

PLANNING COMMITTEE

Wednesday, 29 May 2019

5.30 pm

Committee Rooms 1-2, City Hall

- Membership: Councillors Naomi Tweddle (Chair), Bob Bushell (Vice-Chair), Biff Bean, Bill Bilton, Alan Briggs, Kathleen Brothwell, Chris Burke, Gary Hewson, Ronald Hills, Rebecca Longbottom and Edmund Strengiel
- Substitute members: Councillors Jackie Kirk and Neil Murray
- Officers attending: Mick Albans, Simon Cousins, Democratic Services, Kieron Manning and Louise Simpson

The Planning Committee comprises democratically elected members who will be presented with a recommendation from the professional officers for each application on the agenda. After each application has been presented, those interested parties who have registered to speak will then be given 5 minutes to verbally present their views, and, following this, the committee will debate each proposal and make the decision, having considered all relevant information.

Clearly the process of making a decision will inevitably cause some people to feel aggrieved, but it is hoped that all interested parties will feel that their views have been considered as part of the process.

Please ensure that your mobile phones are switched off or set to silent throughout the meeting and please refrain from attempting to speak from the public gallery unless you have formally registered to speak on an application, in which case the Chair will call you to the table at the relevant time.

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 24 April 2019	5 - 16
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Work to Trees in City Council Ownership	17 - 22

4. Applications for Development

- | | |
|---|------------------|
| (a) Application for Development: 8 Top Lodge Close, Lincoln | 23 - 56 |
| (b) Application for Development: 97 Boultham Park Road, Lincoln | 57 - 82 |
| (c) Application for Development: 4 Southland Drive, Lincoln | 83 - 94 |
| (d) Usher Art Gallery, Lindum Road, Lincoln | 95 - 106 |
| (e) Usher Art Gallery, Lindum Road, Lincoln (LBC) | 107 - 118 |

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (AS AMENDED)

LIST OF BACKGROUND PAPERS FOR PLANNING, LISTED BUILDING, CONSERVATION AREA AND ADVERTISEMENT APPLICATIONS ON THE AGENDA OF THE PLANNING COMMITTEE

The Background Papers for the Planning, Listed Building, Conservation Area and Advertisement Applications are:

1. The Planning Application File. This is a file with the same reference number as that shown on the Agenda for the Application. Information from the planning application file is available online at <https://development.lincoln.gov.uk/online-applications/>

The application files contain the following documents:

- a. the application forms;
 - b. plans of the proposed development;
 - c. site plans;
 - d. certificate relating to ownership of the site;
 - e. consultation letters and replies to and from statutory consultees and bodies;
 - f. letters and documents from interested parties;
 - g. memoranda of consultation and replies to and from Departments of the Council.
2. Any previous Planning Applications referred to in the Reports on the Agenda for the particular application or in the Planning Application specified above.
 3. Central Lincolnshire Local Plan – Adopted April 2017
 4. National Planning Policy Framework - March 2012
 5. Applications which have Background Papers additional to those specified in 1 to 5 above set out in the following table. These documents may be inspected at the Planning Reception, City Hall, Beaumont Fee, Lincoln.

APPLICATIONS WITH ADDITIONAL BACKGROUND PAPERS (See 5 above.)

Application No.: Additional Background Papers

CRITERIA FOR PLANNING COMMITTEE SITE VISITS (AGREED BY DC COMMITTEE ON 21 JUNE 2006 AND APPROVED BY FULL COUNCIL ON 15 AUGUST 2006)

Criteria:

- Applications which raise issues which are likely to require detailed first hand knowledge of the site and its surroundings to enable a well-informed decision to be taken **and** the presentational material at Committee would not provide the necessary detail or level of information.
- Major proposals which are contrary to Local Plan policies and proposals but which have significant potential benefit such as job creation or retention, environmental enhancement, removal of non-confirming uses, etc.
- Proposals which could significantly affect the city centre or a neighbourhood by reason of economic or environmental impact.
- Proposals which would significantly affect the volume or characteristics of road traffic in the area of a site.
- Significant proposals outside the urban area.
- Proposals which relate to new or novel forms of development.
- Developments which have been undertaken and which, if refused permission, would normally require enforcement action to remedy the breach of planning control.
- Development which could create significant hazards or pollution.

So that the targets for determining planning applications are not adversely affected by the carrying out of site visits by the Committee, the request for a site visit needs to be made as early as possible and site visits should be restricted to those matters where it appears essential.

A proforma is available for all Members. This will need to be completed to request a site visit and will require details of the application reference and the reason for the request for the site visit. It is intended that Members would use the proforma well in advance of the consideration of a planning application at Committee. It should also be used to request further or additional information to be presented to Committee to assist in considering the application.

Present: Councillor Jim Hanrahan (*in the Chair*),
Councillor Naomi Twedde, Councillor Biff Bean,
Councillor Alan Briggs, Councillor Kathleen Brothwell,
Councillor Chris Burke, Councillor Bob Bushell, Councillor
Gary Hewson, Councillor Ronald Hills and Councillor
Edmund Strengiel

Apologies for Absence: Councillor Bill Bilton

86. Confirmation of Minutes - 27 March 2019

RESOLVED that the minutes of the meeting held on 27 March 2019 be confirmed.

87. Declarations of Interest

Councillor Chris Burke declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Lord Tennyson House, 72 Rasen Lane, Lincoln'. Reason: He sat on the Board of the YMCA.

He left the room during the discussion of this item and took no part in the vote on the matter to be determined.

Councillor Edmund Strengiel declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Lord Tennyson House, 72 Rasen Lane, Lincoln'. Reason: He was a Director of the YMCA.

He left the room during the discussion of this item and took no part in the vote on the matter to be determined.

88. Member Statements

In the interest of transparency:

- Councillor A Briggs requested it be noted that his son worked for a local demolition firm, although he had no influence or involvement in securing contracts or the management of the business.
- Councillor C Burke requested it be noted that he had drunk at the Golden Cross Pub more than 6 months ago.
- Councillors C Burke and G Hewson requested it be noted that they knew two of the objectors to the planning application as a passing acquaintance.
- Councillors B Bean, K Brothwell, B Bushell and J Hanrahan requested it be noted that they knew one of the objectors to the planning application as a passing acquaintance.

89. Work to Trees in City Council Ownership

The Arboricultural Officer:

- a. advised members of the reasons for proposed works to tree's in City Council ownership and sought consent to progress the works identified, as detailed at Appendix A of his report
- b. explained that Ward Councillors had been notified of the proposed works
- c. stated that in some cases it was not possible to plant a tree in the exact location and in these cases a replacement would be replanted in the vicinity.

RESOLVED that the works set out in the schedule at Appendix A attached to the report be approved.

90. Application for Development: 431 - 434 High Street, Lincoln

The Principal Planning Officer:

- a. advised that planning permission was sought for the demolition of an 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)
- b. described the application site as roughly square in shape occupied by the two-storey Golden Cross Public House built in 1959, located to the eastern side of High Street at the junction with Queen Street, with commercial properties in all directions and residential development close by to the north, south and east
- c. highlighted that only the access for the development from Queen Street was fixed in this application, all other details including the layout of the site; and scale of the buildings were indicative at this stage along with the appearance of the buildings and any landscaping, to be agreed through subsequent application(s) for Reserved Matters
- d. highlighted that the building was prominent in its locality, within the Gowts Bridge Conservation Area, shown within the Local Plan, and not allocated for a specific use
- e. provided details of the policies pertaining to the application, as follows:
 - 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
 - National Planning Policy Framework
- f. outlined the responses made to the consultation exercise
- g. referred to the update sheet which contained a consultation response from NHS England requesting a contribution towards healthcare, a further response from Lincoln Civic Trust and a local resident, and a revised suggested officer recommendation taking into account measures to procure an S106 financial contribution in relation to health infrastructure
- h. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
- The Principle of the Development and Service Provision;
 - The Design of the Proposals and their Visual Impact;
 - The Implications of the Proposals upon Amenity;
 - Sustainable Access, Highway Safety and Traffic Capacity;
 - Archaeology;
 - Drainage;
 - Land Contamination and Air Quality; and
 - The Planning Balance.
- i. concluded that:
- 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 was the 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 within it.

Councillor J Hanrahan, Chair, highlighted to members that the planning application before them tonight was for outline approval to consider the principle of the development and access point into the site only. All other details including the layout of the site; and scale of the buildings were indicative at this stage to be agreed through subsequent application(s) for Reserved Matters.

Councillor Helena Mair, addressed Planning Committee as Ward Advocate in respect of the proposed development, covering the following main points:

- She thanked members of Planning Committee for allowing her the opportunity to speak.
- She represented the residents of Park Ward and in particular around the area of Queen Street.
- She was pleased to see revisions having been made to the original plans following concerns raised by local residents.
- She had concerns regarding the size of the three storey development from the Queen Street side.

- The entrance to Queen Street was narrow, occupied by low two storey houses, the three storey development on that side would create a dark and overbearing situation.
- The scale of the building was out of proportion with everything else in the area.
- Even taking into account the revised plans with dropped elevations to the roof form, the proposed development was still taller than others in the area.
- This council had a pledge to build a thriving community with a sense of belonging.
- The scheme included 47 bedrooms.
- Residents considered that the impact on people living here in an already densely populated area would be adversely affected by the size/massing of the proposed building going into Queen Street.

Mr Chris Henderson, agent, addressed Planning Committee in support of the planning application on behalf of the applicant, covering the following main points:

- He thanked members of Planning Committee for allowing him the opportunity to speak.
- He highlighted that the reasons behind the need for the development needed to be explained.
- Pubs were closing down due to changes in the dynamics of the city.
- Beer sales were at a ten year low due to high taxes and cheap alcohol made available at supermarkets.
- The city's economy as a whole was a striving success due to the existence of the University and was set to further prosper.
- The introduction of a medical school would certainly help.
- Local business would benefit from the proposed development in terms of footfall and additional spend in the area.
- There had been objections regarding the design of the building. Lengthy conversations had been held to alleviate concerns and significant changes made to the plans to the satisfaction of planning/conservation officers.
- The development was appropriate to its location and area.
- The height of the building had been reduced to make it appropriate to the Conservation area.
- Other streets had similar arrangements on street corners with developments reducing from three storey going down to two storeys.
- He hoped members would support the proposals in the interest of benefit/prosperity of the local area and community.

Members discussed the content of the report in further detail.

Individual members raised concerns in respect of the proposed development in relation to:

- The status of the planning application as applied for in indicative form. A full application would have allowed members to consider the proposals as a whole.
- The existing area already densely populated with narrow streets.
- Whether the area now had enough student accommodation and should be used instead for social housing for local people.
- Scale, density and massing of the building taking up the whole of the site to the front rather than being set back.

- Issues with access to the parking area at the back of the development due to the narrow road.
- Students being expected to share a number of kitchens on site.
- Lack of car parking space.
- The fixed access for the application was related to the number of people living in the building, yet we were being asked to consider these remaining details as an indicative planning application

Other members offered support to the principle of the proposed development in terms of:

- The need for student accommodation.
- The public house having previously opened and closed many times due to lack of viability.
- Increasing student accommodation in the area having not reached saturation point in terms of Article 4.
- The realisation that had members been asked to vote on a full application, support would have been offered in terms of it providing purpose built student accommodation to relieve pressure on social housing.

Members asked for clarification regarding the response made by Lincolnshire County Council requesting existing accesses onto Queen Street and High Street to be permanently closed and returned to footway construction within seven days of the new access being brought into use.

The Principal Planning Officer advised that this request related to existing dropped kerbs being closed off when not required to maintain one access point into the site.

A motion was proposed by Councillor Hewson and seconded by Councillor C Burke that the planning application be approved as follows in principle, with fixed access via Queen Street:

That authority is delegated to the Planning Manager to finalise the planning conditions listed below and the obligation necessary to procure the s.106 financial contribution in relation to health infrastructure. However, should the applicant subsequently fail to meet these requirements, it could undermine the principles of sustainable development outlined in the Framework. As such, if the S106 agreement has not been signed within six months of the date of Planning Committee, and there is no reasonable prospect of doing so, the Planning Manager will refer the application back to the Planning Committee for further consideration by Members.”

- 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).

The motion was put to the vote and was lost.

A motion was proposed by Councillor Tweddle and seconded by Councillor Strengiel to defer the planning application.

The Planning Manager offered the following points of clarification in relation to potential deferment:

- The planning application in front of members was in outline form.
- The application would need to be withdrawn and resubmitted if required as a full application, however, it was within the gift of the applicant only to do this.
- Should the application be deferred tonight it would still be negotiated under the parameters of the existing outline form.

The motion to defer the planning application was put to the vote and was lost.

A motion was proposed by Councillor Bushell and seconded by Councillor Hills to refuse planning permission, put to the vote, and;

RESOLVED that planning permission be refused.

Reason: Insufficient information to demonstrate that the development in principle could be accommodated within the Conservation Area.

91. Application for Development: Lord Tennyson House, 72 Rasen Lane, Lincoln

(Councillors C Burke and Strengiel left the room during the discussion and determination of this item, having declared a personal and pecuniary interest in the matter to be discussed.)

The Planning Manager:

- a. described the location of Lord Tennyson House to the north side of Rasen Lane on the corner of the entrance with Sastangate House, opposite Cecil Street, with all other boundaries occupied by residential terrace properties
- b. advised that planning permission was sought to vary Condition 13 of planning permission reference 2015/0530/F, granted 18 September 2015, which prohibited the occupation of the building by anyone other than students; the apartments had been occupied by students of Bishop Grosseteste University since opening
- c. highlighted that the applicants had stated that the University had recently exercised their right to a clause which broke the lease of these student accommodation blocks; as this had only just been received there was a reduced chance of securing its full occupation for the next academic year

- d. reported that permission was now sought to vary condition 13 to:-
- *“Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent re-enactment or revocation thereof) the accommodation hereby approved shall only be used by students or those provided with supported living accommodation and for no other residential use without the prior consent of the City Council as Local Planning Authority”.*
- e. outlined the site history in relation to the application site as detailed within the officer’s report
- f. provided details of the policies pertaining to the application, as follows:
- National Planning Policy Framework
 - Central Lincoln Local Plan – Policy LP26 Design and Amenity
- g. outlined the responses made to the consultation exercise
- h. referred to the update sheet which contained a further response received from Lincoln Civic Trust, together with a revised proposed officer recommendation in relation to Condition No 13
- i. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
- Residential Amenity
 - Visual Amenity
 - Applicants Reasons for Varying Condition 13
- j. concluded that:
- The variation to allow the occupation of the apartments by both students and as supported living accommodation would have no adverse impacts on neighbouring residents nor result in any visual impacts.
 - The condition still allowed control of car parking which was the reason for the condition being imposed on the original consent.
 - Therefore it was acceptable to allow the variation and it accorded with national and local planning policy.

Councillor Donald Nannestad, addressed Planning Committee as Ward Advocate in relation to the proposed development, covering the following main points:

- He thanked members of Planning Committee for allowing him the opportunity to speak.
- He raised concerns regarding the way in which this issue had been dealt with.
- According to comments made by objectors, they understood that the application requested authority to remove the condition requiring the premises to be occupied only by students, reverting to open access for all, although this was not the case.

- There was no mention of provision for supported living accommodation displayed on the planning notice on site.
- Had the planning notice been set out as per the officer's report most people would not have objected.
- Residents were concerned that the development would acquire permission for the premises to be accommodated without restriction which wasn't what this was about.
- Residents were not against YMCA accommodation, other supported housing operating in the vicinity was managed very well by this organisation.

Mr Phil Scrafton, representing Globe Consultants, agent, addressed Planning Committee on behalf of the applicant in support of the planning application, covering the following main points:

- He hoped he would be able to clarify this matter in a relatively simple form.
- The development included 13 car parking spaces for 12 apartments.
- The lease for the property had not been renewed by Bishop Grosseteste University.
- Some students may still want to remain at Lord Tennyson House and this was not an issue. The accommodation was accredited by the University and in close proximity to the campus.
- The University now had other needs.
- The YMCA were happy to take on the lease for the remainder of the accommodation.
- Provision of off-street parking was sufficient for the scheme.
- To allow flexibility for YMCA use, Condition 13 required an amendment to be made to allow YMCA occupation as well as student accommodation.
- The agent had waited for the YMCA to firm up its interest in the accommodation before advertising this in the public domain.
- Further consultation on the revised use had since been carried out, in order to arrive at the current position.

The Planning Manager advised that planning officers could not support the removal of condition 13 in its entirety. The application was then varied to allow student and supported living accommodation at the premises and further consultation carried out on that basis.

Members discussed the content of the report in further detail.

Individual members made comments in relation to the proposed development as follows:

- We were told that the city did not have enough student accommodation, although in this case the University had not renewed its lease agreement.
- Could an assurance be given that the flats would remain as single occupancy and that study rooms would not be converted into bedrooms.
- Perhaps the accommodation could be offered to the University of Lincoln.
- YMCA support staff would require car parking spaces.
- We should look into whether student occupation had to be specifically high density accommodation.
- Student accommodation was not always fully utilised due to it being less affordable than alternative family accommodation.

- Students had different lifestyles to those living in supported accommodation.
- There was concern that a precedent could be set here putting a caveat on the type of permitted living only to be overturned at a later date.
- Potential safeguarding issues may arise with mixed occupation.

The Planning Manager offered the following points of clarification:

- A precedent would not be set here as each planning application was considered on its own merits.
- Members concerns regarding the premises previously being identified solely for student accommodation were appreciated. The original model working within the planning process had been based on the requirement to have a reduced impact on parking pressure in the area. The existing operation of supported accommodation provided by the YMCA on Rasen Lane demonstrated that supported accommodation would not be made worse by the proposals.
- It was not known what the overall mix of student/supported accommodation mix would be, however, the YMCA would be on site to manage their side of the scheme.
- The Bishop Grosseteste University had not specified why it had not renewed its tenancy. The remit of Planning Committee was to assess the impact of the proposals before it this evening.
- It was not possible to impose a condition regarding single occupancy at this point. It was highlighted at the time planning permission was originally granted although there had not been many complaints in term of volume of occupancy and it seemed to be working smoothly.
- Safeguarding was not a planning issue. It would be an integral inherent requirement of the YMCA to manage the facility taking into account this matter in the discharge of their responsibilities.

RESOLVED that planning permission be granted subject to the following conditions.

All those conditions on the previous application which are still valid:-

- Prior to the installation of any stationary external plant or machinery (including air source heat pumps), a noise impact assessment report shall be submitted to the planning authority for approval.
- The arrangements shown on the approved plan for the parking/turning/manoeuvring/loading/ unloading of vehicles shall be available at all times when the premises are in use.
- Any gates to the vehicular access shall be set back and shall not open over the highway.
- Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent re-enactment or revocation thereof) the accommodation hereby approved shall only be used by students or those provided with supported living accommodation by the YMCA and for no other residential use without the prior consent of the City Council as Local Planning Authority

92. Application for Development: Tennis Courts, Boutham Park, Boutham Park Road, Lincoln

(Councillors C Burke and Strengiel returned to the room to take their seats for the remainder of the meeting.)

The Planning Manager:

- a. described the location of the proposed development relating to Boultham Park Tennis Courts, situated to the north of the Bowling Green and Pavilion, to the rear of residential properties along Western Avenue, and to the west the residential development known as Home Green, which was nearing completion
- b. advised that planning permission was sought for the erection of a 3 metre high fence and gates to replace existing fencing
- c. highlighted that the application site fell within the boundary of Boultham Park which was a Grade II Listed Historic Park and Garden and the Witham Valley Green Wedge
- d. advised that this planning application was brought to Committee, the applicant being the City of Lincoln Council
- e. provided details of the policies pertaining to the application, as follows:
 - Policy LP1 A Presumption in Favour of Sustainable Development
 - Policy LP22 Green Wedges
 - Policy LP25 The Historic Environment
 - National Planning Policy Framework
- f. outlined the responses made to the consultation exercise
- g. advised members of the main issues to be considered as part of the application to consider whether the proposal was in accordance with the provisions of Policy LP22 'Green Wedges' and Policy LP25 'Historic Environment' of the Central Lincolnshire Local Plan (2017) and relevant guidance contained within the National Planning Policy Framework (2019)
- h. concluded that the proposed development would preserve the character and appearance of Boultham Park and the function and aims of the Witham Valley Green Wedge, in accordance with the provisions of Policy LP22 'Green Wedges' and LP25 'Historic Environment' of the Central Lincolnshire Local Plan (2017) and relevant guidance contained within the National Planning Policy Framework (2019)

Members discussed the content of the report in further detail.

RESOLVED that planning permission be granted subject to the following conditions.

Standard Conditions

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act

1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.
The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

Conditions to be discharged before commencement of works

None.

Conditions to be discharged before use is implemented

None.

Conditions to be adhered to at all times

None.

Table A

The above recommendation has been made in accordance with the submitted drawings identified below:

Drawing No.	Version	Drawing Type	Date Received
2700/07/01		Site plans	11th February 2019
2700/07/02		Plans - Proposed	11th February 2019

93. Exclusion of Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it was likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

94. Part B Report: Exempt Information

The Planning Manager:

- a. presented a report to bring to Committee's attention a breach of planning regulations and to recommend a course of action for dealing with the breach
- b. gave further details within the report covering the background and options available
- c. recommended a suggested course of action as detailed within the report.

Members discussed the content of the report in further detail, asked questions and received relevant responses from officers thereon.

RESOLVED that the course of action recommended at paragraphs 8.1 of the report be approved.

SUBJECT:	WORK TO TREES IN CITY COUNCIL OWNERSHIP
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	STEVE BIRD – ASSISTANT DIRECTOR, COMMUNITIES AND STREET SCENE

1. Purpose of Report

- 1.1 To advise Members of the reasons for proposed works to trees in City Council ownership, and to seek consent to progress the works identified.
- 1.2 This list does not represent all the work undertaken to Council trees. It is all the instances where a tree is either identified for removal, or where a tree enjoys some element of protection under planning legislation, and thus formal consent is required.

2. Background

- 2.1 In accordance with policy, Committee's views are sought in respect of proposed works to trees in City Council ownership, see Appendix A.
- 2.2 The responsibility for the management of any given tree is determined by the ownership responsibilities of the land on which it stands. Trees within this schedule are therefore on land owned by the Council, with management responsibilities distributed according to the purpose of the land. However, it may also include trees that stand on land for which the council has management responsibilities under a formal agreement but is not the owner.

3. Tree Assessment

- 3.1 All cases are brought to this committee only after careful consideration and assessment by the Council's Arboricultural Officer (together with independent advice where considered appropriate).
- 3.2 All relevant Ward Councillors are notified of the proposed works for their respective wards prior to the submission of this report.
- 3.3 Although the Council strives to replace any tree that has to be removed, in some instances it is not possible or desirable to replant a tree in either the exact location or of the same species. In these cases a replacement of an appropriate species is scheduled to be planted in an alternative appropriate location. This is usually in the general locality where this is practical, but where this is not practical, an alternative location elsewhere in the city may be selected. Tree planting is normally scheduled for the winter months following the removal.

4. Consultation and Communication

- 4.1 All ward Councillors are informed of proposed works on this schedule, which are within their respective ward boundaries.
- 4.2 The relevant portfolio holders are advised in advance in all instances where, in the judgement of officers, the matters arising within the report are likely to be sensitive or contentious.

5. Strategic Priorities

5.1 Let's Enhance our Remarkable Place

The Council acknowledges the importance of trees and tree planting to the environment. Replacement trees are routinely scheduled wherever a tree has to be removed, in-line with City Council policy.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

Finance

The costs of any tree works arising from this report will be borne by the existing budgets. There are no other financial implications, capital or revenue, unless stated otherwise in the works schedule.

ii) Staffing N/A

iii) Property/Land/ Accommodation Implications N/A

iv) Procurement

All works arising from this report are undertaken by the City Council's grounds maintenance contractor. The Street Cleansing and Grounds Maintenance contract ends August 2020. The staff are all suitably trained, qualified, and experienced

6.2 Legal Implications including Procurement Rules

All works arising from this report are undertaken by the Council's grounds maintenance contractor. The contractor was appointed after an extensive competitive tendering exercise. The contract for this work was let in April 2006. The Council is compliant with all TPO and Conservation area legislative requirements.

6.3 Equality, Diversity and Human Rights

There are no negative implications.

7. Risk Implications

- 7.1 The work identified on the attached schedule represents the Arboricultural Officer's

advice to the Council relevant to the specific situation identified. This is a balance of assessment pertaining to the health of the tree, its environment, and any legal or health and safety concerns. In all instances the protection of the public is taken as paramount. Deviation from the recommendations for any particular situation may carry ramifications. These can be outlined by the Arboricultural Officer pertinent to any specific case.

7.2 Where appropriate, the recommended actions within the schedule have been subject to a formal risk assessment. Failure to act on the recommendations of the Arboricultural Officer could leave the City Council open to allegations that it has not acted responsibly in the discharge of its responsibilities.

