

Reporting to Planning Committee Meeting to be held on: 6th September 2018	Electoral Ward Affected University
Report submitted by: Director of Development	
Application Number: 06/2018/0614	

1 Summary

1.1 Friargate Social Club , 75-79 Maudland Bank, Preston, PR1 2YL

Outline planning application seeking approval for demolition of former social club and erection of 4 storey building with basement floor providing 142no. units of student accommodation (all matters reserved)

Applicant Carson Sall
Agent N/A
Case Officer Ben Sandover

2 Decision recommended

Approval with conditions

2.1 Conditions & Informatives

1. In accordance with approved plans
2. Time – commencement of development.
3. Submission of reserved matters (access (including drop-off facilities as referenced within submitted Transport Statement), appearance, scale, layout and landscaping)
4. Student accommodation only
5. Construction Environmental Management Plan
6. Foul and surface water to be drained on separate systems
7. Surface water drainage scheme
8. Sustainable SUDs drainage scheme
9. Management and maintenance of surface water
10. Intrusive ground investigation
11. Energy Efficiency Levels Equivalent to 19% improvement of Part L
12. Waste management

Informatives:

1. Protected species - bats

3 Information

3.1 Location

The application site extends to 1.2 hectares of previously developed land occupied by a vacant single storey building, last used as a social club, with an associated car park. The existing building on site is in poor condition and the car park is surrounded by palisade fencing. To the north of the site is a grassed area and a footpath beyond which are residential properties. To the west is Maudland Bank with further residential properties on the opposite side of the road. To the south is a former railway line with Maudland Road beyond. To the east is a playground on the line of the former canal, beyond which is the University's Media Factory building. The application site is located within an existing residential area as shown on the Policies Map of the Preston Local Plan 2012-2026.

3.2 Proposal

Following demolition of the existing single storey building on the site, a proposed four storey building, with basement floor, would provide 142no. units of student accommodation. As the application is in outline at this stage, access, appearance, scale, layout and landscaping are reserved matters. Although layout and appearance have not been applied for at this stage, indicative layout and elevational plans demonstrate the proposed block would be situated at least approximately 12.5m from the side elevation of the adjacent residential property, 20 Maudland Bank and would be four storeys high.

3.3 Relevant planning history

06/2017/0377 - Outline planning application for demolition of existing building and erection of 4-7 storey student accommodation (access, appearance, layout and scale applied for) – Refused on 20th June 2017, for the following reason:

1. The proposed development, by virtue of size, scale and massing, would have an unacceptable overbearing impact upon the street scene and would fail to respond to its surrounding context contrary to Local Plan Policies AD1 and EN9, Core Strategy Policy 17 and the National Planning Policy Framework.

The above application was subsequently appealed, and was dismissed on 12th March 2018 (Appeal ref: APP/N2345/W/17/3182930)

3.4 Planning Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Development plan comprises:

Central Lancashire Core Strategy

Policy 1: Locating Growth

Policy 3: Travel

Policy 16: Heritage Assets

Policy 17: Design of New Buildings
Policy 26: Crime and Community Safety
Policy 27: Sustainable Resources and New Developments
Policy 29: Water Management
Policy 30: Air Quality

Preston Local Plan 2012-2026

Policy AD1(a): Development within (or in close proximity to) Existing Residential Area
Policy HS6: University of Central Lancashire
Policy EN2: Protection and Enhancement of Green Infrastructure
Policy EN7: Land Quality
Policy EN8: Development and Heritage Assets
Policy EN9: Design of New Development
Policy ST1: Parking Standards
Policy ST2: General Transport Considerations

Other Material Considerations:

Central Lancashire Design Guide Supplementary Planning Document
UCLAN Masterplan

National Planning Policy Framework (the Framework)
National Planning Practice Guidance
National Planning Policy for Waste

3.5 Consultation responses

Greater Manchester Ecology Unit: The building would have limited potential to support bats. It is of note that bats are mobile in their habitats and can turn up in the most unlikely places. If bats or signs of bats are found at any time during works, then work should cease immediately and advice sought from Natural England or a suitability qualified bat worker. An informative to this effect is recommended.

