Public Document Pack



# PLANNING COMMITTEE

Wednesday, 3 Janu	ary 2018	5.30 pm	Committee Rooms 1-2, City Hall			
Membership:	Biff Bean, I	Kathleen Brothwell on, Ronald Hills, T	nair), Peter West (Vice-Chair), , Bob Bushell, Paul Gowen, ony Speakman, Edmund Strengiel			
Substitute members:	Councillors Jackie Kirk and Neil Murray					
Officers attending:		•	ss, Simon Cousins, Democratic Geron Manning and Paul Thompson.			

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.

	AGENDA	
SEC	TION A	Page(s)
1.	Confirmation of Minutes - 08 November 2017	5 - 18

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

4.	Allo <sup>.</sup> Twc	tment Capital Development Programme - Removal of Trees (Phase	25 - 34
5.	Con	firmation of Tree Preservation Order 155	35 - 42
6.	Арр	lications for Development	
	(a)	Land Adjoining Boultham Medical Practice, Boultham Park Road, Lincoln.	43 - 84
	(b)	Site of Former Superbowl, Valentine Road, Lincoln	85 - 122
	(C)	1 Shearwater Road, Lincoln.	123 - 158
	(d)	39 Foster Street, Lincoln.	159 - 174
	(e)	97 Vernon Street, Lincoln.	175 - 190
	(f)	Lincoln Transport Hub Development, Bus Station, Pelham Street, Lincoln.	191 - 200
	(g)	64 Broadway, Lincoln.	201 - 212

#### THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

#### 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 appropriate Planning Information Folder: This is a file with the same reference number as that shown on the Agenda for the Application. It contains 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 Information Folders referred to in the Reports on the Agenda for the particular application or in the Planning Information Folder specified above.
- 3. City of Lincoln Local Plan: Adopted 26 August 1998.
- 4. The emerging draft Local Development Framework is now a material consideration.
- 5. Lincolnshire Structure Plan Final Modifications 3 January 2006
- 6. Regional Spatial Strategy 17 March 2005
- 7. Applications which have Background Papers additional to those specified in 1 to 6 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 7 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. Item No. 1

#### Planning Committee

Present:	Councillor Jim Hanrahan <i>(in the Chair)</i> , Councillor Peter West, Councillor Biff Bean, Councillor Kathleen Brothwell, Councillor Paul Gowen, Councillor Gary Hewson, Councillor Ronald Hills, Councillor Tony Speakman, Councillor Edmund Strengiel, Councillor Naomi Tweddle and Councillor Jackie Kirk
Apologies for Absence:	Councillor Bob Bushell

#### 51. Confirmation of Minutes - 11 October 2017

RESOLVED that the minutes of the meeting held on 11 October 2017 be confirmed.

#### 52. <u>Declarations of Interest</u>

Councillor Biff Bean declared a Personal Interest with regard to the agenda item titled 'Jasmin Green, Jasmin Road Recreational Land, Jasmin Road, Lincoln'.

He had attended briefings in the past regarding the proposed development, however he had in no way predetermined his opinion in relation to the matter to be discussed.

Councillor Edmund Strengiel declared a Personal Interest with regard to the agenda item titled 'Jasmin Green, Jasmin Road Recreational Land, Jasmin Road, Lincoln'.

He wished to exercise his right to address Planning Committee as representative for the applicant in respect of the planning application. He would retire to the public gallery at this stage of the proceedings and not take part in the discussion or vote on the matter to be determined.

Councillor Paul Gowen declared a Personal Interest with regard to the agenda item titled 'Jasmin Green, Jasmin Road Recreational Land, Jasmin Road, Lincoln'. Living on the Birchwood Estate he had given advice to both sides for and against the proposals, however only of a procedural nature. He had in no way predetermined his opinion in relation to the matter to be discussed.