8. Recommendation

8.1 That the works set out in the attached schedules be approved

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? 1

List of Background Papers: None

Lead Officer: Mr S. Bird,
Assistant Director (Communities & Street Scene)
Telephone 873421

**NOTIFICATION OF INTENDED WORK TO TREES AND HEDGES
RELEVANT TO THEIR CITY COUNCIL OWNERSHIP STATUS.
SCHEDULE No 5 / SCHEDULE DATE: 29/05/19**

Item No	Status e.g. CAC	Specific Location	Tree Species and description / reasons for work / Ward.	Recommendation
1	CAC	Land adjacent to Crown House, Flaxengate.	<u>Abbey Ward</u> 5 Limes. Prune to reduce crowns to allow statutory highway clearance and clearance to property.	Approve.
2	CAC	High Street, outside House of Fraser.	<u>Abbey Ward / Carholme Ward</u> Notification of proposed works to fell 1 dead Maple located on the boundary between Abbey and Carholme Wards.	Approve and replant with a Maple in a suitable location.
3	CAC	Arboretum, adjacent to the central steps of the raised terrace.	<u>Abbey Ward</u> 1 Lime. Retrospective consent to fell. The tree had extensive decay at the base and was unstable.	Approve and replant with a Lime.
4	N/A	Rear garden of 41 Stainton Gardens	<u>Castle Ward</u> 1 Ash. Fell, the tree has decay in the main stem and is dying.	Approve and replant with a Mountain Ash in a suitable location.
5	N/A	Garden of 3 Retief View.	<u>Castle Ward</u> 1 Rowan. Fell, the tree is in decline.	Approve and replant with a Rowan in a suitable location.

6	N/A	Front of 71 Geneva Avenue.	<u>Glebe Ward</u> 1 Whitebeam Fell, the tree has decay of the main trunk.	Approve and replant with a Whitebeam in a suitable location.
7	TPO	Birchwood Avenue tree belt to rear of 9 Finningley Road	<u>Hartsholme Ward</u> 4 Birch. Fell the trees are dead/dying	Approve and replant with 4 Birches in a suitable location.
8	TPO	Link path to rear of 18 Wigsley Close	<u>Hartsholme Ward</u> 1 Oak. Remove deadwood and reduce the crown overhanging the property by 1.5 metres.	Approve
9	TPO	Land to rear of 39 Lindholme Road	<u>Hartsholme Ward</u> 4 Oaks Remove deadwood, Reduce crowns overhanging property by approximately 1.5 metres 1 Alder Coppice a regenerated stump.	Approve
10	N/A	Garden of 11 Reynolds Drive.	<u>Moorland Ward</u> 1 Cherry. Fell, there is decay in the main stem.	Approve and replant with a Cherry in a suitable location.
11	N/A	Public Open Space adjacent to Lenton Green / Barkston Gardens	<u>Minster Ward</u> Retrospective consent to fell 1 Horse Chestnut due to structural crown failure on 4/05/19 requiring immediate works to prevent harm to persons / property.	Approve and replant with a Horse Chestnut.

This page is intentionally blank.

Application Number:	2019/0079/FUL
Site Address:	8 Top Lodge Close, Lincoln, Lincolnshire
Target Date:	29th March 2019
Agent Name:	Yorke Architecture
Applicant Name:	Mr Khan
Proposal:	Change of use to 7 bed House in Multiple Occupation (HMO) (Sui Generis) (Revised Description).

Background - Site Location and Description

The application property is 8 Top Lodge Close, a two storey detached dwelling located within a cul-de-sac with eight other properties accessed from Doddington Road to the south, close to the junction with Whisby Road. Top Lodge Close is not public highway and is privately owned and maintained. The property has a driveway to the front and a large garden to the side and rear, bounded by approximately 1.8m high fencing. To the east of the site is 9 Top Lodge Close with 6 and 7 Top Lodge Close to the west. To the north are properties on Swaythling Close.

The application is for the change of use from a dwellinghouse (Class C3) to a seven bed House in Multiple Occupation (HMO) (Sui Generis). The six bedroom property is currently vacant. The application proposes to maintain the four bedrooms on the first floor, two on the second floor (within the roof) and create a further bedroom as part of a self-contained unit within the double garage. Works to create this unit have already commenced involving the installation of internal stud walls and the partial bricking up of the garage door openings, creating window openings. The occupants in the main house would have access to a lounge, kitchen/diner, snug and bathrooms.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 26th February 2019, also visiting the neighbouring property of 9 Top Lodge Close.

Policies Referred to

- Policy LP9 Health and Wellbeing
- Policy LP10 Meeting Accommodation Needs
- Policy LP26 Design and Amenity Standards
- Policy LP37 Sub-division and multi-occupation of dwellings within Lincoln
- National Planning Policy Framework

Issues

- Use and policy context
- Lack of demand for the dwellinghouse use

- HMO concentration
- Parking and effect on the amenities of the wider area
- External communal space, cycle and bin storage

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Cadent Gas Ltd	Comments Received

Public Consultation Responses

Name	Address
Mr David Spraggins	7 Top Lodge Close Lincoln Lincolnshire LN6 3JA
Mr David Conroy-Lewis	3 Top Lodge Close Lincoln Lincolnshire LN6 3JA
Miss Nicola Sykes	14 Swaythling Close Lincoln Lincolnshire LN6 3DD
Elizabeth Young	1 Top Lodge Close Lincoln Lincolnshire LN6 3JA
Mr Mike Maloney	4 Top Lodge Close Lincoln LN6 3JA
Mrs Julie McHardy	13 Swaythling Close Lincoln Lincolnshire LN6 3DD

Andrew Young	1 Top Lodge Close Lincoln Lincolnshire LN6 3JA
Mr Philip Thompson	12 Swaythling Close Lincoln Lincolnshire LN6 3DD
Mrs Judith Davids	5 Top Lodge Close Lincoln Lincolnshire LN6 3JA
Mr Richard Sargent	9 Top Lodge Close Lincoln LN63JA
Mr Daniel Gardner	2 Top Lodge Close Lincoln Lincolnshire LN6 3JA
Mr Sammy Liu	6 Top Lodge Close Lincoln Lincolnshire LN6 3JA

Consideration

Letters of objection have been received from all of the neighbouring properties on Top Lodge Close; 1 to 7 and 9. Objections have also been received from 12 and 14 Swaythling Close. The areas of concern relate to the effect on the family character of the close, noise and disturbance as well as overlooking and loss of privacy, due to increased usage of the property and bedrooms. The objectors also consider that the proposal will lead to an increased volume of traffic and visitors. They state that there is insufficient parking; the drive can only accommodate a maximum of four cars, and the additional capacity of the double garage has been lost due to the conversion. This will lead to an increase in on-street parking on the narrow road and, given the location on a bend, will cause a hazard and safety issues. There is specific concern raised by the occupant of 9 Top Lodge Close as there is no boundary between his own driveway and that of the application property.

There is a general comment of support from many of the objectors to this type of accommodation but they consider that this is the wrong location, given there are no local amenities and facilities. Most objectors also note that if the HMO use was authorised, this could then be taken up by any company/owner.

A number of the representations have raised objection on the grounds of the impact on house prices, the credibility of the operator and that the multi-occupancy and the running of a business are in contravention of the deeds. These are not material planning

considerations that can be taken into account. Similarly, the specific nature of the occupancy suggested by the application and the neighbour's concerns associated with this cannot be taken into account, although this is discussed in more detail below.

Use and Policy Context

The 'Supporting Statement' advises that the use of the property would be for adult disabled persons who wish to work towards living independent lives, in a supported living environment. The property would offer two stages of accommodation prior to clients being able to function fully independently in the wider community. Six occupants would be in receipt of moderate support within the main house, with the seventh occupying the self-contained unit within the garage and receive only minor support. The agent has advised that the support would be in the form of one staff member at a time, visiting for approximately 2 hours per day, with additional on call support available 24/7 as required.

There was some discussion with the agent at the outset of the application regarding the use class that this type of operation would fall within. While there is to be an element of care provided it was agreed that this would not be at a level that would constitute a Residential Institution (C2). The application would therefore be considered as a HMO.

It should also be noted that officers have to consider the use as a HMO, and not the specific operator. The current applicant could choose not to implement the permission, which could then in turn be implemented by different owner, a concern raised by objectors.

The proposal for the HMO use will therefore be considered against the requirements of Central Lincolnshire Local Plan (CLLP) Policy LP37, which advises that the changes of use to houses in multi-occupation will be supported where:

- the existing dwelling is capable of conversion without causing harm to the amenities of future occupants, neighbours and the wider area;
- it can be demonstrated that there is an established lack of demand for the single family use of the property;
- the development will not lead to or increase an existing over-concentration of such uses in the area; and
- adequate provision is made for external communal areas, bin storage and collection and on-site parking and cycle storage. On-site parking and cycle storage may not be necessary if it can be demonstrated that the site is sustainably located on a regular bus route or within walking distance of the City Centre.

The application property is subject to the city wide Article 4 Direction. From the 1st March 2016 the Article 4 removed permitted development comprising the change of use from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation occupied by between three to six occupants). While the Article 4 does not apply to the Sui Generis HMO as proposed (having more than six occupants), the associated Houses in Multiple Occupation Supplementary Planning Document Approved Draft (SPD) provides criteria for determining planning applications for the development of HMOs, which are still relevant to this type of HMO.

The SPD outlines the criteria that will be used to determine planning applications for the development of HMOs in the city. The purpose of this, and the Article 4 direction, is not to restrict the supply of HMOs, rather they are intended to manage their future development. This should ensure such developments will not lead to or increase an existing over

concentration of HMOs, which are considered harmful to local communities, or result in the loss of properties from the market where there is a demand for their use as a dwellinghouse.

Paragraph 8 of the National Planning Policy Framework (NPPF) outlines the three overarching objectives of sustainable development and, as part of the social objective, it should be ensured that there is a sufficient number and range of homes that meet the needs of present and future generations.

Lack of Demand for the Dwellinghouse Use

Policy LP37 and the SPD state that applications should demonstrate that there is an established lack of demand for the single family use of the property. The SPD specifically requires that evidence that the property has been openly marketed at a reasonable purchase or rental price for a period of at least six months should be submitted, verified by a suitable person in a relevant profession, such as an estate agent. This should ideally also include information of comparable properties for sale/recently sold in the area.

This policy approach has been supported by the Planning Inspectorate, with appeals dismissed where applications have failed to meet this requirement.

No such evidence was submitted as part of the application and officers accordingly requested this during the process. The agent has submitted a revised 'Supporting Statement' although this provides no information of the marketing history of the property or evidence of the lack of demand. Instead the statement emphasises the demand for the specific supported living use proposed, that the nature of the use will limit the potential impact on neighbours and also limit the number of cars as none of the residents will be likely to drive. The statement also references both local and national policy, which encourages local planning authorities to consider the potential for achieving positive mental health outcomes and create balanced and inclusive communities.

Paragraph 91 of the NPPF promotes social inclusivity and social interaction, echoed by CLLP Policy LP10 which aims to achieve balanced and mixed communities. Policy LP9 states that the potential for achieving positive mental health outcomes will be taken into account when considering all development proposals. In line with these policies officers are fully supportive in principle of the provision of this type of accommodation within the city, however, such proposals also need to meet the requirements of other policies, in this case LP37 and the SPD.

The other aspects of this policy and the SPD will be considered later within the report, but in terms of demand for the property as a family dwelling, the application does not provide any evidence of marketing and officers cannot therefore conclude that there is a lack of demand. This would be contrary to Policy LP37 and the SPD. While there is the potential for a positive mental health outcome to be achieved (assuming that the current applicant operates the specific use) it is not considered that this is sufficient to outweigh this policy objection. Officers have to consider the acceptability of the HMO use and not the operator, and would accordingly recommend to members that planning permission be refused on these grounds.

HMO Concentration

The SPD requires that the concentration of HMOs should not be over a 10% maximum

within a defined 100 metre radius. A high concentration or percentage of HMOs can lead to an imbalance in the community. There is also a requirement that the proposal should not result in a smaller concentration, specifically from three adjacent HMOs.

In this instance the threshold is not exceeded, indeed there are no other HMOs known to the council within the radius area. Officers are satisfied that the principle of allowing a HMO use would therefore not have an unduly harmful impact on the overall balance of the community.

Parking and Effect on the Amenities of the Wider Area

During the process of the application the Lincolnshire County Council as Local Highway Authority (HA) requested additional information regarding vehicle numbers and parking arrangements.

The agent advised that none of the residents will be likely to drive due to the nature of their needs, so the provision of parking on site would be limited to visiting staff and as such would be lower than one would expect from a single family occupying a house of this size. There would be one member of staff at a time, using only one parking space, although the driveway is large enough for three to four cars.

The HA has considered this additional information and is satisfied that the proposal would not cause issues on the highway. The HA consider that vehicle movements associated with the development proposal will be reduced from that of a 6 bedroom family occupied dwelling as existing, although there is also no highway safety concerns for a more generic HMO use at this location. Accordingly the HA do not wish to restrict the grant of planning permission.

While this is the position of the HA from a highway safety point of view, officers have concerns regarding the potential for increased vehicles and on-street parking. The agent has advised that none of the residents are likely to drive, however, it is the HMO use that must be considered as opposed to the operator. The seven bedroom property could therefore be occupied by seven residents, each with a car. The driveway would not be able to accommodate this number of cars resulting in on-street parking. Officers would concur with the objections from neighbours in this respect, and consider that the potential for on-street parking would have significant issues on this small cul-de-sac resulting in a harmful effect on the residential amenities of neighbouring properties. This would be contrary to CLLP Policy LP26 and officers would recommend refusal of the application on these grounds.

In terms of the more general impact on neighbouring properties, objectors have raised concern regarding noise and disturbance, overlooking and loss of privacy.

With regard to noise and disturbance, it is again the HMO use that should be considered and not the specific operator. The City Council's Pollution Control Officer has advised that there is no objection to the HMO use in respect of noise, which is consistent with the officer's advice on other HMOs within the city.

Officers also have no objection regarding overlooking from existing bedroom windows, as these remain as bedrooms and do not therefore result in a new relationship. There is, however, a level of overlooking created from the conversion of the garage, towards the driveway and front aspect of the neighbouring 9 Top Lodge Close. While this is an issue it

could be mitigated with a condition to require a fence to the boundary, and therefore officers would not recommend that this be additional grounds for refusal.

There is no objection from officers to the level of accommodation for future occupants or the impact on visual amenity, as the external works to convert the garage are minor. Some objectors have noted that there is no access to local facilities for future occupants. However, Policy LP37 only requires HMOs to be sustainably located on a regular bus route or within walking distance of the city centre where there is no on-site parking. The application property does provide on-site parking, albeit limited, and is located on a bus route and accordingly officers would not raise objection to the application on these grounds.

External Communal Space, Cycle and Bin Storage

There is private garden to the rear of the property. There is no indication that an area for cycle or bin storage is provided within this, however, it is reasonable to assume that these could be accommodated here.

Conclusion

In accordance with CLLP Policies LP9 and LP10 officers are fully supportive in principle of the provision of the type of accommodation that is suggested by the application, however, it is the HMO use and not the specific operator that has been considered. The potential for mental health benefits would not therefore outweigh the requirement for the HMO proposal to meet Policy LP37 and the SPD. These both require that applications should demonstrate that there is an established lack of demand for the use of the property as a family dwellinghouse. The application has failed to provide such evidence and officers recommend refusal on these grounds.

Similarly, while the application states that there would be limited vehicle ownership associated with specific use, officers have to consider the potential for a seven bedroom HMO to be occupied by seven occupants, each with their own car. There is no objection from the Lincolnshire County Council as Local Highway Authority in terms of highway safety although officers consider that the potential for increased vehicle numbers and the insufficient parking provision within the application site would result in on-street parking, which would in turn cause harm to the amenities of local residents. Officers would recommend that the application is also refused on these grounds.

Notwithstanding the impact on neighbouring properties through increased on-street parking it is not considered that the principle of the HMO use would result in undue harm to neighbouring occupants or the visual amenity of the wider area. The application would not result in an over concentration of HMOs within the area. The application site also has the potential to provide adequate provision for external communal areas for amenity, cycle storage and bin storage.

Officers would therefore recommend refusal of the application on the grounds of lack of evidence of the demand for the property as a family dwelling and the impact on neighbouring occupants as a result of the potential for on-street parking, contrary to CLLP Policies LP26 and LP37, the SPD and the NPPF.

Application Determined within Target Date

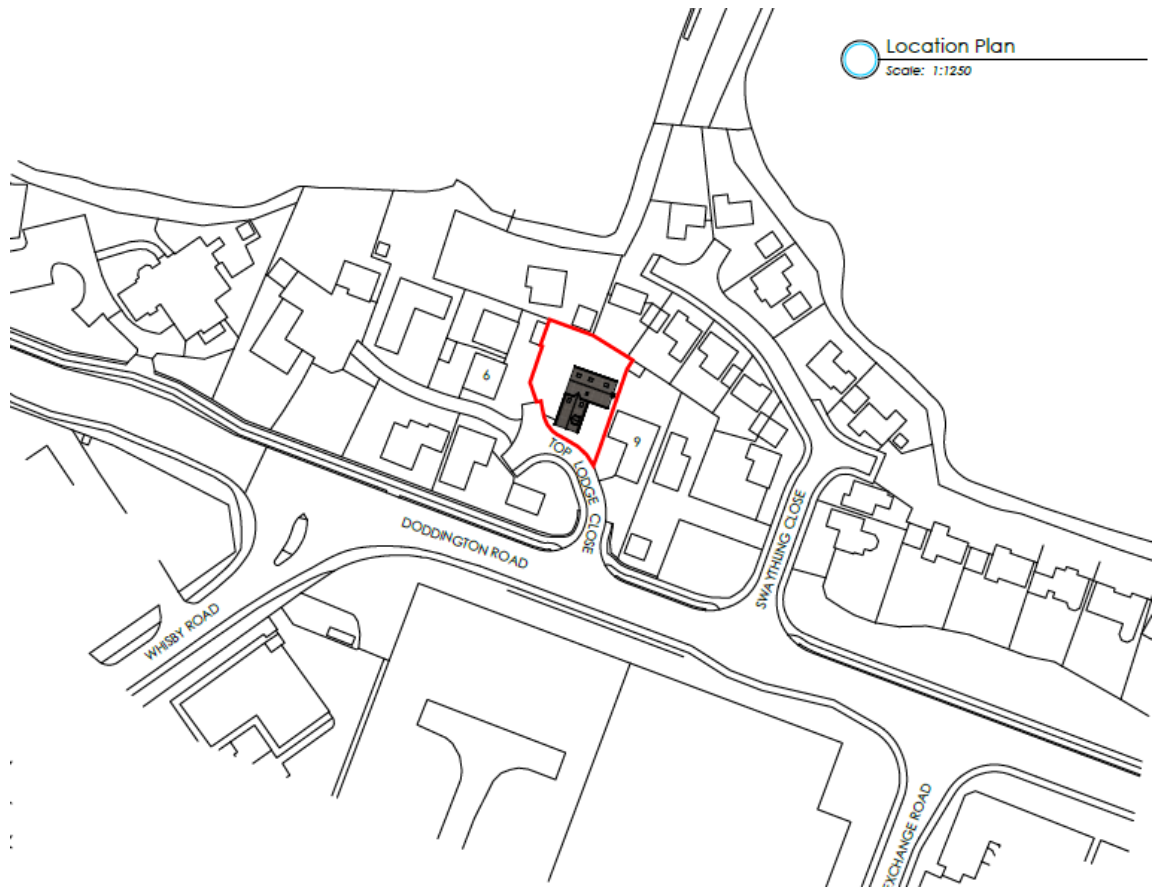
Yes.

Recommendation

That the application is refused for the following reasons:

1. The application fails to demonstrate there is an established lack of demand for the single family use of the application property thereby discouraging owner occupation by families, contrary to Policy LP37 of the Central Lincolnshire Local Plan, the Houses in Multiple Occupation Supplementary Planning Document Approved Draft and paragraph 8 of the National Planning Policy Framework.
2. The proposed seven bedroom HMO could be occupied by seven individuals, each with a car. The driveway within the application site could not accommodate that level of parking which would result in on-street parking. This would have a significant impact on the small cul-de-sac, causing harm to the residential amenities which the occupiers of neighbouring properties may reasonably expect to enjoy, contrary to Policy LP26 of the Central Lincolnshire Local Plan.

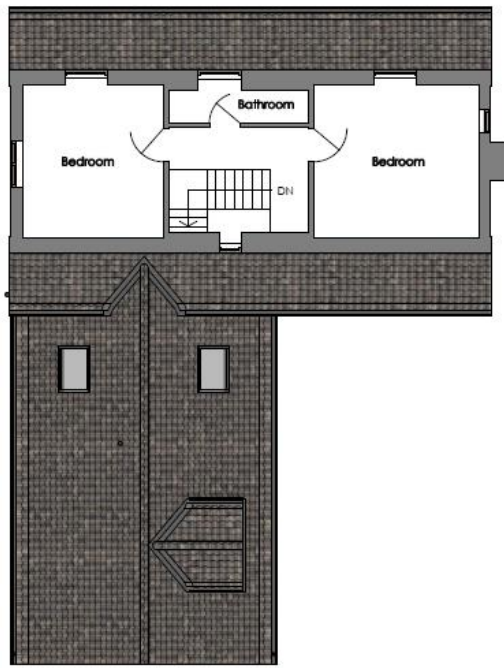
8 Top Lodge Close: plans and photos



Proposed Ground Floor Plan
Scale: 1:100



Proposed First Floor Plan

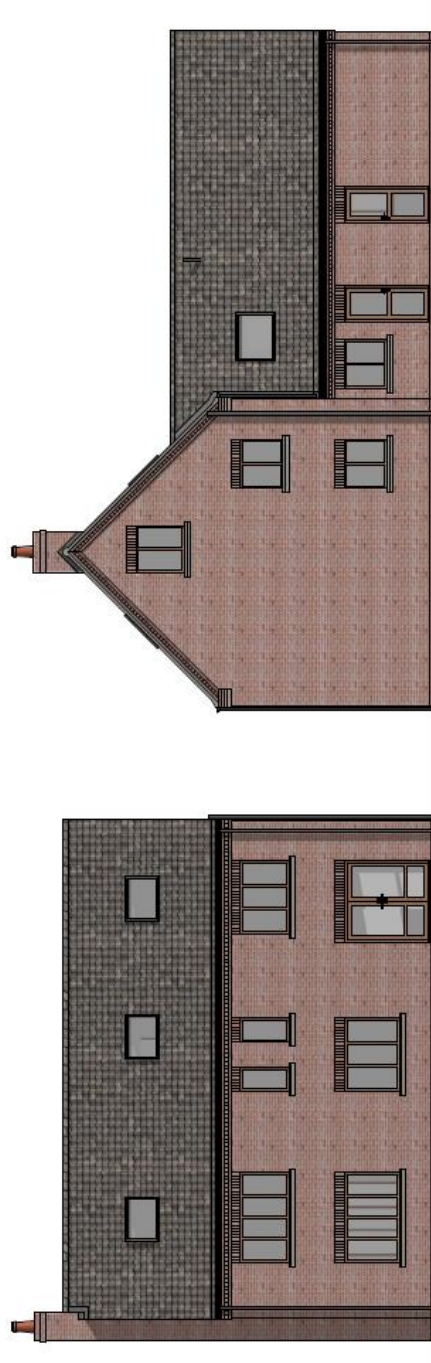


Proposed Second Floor Plan



Proposed Front Elevation
Scale: 1:100

Proposed Side Elevation
Scale: 1:100



Proposed Rear Elevation
Scale: 1:100

Proposed Side Elevation
Scale: 1:100



Front elevation and drive



Front elevation and garden to side



Application property and 9 Top Lodge Close to the right



Garden and rear boundary with Swaythling Close properties

This page is intentionally blank.

8 Top Lodge Close: consultation response

Customer Details

Name: Mr Mike Maloney

Address: 4 Top Lodge Close Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This close can't accommodate this proposed change of use, we are a family oriented Close of nine houses. The families vary from the old to the young including children, Allowing this to proceed in this area will not help anybody. The proposed dwelling was built to house a family, the reason people moved here was because its a close with a families (A FEELING OF SAFETY) , allowing this change off use is not right for this small close. With 7 Bedrooms comes vehicles, you can;t park more then 4 cars without going onto the road, its a corner plot so parking on the bends will cause a issue for the other 7 Houses leaving and entering. There a numerous issues we could list from looking at the proposed plans. Also surly you must take into account house values, sale ability of our homes in the future if this is granted. I welcome your response, and would also like to point out that the application when in on the 31/01/2019, the client has already started the changes internally this is not helping matters, (i understand its add hie own risk) it just makes it look like theres no point in contact you as its going to happen anyway. I await your response by return , as a side note the residents are holding a meeting on the 14/2/2019 7pm at number 9. please feel free to contact me if you would like to attend.

Customer Details

Name: Mr Philip Thompson

Address: 12 Swaythling Close, Lincoln, Lincolnshire LN6 3DD

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. My property joins No 8 Top Lodge Close where the side of my property joins the rear of No. 8.

2. The original application requested the that the property be changed from a Dwelling-house (C3) to Residential Institution (C2). Where 7 people receiving care, e.g. Supported Housing Scheme such as those with learning disabilities or mental problems. I am informed by Planning Officer Marie Smyth that this has been revised to a House of Multiple Occupancy (HMO).