United Utilities: No objection subject to conditions requiring foul and surface water to be drained on separate systems and that a surface water drainage scheme is submitted for approval prior to commencement of development.

Lead Local Flood Authority (LLFA): No objections subject to conditions requiring submission of an appropriate surface water drainage scheme, submission of a sustainable drainage scheme, and a scheme to manage and maintain the surface water of the site.

County Highways: The proposed development is in a sustainable location close to the UCLAN campus and local facilities. The proposed use would generate a lower number of vehicle trips than the permitted use of the site as a social club. It is expected that a condition preventing open market use of the accommodation be attached to any future planning permission. No parking is proposed which is acceptable for this type of development. The greatest impact on the highway would be during student in-take and out-take days each term and during the construction period, but those impacts would not be significant at this location. The plans should be amended to provide a new vehicular dropped kerb access to serve the development. A Construction Environmental Management Plan should be approved prior to demolition of the existing building.

Environmental Health: No objection to proposed development, recommend conditions requiring contamination, site investigation, method statement and remediation strategy and validation report, and details of any air extraction or conditioning system to be submitted, with noise levels to not exceed 10 decibels below the background noise level at the nearest noise sensitive premises.

Waste Management: There is no confirmation within the application of how domestic waste and recycling produced by future residents would be handled, and the sole mention of provision is the storage area within the basement. A full waste management strategy should be provided.

60 representations have been received in relation to the planning application. The comments received can be summarised as follows:

- No consultation has taken place with local residents;
- There is an insufficient level of details within the plans to make a fully informed decision about the proposals;
- The proposed development is being constructed by a developer who has constructed a nearby facility in the past. This development took longer than expected to be completed and led to disruption to neighbouring properties;
- The density of development is high;
- The proposed development would cause a risk to the weak bridge on Maudland Road, given the scale of construction traffic and the digging out of basement areas;
- The proposed development would be inappropriate, overbearing in size and scale, and not in keeping with the surrounding context;
- The occupiers of the proposed building would cause disruption to the area in terms of noise generation, parking issues, litter problems and increased traffic;
- No adequate parking facilities, contrary to Local Plan parking standards;
- The proposed development would result in commercial development encroaching into a residential area;
- The occupiers of the proposed building would overlook and overshadow the surrounding residential properties and children's play area resulting in loss of privacy;
- The building would also cause a loss of light;
- The proposed building would block the view of St. Walburge's Church from the Adelphi roundabout (Fylde Road);
- The site should be developed with affordable housing, which would be more in keeping with the surrounding area;
- There is already an oversupply of student accommodation in the area.

3.6 Analysis

Principle of proposal

Policy AD1(a) of the Local Plan states that new development will be permitted in residential areas so long as the design and scale is sensitive to and in keeping with the character and appearance of the area, it would not have an adverse impact upon residential amenity, it would not be detrimental to the residential character of the area and would not lead to an over-intensification of the site.

Student accommodation would not be an unusual use within a residential area. The design and scale of the proposed development, the impact upon residential amenity and the character of the area will be assessed in greater detail later in this report. The existing site is in poor condition and the proposed development would represent a redevelopment opportunity that would result in a net improvement to the visual amenity of the area.

The application site is located outside the area defined as HS6 (University of Central Lancashire) on the Policies Map of the Local Plan. Policy HS6 of the Local Plan states that outside the defined area proposals for student accommodation will need to be justified. The previous application was accompanied by a statement relating to student accommodation, and the applicant has confirmed this is still to be considered, which confirms purpose built student accommodation is made available for first year students and after their first year, students are expected to seek accommodation on the private market. Enrolment numbers at UCLAN are increasing and are expected to continue to rise. UCLAN has developed a campus masterplan with a ten year lifespan and the application site falls within the masterplan area. The applicant therefore asserts that there will be a need for further purpose built accommodation. In terms of the type of accommodation proposed, the applicant states that the accommodation proposed would raise the standard of accommodation in the city and would help the university to compete with other cities. With regards to surrounding land uses and facilities, the applicant asserts that the surrounding university uses are comparable to the proposed scheme, but the presence of housing to the north and west require careful consideration. The applicant considers that due to the redundant nature of the site it needs to be redeveloped and student accommodation offers the most direct route to redevelopment. In terms of accessibility, the applicant states the main campus is very close by, public transport links are widely available and the train station is within walking distance.