#### 53. 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 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.

#### 54. <u>Allotment Capital Development Programme- Removal of Trees</u>

Bruce Kelsey, Allotment Strategy Officer:

- a. provided a report to advise elected members of the proposed removal of trees required as phase 1 of the allotment capital improvement programme, none being the subject of a Tree Preservation Order or located within a conservation area
- b. identified only those trees that needed to be removed in the opinion of the Arboricultural Officer and the Allotment Strategy Officer, as detailed within the schedule attached as Appendix 1 to the report
- c. referred to a detailed action plan which identified a site by site programme of proposed works between November 2017 and March 2018
- d. outlined consultation carried out with all allotment tenants as detailed at Appendix 2 to the report
- e. gave details of the main thrust of the works to make improvements to site security to reduce incidents of break-ins and theft of property from allotment sites, improvements to site drainage to reduce incidents of flooding and increase light to many plots, which would markedly enhance growing opportunities
- f. advised that throughout the programme the council would aim to retain and subsequently maintain as many mature and well established native species as possible to maintain the overall amenity value, feel and look of each site
- g. requested that members approve the list of trees to be removed as detailed at Appendix 1.of the report.

Members discussed the content of the report in further detail, raising the following questions:

- Would any sheds erected be properly constructed, monitored and securely locked?
- Were there any ancient specimens of merit, such as apple or other trees to be retained?

Brian Kelsey, Allotment Strategy Officer and Mick Albans, Arboricultural Officer offered the following advice:

- Options for site secure units including lockable key pads would be investigated, subject to available financial resources.
- Most of the trees to be felled were crab apple specimens which had selfseeded. There were no veteran trees.

RESOLVED that the removal of trees identified at Appendix 1 to the report be approved.

#### 55. <u>Application for Development: Jasmin Green, Jasmin Road Recreational Land,</u> Jasmin Road, Lincoln

(Councillor Strengiel sat in the public audience at this stage of the meeting as he wished to exercise his right to address Planning Committee as representative for the applicant in respect of the planning application. He did not take part in the discussion or vote on the matter to be determined.)

The Planning Team Leader:

- a. requested outline planning permission for the erection of 62 dwellings and installation of play equipment on part of land known as Jasmin Green, currently owned by the City of Lincoln Council although agreement was made by Executive on 17 July 2017 to transfer the land to the applicant, Birchwood Big Local, for development of the application site
- b. highlighted that although the application was made in outline form with all matters reserved, the applicant had submitted an indicative site plan showing access from Aldergrove Crescent and layout of 36 semidetached, 2 detached single storey bungalows and a three storey building containing 24 apartments, providing affordable housing for the over 55's
- c. reported that the Birchwood Big Local Group through its Community Land Trust had been allocated funding to invest in local areas
- d. advised that the play areas would be funded initially by the Group using revenue from ground rent generated from an affordable housing provider to maintain the equipment
- e. described the area of land subject to the application, partly allocated as a housing site and partly as Important Open Space within the Central Lincolnshire Local Plan 2017
- f. 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 LP23: Local Green Space and other Important Open Space
  - Policy LP24: Creation of New Open Space, Sports and Recreation Facilities
  - Policy LP26: Design and Amenity
  - Policy LP36: Access and Movement within the Lincoln Area
  - Policy LP56: Gypsy and Traveller Allocations
  - National Planning Policy Framework
- g. outlined the responses made to the consultation exercise, which included a 340 signatory petition in objection to the proposals, in excess of 40 objections and 2 representations in support

- h. highlighted the main issues relating to the proposals as follows:-
  - The Principle of the Development;
  - Visual Amenity
  - Residential Amenity
  - Trees and Ecology
  - Access and Highways
  - Flood Risk and Drainage
  - Other Matters Contaminated Land, Air Quality and Sustainable Transport, Education, Health, Archaeology, Crime
- i. concluded that:
  - The principle of the use of the site for residential purposes was considered to be acceptable and also the development.
  - Highways, drainage and matters relating to contamination could be dealt with appropriately by condition along with the reserved matters.
  - The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP3, LP9, LP12, LP13, LP14, LP16, LP23, LP24, LP26, LP36 and LP49, as well as guidance within the National Planning Policy Framework.