3. I see several problems with this proposal.

a. Car parking will be an issue. The property can support 4 cars closely parked. There will be no internal garage so any vehicles coming onto the property will only be able to use this space. There is very little room for "off road" parking as the property is on a bend and will restrict drivers coming off Doddington Road.

b. The rear of the property is only 19.5 metres from a large lake. It would be very easy for a person who is mentally impaired to gain access to the lake and cause injury or even death to themselves..

Customer Details

Name: Mr David Spraggins

Address: 7 Top Lodge Close Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I OBJECT to this application at 8 Top Lodge Close LN6 3JA for the following reasons:

I feel that this type of service that is being applied for is completely wrong for the area; the location is out of the way from local amenities with little public transport to get to and from places.

There will be insufficient parking for such a dwelling. The applicant has already started developing the site and has removed the double garage facility for cars, which alone will impact on parking, due to them reducing the car parking at the premises.

The road is only wide enough for a car at a time, so other cars visiting, or parking, will have to park on the footpath illegally, and there is very limited space for vehicles to turn.

The house was originally designed for 6 bedrooms only, but the submitted plans show an annex to include a 7th bedroom.

There is a disabled man living in the close next to the property in question and this will impact on his ability to move freely if cars are parked illegally.

There is a health and safety issue here, as Doddington Road is very busy and at times fast moving, which is a risk for vulnerable people.

I have concerns for the very small children within the Close due to the increased traffic that would be a result of the application, and also their health and safety in respect of the potential tenants who would be living there unsupervised.

This type of development contravenes the deeds policy, which states that there can be no business use at the premises.

Customer Details

Name: Mr Sammy Liu

Address: 6 Top Lodge Close Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the proposed development of number 8 Top lodge Close. An objection without prejudice.

The primary factor in the our objection is the added volume of traffic in which the proposed change of use will bring to the unadopted road.

The revised changes from the original application requested the that the property be changed from a Dwelling-house to Residential Institution will significantly increase the volume of traffic entering and parking at the close. The plot was originally designed for the support of a maximum of 4 family vehicles and is being converted to increase the number of beds but removing spaces for vehicles to park. The close has limited areas to park and with the expected increase in vehicles I worry about the safety of my young children who often playing the private road. In addition the likelihood of emergency vehicles needing to access the close will be restricted should vehicles park alongside the kerb.

Thankyou for your time

Mrs Judith Davids 5 Top Lodge Close Lincoln Lincolnshire LN6 3JA (Objects)

Comment submitted date: Sat 16 Feb 2019

I object to this request for change of use of 8 Top Lodge Close from a Dwelling-house (C3) to an HMO, on the grounds that the Close cannot accommodate the additional traffic, parking and visitors that this will naturally attract. There is also a covenant within the deeds of all residents' properties forbidding the running of any business within the Close.

The stated intention is for the house is to be run as a business by 28A Supported Living Limited for the supported housing of adults with learning and mental disabilities.

My concern is that if HMO status is granted, this will stay with the property no matter what the primary use, or who the occupants are. Whereas the initial stated cause is to support the vulnerable and to help them integrate back into the community, once the property has HMO status the owner of the property could quite easily decide that it would be more profitable to run, or sell the house on, as a straight HMO without the overheads of the care element.

Top Lodge Close is a small, close community of 9 residential, 5 & 6 bedroom, dwellings. When built the need for parking was underestimated. Each house has space for up to 4 cars. This has proven to be an inadequate provision where the house is fully occupied and there are grown up children, and the Close has previously suffered from families struggling to fit their cars in along the sides of what is a narrow road. This situation also caused some friction in the past on the occasions when people had guests or were entertaining, with cars parking in other people's drives or lawns, and a cluster of cars blocking the entrance to the Close, reducing this to one lane. This last represents a very real risk to cars turning into the Close from Doddington Road and coming bumper to bumper with another car trying to exit. Obviously to date this has happened on an occasional, rather than a regular basis, however with the creation of an HMO in the close this will become a daily occurrence.

Thought also needs to be given as to how large vehicles will be able to manoeuvre. The entrance to the Close was obviously left wide to allow for safe access to and exit from, what is a very busy road. After the entrance the road is narrower and there is no place to turn around, and currently the refuse vehicles and any larger delivery vans are obliged to reverse back into the Close. Number 8 is on the bend near the entrance to the Close, if this area becomes congested this will prevent larger vehicles (including emergency vehicles) from gaining access.

I would ask that you give due consideration to the impact on the current residents in what is currently a close community if Number 8 is to become an HMO, and importantly to the parking congestion that will arise, together with the associated risks described above. Top Lodge Close does not have the infrastructure to support an HMO!

(A minor point but under the heading "Biodiversity and Geological Conservation" in the application form - Lodge Lake which is within 19.5 metres of the house is a place of Special Scientific Interest.)

Mr Richard Sargent 9 Top Lodge Close Lincoln LN63JA (Objects)

Comment submitted date: Mon 18 Feb 2019

I wish to start by stating that i strongly object to this application. I have been a resident of Top Lodge Close since 2016 when i made this my forever home. I myself am also a vulnerable adult who lives independently in the community. This application i feel now threatens my feeling of security in this close residential street.

Reading the statement made by the applicant i wish to touch on a few subjects raised. I do not challenge that there is a need for these centres in the community. I love the concept of helping create independence in vulnerable adults. However they now risk my own independence and confidence in the community. The reason being that we have an open plan driveway and also the new introduction of windows under Permitted Development. I feel that this proposes a risk to my privacy and security. The windows now allows for occupants, the ability to study the comings and goings of my property. Although it is hypothetical that someone could take advantage of this, it still does not reassure my mental health. I would like the planning to not only consider the benefits of the applicants but also take into consideration the potential health risks it now could impose on my self as a direct neighbour.

I have made a large financial investment in making this home fully accessible to my self. I was careful in my planing in selecting a property that had very strict covenants to know i would be safe in the future. This application violates 2 restricted convenience in our deeds with the possibility of a third if granted permission. If this application was to be granted i would be left with no possibility to sell and move if i became unwell due to stress.

As they are applying for HMO status my fear is that the company will keep changing their mind on who they house. They have a history within their organisation of working with a wide variety of individuals. I feel their statement that their intended clients would not require parking due to there type of disability should not be taking into consideration.

All 6 bedroom properties on the estate where given a minimum of 2 garages to be able to cope with the traffic intended with a one family unit dwelling. Subsequently the applicant has chosen to remove the double garage in order to house a 7th person and company with HMO guidelines of a groundfloor accessible accommodation. The driveway at a push would house 4 cars but this would also lead to blocking the main door and not having sufficient space for a clear fire escape route. Due to the remove of the double garage the property has now lost the use of a further two parking spaces. Our garages where constructed large enough that they could accommodate two modern day vehicles comfortably. So not only have they increased the amount of people in the property they have also decreased the amount of parking spaces.

This would result in them needing to park on the private road. The bend access to the property is already limited and cars would be forced to park on this. It would lead to a potential obstruction for required emergence service vehicles and with the potential care needs of the individuals in this property it would have more of a precedent to make sure this wasn't an issue. Also it would cause direct issues to my self in entering and exiting my own personal driveway safely.

The access road as mentioned above is a private road which all residents have a responsibility towards. It states in the deeds that until the highway agency was to adopt the road that we the residents would be responsible for the upkeep. As to the date of me writing the road has still not been adopted by the highways agency and this was confirmed over the phone to me. In the deeds it mentions fair usage for access to and from our properties. The added traffic of care workers, visitors and residents I feel does not fall under fair usage, as the intention for the property was for one family unit. The level of traffic would be greater, which ultimately would effect the wear on the road meaning it would deteriorate quicker. Ultimately it would be the other residents who would have to take the hit with the added cost. This would not be fair due to the fact this establishment would be making money out of the business and ultimately this would be at the rest of the residents expense.

I would welcome a site visit from your self so you could get a better understanding of the concerns I have raised. Please feel free to use my contact details above to arrange a convent time for us both. As I am realistically the only direct neighbour of this property I feel it would be more appropriate to meet together.

From: dan gardner [REDACTED]
Sent: 27 February 2019 11:54
To: Technical Team (City of Lincoln Council)
Subject: Objection to 8, Top Lodge Close, Lincoln development

Good morning.

Please see below my objection to the proposals at 8 Top Lodge Close, Lincoln. I have tried to submit online but it did not seem to work. I am Daniel Gardner - 2 Top Lodge Close, Lincoln - I am aware my comments will be made public.

I object to this request for the change of use of 8 Top Lodge Close from a Dwelling-house (C3) to an HMO for the following reasons;

Firstly we have recently bought our property on the close and paid a lot of attention to the terms of the deeds to the property and the surrounding area. It clearly states in the deeds that each dwelling is for one family unit and cannot be occupied by multiple occupancy. It also states that businesses cannot be run from the property and commercial vehicles cannot be parked at the properties. This proposal, which has clearly started to be developed prior to the outcome of the application is in breach of these deeds.

This area consists of large, detached properties which are occupied by family units. This was the number one reason for us purchasing in the area as that gave us the safety and security with raising a family in mind. Had HMOs been allowed on the close or if there were any already in existence, we would not have purchased the property.

There is clear and direct evidence in others parts of the city (West End for example) that HMOs lead to a rise in noise complaints and anti-social behaviour. This will have a direct impact on us, our neighbours and our house prices.

I also note the applicant has stated that he does not anticipate any noise issues and or anti-social behaviour from the property. This is a generic comment, which lacks evidence to corroborate such a claim. The very fact that there is a 24 hour helpline for the residents suggests that there will be issues.

Once an HMO status is granted it stays with the property, not the owner. Whilst the current plan is to house young adults with learning difficulties this could be open to future abuse and could be used to house a wide range of residents with varying issues which could have a large impact on the area and already established community. The owner is unlikely to be concerned about this as they will only have a financial incentive when either renting or selling the property. This could include substance abusers to people on probation with an extensive history of offending. This has a well documented link to serious acquisitive crime and anti-social behaviour.

My partner and I currently work long and anti social hours which include night shifts. This area currently benefits from a quiet and peaceful environment and this is owing to the majority of the resident working during the day. This allows us to sleep during the day following night shifts. We fear by introducing a HMO into the close is out of keeping with the area and will have a clear impact its quiet nature. This will have a direct impact on us and our decision to buy in this area.

Parking has already been mentioned previously by neighbours but we would also like to highlight an increase in vehicles in the close will have a direct impact on both emergency vehicle access and wheelchair/pushchair access for all current residents.

All of the residents in the close currently own their properties and take pride in its appearance and upkeep. We fear that the transient population of an HMO will not share our enthusiasm and willingness to maintain their property to the same standard. This will have an impact on the environment and enjoyment of the area.

This proposal should be rejected.

Kind regards,

Daniel Gardner

2, Top Lodge Close, Lincoln

Mrs Julie McHardy 13 Swaythling Close Lincoln Lincolnshire LN6 3DD (Objects)

Comment submitted date: Tue 19 Feb 2019

I object to the application for change of use from (C3) Dwelling House to Sui Generis with an element of care revised from (C2) Residential Institute at the address 8 Top Lodge Close

We are a neighboring property and are adjoined by a rear boundary fence. My objections are base on the following criteria

a. Lack of Privacy

"where two habitable rooms face each other such that direct overlooking is physically possible the windows should be 22 metres apart, this is required to achieve a degree of privacy within conventional two storey accommodation, habitable rooms include living and bedrooms, studies and kitchens"

my properties privacy was initially comprised with the original development of Top Lodge Close, the overbearing scale and dominating effect of Number 8 had an immediate impact on our property, it also appears that the building and planning regulators were not looking after our best interests as homeowners because measurements taken recently of 19.25 metre appear to be below the minimum standard necessary to protect our privacy. My current objection is impounded by the fact that the current family bedrooms will become a hostel room/bedsit, with all the occupiers personal possessions kept within this private space, the room will be utilised more frequently and for longer periods of time in the day which means our privacy will be compromised even further.

b. Overlooking

Building Regulations 1984 " a habitable room window of a building on an allotment must not provide a direct line of sight into a habitable room or onto a secluded private open space of an existing dwelling on an adjoining allotment.

Our garden is completely overlooked by number 8 and offers no secluded areas, this will be further impacted by the change of use with occupiers of the rear rooms on the 1st floor having an unhindered view into our rear garden.

Human Rights Act - Protocol 1 - Article 1

"The protection of property gives every person the right to peaceful enjoyment of their possessions" which includes their home and land.

I would like to extend an invitation to the council for a representative from the planning committee to meet at my property to illustrate my objections.

Conclusion

In the supporting statement provided they state the application has arisen due to a need for supported living within the region and end by stating the need clearly outweighs the harm" If there is a potential for harm as quoted by the applicant then this outweighs the need and this application therefore should be denied without delay

Customer Details

Name: Miss Nicola Sykes

Address: 14 Swaythling Close LINCOLN

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We live adjacent to the proposed development and are writing to ask that you refuse the application.

Firstly the proposed development is in a small close, where children play freely in the street as there is no through road. The development will increase the number of residential cars and visitors to the business, which will lead to parking in the street and invariably overflowing into swaythling. This will not only cause traffic/access issues, but also a safety hazard.

Doddington road is already congested without the increase traffic to a business in the close.

8 Top Lodge overlooks our garden and this will have an impact on our privacy in the garden and house. With the potential of several residents and visitors this will have an impact on the noise in the close.

There are a number of children who use both closes to play in not only will the additional traffic become a safety hazard, but also the volume of residents and different visitors visiting the development also increases safeguarding issues in a quiet residential close.

Customer Details

Name: Mr David Conroy-Lewis

Address: 3, Top Lodge Close Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the planning application for the change of use of 8 Top Lodge Close to an HMO, on the grounds that:

a) we bought the house because it was on a quiet close with family occupation of the properties and there has been a pleasant community atmosphere here for the last 7 years. One of the appealing parts of the close was that the property deeds of all residents limit the occupation of the properties to family units and prohibit the running of any business within the close. This has been the case to date and I find the proposed development goes against the deeds and the community spirit.

b) the proposed development is at the entrance to the close and will inevitably bring with it additional traffic and parking for visitors and new occupiers of the property. Access to the remaining houses will be limited, or blocked, as the road is narrow and as the garage has been converted to accommodation any additional vehicles will be parked on the road as the parking space for the house is limited to three or four cars. There is insufficient parking space for additional vehicles and parking on the limited road area will cause a hazard to residents from vehicles entering and leaving the close around a tight narrow bend which has limited visibility even when clear. Access for delivery vehicles and any emergency vehicles will be limited by parking. Already three refuse collection lorries have to reverse down the single track part of the close to collect the recycling and refuse. The parking will limit the turning area provided on the made up part of the road and access to the remaining properties will be adversely impacted. Parking on the pavements will cause blocking of the passage of pedestrians. My mother in law lives with us and has limited mobility relying on the use of a mobility scooter to get out to the shops unassisted. Blocking of the pavement with parked cars will force her to use the road which is hazardous given the visibility issues. With the close being off the busy Doddington Road, access constraints will cause hazards to residents as they access the close if it is blocked by vehicles. Large delivery

vehicles already have to reverse out of the close onto Doddington Road, this development will only increase the risk of an accident.

1 Top Lodge Close

Lincoln LN6 3JA

05 March 2019

Directorate of Communities & Environment

City Hall

Beaumont Fee

Lincoln LN1 1DF

marie.smyth@lincoln.gov.uk

Ref 2019/0079/FUL

I wish to lodge my objections to the proposed change of use of 8 Top Lodge Close, Lincoln LN6 3JA from a Dwelling-house (C3) to a 7-bedroom HMO (Sui Generis).

Although I believe this is an admiral cause, I do not think that 8 Top Lodge Close is the right place for any HMO.

My grounds for objection are:

1) Parking/Increased Traffic

The Close cannot accommodate the increase in traffic/parking that this would create. Parking at the property when built was initially for 4 cars. With the current conversion of the garage now almost complete this has reduced parking by 2 spaces. The Close already has limited areas in which to park and although the developer states that residents will not have cars themselves it is unrealistic to expect that they will not have visitors especially as an 'element of care' is involved.

As number 8 is on a bend at the entrance to the Close any additional parking could cause issues for any emergency vehicles, or large delivery/works vehicles requiring access to the Close. It is my understanding that the Police and other Emergency Services receive numerous calls from similar HMO's in the locality, so it is not unreasonable to expect similar issues to arise on the Close. Access has already been severely restricted regularly since late December, and is ongoing, with a number of works vehicles attending the property. This has caused difficulties for current residents leaving and returning from work. Only the other day there were 2 small vehicles parked at number 8 and one parked on the road outside number 8 with a further van blocking my drive causing my daughter to have to wait for a workman to move his van so that she could go to work.

2) Safeguarding of Proposed Residents

The proposed residents (according to the applicant) include those with learning difficulties or Mental Health issues. This gives rise to Safeguarding Issues regarding their safety on a daily basis. As there will be no 'live in carers' if a resident urgently requires help it may not be available immediately and this may cause further anxiety or panic.

The exit from the Close (approx. only 50 feet away from the house) is straight onto an extremely busy Doddington Road. If one of the residents were to panic (for whatever reason) and run out of the

house into the road they could cause a serious accident resulting not only in injury, or death, to themselves but to others too.

If a resident were to run in the other direction, there is a lake only 19.50 meters from the property. Again, if they were to panic and jump the fence, they could end up in the lake resulting in serious injury or death to themselves or any potential rescuer.

3) Safety of Children

Currently, as this is a Private Road, young children living in the Close (including my own grandchildren who spend the majority of their school holidays here) are able to play safely in the Close. Increased traffic would have a very real impact on their safety and freedom.

4) Inappropriate Area

- Top Lodge Close, in my opinion, is not suitable for this type of property. Although close to a main road the nearest shops are 2 miles away (fine on a sunny day but not so good in the winter).
- There is nothing for residents to do except visit the local pub which is approx. 100 yds from the Close, this is not very conducive to recovery if you are a recovering alcoholic, a recovering drug user or are on medications that do not react well to alcohol consumption.
- There are only 9 homes in the Close, so it is not a typical area for someone trying to integrate back into society.

5) Other More Suitable Properties

There were (are) several other more suitable properties on the market then and now. They all have better off road parking facilities and are closer to local amenities. Most are cheaper than the price paid for 8 Top Lodge Close.

6) Future HMO Usage

A further concern is that if HMO status were granted there would be nothing to prevent the current owner from deciding that it would be more profitable to rent as a straight HMO without the element of care or from selling on the house with its HMO status.

7) Potential Harm

In a supporting statement provided by the applicant they state that their application has arisen *“due to a need for supported living within the region”* and end by stating *“the need clearly outweighs the harm”*. They therefore acknowledge that this will in fact cause harm to the residents of the Close. It is my opinion that if there is **any** potential for harm as stated by the applicant then the application should be denied.

8) Misleading/Inaccurate Information

All supporting documents are in the name of 28A Supported Living Ltd., yet, according to The Land Registry, they are not the owners of the property. The property is owned by Allerton Investments Limited of Leicester.

28a Supported Living made a big issue in their Supporting Statement of the fact that they are a non-profit organisation. This should have no relevance as they are not the owners but the lessee of the property, the owners can terminate the lease agreement they have with 28a. Allerton Investments, the actual owners of the property, are as far removed from a non-profit as it is possible to be. Their website (although still under construction) states that they have £100m in assets and their strategy states:

“As a growing independent multi industry group of companies, it is Allerton Groups aim to encompass a diverse and extensive portfolio of interests to maximise all of the key elements of the Group. By keeping its Core Values at the forefront of all decisions, Allerton Group will continue to expand into exciting, developing markets – giving real growth on assets and profitability.”

Our strategy is to achieve this by recruiting innovators, influencers and experts in their field. We will then have expertise across a diverse range of industries; allowing us to seek out innovative revenue streams and opportunities for growth. Allerton Group takes a long-term view of market synergies across its various group companies with a view to providing sustainable and reputable growth."

"Our business invests significant resources to expand its portfolio after careful assessment of return on capital"

It is therefore not unreasonable to think that once this particular type of market has been saturated and becomes less profitable that they would find a more lucrative purpose for 8 Top Lodge, perhaps student rentals, or rentals to young professionals, all of whom would have different needs, and in the majority of cases would have a vehicle.

It is also worth noting that on the original application that the application contains inaccurate information:

5. The applicant answered 'No' – work commenced on the property during the Christmas break and has been on-going ever since then.
6. The applicant answered 'No' – the site is currently vacant (as in no-one is living in the property).
7. The applicant answered 'No' – new additional windows, new interior walls, new interior plumbing, new interior electrics.
9. The applicant answered 'No' – by virtue of the fact that the garage is being converted parking is reduced by 2 spaces therefore it is relevant.
11. The applicant answered 'No' - 8 Top lodge is in fact less than 20 metres from the lake.
12. (a)(b) and (c) "Biodiversity and Geological Conservation", the applicant answered 'No' - Lodge Lake is within 19.50 metres of the house and is a place of Special Scientific Interest.
17. The applicant answered 'No' – the conversion of the garage (non-residential floorspace) to a self-contained unit is a change from non-residential usage to residential.
18. The applicant answered 'No' – although it is my understanding that staff will not be living-in they will need to visit daily.
25. Certificate of Ownership – neither Mr Khan or 28a Supported Living are the owners of the property, Allerton Investments are - although 28a may be the lessee it is unlikely that they will have been granted a 7 year lease before planning permission has been granted.

Thank you for your time.

Regards

Elizabeth Young

1 Top Lodge Close

Lincoln LN6 3JA

06 March 2019

Directorate of Communities & Environment
City Hall
Beaumont Fee
Lincoln LN1 1DF
marie.smyth@lincoln.gov.uk

Dear Sir / Madam

Ref 2019/0079/FUL

I write to register my objection to the above planning application.

Whilst I understand the need for such institutions the location is unsuitable and not in the best interests of either party.

I set out below my reasons why the application should be denied.

1 Neighbourhood

Top Lodge Close is a small, quiet and secluded family orientated cul-de-sac with only 9 executive style family dwellings. Any change of use to the dwelling would be out of keeping with the area. I would not feel safe allowing my grandchildren to play outdoors in what was previously a very safe environment and is something any parent will immediately understand.

Since it is proposed to have 7 short term residencies within the property there would be no continuity and ever changing faces on the Close. This would not be conducive to the smooth running of the Close as our children are taught not to speak to strangers and it may scare them if approached (albeit innocently) by these persons.

It could also result in the lowering of standards of upkeep and maintenance to the property.

Since the purpose of such HMO's is to integrate its residents back into society a busy environment is essential. This cannot happen in this location as there simply is no one to integrate with. There are very few other properties in the vicinity and no local amenities where they could meet and mix with others so fails to meet its prime objective.

2 Parking and Access

There is already very limited access and parking on the Close. Visitors to the properties frequently have need to park on the only available space on the pavement on a blind corner leading directly onto a very busy main road which is a potential danger to anyone accessing or leaving the Close. Each property is allocated 4 spaces and with the proposed conversion of the garage this would mean cars parking behind one another so more manoeuvring /reversing into the close required.

3 Effect on Close

I note the developers do not propose to have a resident carer on site to deal with any issues or episodes which may arise i.e. medical issues, disturbances etc. so residents will be left to their own devices which given their issues is most unsatisfactory. I further understand the Police, Emergency Services and other rapid response teams receive numerous calls from similar HMO's in the locality, so it is not unreasonable to expect similar issues to arise on the Close.

4 Business Model

28a Supported Living is a non-profit organisation set up specifically to provide supported housing and is registered with the Local Authority to obtain funding.

8 Top Lodge Close was purchased by Allerton Investment Ltd (part of the Allerton Group boasting assets of £100m) on 6 December 2018. Allerton is a property investment company which only invests in properties after careful assessment of their return on capital and which give real growth on assets and profitability. They have 75 similar properties (per their Website).

Properties are purchased converted and rented to 28a Supported Living who are assured full occupancy at all times as part of their arrangement with the local Authority (as there is always a waiting list). This has the added advantage that there is no risk to Allerton in securing rentals within the private sector with its associated problems.

This fact is not mentioned in the application presumably as it is felt it would give more credibility and be more favourably received coming from a non-profit making organisation than an extremely successful property investment company.

Although at first sight providing a much needed service to the Community, this is secondary to the main activity of the group which is growth and profitability which is far from the "non-profit making" ethics on which the application is based. This is in fact an extremely effective business model with a high profile perception of creating good for the community.

5 Property acquisitions

Properties are acquired on a random basis by Allerton irrespective of where the property is situated and what impact it will have on its surroundings the only proviso being that the property is a good investment. It does not have to be suitable for purpose which is clearly the case at Top Lodge Close.

These properties will attain the same rate per room from the Local Authority wherever situated and receive a constant stream of residents so guaranteeing full occupancy wherever situated so location is of no importance.

28a Supported Living is merely a vehicle to enable Allerton to achieve their main objective under the guise of the good of the community which is clearly demonstrated at Top Lodge Close where it appears no consideration has been given to the viability of such a project at this specific location which is wholly inappropriate and not suitable for such purpose.

With this in mind it is difficult to give any credence to the application and it should be rejected

6 Alternatives

At the time of purchase there were several other far more suitable properties on the market in the area in more suitable locations and close to local amenities. However 8 Top Lodge Close is a better

property in a better area and fits the profile of the Allerton property portfolio and presumably offers a better return on investment.