The principle of the redevelopment of the site for student accommodation is therefore considered acceptable, subject to an assessment of the loss of a community facility which is considered below.

Loss of an existing community facility

Core Strategy Policy 25 seeks to ensure that the loss of existing community facilities is resisted by requiring evidence that they are no longer viable or relevant to local needs. Policy WB1 of the Local Plan states that development proposing the change of use or loss of any premises or land currently or last used as a community facility will be permitted so long as it can be demonstrated that it no longer serves the needs of the community; alternative provision has been made or is available; the use is no longer financially viable or there is an amenity or environmental reason why the facility is no longer acceptable.

The application is accompanied by a statement that confirms the social club closed down a number of years ago after several changes of management which struggled to make the social club viable. The Council owns the site and reduced the ground rent in an effort to assist financially but the social club still failed. The applicant has advised that the building was first advertised for sale in December 2014 and that whilst in use incidents of anti-social behaviour and crime were reported to the Police. Lastly the statement confirms that the building is in an advanced state of disrepair and it is unlikely that it would be brought back into use. In terms of alternative facilities, the statement asserts that there are a number of public houses within walking distance of the application site, including the Ship Inn on Fylde Road. St. Walburge's church hall is available for hire and the University of Central

Lancashire has several venues available for hire, all of which are in close proximity to the application site. The statement concludes that the building has not provided a community facility for several years and there are a number of alternative facilities available within the vicinity. The justification provided in the statement accompanying the application is considered to justify the loss of the community facility, in accordance with Policies 25 and WB1.

Impact on Heritage Assets

The local planning authority should give special regard to the desirability of preserving the setting of a listed building, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Policy 16 of the Core Strategy sets out how heritage assets will be protected and enhanced by safeguarding them from inappropriate development that would cause harm to their significance.

Policy EN8 of the Local Plan sets out a number of criteria where proposals affecting a heritage asset or its setting will be permitted. These include where they accord with national policy on the historic environment, take full account of the information and guidance within the relevant conservation area character appraisal, make a positive contribution to the character and local distinctiveness through high quality design, are accompanied by a satisfactory heritage statement and where they sustain, conserve and where appropriate enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment. This includes having consideration for the appropriateness of the proposed use of the heritage asset in relation to its significance.

The grade I listed St Walburge's Catholic Church is located on Pedder Street beyond the railway line to the west of Maudland Bank. Its spire is a distinctive feature of the local skyline and is seen in a number of longer views, including from sections of Flyde Road, Maudland Road, Leighton Street, Maudland Bank and Pedder Street. The submitted heritage statement concludes that there would be no harm caused to this heritage asset. It is considered that the church, and particularly its spire, is visible from a distance from a number of viewpoints as noted above. It is noted that views of the spire from Flyde Road and the Adelphi roundabout are already intercepted to a significant degree by existing buildings on Maudland Road. The spire, due to its considerable height, would remain visible within the foreground. Although appreciated that immediate views of the spire over and across the appeal site and intervening land from Maudland Road would be restricted by the proposed building, the extent of this would be limited as views towards it open up around the junction of Maudland Road, Maudland Bank and Leighton Street. In the context of the surrounding UCLan campus buildings, it is not considered that this would be harmful to the setting of the listed building.

The local planning authority has thereby given special regard to the desirability of preserving the setting of the asset, finding no harm to the setting of the listed building, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Design and layout

Core Strategy Policy 17 states the design of new buildings will be expected to take account of the character and appearance of the local area, being sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area.

Policy EN9 of the Local Plan states that all new development proposals should be designed with regard to the principles set out and explained in the Central Lancashire Design Guide SPD, which are movement and legibility; space and enclosure; mix of uses and tenures; adaptability and resilience; resources and efficiency; architecture and townscape. The policy states applications will be approved where they accord with the Design SPD, Core Strategy, national policy and Cabe guidance; make a positive contribution to the character and local distinctiveness of the area; and are accompanied by a satisfactory Design and Access Statement that fully explains and justifies the design approach for the scheme.

Local Plan Policy AD1(a) states that development within (or in close proximity to) the existing residential area will be permitted subject to a number of criteria, including that the design and scale of development is sensitive to, and in keeping with, the character and appearance of the area.