Councillor E Strengiel, speaking on behalf of the applicant, Birchwood Area Community Land Trust, addressed Planning Committee making the following points:-

- Birchwood Big Local Group had been granted £1 million lottery funding in 2012, for the whole of Birchwood and half of Hartsholme Ward.
- The consultation on the proposals had included events, meetings, and 6,000 publicity leaflets.
- Consultations within the community had revealed a preference for play facilities, benches and raised flower beds.
- A revenue stream was required to maintain these facilities, and a Community Land Trust was formed.
- The City of Lincoln Council had agreed to gift part of Jasmin Green to the Community Land Trust.
- The ground rent from provision of housing for elderly residents would generate a revenue budget for the Community Land Trust to maintain the play equipment and open space.
- The housing would not be funded by the Community Land Trust.
- The Birchwood Area Community Land Trust had taken over the former Diamond Park play space.
- No further houses in the future would be built on the land in order to protect and enhance its green space.
- There would be no through road to the development which would be built for access only.
- The development would provide a young persons' play area in very pleasant surroundings.
- The provision of housing was a means to an end to provide a revenue budget to maintain the play facilities and green space.
- Local residents would benefit from enhancement of Jasmin Green.

(Councillor Strengiel left the room during the remainder of the discussion and determination of this item.)

Members discussed the content of the report making the following comments:

- The proposals required full support from the community. It was surprising to see a petition containing over 340 signatories against the proposals.
- Were these new plans compared to the original submission?
- Where was the planned access road?
- Would the presence of bats affect the planning application going forward?
- Concerns regarding tree removal.
- Who would be responsible for maintaining the play equipment?
- An assurance was sought that the green space would be safeguarded for the future in light of changes in personnel.

The Planning Team Leader offered the following points of clarification to members:

- The plans provided were of an indicative layout. The area shown within the red line represented the area requesting planning permission.
- The green space surrounding the area would be protected in the new Local Plan.
- The Wildlife Trust had stated within the ecology report that the development would be at low risk to wildlife including bats, and was compliant to the Wildlife Conservation Act. There were set times when work would not be completed to protect wildlife.
- The trees along the boundary to the development would be largely retained.

RESOLVED that:

- 1. The petition submitted by members of the public be received.
- 2. Planning permission be granted subject to the following conditions:
  - Timeframe of the application (for outline permission);
  - Requirements of reserved matters
  - Details of affordable housing
  - Hours of work restricted
  - Lighting scheme to be submitted
  - Surface water drainage scheme to be submitted
  - Contaminated land information to be submitted
  - Electric vehicle recharging points to be submitted
  - Bat and bird box details to be submitted
- 3. Points raised by members in relation to getting the community 'on board' with the proposals be passed on by officers to the applicant.

#### 56. <u>Application for Development: Lincoln Social Education Centre, Long Leys</u> <u>Road, Lincoln</u>

(Councillor Strengiel re-joined his seat as a member of Planning Committee.)

The Principal Planning Officer:

- a. advised that planning permission was sought for the erection of a three storey building to accommodate a 72 bedroom care home accommodating 20 general car parking spaces for staff and visitors, a further two for disabled users and cycle storage
- b. described the application site located on the south-western side of Long Leys Road to the western side of the city, formerly the site of the Social Education Centre with allotments to all sides and mature planting to the northern and south-western corners
- c. advised that the site lay within the St George's Character Area of the Lincoln Townscape Assessment (LTA), predominantly a residential area incorporating some light industrial/commercial buildings extending either side of Long Leys Road further to the east of the site
- d. 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 LP5: Delivering Prosperity and Jobs
  - Policy LP10: Meeting Accommodation Needs
  - Policy LP13: Accessibility and Transport
  - Policy LP14: Managing Water Resources and Flood Risk
  - Policy LP16: Development on Land affected by Contamination
  - Policy LP26: Design and Amenity
  - Policy LP31: Lincoln's Economy
  - Policy LP36: Access and Movement within the Lincoln Area
  - National Planning Policy Framework
- d. referred to the update sheet which contained further images submitted by objectors but omitted from the original responses contained within the officer's report in respect of the application
- f. made reference to the travel plan for the proposed care home submitted on behalf of the applicant, which had been e mailed to members of Planning Committee, paper copies were also available should members wish to view it
- g. highlighted the main issues relating to the proposals as follows:-
  - The Principle of the Development;
  - The Impact of the Design of the Proposals;
  - Sustainable Access, Highway Safety and Traffic Capacity;
  - The Implications of the Proposals upon Amenity; and
  - Other Matters
- h. concluded that:
  - Conclusion whether a development was sustainable was a decision that had to be taken in the round having regard to all of the dimensions that went to constitute sustainable development.