Top Lodge Close has no facilities other than a public house situated 100 yards away on the main road which is an unacceptable risk as the residents could wander there at any time during the day or evening as they would have nothing else to do and could result in serious alcohol related disturbances and associated problems. The only alternative for the residents would be to remain in the close or on the very busy main road less than 20 yards away which would be a danger to all concerned. The nearest shop is 2 miles away.

7 Integrity of developers

It is an important principle of decision making that process is open and transparent which is not evident here and I have severe reservations regarding this application.

The ownership certificate (note 25) states that "nobody except myself (agent) /applicant (Mr Kahn for 28a Supported Living) was the owner of any part of the land or buildings to which the application relates". The owner must have a freehold interest or a leasehold interest with at least 7 years to run.

The freehold is owned by Allerton Investments Ltd. It is extremely unlikely that a 7 year lease has been granted to 28a Supported Living prior to passing of the planning application.

The developers state they are a Lincoln City based organisation which is incorrect and work closely with Lincolnshire County Council and have 7 other facilities in the area. The supporting statement indicates they have never received any complaints from these. However I have been unable to locate any of these properties so this is unsubstantiated.

The application states 28a Supported Living to be CQC registered yet a check of the CQC website reveals nothing unless they are registered under a different name (which is not evident from the planning documents) and do not appear in the Lincolnshire Care Directory.

The original application contained deliberate misrepresentations. It stated work had not been commenced at the property. Contractors have been working at the premises since acquisition in December and work is already substantially completed.

A further planning application was submitted on 6 February for the conversion of the garage to living accommodation This application was granted 2 weeks later despite no neighbour notification being received which is unusual since neighbouring properties are now overlooked from the new windows.

I find it extremely concerning the developers are treating these applications as a "done deal" and I cannot help wondering on whose advise they have proceeded.

The application also stated there were no changes required for parking. This again is untrue since the double garage was being converted to further living accommodation thus reducing parking availability by 2 spaces.

There appear to be transparency issues and I wonder what else they are hiding which is a further concern.

8 Class of resident

The initial application was for a 6 bedroom premise to accommodate adults with learning disabilities and mental health issues. This has now been revised to a 7 bedroom HMO (Sui Generis) although the purpose remains the same. I work with such persons on a regular basis. These persons are subject to

unpredictable behaviour and can be volatile with violent outbursts which can be a danger to all concerned and particularly to young children.

9 Potential change of use / Risk

The supporting statement is very specific as to the current application. Although it is not the intention of the developers to change this use to other categories their website shows that in addition to this category they already provide housing for the homeless, ex-offenders, asylum seekers, recovering addicts and homeless parents to be.

The property could be sold on at a later date with licence attached and the category changed for whatever purpose.

Any such change of use could have a radical effect on the Close and could attract undesirables to the area with a significant increase in the possibility of theft and damage to property. Statistics show areas with HMO's have an increased crime rate. This could also significantly increase the amount of traffic on the Close.

10 Property values

If the application were to be granted it would in effect become a "DSS style hostel" but for persons with special needs and issues but funded by the Local Authority in an exclusive area.

Most residents have made these properties their forever homes and have invested heavily in their homes. Any such change of use would have a massive impact on property values on the Close and could make them potentially unsaleable.

11 Covenants

I understand title deeds are of no relevance in such planning matters. However, irrespective of the outcome of this application there are several restrictive covenants within the Deeds strictly prohibiting any such development or change of use so ultimately will not be able to proceed even if granted.

Yours faithfully

A P Young

Place Directorate
Lancaster House
36 Orchard Street
Lincoln LN1 1XX
Tel: (01522) 782070
E-Mail: highwayssudssupport@lincolnshire.gov.uk



To: Lincoln City Council

Application Ref: 2019/0079/FUL

With reference to this application dated 31 January 2019 relating to the following proposed development:

Address or location

8 Top Lodge Close, Lincoln, Lincolnshire, LN6 3JA

Date application referred by the LPA
5 February 2019

Type of application: Outline/Full/RM/
FUL

Description of development

Change of use to 7 bed House in Multiple Occupation (HMO) (Sui Generis) with an element of care (Revised Description)

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Does not wish to restrict the grant of permission.

CONDITIONS (INCLUDING REASONS)

HI08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

NO OBS

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Case Officer:

Date: 22 February 2019

Becky Melhuish
for Warren Peppard
Flood Risk & Development Manager

Good morning
Looking at the above planning application we would not object –regards
Steven Biddle
Network Technician
Plant Protection
Cadent Gas

This page is intentionally blank.

Application Number:	2019/0046/FUL
Site Address:	97 Boutham Park Road, Lincoln, Lincolnshire
Target Date:	19th March 2019
Agent Name:	Kingsmead Design Ltd
Applicant Name:	Mr Gordon Johnson
Proposal:	Erection of a two storey dwelling. (REVISED PLANS)

Background - Site Location and Description

The application is for the erection of a two storey dwelling (with rooms in the roof served by dormers). The proposal would be erected on land to the rear, west of 97 Boutham Park Road, a two storey detached dwelling located on the corner of Boutham Park Road and Earls Drive. The site is currently occupied by garden land and a double garage/store with vehicular access from Earls Drive. The site is located within Flood Zone 3.

The boundary to the north of the site is defined by an approximately 2m high conifer hedge with the garden of 95 Boutham Park Road beyond, which sits at a slightly lower land level. To the east of the site is 1 Earls Drive, a bungalow, with the side elevation of the neighbour’s garage and a wall with fence panels above forming the boundary. There are three further bungalows adjacent to no. 1 with the remainder of the properties on Earls Drive, including no. 2 opposite, being two storey. Properties in the area are constructed with red or buff brick and concrete tiles to the roof.

The dwelling would replace the existing garage and would incorporate three bedrooms and a double garage, utilising the existing vehicular access. The application has been revised during the process, firstly to address an objection from the Environment Agency and again to improve the relationship with the neighbouring 95 Boutham Park Road; both of these will be detailed later within the report. All neighbours were re-consulted on the first revision with 95 Boutham Park Road directly notified of the second revision affecting their property.

The application has been called in to be determined by committee at the request of Cllr. Hewson.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 14th March 2019, also visiting the neighbouring property of 95 Boutham Park Road on the 27th March and the 30th April.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP26 Design and Amenity

- National Planning Policy Framework

Issues

- Principle of use
- Visual amenity
- Residential amenity
- Flood risk
- Access and highways

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environment Agency	Comments Received
Lincolnshire Police	Comments Received
Anglian Water	Comments Received
Upper Witham Internal Drainage Board	Comments Received

Public Consultation Responses

Name	Address
Mr James Corner	1 Earls Drive Lincoln Lincolnshire LN6 7TY
Mr & Mrs Epps	95 Boutham Park Road Lincoln Lincolnshire LN6 7SE

Consideration

Letters of objection have been received from the neighbouring property at 1 Earls Drive

regarding the visual impact of the proposal and that the height relative to the existing garage was not clear from the plans. As outlined above, all neighbours were re-consulted on the first set of revised plans, which, at the request of officers, also show the outline and height of the existing garage to enable this to be considered by neighbours.

The occupants of 95 Boultham Park Road have raised objections on the grounds of the height, loss of light to the garden and garage, overlooking and loss of privacy. Concern is also raised regarding the loss of the boundary hedge and the proposed replacement fence. The objection makes reference to a previous planning permission for the existing garage, which includes conditions stating that there shall be no further floors of accommodation, to prevent overlooking, and that the garage shall be for domestic purposes only. These conditions were applied to ensure that the garage could not be amended, as would otherwise be possible under permitted development and result in a potentially harmful effect on neighbouring properties. These conditions are not relevant to this proposal as each application is considered on its own merits. In any case matters relating to residential amenity will be considered as part of the assessment process for this current proposal.

Further objections were received following consultation on the revised plans from 95 Boultham Park Road, expressing concern regarding the increase in height and overlooking towards the garden and property due to the proximity and both the height and position of windows. Flooding was also identified as an issue.

Objections from the neighbours have also been raised on the grounds of the impact on house values and that a covenant restricts development on a portion of the application site. However, these are not material planning considerations that can be taken into account.

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. CLLP Policy LP1 states that there should be a presumption in favour of sustainable development and planning applications that accord with the policies in the local plan will be approved without delay. This presumption in favour of sustainable development reflects the key aim of the National Planning Policy Framework (NPPF).

The principle of residential development in this location would therefore be supported, subject to consideration against other policy requirements.

Visual Amenity

It is considered that the site is of a sufficient size to comfortably accommodate the proposed dwelling along with the associated garden land and parking. The proposed dwelling forms an 'L' shape accommodating rooms in the roof, served by dormers and rooflights. Officers consider that the scale, mass and proportions of the dwelling are acceptable, particularly as the elevation when viewed from the street is staggered, breaking up frontage.

The finished floor level of the proposal has been raised to address flood risk concerns and the ridge would measure 11.7m high compared to the 9.6m ridge height of the existing garage. The proposal has similar proportions to a two storey dwelling and therefore would

be expected to sit higher than the bungalow of 1 Earls Drive, however, it is not considered that it would appear unduly dominant when viewed in this context. The application includes a street scene view from Earls Drive which shows the proposal in context with 97 Boutham Park Road, with the ridge sitting lower than the existing property. While objections have been raised by neighbours regarding the height and visual impact officers are satisfied that the proposal would sit comfortably within the street scene and that it would relate well to the surrounding properties in terms of the height, scale and mass, as required by CLLP Policy LP26.

It is also considered that the design of the proposal is acceptable. The dwelling would be constructed with buff brick, a slate roof, lead to the dormer face and cheeks and grey aluminium framed windows. Design features such as stepped entrances, details to the gable ends, brick corbelling and a chimney add interest. The design is different to the existing properties in the street and wider area, however, there is no defined character with dwellings varying in their form, scale and design. Officers are therefore satisfied that the design of the proposal would sympathetically complement the local architectural style, in accordance with Policy LP26. The proposal would also be in accordance with the NPPF, which requires that developments should be sympathetic to local character whilst not preventing change.

Residential Amenity

The rear, north boundary of the site forms the side boundary of 95 Boutham Park Road, defined by an approximately 2m high hedge. The proposed dwelling would be located 1.4m from this, sitting opposite the bottom section of the neighbour's garden, with the separation to the neighbouring dwelling being approximately 17m. The neighbouring occupants have raised concern regarding the proximity and height of the proposal, resulting in loss of light, which has been exacerbated by the increase in the finished floor level. The proposed elevations demonstrate the height of the dwelling relative to the proposed 2m high replacement boundary treatment, with the finished ground floor level sitting only marginally below the top of the fence. However, officers do not consider that the proposal would have an unacceptably overbearing effect on the adjacent garden or, given the separation to the neighbour's dwelling, on the rear aspect. While a degree of loss of light will be experienced this will mainly be to the bottom section of the neighbour's garden, and, again is not considered to be unacceptably harmful.

In terms of overlooking and loss of privacy, another concern raised by the neighbour, the proposal has been revised to improve this relationship. Within the rear, north elevation facing the garden the windows, although sitting much higher than the boundary treatment, are to be obscure glazed with only small top hung openings, which will sit 1.7m above the internal ground floor level. Officers are therefore satisfied that there would be no opportunity to overlook from this elevation.

The side, west elevation facing towards the rear of no. 95 has also been amended. The study window, which would have the closest relationship to the boundary, is also to be obscure glazed up to a minimum internal height of 1.7m. The window on the right hand side (when viewed from inside) will be the only openable part of this window and will be hinged so that it opens out towards the boundary. Overlooking from the open window will be to the south, over the proposed property's own garden. In addition the section of the landing and also the steps that were originally proposed adjacent to the boundary have been removed, and there would now be a separation of 5m. Officers are satisfied that these revisions improve the relationship and that the level of overlooking would not be

unacceptably harmful.

Conditions to remove permitted development rights and require full details of the replacement boundary fence would be applied to any grant of permission. These conditions would ensure that this relationship is maintained and accordingly officers are satisfied that the amenities which the neighbouring occupants of 95 Boutham Park Road may reasonably expect to enjoy would not be unduly harmed by the development.

The proposed dwelling would have a similar relationship with the host property with a total separation between the two properties being 21m. A 2m high fence would form the new boundary between the two gardens. Accordingly officers have no issue with this.

The side elevation of the bungalow of 1 Earls Drive would be located to the side, east of the site. The rear portion of the 'L' shaped dwelling would be located 6.5m from this boundary, with the front section located over 11m away. The boundary is defined by the neighbours own garage and a wall/fence. It is not considered that the proposal would appear unduly overbearing and loss of light would be limited to the late afternoon only. The only first floor window facing towards the neighbouring property is a dormer, serving a bedroom. Given the position of this window and the separation it is not considered that this would result in an unacceptable degree of overlooking.

Officers would conclude that, while the proposal would have an impact on neighbouring properties, this would not be to a degree that would warrant the refusal of the application. In accordance with CLLP Policy LP26 it is therefore considered that the amenities which neighbouring occupants may reasonably expect to enjoy would not be unduly harmed by or as a result of the development.

Flood Risk and Drainage

The Environment Agency (EA) raised an initial objection to application. The application site lies within Flood Zone 3 and the NPPF requires that a Flood Risk Assessment (FRA) must be submitted when development is proposed in such locations, to enable an assessment of the flood risk.

In response to this request the applicant submitted a FRA. This was considered by the EA and they have withdrawn their objection subject to a condition that the development will be carried out in accordance with the FRA, which specifies requirements such as finished floor levels and flood resilience and resistant measures. This condition would be applied to any grant of consent.

The proposal would therefore meet requirements of CLLP Policy LP14 as the EA are satisfied that that there is no unacceptable increased risk of flooding to the development site or to existing properties.

An objection to the application has been received from the Upper Witham Drainage Board. However, in addition to the EA having no issues with the application and the Lincolnshire County Council in their capacity as Lead Local Flood Authority have no objections in respect of surface water drainage.

Access and Highways

The application site will provide off-street parking but also has good access to local

facilities and public transport. The Lincolnshire County Council as Local Highway Authority has raised no objections to the application and it is therefore concluded that there is no issue with the access from Earls Drive or the proposed parking arrangements.

Other Matters

Air Quality and Sustainable Transport

The City Council's Pollution Control Officer has advised that, whilst it is acknowledged that the proposed development, when considered in isolation, may not have a significant impact on air quality, the numerous minor and medium scale developments within the city will have a significant cumulative impact if reasonable mitigation measures are not adopted. Accordingly a condition will require details of a charging point to be submitted for approval and for the unit installed before the property is first occupied.

Bin Storage

An area for bin storage is not identified on the site plan, however, there is sufficient external space within the site for this to be accommodated.

Conclusion

The principle of a dwelling in this location is considered to be acceptable and the development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design. The proposal would also not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy. Technical matters relating to flood risk, drainage and highways are also to the satisfaction of the relevant consultees. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP14 and LP26, as well as guidance within the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

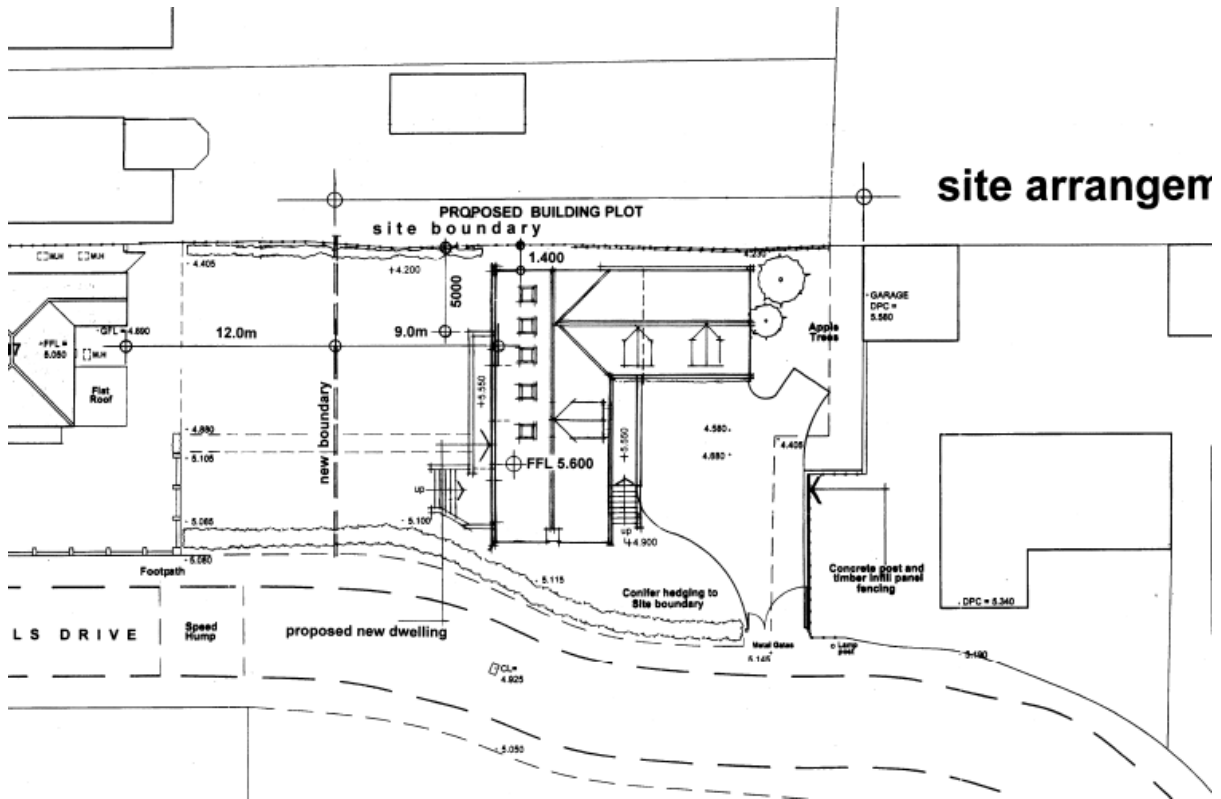
That the application is Granted Conditionally subject to the following conditions:

- Development to commence within three years
- Development to be constructed in accordance with the submitted plans
- Development in accordance with Flood Risk Assessment
- Details of an electric vehicle charging point
- Details of boundary treatment
- Removal of permitted development rights
- Construction of the development (delivery times and working hours)