Paragraph 124 of the Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Design SPD seeks to raise the level and quality of design of new buildings, sets out a number of well established principles of good design and how these can achieve a clear and robust design concept for site.

A previous application (ref: 06/2017/0377) for demolition of the existing building and erection of a 4-7 storey student accommodation block was refused by the Council in June 2017, and was subsequently dismissed at appeal (appeal ref: APP/N2345/W/17/3182930), on the grounds of character and appearance of the surrounding area, with particular regard to its size, scale and massing.

The Inspector noted that although the site lies close to the UCLan campus, it feels somewhat detached. To the south, the deep former railway cutting between the site and Maudland Road is a significant factor in placing the site in a materially different context to the UCLan campus, whilst to the rear a deep swale ensures that the site appears clearly detached and separate from the campus buildings to the east. The Inspector notes that although these buildings form a significant backdrop to the site, the site's immediate context is defined by the much more modest scale of buildings on Maudland Bank and at its junction with Pedder Street. In this sense, the scale of the existing building within the site shares a greater affinity with these than it does with the UCLan buildings behind. However, the Inspector considered it is clear that the site is seen, and the proposed development would be seen, in both contexts. Whilst the Inspector noted that the previously proposed building would be of a comparable scale to others within the UCLan

campus, such as the media factory building behind, it would have introduced a substantial structure into the modestly scaled surroundings of Maudland Bank. It was noted that as a consequence of its stepped, but increasing, scale it would dominate the foreground context of Maudland Bank where it would sit uncomfortably as an incongruously large structure relative to those around it.

The Inspector noted that, whilst the site is level, it lies at something of a crown in the surrounding landform. Roads on Maudland Road, Leighton Street, Pedder Street and Maudland Bank all rise gradually to a high point around their intersection a short distance south of the site. It is important in particular to ensure that the proposed development would be of a size, scale and massing that would be sensitive to the character and appearance of the surrounding area.

The application now before the Council seeks outline planning permission for the erection of a four storey building with basement floor, providing 142no. units of student accommodation. The development now proposed would be of a consistent height (as opposed to a stepped design as previously). It is considered that, adjacent to the two storey residential properties situated along Maudland Bank, the development would appear acceptable visually, introducing building heights which appear appropriate and not out of keeping with the adjacent development. The submitted location plan indicates that the proposed building would be situated at least 12.0m from the adjacent residential property no. 20 Maudland Bank. The development furthermore would be viewed from the west, considered as the most prominent principal elevation, with an existing UCLan building (Media Factory) behind viewed within the backdrop. Although the comments of the Inspector regarding the site feeling detached from the buildings within UCLan's campus are noted and indeed given regard, it is considered that the proposed building would present an increase in height and scale above the adjacent residential properties, but would be reduced in height when considered alongside the above mentioned university building. It is considered therefore that the development would create an appropriate 'buffer' development between the residential properties and the university buildings which are of a greater scale. It is considered that the indicative plans demonstrate that a building of such a scale could be comfortably accommodated on the site, and it is considered that the previous concerns of the Council and the Inspectorate have been overcome through this submission. Further design details including appearance of the proposed building would be considered in greater detail at reserved matters stage. The proposed development therefore complies with the above mentioned policies and is acceptable with regard to design and layout.

Impact on amenity

Core Strategy Policy 17 states the design of new buildings should be sympathetic to surrounding land uses and occupiers and avoiding demonstrable harm to the amenities of the local area.

Local Plan Policy AD1(a) states that development within (or in close proximity to) the existing residential area will be permitted subject to a number of criteria, including that there would be no adverse impact on residential amenity, particularly by reason of, inter alia, loss of privacy. Local Plan Policy EN2 states that development proposals should seek to protect and enhance existing green infrastructure.

Paragraph 127 of the Framework states that 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.

