme will not change the operational function of the existing River Witham.
- The amount of impermeable area associated with the proposed development is no greater than the existing site therefore will not generate greater flows to that of the existing site which will not increase flood risk.

The Flood Risk assessment has been considered by the Environment Agency who have raised no objections to the proposals subject to conditions to ensure the FFLs are set no lower than 5.7mAOD and the proposed resilience measures are incorporated.



The drainage strategy for the site establishes that ground conditions at the site are not considered to be permeable; making infiltration drainage unfeasible at the development. The nearest watercourse to the site is considered to be the favourable location for the discharge of surface water run-off. However, it is proposed to drain hardstanding areas of the site via permeable paving and highway gullies, with additional attenuation provided within the pipework and permeable paving sub-base. The levels and falls across the site will be designed to direct surface water away from buildings towards soft landscaping areas. It is therefore proposed that surface water discharge will be restricted using a flow control to 65l/s in accordance with the agreed assessment of existing flows with the Internal Drainage Board (IDB). Foul drainage from the proposed development is to be discharged to the existing Anglian Water foul water sewers surrounding the site.

The site abuts the Boultham Pump Drain on the southern boundary. Negotiations have taken place during the application stage with the developer and the IDB to ensure an appropriate buffer for upkeep of the drain is maintained between the proposed buildings and the bank of the drain on the south boundary. The IDB has raised no objections the development

The drainage strategy has been considered by the County Council as Highway Authority and Lead Local Flood Authority (LLFA) who have raised no objections to the proposed arrangements. The development would therefore satisfy the requirements within paragraph 167 of the NPPF and LP14 of the CLLP.

#### Landscaping and Biodiversity Net Gain

The applicant has provided landscaping scheme and an assessment of how the site can achieve Biodiversity Net Gain (BNG). Three pockets of opens space are created within the site to create focal points and recreational space within the site for its occupiers. Trees would be planted throughout the site and wildflower meadows introduced along the southern boundary with the Boultham Pump Drain and part of the eastern and northern boundary. Native hedging/shrubs would also be introduced on the north and southern boundary and in various areas throughout the site to break up the parking areas.

A BNG Assessment has been submitted with the application using the which details the net gain elements including 680m of new hedgerow around the site and a net gain of 9.92% of habitat units on site. The assessment also details a number of faunal features for local wildlife, including integral bat and bird boxes, insect boxes and log piles and further details of these features and details of maintenance are proposed to be submitted via condition.

Overall, the proposals represent a net gain in trees and biodiversity in line with Policy LP21 of the CLLP.

#### Archaeology

Whilst the likelihood of finding significant Archaeology in this part of the City is unlikely, it is proposed that standard conditions will be able to deal with any such matters during the course of construction.

## Contaminated Land

A ground investigation report has been submitted with the application although further information will be required to address any potential contamination within the site. This matter could be appropriately dealt with by the imposition of the standard contaminated land conditions on any grant of permission in accordance with Policy LP16.

## Financial Implications

None.

## Legal Implications

None.

## Equality Implications

None.

## Conclusion

The development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, and design.

Technical matters relating to highways, contamination and archaeology are to the satisfaction of the relevant consultees and can be further controlled as necessary by conditions. The proposals would therefore be in accordance with the requirements of CLLP Policies and the NPPF.

## Application Determined within Target Date

Yes – With extension of time.

## Recommendation

Delegate the application to grant upon signing of the S106 subject to the conditions set out below.

## Conditions

1. Development to commence within three years
2. Development to be in accordance with the submitted drawings
3. Materials to be submitted
4. Contaminated land
5. Archaeology
6. Highways construction management plan
7. Noise mitigation measures to be implemented
8. Biodiversity management plan to be submitted
9. Landscaping details to be submitted
10. EV charging points to be submitted
11. Boundary treatments to be submitted
12. Travel Plan to be implemented

13. Flood Risk mitigation measures to be implemented
14. Levels on site to be in accordance with drawings
15. Construction hours to be between 7:30am – 6pm Mon to Fri and 7.30am – 1pm Saturdays
16. Restricted to students only
17. Details of reserved matters to be submitted