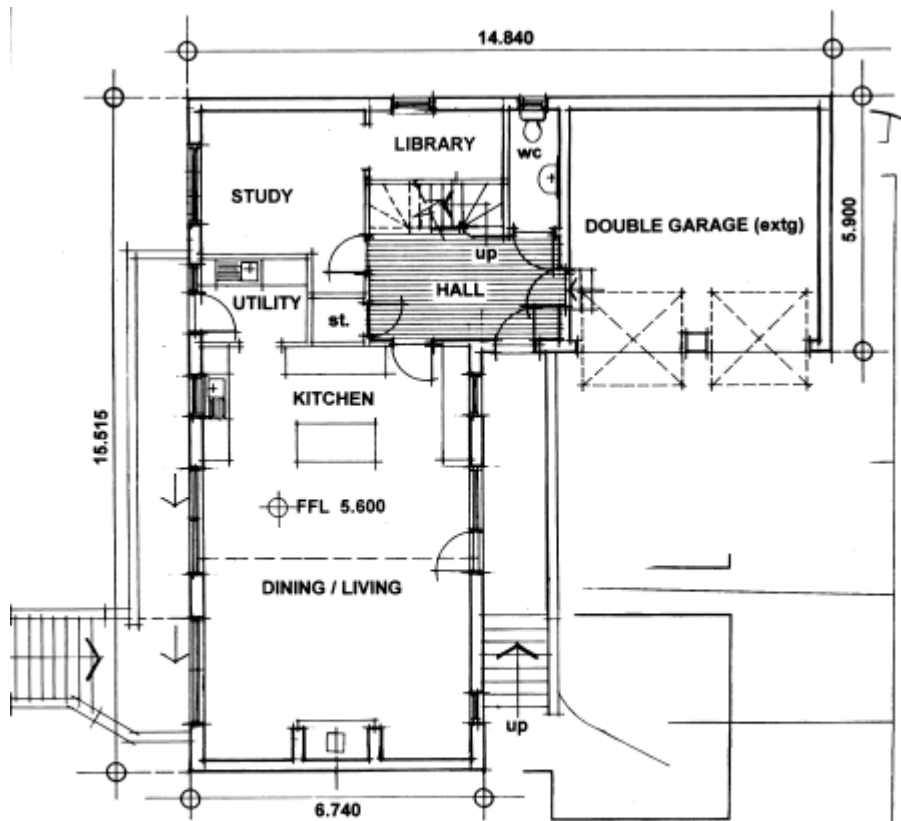
97 Boultham Park Road: plans and photos



Site location plan

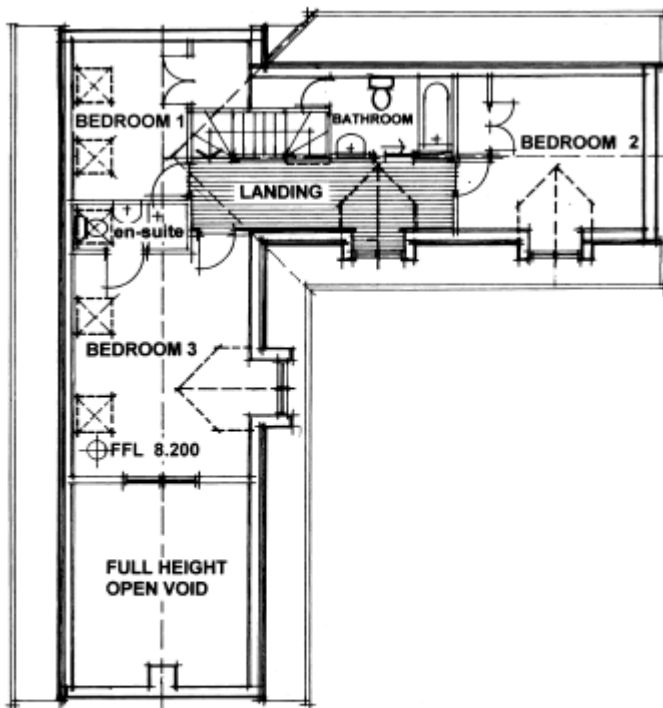


Proposed site layout



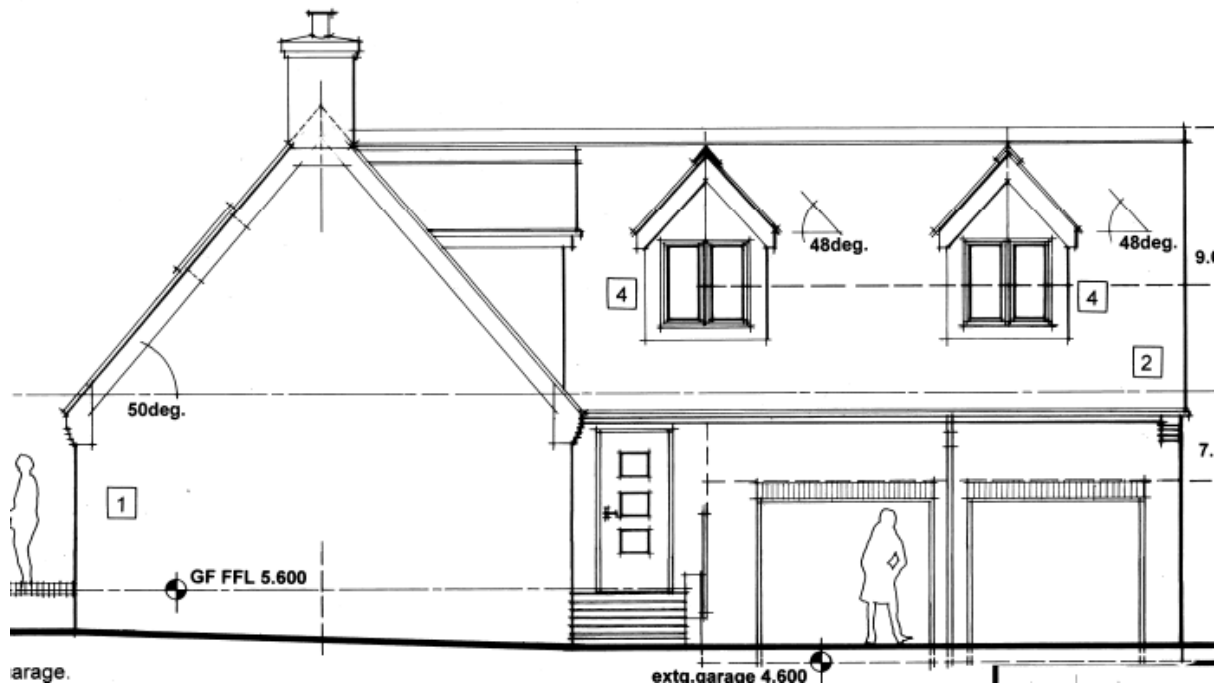
ground floor plan

1:100 at A1

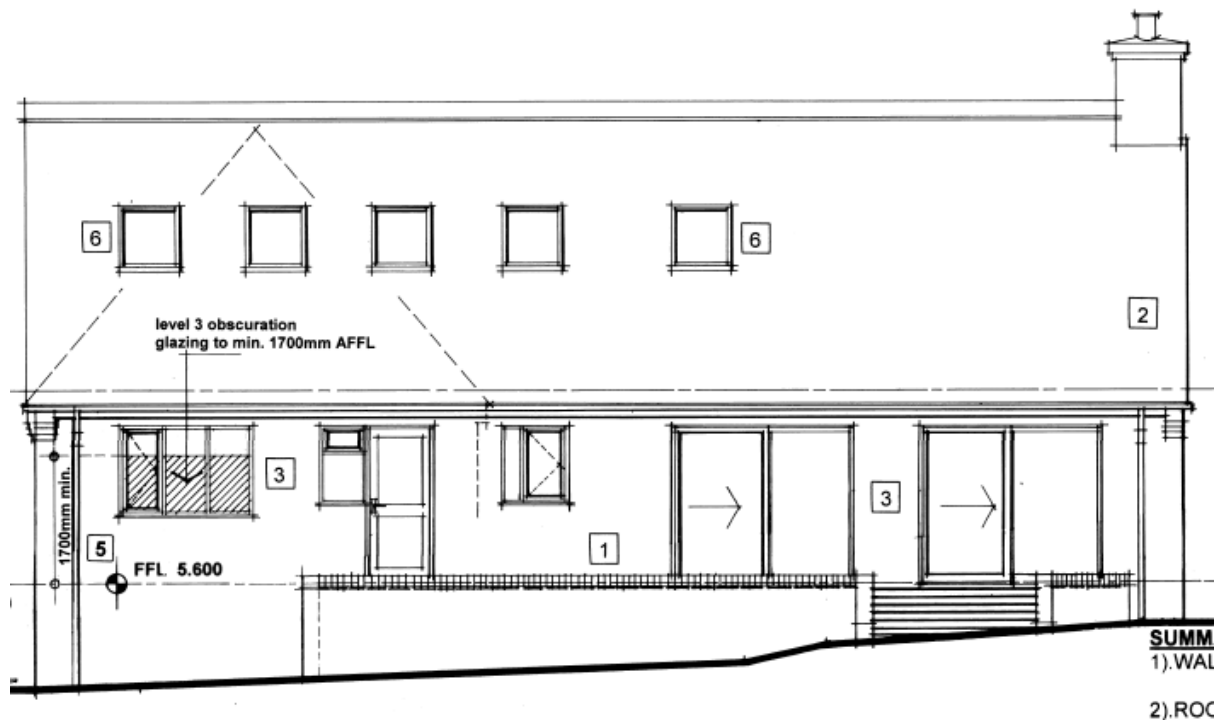


first floor plan

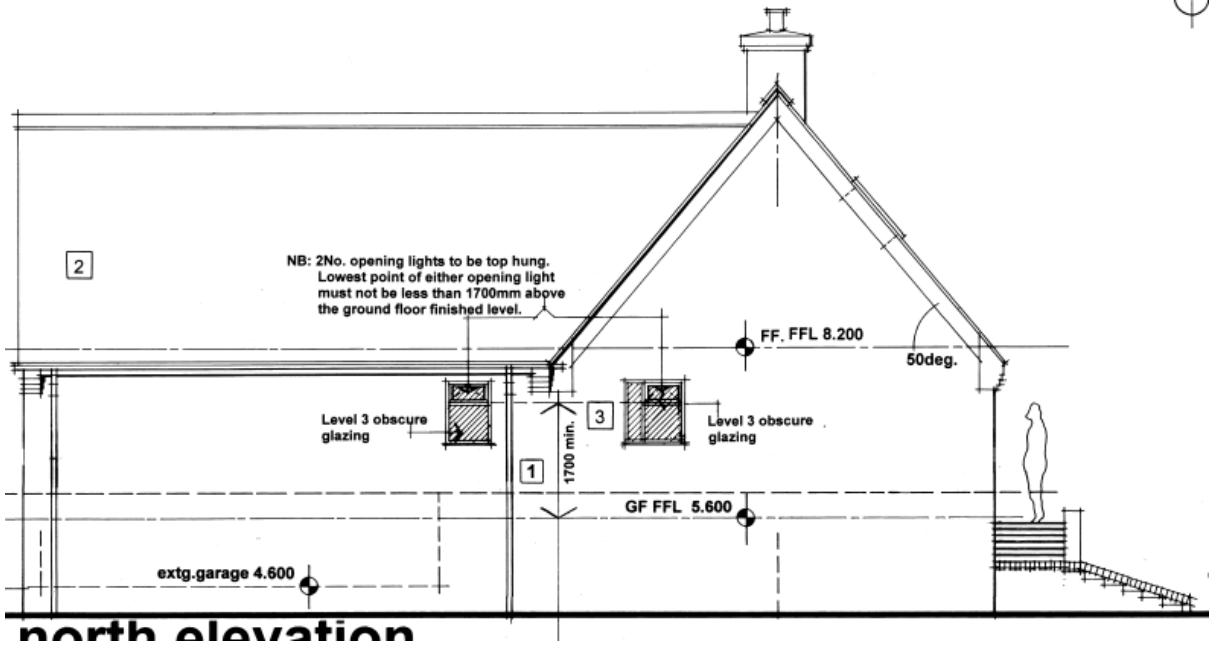
1:100 at A1



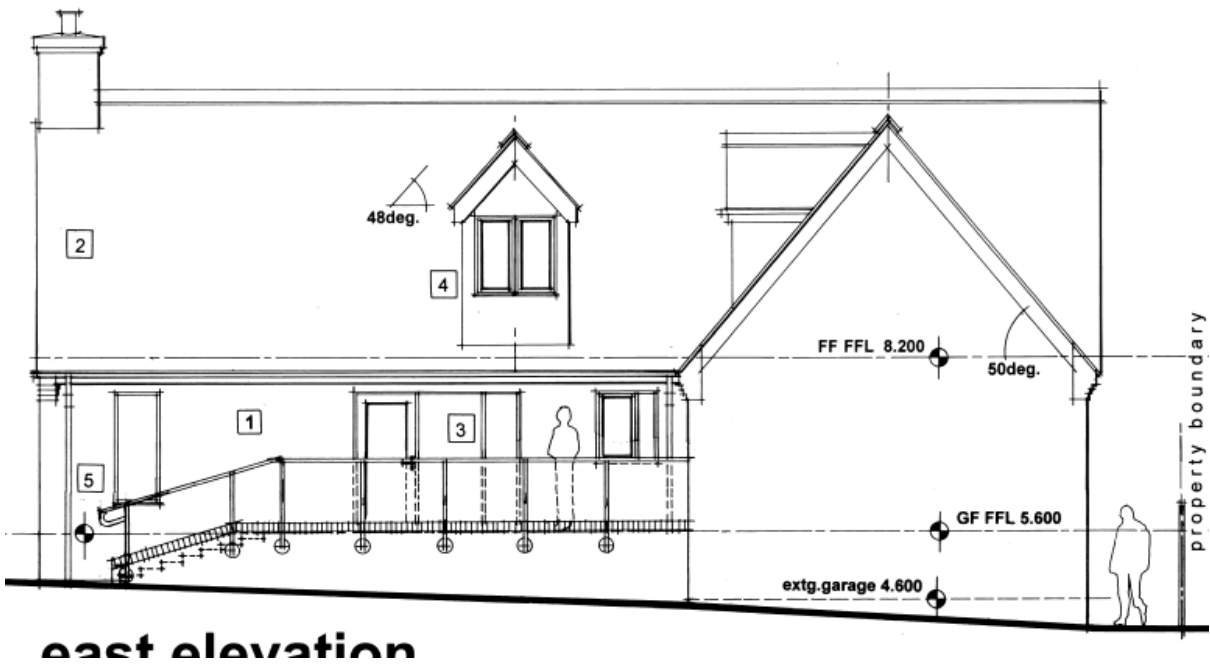
Front, south elevation to Earls Drive



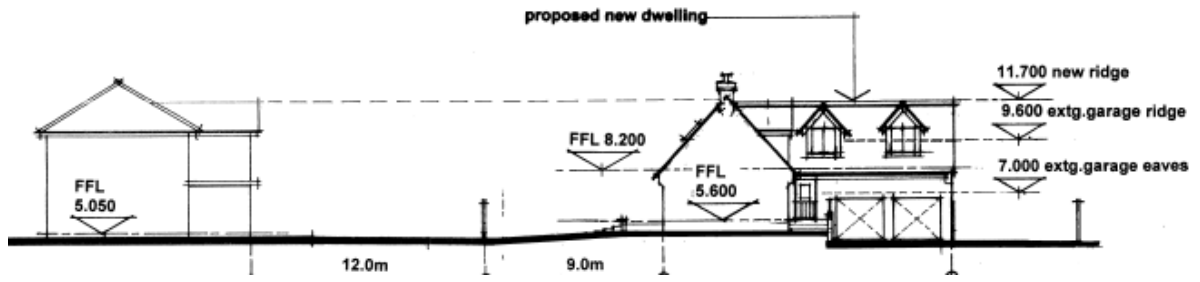
Side, west elevation towards Boultham Park Road properties



North, rear elevation towards garden of 95 Boultham Park Road



East, side elevation towards 1 Earls Drive



Street view from Earls Drive with host property, 97 Boultham Park Road, to left



Existing garage from garden of 97 Boultham Park Road, boundary with no. 95 in background



Existing garage and access from Earls Drive



Site access and 1 Earls Drive



Site boundary with 1 Earls Drive



Existing garage and view towards 97 and 95 Boutham Park Road



Photograph from garden of 95 Boutham Park Road of boundary hedge and existing garage

97 Boutham Park Road: consultation responses

From: Jan Epps [REDACTED]
Sent: 15 February 2019 12:14
To: Technical Team (City of Lincoln Council)
Subject: proposed development at 97 Boutham Park Rd, two storey dwelling.

Categories: Milly Coucom

For the attention of Maria Smith.

Dear Maria,

We wish to object to the proposed two storey development which is an extension of the double garage with garden store which was erected in the summer of 2011 built to housing regulations with all services being connected, ie. gas,electric, water and sewerage.

Our main concern is the total invasion of privacy to the rear of our property. The first floor windows in the study and bedroom of the proposed dwelling provide a close and uninterrupted view into our conservatory, kitchen and our first floor bedrooms. A full on view on to our patio will also be available. There are at present two skylight windows in the roof of the existing garage which will become windows in bedroom 2 and the bathroom of the proposed build. These will look directly over our orchard area where we spend quality time on summer evenings. As you can appreciate there will be no privacy what so ever, This would seriously affect our way of life and our enjoyment of our property, and we believe have an effect on the house value.

A loss of light in my garage until the sun passes the planned build would also have an effect.

The plans also show the removal of the boundary hedge between our properties along side the proposed development. This needs to be maintained or replaced with a fence of the same height as existing.

We still have in our possession a Notification of Decision from Mr P Seddon of Lincoln City council of the 13 April 2011, relating to the original build of the "Double garage with garden store", which has a list of "Conditions to be adhered to at all times". Number 3 states "There shall be no further floors of accommodation installed within the garage. Reason. To prevent overlooking from the roof lights to the surrounding residential properties. Number 4 states "The garage shall be used for domestic purposes only, in association with 97 Boutham Park Road. We believe it has been used for business purposes as neither of the two cars present at the property have ever been inside it. If the build goes ahead, two out of the four conditions will have been broken, making the issuing of these conditions meaningless.

We are absolutely amazed at the timing of the application. We do enjoy time away with our caravan and we do go away for long periods. Last January through to April we were away abroad. This year we left with our caravan, which is in full view of the Johnson's on the 21 January, the day that the application was received by the council. We believe they assumed we would be away for a long period and not be able to raise an objection giving them a "fait accompli" on our return. These under handed dirty tricks efforts failed however due to the fact that we were away attending a close relatives funeral which took place on the 22 January in Kent. By trying these tactics it only goes to show that they new what impact this build would have on us and is yet another example of whatever Mr Johnson wants he will try and achieve by any methods he can.

We are against this development for reasons stated above, but the only way it may be partly acceptable is if the two storey dwelling was single storey bungalow therefore having no windows in the loft areas and maintaining the present height of fencing between the two properties.

1

We understand that a site meeting will be arranged following our objections. If the site meeting is held on Mr Johnson's property, the impact on our property will not be apparent due to the boundary hedge. We would appreciate being informed of the date of the visit by e-mail, as we would very much like meet you ourselves to discuss the matter.

Please would you confirm by e-mail that this objection has been received.

Yours faithfully,

Mr & Mrs Epps. 95 Boutham Park Road

From: Jan Epps |
Sent: 15 April 2019 14:00
To: Technical Team (City of Lincoln Council) <technicalteam@lincoln.gov.uk>
Subject: Revised planning application re: 97 Boultham Park Road

Dear Marie,

We wish to object to the revised planning application concerning the property next door to us. We feel this build would have serious effects on our quality of life and therefore should be rejected.

Having read the flood risk assessment, it is noted that the development falls into the Zone 3 - High Probability risk. While this document is very detailed, we are aware after prolonged rainfall we have standing water collecting on our lawn at the rear end of the garden and we are concerned that this development will only make matters worse as the foundations are to be raised by one meter.

Having to raise the foundations of this build by one meter makes this build totally unacceptable. We will be dwarfed by the building as the height above the existing garage is an extra 2.1 meters (almost 7 feet), also more importantly from the overbearing north elevation gable end being so close to our boundary, losing a significant amount of sunshine from our garage, greenhouse and garden / growing area. The windows on the north elevation will be 1.5 meters above the 6 ft fence to the top of the window, making the 6 ft fence along our boundary inadequate. Obscure glass has been added on these latest plans, obviously pre-empting our objections, but these windows will be able to open, I presume!

The extra height also brings the west elevation ground floor windows and doors closest to our boundary into an overlooking position directly into our conservatory and kitchen and to an extent into our bedroom. The height being over 1.5 meters above the fence, 3.5 meters above existing ground level. The walkway also permits an uninterrupted view across onto our property.

This proposed build is not about making life easier for a retired couple. Firstly they are not retired, as stated in the application, they own JCL Accommodation, and this is yet another business related move in order to expand their property portfolio and make more money from another one if not two properties to rent out, no matter who is affected by it.

We really hope common sense will prevail and permission for this eyesore of a build will be rejected.

Yours faithfully,

Mr & Mrs A Epps

From: Jan Epps [REDACTED]
Sent: 01 May 2019 13:14
To: Technical Team (City of Lincoln Council)
Subject: Revised planning application number 2019/0046/FUL at 97 Boultham Park Road.
Attachments: 20190430_101240.jpg

For the attention of K Manning and M Smyth.

Further to our objection dated 15th April 2019, we would like to reiterate the point of the overlooking issue due to the closeness to our property of the west elevation ground floor windows and doors, due to the height and close proximity to our boundary. As these windows and doors will be considerably higher than the hedge, then this is quite clearly an overlooking issue and this planning application should be refused. We enclose a photograph of the existing structure (garage & garden store), taken from our rear bedroom window, bearing in mind that the new structure will be 6.74 meters closer to our property.

Although we understand that land ownership issues do not affect planning permission being granted, as far as we are aware, there is a restricted covenant on part of the land. This covenant affected the original planning permission of the garage and garden store and subsequent plans had to be resubmitted relocating the structure to land not affected by this covenant. If these plans are approved, then surely the applicant is in breach of this covenant?

If these plans are approved, we are very concerned this will set a precedent for more dwellings to be built in rear gardens on Boultham Park Road.

Yours Faithfully,

Mr & Mrs A Epps.



Customer Details

Name: Mr James Corner

Address: 1 Earls Drive Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I ask you the question what is the most important information about a new development to an existing structure? How big or high compared to existing building! This is the only reference us neighbours to compare existing to proposed, you ask for comment and you are unable to tell the public this from the plans presented for inspection, do you know the difference in height of the garage part, to the house 2 story part ? You don't know, the plans are not to scale on height so I will inform you as I have worked it out at 2 meters are you able to confirm this measurement and will you consider this in your assessment of visual impact.

Planning Dept 97 Boutham Park Rd

The land behind the conifer hedge on Earls Drive was nearer to be allowed access to or be built on as stated by Allen Homes.

Also Fire Brigade access to land between Earls Dr & Margery Avenue has no access to, ~~54~~

Comments 1 Earls Drive LN67TY





FAO: Marie Smyth
City of Lincoln Council
Development Control
City Hall Beaumont Fee
Lincoln
Lincolnshire
LN1 1DF

Our ref: AN/2019/128613/02-L01
Your ref: 2019/0046/FUL
Date: 10 April 2019

Dear Marie

**Erection of a two storey dwelling
97 Boultham Park Road, Lincoln, Lincolnshire, LN6 7SE**

Thank you for your email on 05 April 2019 with the amended Flood Risk Assessment (FRA).

We have considered the amended FRA and would like to **withdraw our objection** subject to the imposition of the following condition on any subsequent planning permission granted:

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the approved Flood Risk Assessment dated April 2019 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 5.6 metres above Ordnance Datum (AOD)
- The development must have at least two storeys.
- Flood resilience and resistance measures as described.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Environment Agency
Nene House (Pytchley Lodge Industrial Estate),
Pytchley Lodge Road, Kettering, Northants, NN15 6JQ
Email: LNplanning@environment-agency.gov.uk
www.gov.uk/environment-agency

Customer services line: 03708 606 606
Calls to 03 numbers cost the same as calls to standard
geographic numbers (i.e. numbers beginning with 01 or 02).

Cont/d..

As you are aware the discharge and enforcement of planning conditions rests with your authority. It is, therefore, essential that you are satisfied that the proposed draft condition meets the requirements of paragraph 4 of the National Planning Practice Guidance (NPPG) (Use of Planning Conditions, section 2). Please notify us immediately if you are unable to apply our suggested condition, as we may need to tailor our advice accordingly.

In accordance with the NPPG (Determining a planning application, paragraph 019), please notify us by email within 2 weeks of a decision being made or an application being withdrawn. Please provide us with either a link to, or, a copy of the decision notice.

Please consult us on the details submitted to your authority to discharge this condition and on any subsequent amendments/alterations.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Keri Monger
Sustainable Places - Planning Adviser

Direct dial 020 847 48545
Direct e-mail keri.monger@environment-agency.gov.uk

Dear Sir/Madam

Thank you for your email

The Pre-Development Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha.

As your query is below this threshold we will not be providing comments. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

If you have any further queries please contact the team on the number below.

Regards,

Sandra Olim
Pre-Development Advisor
Development Services
Anglian Water Services Limited
Telephone Office: 03456066087 Option 1
Thorpe Wood House, Thorpe Wood, Peterborough, PE3 6WT
<https://www.anglianwater.co.uk/developers/pre-development.aspx>

Dear Sir/Madam

REFERENCE: 2019/0046/FUL

DEVELOPMENT: ERECTION OF A TWO STOREY DWELLING

LOCATION: 97 BOULTHAM PARK ROAD, LINCOLN, LINCOLNSHIRE, LN6 7SE

Thank you for the opportunity to comment on the above application. The site is within the Upper Witham Internal Drainage Board district.

The Board Objects in Principle to any development in flood plain (Zones 2 and 3 on the Environment Agency flood maps) this site is in Zone 3 'an area with a high probability of flooding that benefits from flood defenses' to quote from the submitted documents. However it is up to City of Lincoln Council as the planning Authority grant planning permission. The design and access statement states 'the new dwelling FFL has been set to match the FFL of the existing to mitigate any concerns over flood risk' this is a misleading statement. Having the FFL the same as the existing means the flood risk is the same as the original dwelling. The proposed development remains at risk from flooding;- exceedance of design flows in the river system, over topping of the flood defenses from flood risk, beach of the flood defenses and reservoir failure.

Comment and information to Lincolnshire CC Highway SUDs Support

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system.

- If soakaways are proposed the suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be reconsulted.
- It is note the SuDS box is also ticked.

Regards

Guy Hird, Engineering Services Officer
Upper Witham Internal Drainage Board



LINCOLNSHIRE POLICE

POLICE HEADQUARTERS
PO Box 999
LINCOLN LN5 7PH
Fax: (01522) 558128
DDI: (01522) 558292
email
john.manuel@lincs.pnn.police.uk

Your Ref: App. 2019/0046/FUL

31st January 2019

Our Ref: PG//

Development & Environmental Services
City Hall, Beaumont Fee
Lincoln, LN1 1DF

Re: 97 Boutham Park Road, Lincoln, Lincolnshire, LN6 7SE

Thank you for your correspondence and opportunity to comment on the proposed development.

Lincolnshire Police has no formal objection to this application.

Please do not hesitate to contact me should you need further information or clarification.

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

Yours sincerely,

John Manuel MA BA (Hons) PGCE PGCPD Dip Bus.

Force Designing Out Crime Officer (DOCO)

This page is intentionally blank.

Application Number:	2019/0199/HOU
Site Address:	4 Southland Drive, Lincoln, Lincolnshire
Target Date:	30 th May 2019
Agent Name:	Philip King
Applicant Name:	Mr J Shear
Proposal:	Erection of single storey side and rear extension. (Resubmission of 2018/1064/HOU)

Background

The application is for the erection of a single storey side and rear extension at 4 Southland Drive, the property is a two storey semi-detached dwelling with a detached garage. The property has previously been extended to the rear via a pitched roofed conservatory and enclosed car port to the side, which would be partly removed to accommodate this proposal. This application is a resubmission of planning application (2018/1064/HOU), which was previously granted conditionally at planning committee on 7th November 2018.

The application has been revised during the course of the application, the original proposal showed the eaves of the extension would likely encroach onto neighbouring land and an objection to this effect was received from a neighbour. Although boundary/ land disputes are ultimately private matters, officers approached the agent for clarification regarding the matter, subsequently a revised drawing was submitted which depict the proposed extension entirely within the curtilage of the applicants.

The application is being presented to Members of the Planning Committee as the applicant is related to a member of staff working for Lincoln City Council.

Issues

To assess the proposal with regard to:

- Local and National Planning Policy
- Effect on visual amenity
- Effect on residential amenity
- Effect on Highway Safety

Consideration of Issues

The main issue in considering this application is the principle of development in this area of the City having regard to National, Local and Emerging Policy and the current status of those Policies.

National and Local Planning Policy

Paragraph 11 of the revised NPPF outlines that decisions should apply a presumption in favour of sustainable development.

For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay.

Paragraph 127 states that planning decisions should ensure that developments:

- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f. 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.

Paragraph 131 states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The application is for the extension to a residential dwelling and therefore Policy LP26 - Design and Amenity of the Central Lincolnshire Local Plan is entirely relevant.

The following design principles within Policy LP26 would be pertinent with the development.

- b. Make effective and efficient use of land;
- c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;
- d. Not result in the visual or physical coalescence with any neighbouring settlement;
- f. Incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;
- g. Incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;
- h. Provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings;
- i. Protect any important local views into, out of or through the site;
- j. Duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style;
- k. Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability;

Policy LP26 further states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. Proposals should demonstrate, where applicable and to a degree proportionate to the proposal, how the following matters have been considered, in relation to both the construction and life of the development:

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;

Residential Amenity

The proposed single storey flat roofed extension would be partly located to the side and rear of the applicants dwelling, occupying a smaller footprint than the previously approved scheme. Taking account of the existing scale of the structures at the applicants' property, the previously approved proposal and their relationship to neighbouring properties, it is noted the proposed extensions would have a comparable scale in terms of both height and projection with similar fenestration openings. It is therefore considered this proposal would not cause undue harm to residential amenity of any of the surrounding properties occupants.

Visual Amenity

The single storey flat roofed extensions featuring a roof light would be open to limited public views due to its positioning, however in any case, it is considered that the extension is of an acceptable design with materials to closely match the host property and would therefore not be unduly harmful to visual amenity.

Highway Safety and Parking

The Lincolnshire County Council as Highway Authority has assessed the application and has raised no objections to the proposal. Therefore based on this advice it is considered that the proposal would not be detrimental to highway safety or traffic capacity

Flood Zone

The site is located within flood zone 2, thus having a probability of flooding, the applicant has stated the extension would be constructed in accordance with the Environment Agency standard advice for domestic extensions.

Conclusion

The proposed extensions are appropriately designed and would not cause unacceptable harm to the character and appearance of the area nor the amenities of all existing and future occupants of neighbouring properties, in accordance with Policy LP26 'Design and Amenity' of the Central Lincolnshire Local Plan (2017) and the National Planning Policy Framework (2019).