The proposed block would be four storeys high adjacent to no. 20 Maudland Bank, and would be approximately 12.5m from the side boundary of that property. The previous proposal included a sun study based on the previous 4-7 storey scheme. This indicated that in the height of summer (21st June, typically the longest day of the year) the previously proposed building would begin to cast a shadow on the grassed land to the east of the site (between the site and the Media Factory) at 13:00pm. The shadow would continue to extend over this land until the end of the day, but would not fully extend up to the Media Factory until 17:00pm. During the winter (21st January), the sun study demonstrated that the previously proposed building would cast a shadow over the residential properties to the north during the morning (this would not occur in summer as the sun is higher in the sky), but by 13:00pm the shadow would have moved away from the residential properties to the grassed land on the east side of the site and by 15:00/16:00pm darkness would fall. On the basis of this previous information and noting that the proposed building has been reduced from a maximum of 7 storeys to a consistent 4 storey height, it is considered that the proposed building would not cause significant or unacceptable overshadowing to the occupiers of the residential properties to the north or west or the users of the playground on the land to the east.

Given the shape of the site and although layout is reserved from this application, it is considered that habitable room windows to the building could be positioned within the front of the building facing Maudland Bank, and within the rear facing the Media Factory university building. The proposed building may therefore face the two storey residential accommodation situated to the opposite side of Maudland Bank, and along St. Walburge Avenue. Notwithstanding this, there are measures which could be implemented (as were proposed on the previous scheme, whereby habitable room windows would have metal fins fitted), in order to prevent direct overlooking of neighbouring properties and not cause an unacceptable loss to privacy of neighbouring occupiers. It is thereby considered that the proposed development could be accommodated on the site, with no undue impacts to amenities of surrounding occupiers.

The Council's Environmental Health officers have raised no objections to this development, however have recommended a condition requiring details of extraction and conditioning units to be installed on the proposed building, and associated noise level restrictions for these units. It is considered that this detail would be required at a later stage, once the layout of the building has been established at reserved matters stage.

It is thereby considered that the proposal would not unduly affect the amenities of surrounding occupiers, and would give adequate amenity to future occupiers. The application therefore complies with relevant policies in this regard.

Highway safety

Policy ST2 of the Local Plan states that development will be permitted provided that road safety and the efficient and convenient movement of all highway users is not prejudiced and appropriate provision is made for vehicular access; off-street servicing and vehicle parking.

The Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is accompanied by a Transport Statement and Travel Plan. The Transport Statement confirms that the proposed development would have no on site car parking and would be within convenient walking distance of the university campus and the city centre. A drop-off/collection area would be provided at the front of the building, which would be managed to allow short time slots for students to load/unload their luggage during in-take and out-take days each term. Details of the drop-off/collection area would be provided at reserved matters stage. The proposed development would be 300m from the university campus, 500m from the shops and amenities on Friargate and within 1km of Preston train station. Bus stops on Fylde Road are within 300m and there is a good network of cycle routes in the city centre and along Maudland Road and Pedder Street. The statement concludes that overall the proposed development would not have a significant or adverse impact upon the operation or safety of the highway network.

The County Highways engineers consider the proposed development to be in a sustainable location, close to the UCLAN campus and local facilities and that the proposed use would generate a lower number of vehicle trips than the permitted use of the site as a social club. The County Highways engineers do not object to the proposed development subject to conditions preventing open market use of the accommodation in the future and a Construction Environmental Management Plan to be approved prior to demolition of the existing building. Subject to these conditions, the proposed development complies with the above policies.

In light of the above, it is considered that the proposal would not have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network are not considered to be severe. No objections are raised by the County Highways engineers and the application accords with the relevant policies outlined above.

Ground conditions

Local Plan Policy EN7 requires new developments to demonstrate that any existing contamination will be addressed by appropriate mitigation measures to ensure that the site will be suitable for the proposed use and that there is no unacceptable risk of pollution within the site or the surrounding area and that proposed development will not cause the land to be contaminated.

The Council's Environmental Health officers note the submitted survey and desk study submitted, in order to identify potential contaminants. Officers recommend that the recommendations of this assessment shall be implemented, namely an intrusive site investigation including ground gas and water monitoring, shall be undertaken. An appropriate condition is thereby recommended, and it is considered that the application accords with the above policy.

Sustainability/energy efficiency

Core Strategy 27 states minimum energy efficiency standards for all (non-residential) new buildings will be 'Very Good' (or where possible, in urban areas 'Excellent') according to BREEAM.

