

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, Boultham Park, Boultham Park Road, Lincoln

(Councillors C Burke and Strengeiel 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.