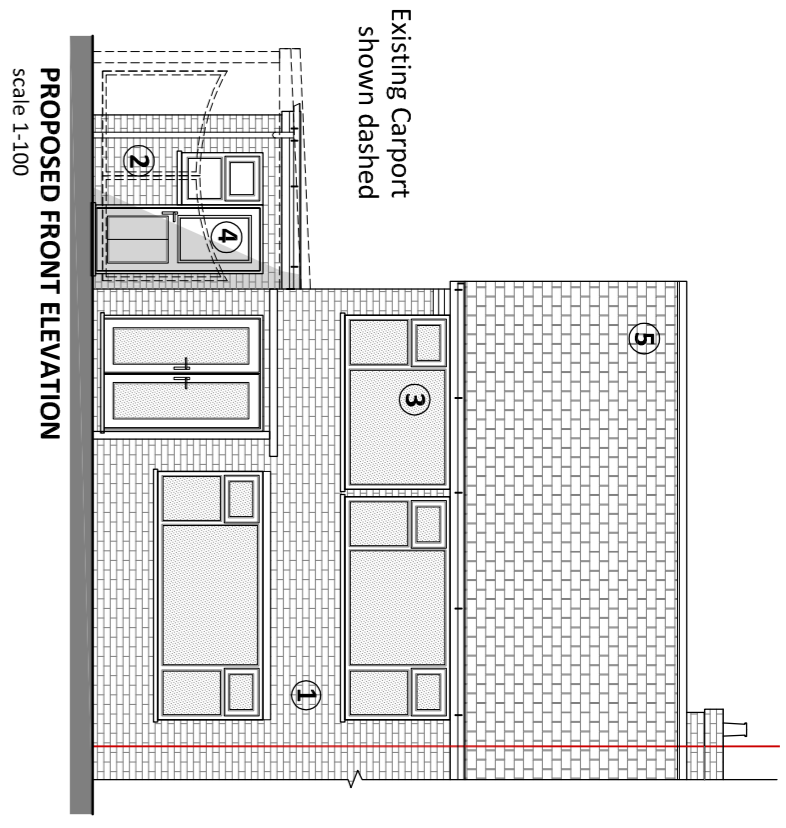
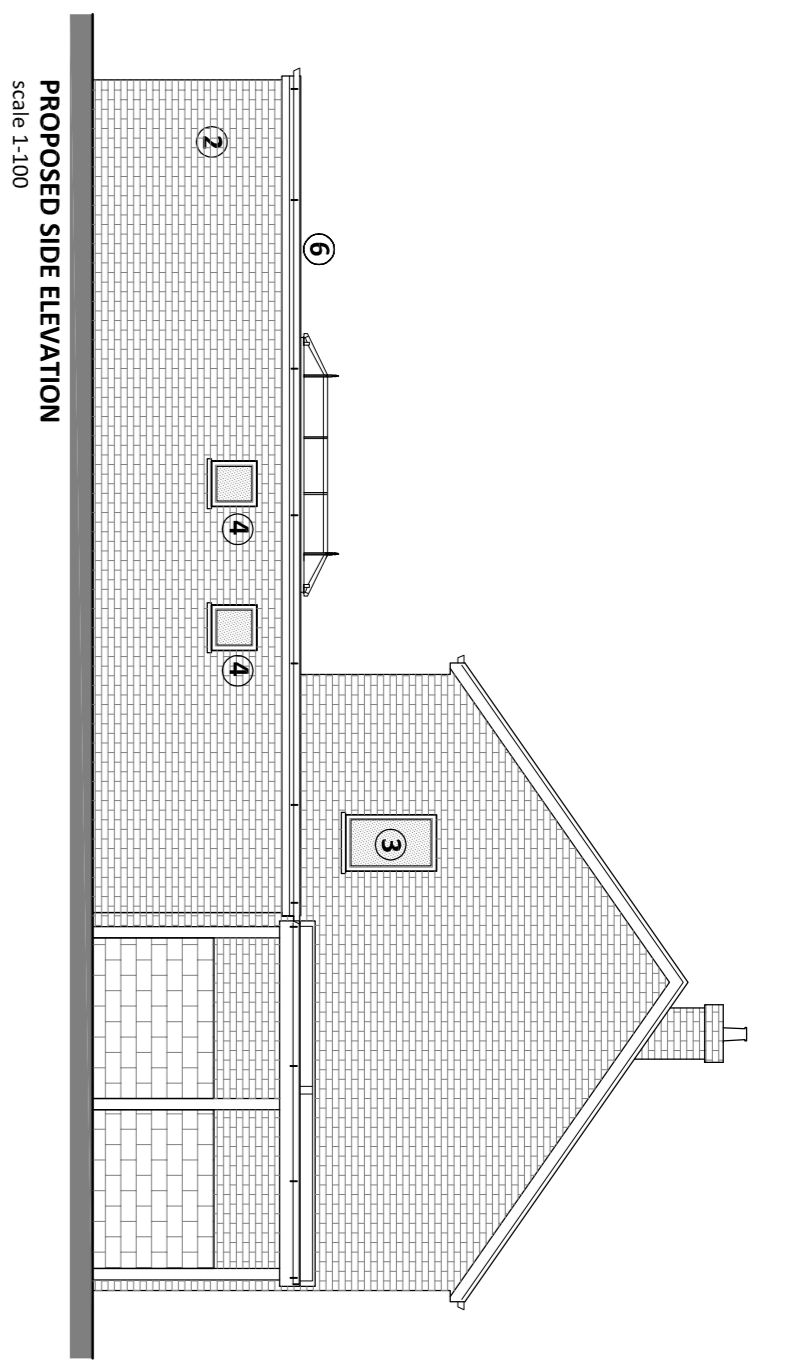
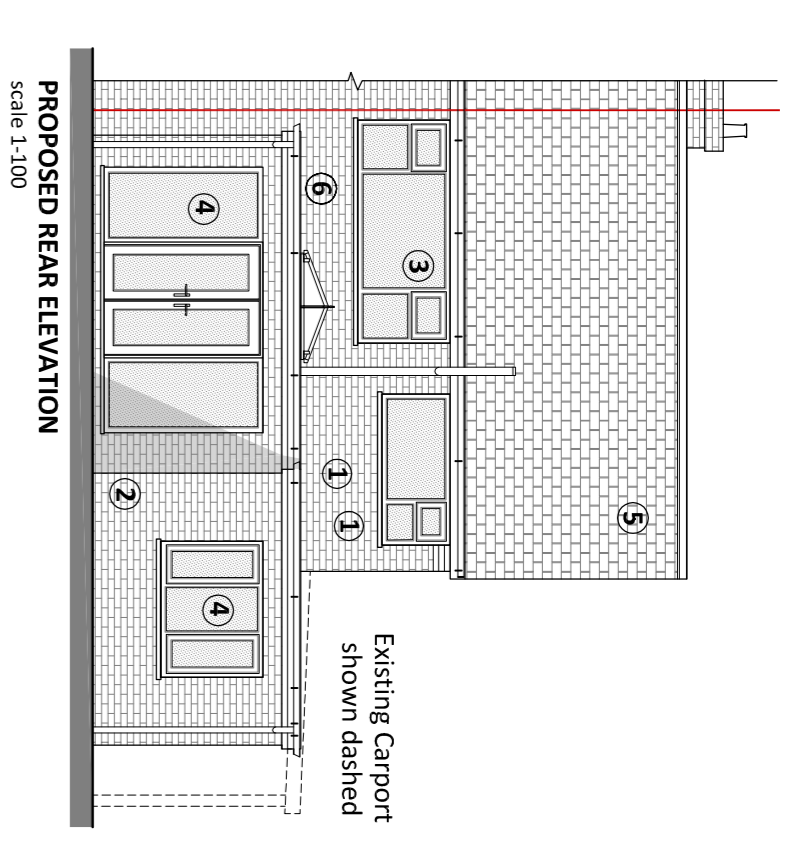
Application Determined within Target Date

Yes.

Recommendation

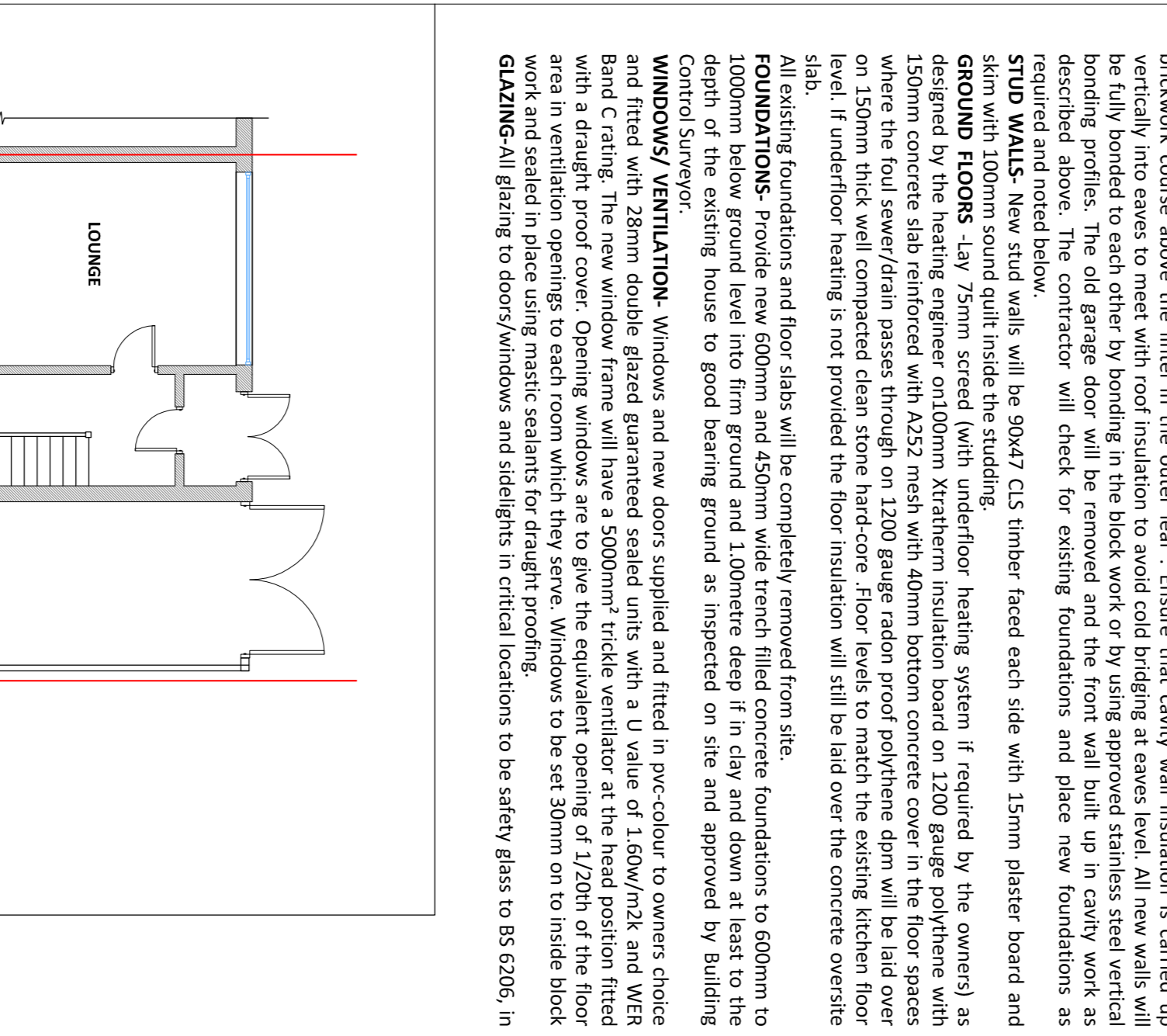
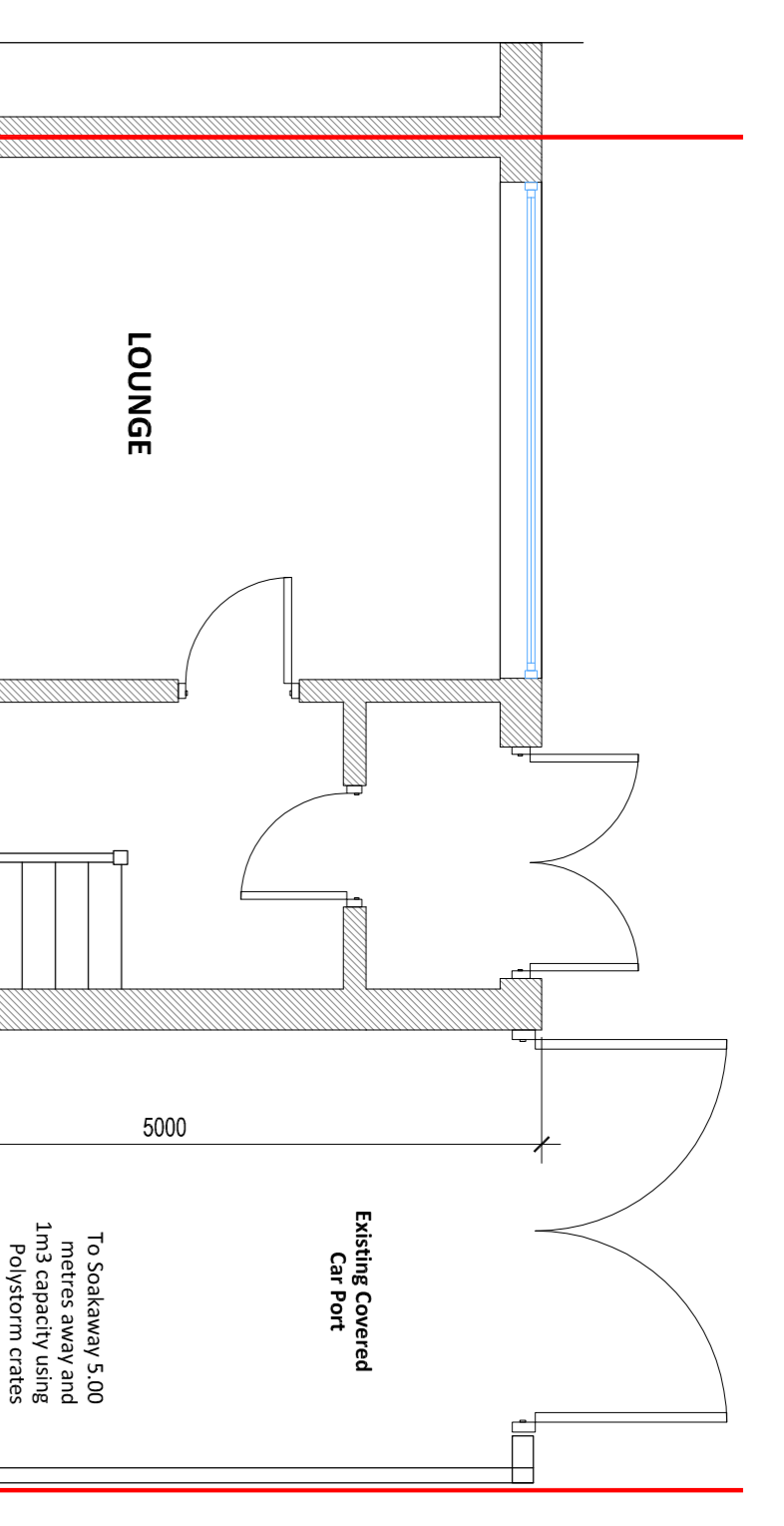
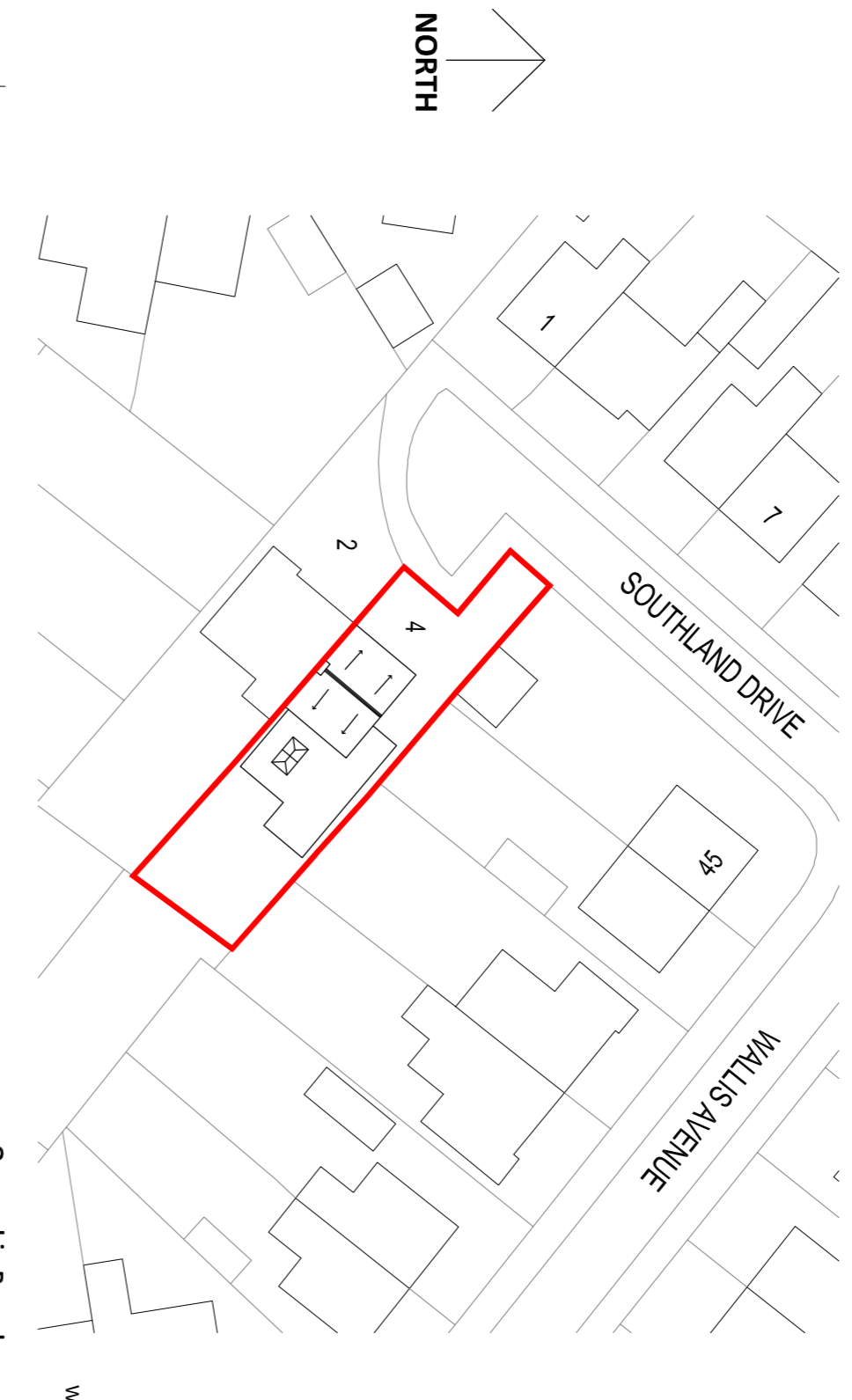
That the application is Granted Conditionally.

Report by: Planning Manager



- KEY**
- 1 Existing Facing Brickwork
 - 2 Proposed Facing Brickwork (to match existing)
 - 3 Existing UPVC Windows / Doors
 - 4 Proposed UPVC Windows / Doors (to match existing)
 - 5 Existing Slate Rooflines
 - 6 Painted timber Fascia

PROPOSED BLOCK PLAN Scale 1:500



accordance with Part 'K' of Building Regulations. Install electric extract fans to Kitchen, bathroom, WC and Utility rooms: all operational from the lighting switch except in the kitchen heating system and insulate all new pipe work in accordance with Part L of Building Regulations. Boiler will be condensing type and located as required by the owners and fully compliant with the manufacturers instructions and Part of Building Regulations.

HEATING - fit new gas fired boiler heating system and insulate all new pipe work in accordance with Part L of Building Regulations. Boiler will be condensing type and located as required by the owners and fully compliant with the manufacturers instructions and Part of Building Regulations.

DRAINAGE - The existing foul drain running across the site will be water tested and checked for adequacy by the contractor and if not fully compliant will be replaced in 110mm diameter PVC and is subject to a Build Over Agreement with Anglian Water and will comply with their requirements. All rainwater will discharge to the existing surface water system which will be checked out on site by the contractor. Any new soakaway in the rear garden will be at least 5.00 metres from the extended dwelling. This will be formed using Polystyrene crates wrapped in terram 1m3 capacity. Use 100 half round PVC gutters, 63 diameter rainwater pipes.

Consent to have rainwater gutters over the neighbours boundary line will be sought before the work commences on site as will that for any foundation projection to the neighbours land.

New drainage for both foul and surface water will be 100mm polypropylene laid to 1/40 falls surrounded in new external walls. Hide the existing bathroom soil stack at first floor at high level in timber stud wall in the plaster board 1.80m above the new bath pan. The new bath pan at ground level will have a 500mm stack with all rainwater above the bath pan. The new bath pan at ground level will have a 500mm stack with all rainwater above the bath pan. The new bath pan at ground level will have a 500mm stack with all rainwater above the bath pan.

ENERGY LIGHTING - provide 75% energy efficient lighting throughout internally using lamps which each have a maximum life of 15,000 hours. Provide a minimum of 150 and bearing. All electrical wiring fixed to the building to have controls that ensure all lights go off when there is sufficient daylight and also extinguish in darkness when they are not needed for use. All electrical services will comply with the Domestic Building Services Compliance Guide and appropriate installers commissioning and certification will be provided to the BC8 on completion.

ELECTRICAL WORK - The electrical installation to comply with all current standards, IEE and NICEIC Guidance notes and BS 7671:2001. The installation will be tested and certified upon completion by a Competent Installer/Electrician and notified to the Building Control Authority and the property owner. All electrical work will be required to meet the standards of Part P (Electrical Safety) and will be designed, installed, inspected and tested by a person competent to do so. Prior to completion the Council must be satisfied that Part P has been complied with. This will require an appropriate BS 7671 electrical installation certificate to be issued for the work by a person competent to do so (Part P registered contractor). The contractor will provide sufficient electrical socket outlets and lighting points etc. as required by owners.

Provide electric extract fan to the ensuite to the external air giving 60 litres/second extract rate in the ensuite.

GENERAL - The property owner is to comply in all respects with the Party Wall Act 1996 (if appropriate). The contractor will comply with all Health and Safety requirements and Construction (Design and Management) Regulations and the Building Regulations 2000 (as Amended). The contractor will check and confirm all constructional and relevant dimensions on site prior to commencing any work on site.