Core Strategy Policy 27 requires all new dwellings meet Level 4 of the former Code for Sustainable Homes (CSH), the Government has published a statement of intention in respect of this matter, and in accordance with this statement of intention the Council no longer requires new developments to comply with code standards. However the written ministerial statement (published on 25th March 2015) confirms that for the specific issue of energy performance, Local Planning Authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations. Therefore, the Council requires only the energy efficiency levels of new developments to achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations.

Paragraph 153 of the Framework states that local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

A condition is recommended requiring the proposed development to achieve not less than a 19% improvement in the DER over the TER, as defined in Part L1A of the 2013 Building Regulations. This proposal complies with the objectives of Core Strategy Policy 27 and the Framework.

Utilities/flood risk/drainage

Core Strategy Policy 29 seeks to improve water quality, water management and reduce the risk of flooding.

The application is accompanied by a utilities statement, which confirms that all existing electric, gas, water and telecommunications networks are located in the vicinity of the site and the proposed development is capable of being provided with connections to all utility networks. The Lead Local Flood Authority (LLFA) has raised no objections to the proposed development, and recommends a set of planning conditions, including submission of an appropriate surface water drainage scheme, submission of a sustainable drainage scheme for the site, and a scheme to manage and maintain the surface water of the site. No objections are raised by United Utilities, stating that foul and surface water should be drained on separate systems and, as per the comments of the LLFA, a surface water drainage scheme should be submitted. The application therefore accords with Policy 29 and is acceptable in this regard.

Safety and security

Core Strategy Policy 26 seeks to encourage the inclusion of Secured by Design principles in new developments.

The application is accompanied by a crime impact statement, which notes that previous comments of the Designing Out Crime Officer would be taken into account, and those suggested measures would be incorporated into the proposed development. The statement acknowledges that the rear boundary of the site would require careful consideration to balance security with the visual impact upon the proposed green space on the land to the east (shown on the UCLAN campus masterplan) and the amenity of the students

occupying rooms on the ground floor. This issue can be addressed when the layout and design of the structure is submitted at reserved matters stage. The statement asserts that natural surveillance over the land to the east and over Maudland Bank would be excellent and 24 hour CCTV and a manned office would be in operation. The development thereby complies with CS Policy 26 in this regard.

Waste management

National Planning Policy for Waste (NPPW) advises that all good design and layout in new development can help to secure opportunities for sustainable waste management. Local Planning Authorities should ensure that new development makes sufficient provision for waste management facilities without adverse effects on the street scene.

The Council's Waste Management section have noted that there is no confirmation within the application of how domestic waste and recycling produced by future residents would be handled, and the sole mention of provision is the storage area within the basement. Collection points and collection details are not yet established, considering the application is at outline stage. Waste Management officers recommend that a full waste management strategy be provided, and an appropriate condition is recommended to ensure this is presented at reserved matters stage, with sufficient facilities for the storage of waste and recycling to be provided. As such, the development is considered to comply with the NPPW.

Other issues

Objectors have raised a number of other issues including noise and litter. In relation to the former, no objections have been received from Environmental Health officers, and it is not anticipated that the proposed development would result in unacceptable noise levels. Some noise and disruption would occur during the construction of the building but this would be temporary in nature and is not considered to be unacceptable. In relation to the latter, there is nothing to suggest that there would be an increase in litter in the area as a direct result of the proposed development. There would be sufficient waste storage facilities within the curtilage of the proposed building, to be secured by means of a planning condition.

3.7 Value Added to the Development

Acceptable as submitted.

3.8 Conclusions

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. A number of objections have been received and the comments made have been taken into account in the determination of the application. The proposed development would result in the re-use of the site of a vacant building in a sustainable location in close proximity to the City Centre and the services and facilities therein. There would be no unacceptable detrimental impacts on residential amenity, highway safety, heritage assets or safety and security and the proposal would be acceptable in relation to sustainability and waste management. Subject to satisfactory drainage proposals and confirmation on ground condition matters, the proposed development accords with the provisions of the development plan and there are no material considerations which outweigh this finding. In accordance with Section 38(6) of the

Planning and Compulsory Purchase Act the application is recommended for approval.

3.9 **Recommendation**

Approval with conditions.