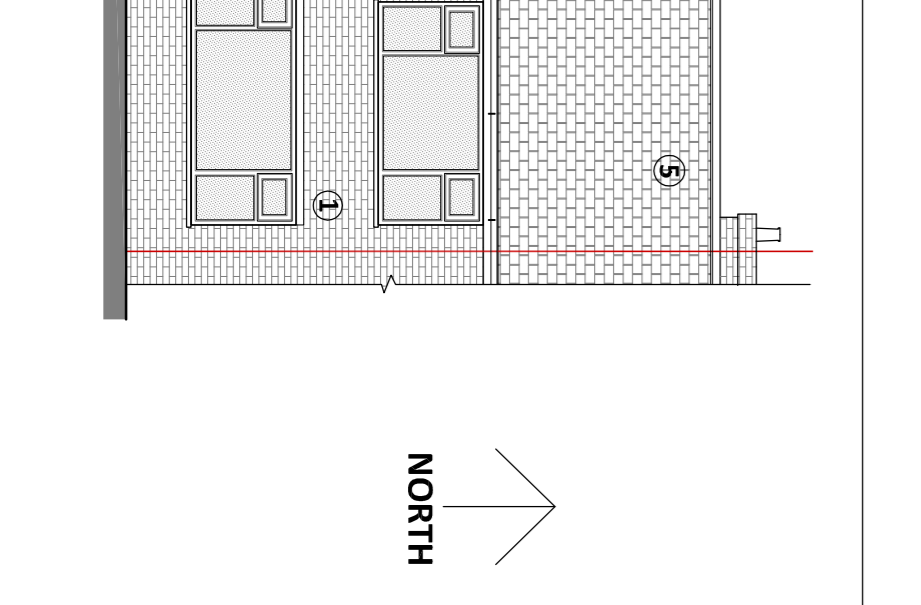
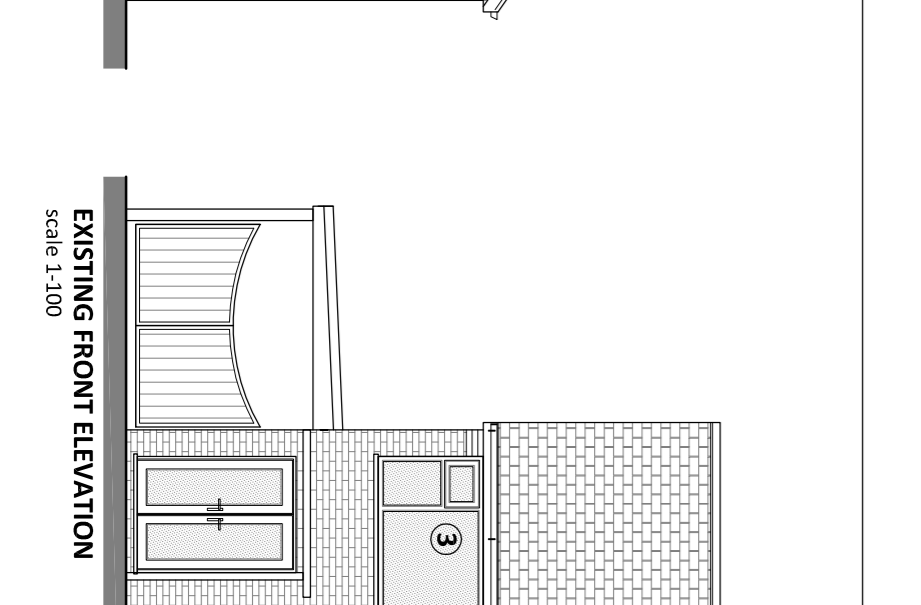
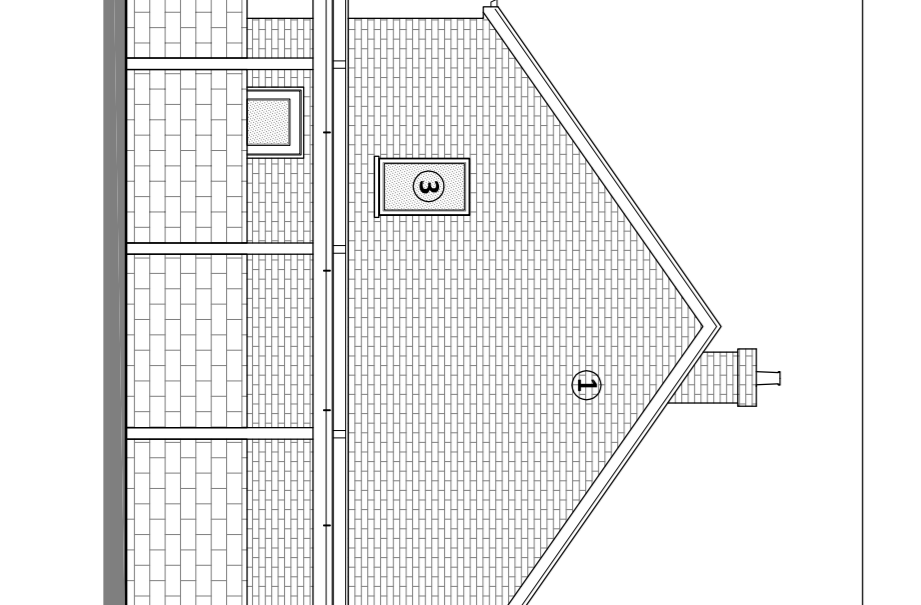
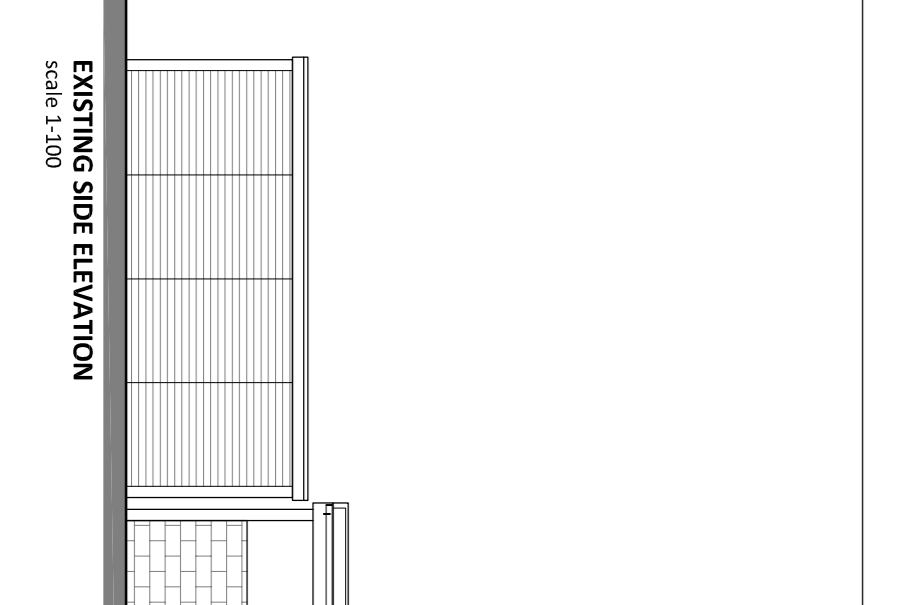
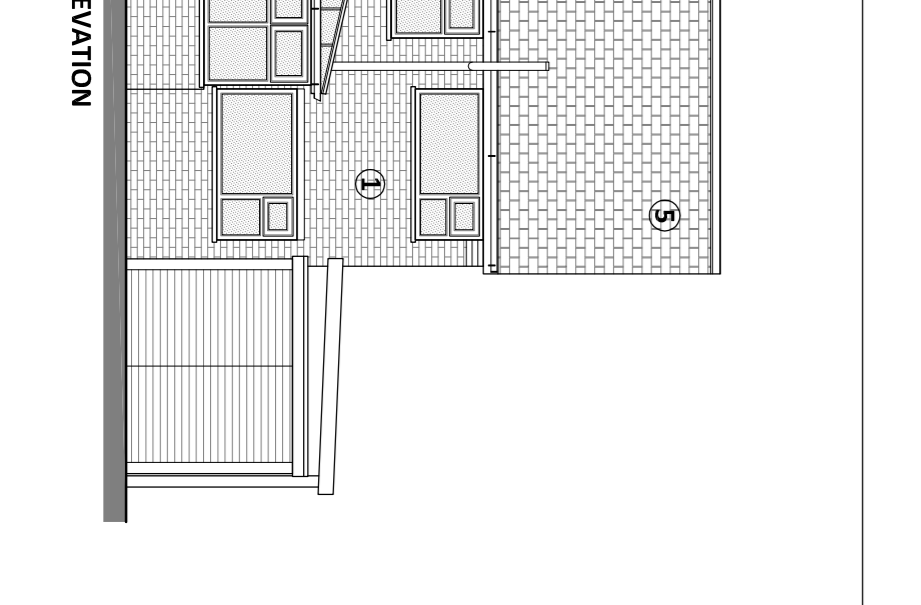
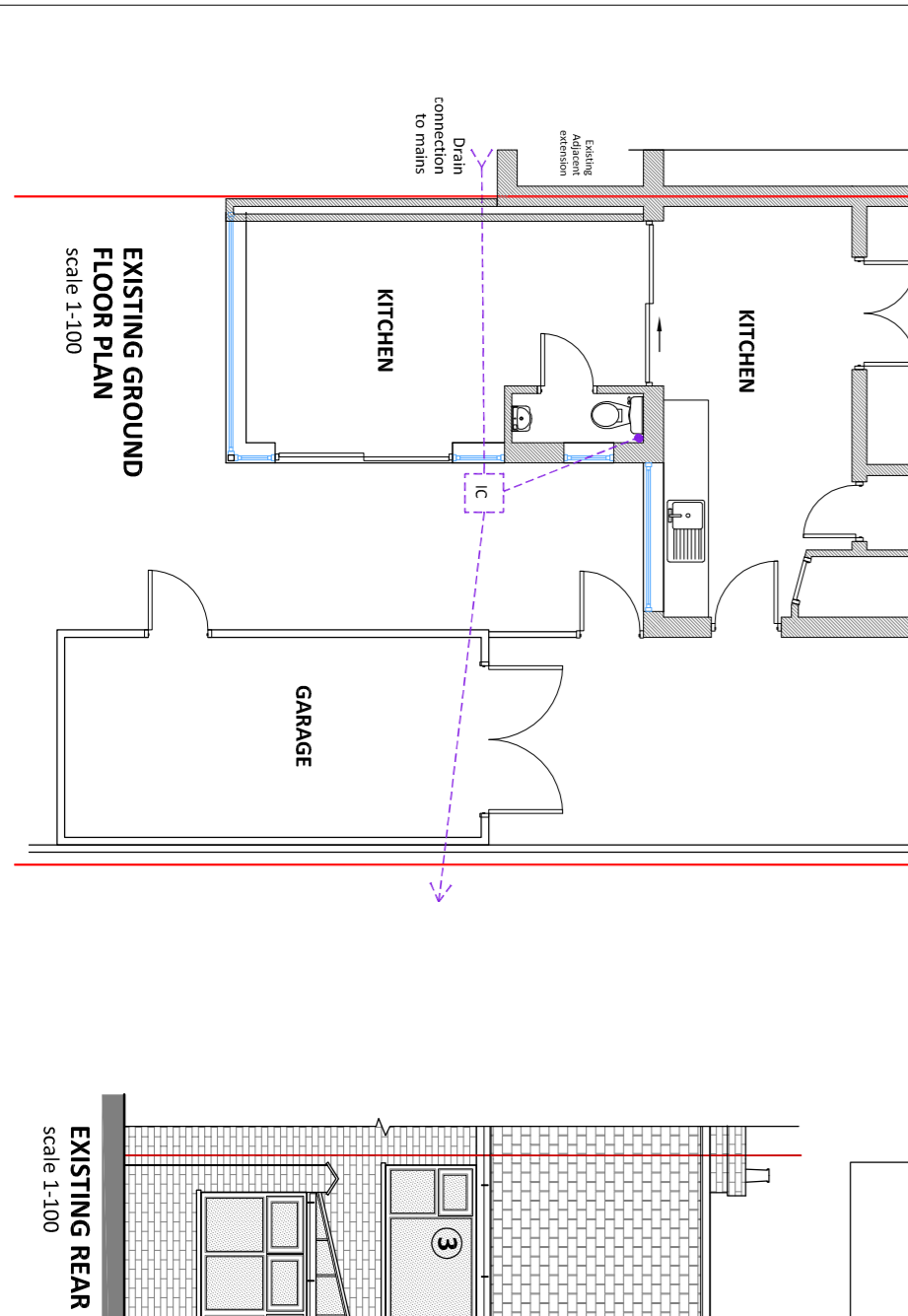
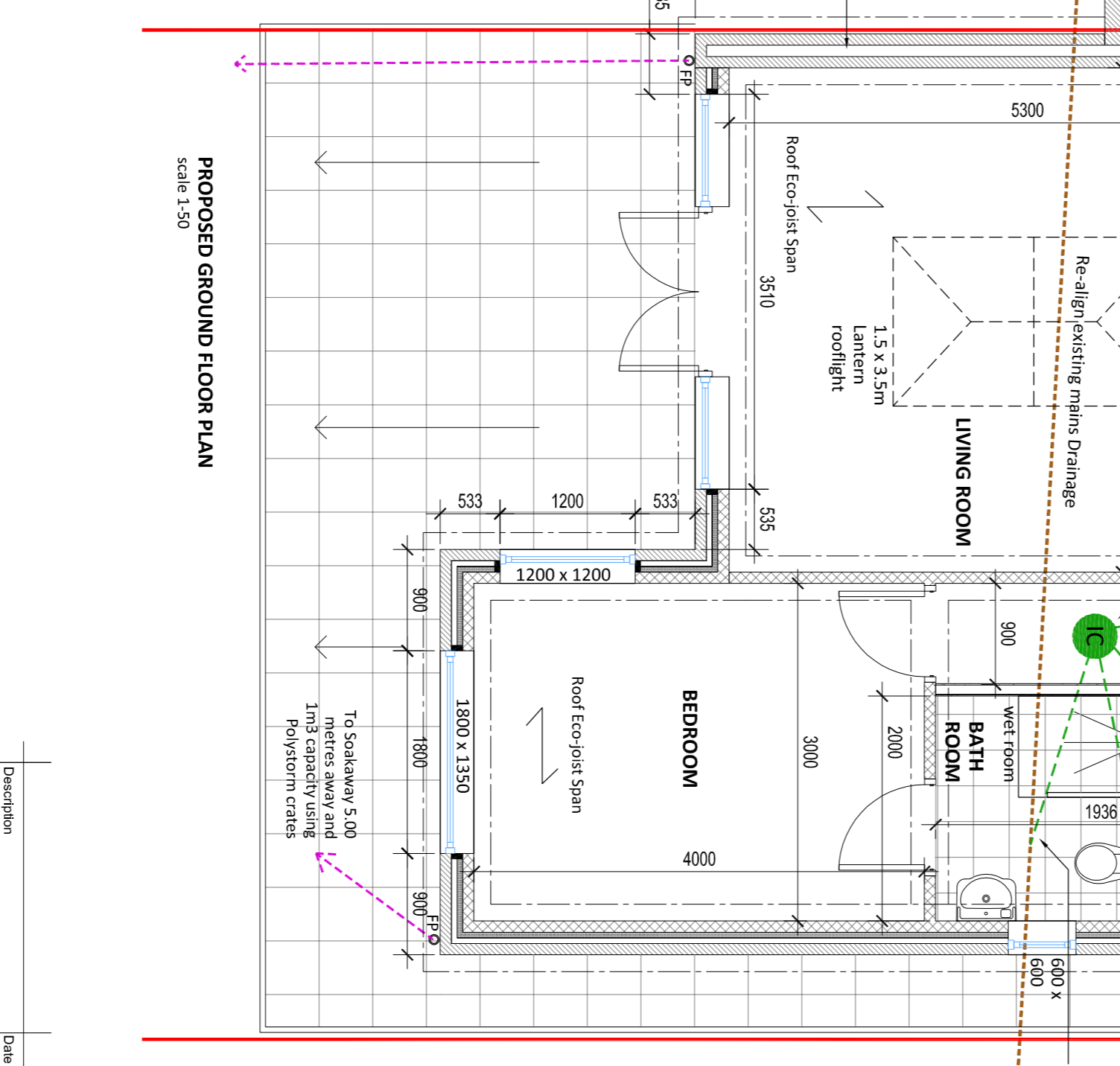
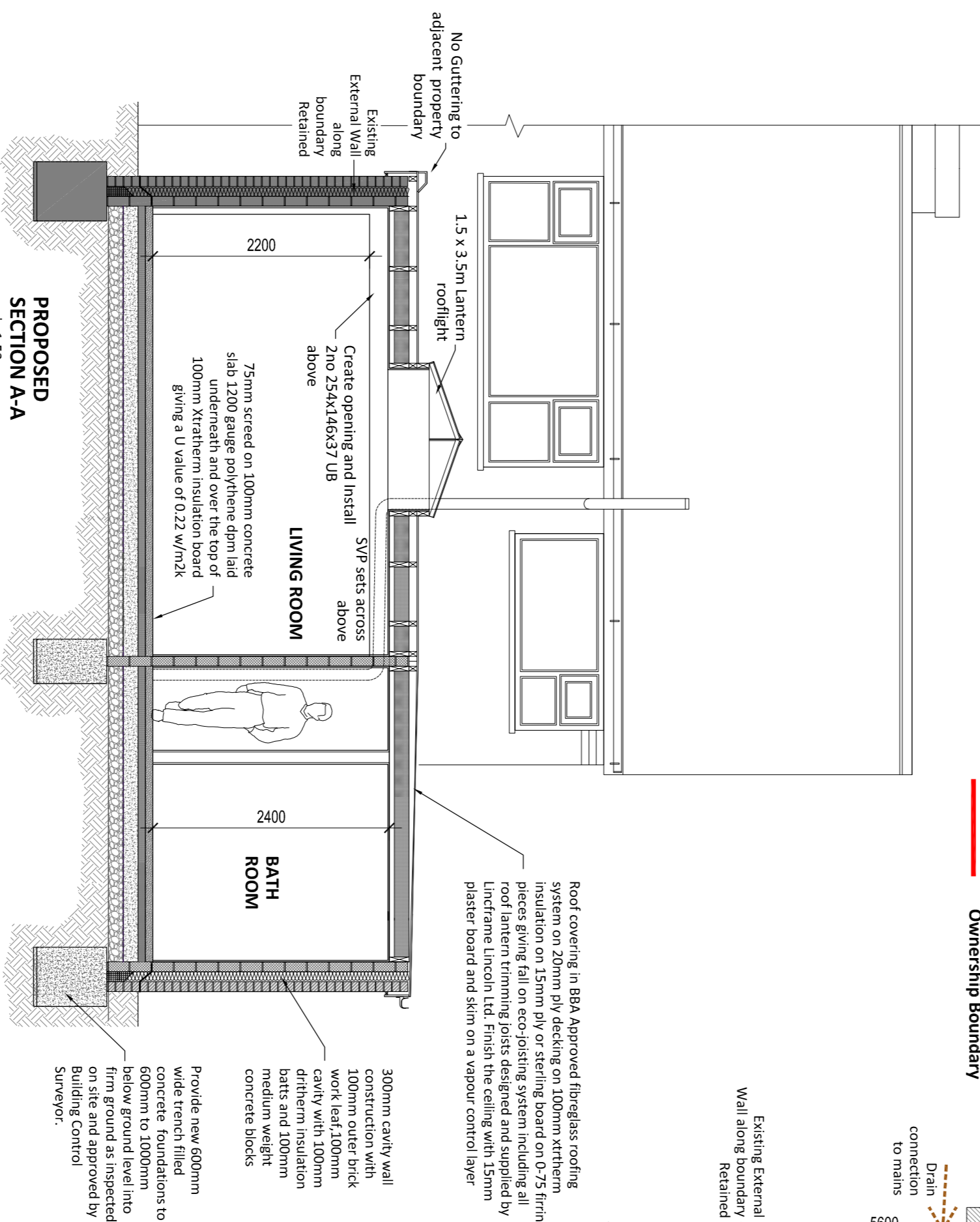
Part C Conservation of Fuel and Power. Part L Conservation of Fuel and Power applies the work shown on these plans and therefore the elements of the building will be constructed and insulated to the following standards:
Part W Warm Work 0.22W/m2K
Part M Merm floor 0.15W/m2K
External Walls 0.28W/m2K
Floors 0.22W/m2K
Windows 1.60W/m2K
All doors 1.80W/m2K

In all cases the builder will adopt the Robust Details for construction as good practice to limit heat loss meet the standards of The Domestic Heating Compliance Guide, specifically tables 1 and 2 on pages 12-15 inclusive. The competent installer will provide a declaration/certificate to the owner of the building and building control that the installation and commissioning procedures have been followed satisfactorily. All gas systems will be installed by a Gas Safe registered and approved engineer.

ESSENTIAL REQUIREMENTS
The works are to comply in all aspects with the current Building Regulations 2015 and British Standards and Codes of Practice. The Building Contractor is to ensure that the work is undertaken in accordance with the approved plans. The Building Contractor will provide adequate notice of the completion of the works to the Building Control provider to ensure that the work is certified on completion with all critical stage inspections completed by the Building Control provider.

Positions of all existing boundaries, walls, drains and services are to be verified by the Building Contractor and Client prior to commencement of the works or the ordering of any building materials. The selected Building Contractor will be fully conversant with and adopt all measures necessary to comply with Health and Safety legislation for Building Sites and Work Places. The builder must comply with all aspects of the Construction (Design and Management) Regulations and notify the project to the Health & Safety Inspectorate where appropriate.

Structural steel beams and supporting piers will be installed in accordance with designs supplied by Brian P. Architects. Structural steel beams will be casted in 12.5mm plaster board and skim to give full hour fire protection. A Structural Engineer, Deems will be asked in 12.5mm plaster board and skim to give full hour fire protection for the avoidance of doubt King Design Lincoln Ltd. are not the principle designers beyond the Building Control Plan approval stage.



Description	Date	Drawn
APPLICANT: Mr John Shear		
ADDRESS: 4 Southland Drive Lincoln LN6 8AU		
KING DESIGN LINCOLN LTD.		
44 Park Lane Highthorpe Lincoln LN4 1RF Tel:01522 825995 Mob:07932403334		
PROJECT: 4 Southland drive Extension		
No. DOM_85		
DWG TITLE: Proposed Plans & Elevations		
DWG No. 1001	REV	
G		
DRWN BY: PK	CHECKED BY:	
SCALE: A1 @ VARIES	DATE: 12/08/18	
STATUS: PRELIMINARY		

This page is intentionally blank.







This page is intentionally blank.

Place Directorate
Lancaster House
36 Orchard Street
Lincoln LN1 1XX
Tel: (01522) 782070
E-Mail: highwayssudssupport@lincolnshire.gov.uk



To: Lincoln City Council

Application Ref: 2019/0199/HOU

With reference to this application dated 8 March 2019 relating to the following proposed development:

Address or location

4 Southland Drive, Lincoln, Lincolnshire, LN6 8AU

Date application referred by the LPA
22 March 2019

Type of application: Outline/Full/RM/
HH

Description of development

Erection of single storey side and rear extension. (Resubmission from 2018/1064/HOU)

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Does not wish to restrict the grant of permission.

CONDITIONS (INCLUDING REASONS)

NO OBS

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

H106

The site is located within an area at risk from surface water flooding. Therefore, in accordance with the NPPF, the submission of a Flood Risk Assessment, which also considers the provision of appropriate mitigation works, is recommended. This will enable the Local Planning Authority to satisfy themselves that the risk of flooding from surface water has been adequately addressed.

Case Officer:

Date: 10 April 2019

Polly Smith

for Warren Peppard
Flood Risk & Development Manager

Consultee Comments for Planning Application 2019/0199/HOU

Application Summary

Application Number: 2019/0199/HOU

Address: 4 Southland Drive Lincoln Lincolnshire LN6 8AU

Proposal: Erection of single storey side and rear extension. (Resubmission of 2018/1064/HOU)

Case Officer: Craig Everton

Consultee Details

Name: Mr Ian Wicks

Address: Directorate Of Development And Environmental Services, City Hall, Beaumont Fee
Lincoln, Lincolnshire LN1 1DF

Email: ian.wicks@lincoln.gov.uk

On Behalf Of: Environmental Health

Comments

I confirm that I have no observations to make regarding this application.

Objection from Neighbour

From: John Staniforth
Sent: 15 April 2019 19:16
To: Everton, Craig (City of Lincoln Council)
Subject: Re: 2019/0199/HOU- 4 Southland Drive - Erection of single storey side and rear extension. (Resubmission of 2018/1064/HOU)

Hello Craig,

I would like to raise one objection based on the plan as it appears to me.

As I have said before if the wall is extended higher I cannot see how it can fit in with our current extension roof - it would damage it. Our extension has been there for over 20 years as it was already built before we bought the house.

Also the situation with foundations.

On the previous application, they moved the wall in to avoid this.

Therefore I object on this as it currently is shown.

Of course, if I can be given assurances and proof that this will not be the case.

Thank you.

Regards

John Staniforth

Application Number:	2019/0305/RG3
Site Address:	Usher Art Gallery, Lindum Road, Lincoln
Target Date:	7th June 2019
Agent Name:	None
Applicant Name:	Mr Simon Lawson
Proposal:	Addition of metal gates to garden shelter to protect building.

Background - Site Location and Description

The application relates to the shelter to the south east corner of Temple Gardens, situated on Lindum Hill on the eastern side of the city centre.

The application building is Grade II listed by virtue of its curtilage relationship with the Usher Art Gallery and located within Conservation Area No. 1 'Cathedral and City Centre'.

There is a separate but related application for listed building consent for the proposed works (2019/0306/LBC).

Site History

Reference:	Description	Status	Decision Date:
2019/0306/LBC	Addition of metal gates to garden shelter to protect building and associated repairs. (Listed Building Consent) (Revised Description)	Pending Decision	

Case Officer Site Visit

Undertaken on 17th April 2019.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP25 The Historic Environment
- Policy LP29 Protecting Lincoln's Setting and Character
- National Planning Policy Framework

Issues

- National and local planning policy
- Potential impact on the significance of heritage assets

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Statutory Consultation Responses

Consultee	Comment
Principal Conservation Officer	Comments Received
Lincoln Civic Trust	No Response Received
Highways & Planning	Comments Received

Public Consultation Responses

No responses received.

Consideration

The application proposes the fitting of wrought iron gates to the front elevation of the shelter.

National and Local Planning Policy

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the National Planning Policy Framework (NPPF, 2019).

Paragraph 192 of the NPPF (2019) requires local planning authorities to take account of the following issues in determining applications which may affect heritage assets and their settings;

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness

Policy LP25 'Historic Environment' of the Central Lincolnshire Local Plan (2017) is permissive of alterations to Listed Buildings, provided the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Potential Impact on the Significance of Heritage Assets

Constructed in red brick with concrete dressings and a flat roof, the shelter has a classical composition comprising an open front with two Doric columns and flanking brick pilasters

and flanking walls with steel-framed windows. The structure derives its architectural significance from its relationship with the Grade II* Usher Art Gallery and historic value derived from its original purpose as a shelter within the pleasure gardens, reinforcing the social status of the overall site and the development of public gardens for the general public as a leisure purpose. Furthermore, it makes an important contribution to the significance of the Usher Art Gallery by enhancing its setting and reinforcing its architectural and historic values. Given its location the site is also very prominent within the conservation area with views from the public path up Lindum Hill.

The shelter has been subject to long term vandalism including localised fires and detritus from anti-social use and has become unsafe for use by the general public. The proposal seeks to provide a means of gated enclosure so that access to the shelter can be controlled and further damage avoided.

The council's Principal Conservation Officer has considered the application and commented *"Pre-application discussions have resulted in the proposed design which is considered to satisfy the requirement for a simple architectural approach, commensurate with the clean lines of the shelter. Setting the gates behind the columns and achieving the requisite permeability satisfies the objectives of preserving the original features as the most dominant elements and the legibility of the 'temple like' open facade. Furthermore, the manner of attachment would ensure no harmful impact on the historic fabric of the shelter"*

It is, therefore, considered that the proposed works are in the interests of the building's preservation and would not be prejudicial to its special architectural or historic interest, in accordance with Policy LP25 'Historic Environment' of the Central Lincolnshire Local Plan (2017) and relevant guidance contained within the National Planning Policy Framework (2019). Consequently, subject to further details to be secured by condition, the proposed development is in accordance with the duty contained within section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Lincoln Townscape Assessment

The application site is located in the Lindum Hill Character Area which is situated on the steepest part of the north escarpment on the eastern side of the city centre and contains properties that are used for a mixture of residential, civic and service functions. A large proportion of the Character Area consists of open space, the majority of which is within the public Temple Gardens (the application site). Remaining open space in the area consists of mature garden plots to the rear of houses in the northern half of the area.

Application Negotiated either at Pre-Application or During Process of Application

Yes, at pre-application (details in report).

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

These works will secure the future of the shelter, guarding against further damage and allowing the shelter in the future to once again fulfil its optimum viable use and preserve the setting of the Usher Art Gallery and preserve and enhance the character and appearance of the conservation area. Therefore, it is considered that the proposal is in accordance with the duty contained within section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 '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',

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally.

Standard Conditions

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

Conditions to be discharged before commencement of works

None.

Conditions to be discharged before use is implemented

None.

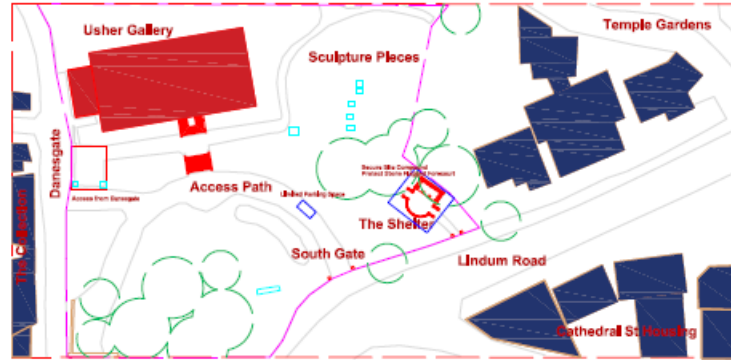
Conditions to be adhered to at all times

None.

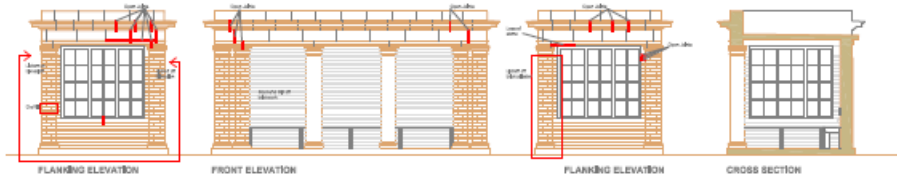
Table A

The above recommendation has been made in accordance with the submitted drawings identified below:

Drawing No.	Version	Drawing Type	Date Received
160428/015		Plans - Existing	11th April 2019
160428/017		Elevations	11th April 2019
160428/016		Plans - Proposed	11th April 2019



Location Plan 1:500

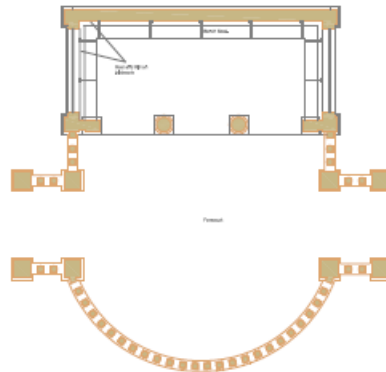


FLANKING ELEVATION

FRONT ELEVATION

FLANKING ELEVATION

CROSS SECTION



PLAN

This drawing is issued for the sole and exclusive use of the named recipient. Distribution to any third party is on the strict understanding that no liability is accepted by the Engineer for any discrepancies, errors or omissions that may be present, and no guarantee is offered as to the accuracy of information shown.

CONTRACTOR'S RESPONSIBILITY
The Contractor is responsible for any errors or omissions in this drawing, which could not be detected or relieved through checking, further work or careful measures have been taken. The Contractor shall be liable for any errors or omissions which may be present in this drawing and other drawings issued during the construction process.

NO.	REVISION	DATE

Client: **Urceln City Council**

Architect:

Consulting Engineer:

Product Manager:

Surveyor:

PICK EVERARD

300 High Street

Leicester

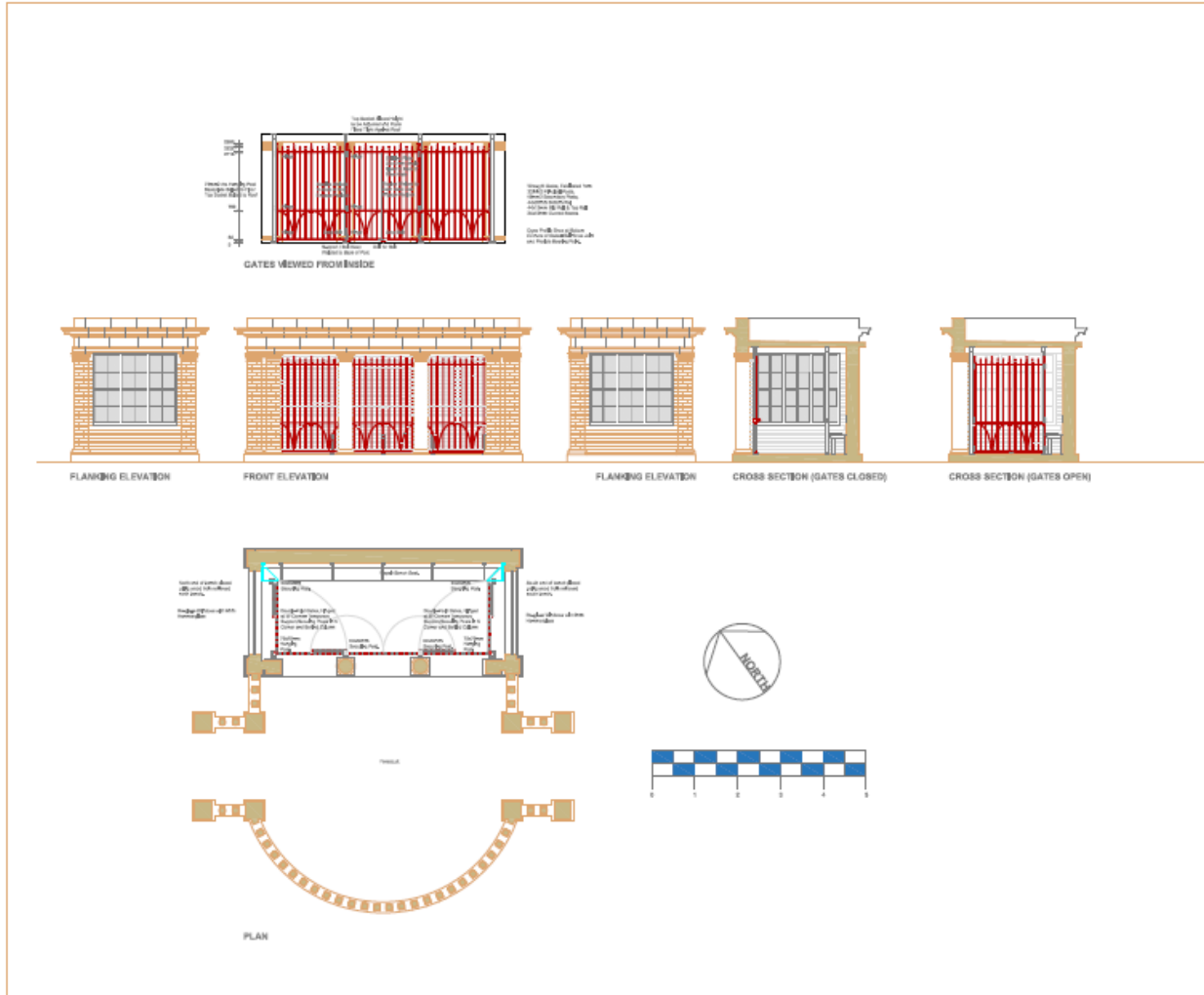
LE1 1TA

Phone: 01533 444444

www.pick-everard.co.uk

Project: **ARBORETUM & TEMPLE Gdns
STAIRS & SHELTER WORKS**

Project No.	Sheet No.
140428/016	A



This drawing is issued for the sole and exclusive use of the named recipient. Distribution to any third party is on the strict understanding that no liability is accepted by Pick Everard for any discrepancies, errors or omissions that may be present, and no guarantee is offered as to the accuracy of information shown.

CDM - RESIDUAL RISKS
 The drawings are considered to be accurate data relevant to the drawing, which could not be fully inspected or reviewed through design. Further construction measures have been identified with the Design Risk Assessments which may help to mitigate these and other identified risks further during the construction and maintenance process.

NO.	REVISION	DATE	BY	CHKD
1	ISSUED	20/02/2016	MM	MM

Client:
Lincoln City Council

Architect:
PICK EVERARD
 333 High Street
 Lincoln
 LN1 1JY
 Phone 01522 633 300
 www.pick-everard.co.uk

Project:
**ARBORETUM & TEMPLE GONS
 STAIRS & SHELTER WORKS**

Project Name: Shelter, Proposed Gates	Sheet: 1:50 OF A1 Drawing Number: 160428/016
---	--







Place Directorate
Lancaster House
36 Orchard Street
Lincoln LN1 1XX
Tel: (01522) 782070
E-Mail: highwayssudssupport@lincolnshire.gov.uk

To: Lincoln City Council

Application Ref: 2019/0305/RG3

With reference to this application dated 11 April 2019 relating to the following proposed development:

Address or location

Usher Art Gallery, Lindum Road, Lincoln

Date application referred by the LPA
26 April 2019

Type of application: Outline/Full/RM/
FUL

Description of development

Addition of metal gates to garden shelter to protect building

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Does not wish to restrict the grant of permission.

CONDITIONS (INCLUDING REASONS)

NO OBS

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Case Officer:
Polly Smith
for Warren Peppard
Flood Risk & Development Manager

Date: 15 May 2019

This page is intentionally blank.

Application Number:	2019/0306/LBC
Site Address:	Usher Art Gallery, Lindum Road, Lincoln (LBC)
Target Date:	7th June 2019
Agent Name:	None
Applicant Name:	Mr Simon Lawson
Proposal:	Addition of metal gates to garden shelter to protect building and associated repairs. (Listed Building Consent) (Revised Description)

Background - Site Location and Description

The application relates to the shelter to the south east corner of Temple Gardens, situated on Lindum Hill on the eastern side of the city centre.

The application building is Grade II listed by virtue of its curtilage relationship with the Usher Art Gallery and located within Conservation Area No. 1 'Cathedral and City Centre'.

There is a separate but related application for planning permission for the proposed works (2019/0305/RG3).

Site History

Reference:	Description	Status	Decision Date:
2019/0305/RG3	Addition of metal gates to garden shelter to protect building.	Pending Decision	

Case Officer Site Visit

Undertaken on 17th April 2019.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP25 The Historic Environment
- Policy LP29 Protecting Lincoln's Setting and Character
- National Planning Policy Framework

Issues

- National and local planning policy
- Potential impact on the significance of heritage assets

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Principal Conservation Officer	Comments Received
Lincoln Civic Trust	No Response Received

Public Consultation Responses

No responses received.

Consideration

The application proposes the fitting of wrought iron gates to the front elevation of the shelter, limited cleaning and pointing of masonry, and the repair of benches and windows.

National and Local Planning Policy

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as satisfying the relevant policies within the National Planning Policy Framework (NPPF, 2019).

Paragraph 192 of the NPPF (2019) requires local planning authorities to take account of the following issues in determining applications which may affect heritage assets and their settings;

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness

Policy LP25 'Historic Environment' of the Central Lincolnshire Local Plan (2017) is permissive of alterations to Listed Buildings, provided the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Potential Impact on the Significance of Heritage Assets

Constructed in red brick with concrete dressings and a flat roof, the shelter has a classical composition comprising an open front with two Doric columns and flanking brick pilasters and flanking walls with steel-framed windows. The structure derives its architectural

significance from its relationship with the Grade II* Usher Art Gallery and historic value derived from its original purpose as a shelter within the pleasure gardens, reinforcing the social status of the overall site and the development of public gardens for the general public as a leisure purpose. Furthermore, it makes an important contribution to the significance of the Usher Art Gallery by enhancing its setting and reinforcing its architectural and historic values. Given its location the site is also very prominent within the conservation area with views from the public path up Lindum Hill.

The shelter has been subject to long term vandalism including localised fires and detritus from anti-social use and has become unsafe for use by the general public. The proposal seeks to provide a means of gated enclosure so that access to the shelter can be controlled and further damage avoided.

The council's Principal Conservation Officer has considered the application and commented *"Pre-application discussions have resulted in the proposed design which is considered to satisfy the requirement for a simple architectural approach, commensurate with the clean lines of the shelter. Setting the gates behind the columns and achieving the requisite permeability satisfies the objectives of preserving the original features as the most dominant elements and the legibility of the 'temple like' open facade. Furthermore, the manner of attachment would ensure no harmful impact on the historic fabric of the shelter"*

It is, therefore, considered that the proposed works are in the interests of the building's preservation and would not be prejudicial to its special architectural or historic interest, in accordance with Policy LP25 'Historic Environment' of the Central Lincolnshire Local Plan (2017) and relevant guidance contained within the National Planning Policy Framework (2019). Consequently, subject to further details to be secured by condition, the proposed development is in accordance with the duty contained within section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Lincoln Townscape Assessment

The application site is located in the Lindum Hill Character Area which is situated on the steepest part of the north escarpment on the eastern side of the city centre and contains properties that are used for a mixture of residential, civic and service functions. A large proportion of the Character Area consists of open space, the majority of which is within the public Temple Gardens (the application site). Remaining open space in the area consists of mature garden plots to the rear of houses in the northern half of the area.

Application Negotiated either at Pre-Application or During Process of Application

Yes, at pre-application (details in report).

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposed works would secure the future of the shelter, guarding against further damage and allowing the shelter in the future to once again fulfil its optimum viable use and preserve the setting of the Usher Art Gallery and preserve and enhance the character and appearance of the conservation area. Therefore, it is considered that the proposal is in accordance with the duty contained within section 16(2) of the Planning (Listed Buildings and Conservation Areas Act) 1990 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses', Policy LP25 'Historic Environment' of the Central Lincolnshire Local Plan (2017) and relevant guidance contained within the National Planning Policy Framework (2019).

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally.

Standard Conditions

- 01) The Works must be begun not later than the expiration of three years beginning with the date of this permission

Reason: Imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

Conditions to be discharged before commencement of works

- 03) Sample of mortar for repointing to be agreed by the Local Planning Authority prior to repointing works being carried out

Reason: In the interests of retaining the architectural significance of the building

- 04) Sample of timber for repairs to bench to be agreed by the Local Planning Authority

prior to bench repairs being carried out

Reason: In the interests of retaining the architectural significance of the building

- 05) A sample area of brick cleaning using high pressure steam to be selected, carried out and agreed by the Local Planning Authority prior to these works being carried out

Reason: In the interests of retaining the architectural significance of the building

- 06) Details of colour finish of gates to be submitted and agreed by the Local Planning Authority prior to painting being carried out

Reason: In the interests of retaining the architectural significance of the building

Conditions to be discharged before use is implemented

None.

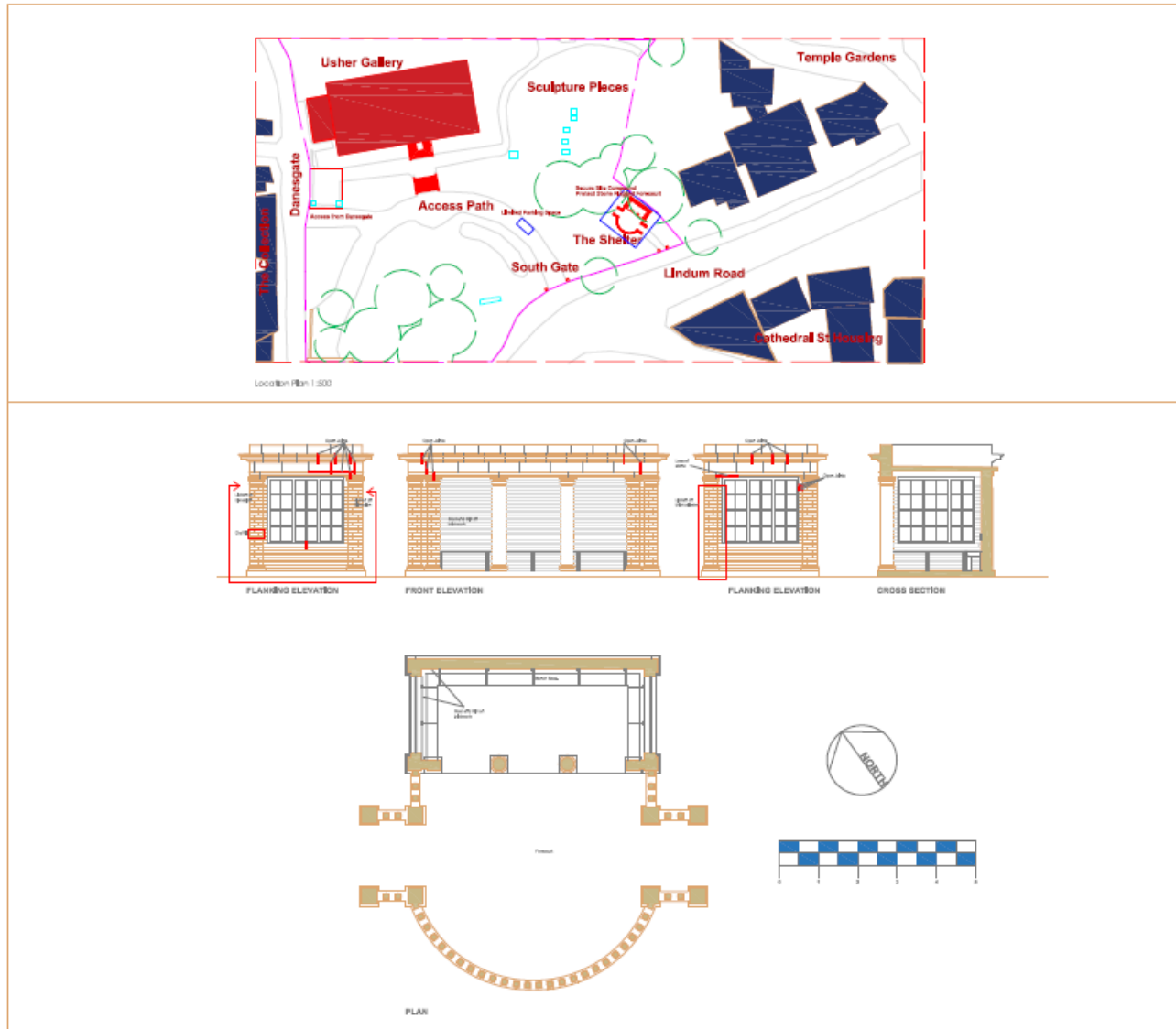
Conditions to be adhered to at all times

None.

Table A

The above recommendation has been made in accordance with the submitted drawings identified below:

Drawing No.	Version	Drawing Type	Date Received
160428/015		Plans - Existing	11th April 2019
160428/017		Elevations	11th April 2019
1602448/016		Plans - Proposed	11th April 2019



This drawing is issued for the sole and exclusive use of the named recipient. Distribution to any third party is on the strict understanding that no liability is accepted by Pick Everard for any discrepancies, errors or omissions that may be present, and no guarantee is offered as to the accuracy of information shown.

CONTRACTUAL RISKS
 The drawings are provided to be signed and then relevant to the drawing, which will not be updated or revised through the design process. Further design development has been undertaken with the Design Team Assessments which may include the Gate House and other items. No further design development will be undertaken.

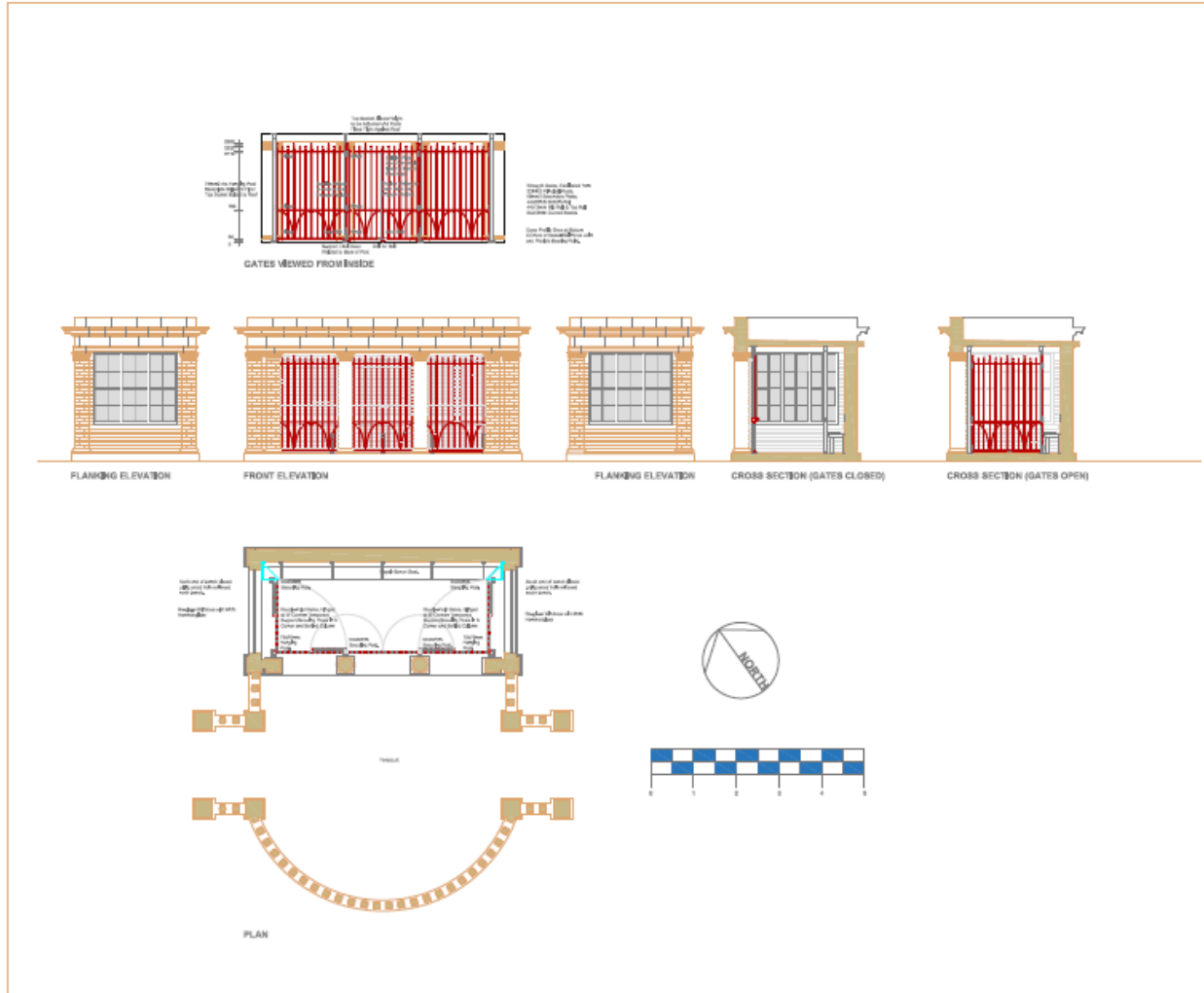
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

Client:
Lincoln City Council

Architect:
PICK EVERARD
 33-35 High Street
 Lincoln
 WGT7 7PS
 Phone 01522 555 880
 www.pick-everard.co.uk

Project:
**ARBORETUM & TEMPLE GDNS
 STAIRS & SHELTER WORKS**

Project No:	160428/016	Rev:	A
Client:	Lincoln City Council	Scale:	As Shown
Project Name:	Arboretum & Temple Gdns	Sheet:	1 of 1
Project No:	160428/016	Scale:	As Shown



This drawing is issued for the sole and exclusive use of the named recipient. Distribution to any third party is on the strict understanding that no liability is accepted by Pick Everard for any discrepancies, errors or omissions that may be present, and no guarantee is offered as to the accuracy of information shown.

CON - RESIDUAL RIGHTS
 The drawings are considered to be a draft and data related to this drawing, which could not be fully reviewed or reviewed through design, further design or construction processes have been handled with the Design Risk Assessments which may help to mitigate these and other risks but this does not constitute a maintenance process.

A	REVISED	DATE	BY
1	20/10/20		

Client
Lincoln City Council

Architect
PICK EVERARD
 Consulting Engineers
 Project Managers
 Surveyors
 333 High Holborn
 London
 WC1V 7JF
 Phone 020 088 3900
 www.pick-everard.co.uk

Project
**ARBORETUM & TEMPLE Gdns
 STAIRS & SHELTER WORKS**

Project No. Shelter, Proposed Gates	Scale 1:50 of A1
Drawing Number 140428/016	Sheet A







Place Directorate
Lancaster House
36 Orchard Street
Lincoln LN1 1XX
Tel: (01522) 782070
E-Mail: highwayssudssupport@lincolnshire.gov.uk



To: Lincoln City Council

Application Ref: 2019/0306/LBC

With reference to this application dated 16 April 2019 relating to the following proposed development:

Address or location

Usher Art Gallery Lindum Road Lincoln Lincolnshire LN2 1NN

Date application referred by the LPA

Type of application:

16 April 2019

Outline/Full/RM: FLB

Description of development

Addition of metal gates to garden shelter to protect building. (Listed Building Consent)

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Does not wish to restrict the grant of permission.

CONDITIONS (INCLUDING REASONS)

NO OBS

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Case Officer:

Date: 03 May 2019

Martin Nash

for Warren Peppard

Flood Risk & Development Manager

This page is intentionally blank.