- In this case, officers considered that the development would deliver economic and social sustainability directly through the construction of the development and the jobs created by the development. In addition, the location of care facilities within the city would benefit the health and social wellbeing of those living within the city if they choose to utilise a care home.
- The implications upon the character of the area and the impact of the development upon the general amenities would not have negative sustainability implications for the local community, as they would lead to a development that would be socially sustainable. What was more, with suitable schemes to deal with contamination, drainage and landscaping, the development would be environmentally sustainable.
- Thus, assessing the development as a whole in relation to its economic, social and environmental dimensions and benefits, officers were satisfied that the proposals could be considered as sustainable development and would accord with the Local Plan and Framework.

Mr Chris Hobbs, local resident, addressed Planning Committee in objection to the proposals, covering the following points:-

- He hoped what he was going to say would help councillors come to the right decision this evening.
- The main concerns expressed by residents related to the design of the proposed development.
- The building appeared huge at three storey.
- The mass of the building at the road frontage would impact on the character and aspect of the local area.
- The area was given priority in the Local Plan to be maintained as open space.
- The whole area was open and should remain an open aspect.
- The requirement for staffing a 72 bedded home was subject to resident need and not the design of the building.
- The provision of twenty general car parking spaces for a 72 bedded home was not realistic and would inevitably result in overspill onto residential streets.
- The previous Social Education Centre building was a single low level building which did not detract from the local area.
- The current plans appeared more like an office/industrial warehouse.
- Alternative photographs of more suitable structures had been submitted which he hoped would help to inform tonight's decision.

Councillor Neil Murray addressed Planning Committee as Ward Advocate representing local residents, covering the following main points:

- A care home was a good use for the site, however there were issues of scale/height and massing.
- The existing plans looked like a hotel rather than a care home.
- This was currently a rural setting in a very pleasant area which should be retained.
- A smaller development would be more appropriate.
- The 'invisible' travel plan was very vague.

- The applicant had not made clear numbers of staff required for the development.
- There was no reference to parking for visitors/delivery vehicles.
- Additional parking was required to prevent overspill to residential streets in the area.
- Councillor Murray read out a statement from County Councillor Rob Parker raising issues in respect of parking provision, traffic congestion and highway safety.
- It was imperative to know how many people would require car parking spaces.

Joanne Sutcliffe, representing LNT Construction Ltd, the applicant, addressed Planning Committee in support of the proposed development, covering the following main points:

- The scale/massing of the proposed development was appropriate for a community building.
- The building addressed short comings in the street appearance.
- Planning permission for the site was already approved.
- The design of the build had been revised to come up with an improved scheme.
- The revised scheme was smaller than the approved plans.
- The Travel Plan submitted provided details of arrivals/departures at the care home.
- 55 jobs would be created.
- A maximum of 22 staff members would be on site at any one time.
- 84% of staff would live within walking distance of the care home and not need use of a car.
- Car sharing/staff walking to work was taken very seriously by the care organisation and mentioned at interview stage.
- There would be provision of 20 car parking spaces on site and 8 cycle spaces.
- Residents were likely to receive visitors in the evening when there were less staff on site.
- Shift patterns would be set to limit any disturbance to local residents.
- There would be a maximum of 8 delivery vehicles per week.
- Laundering was carried out 'on site'.
- The development would be a community facility with jobs filled locally.
- The care home would offer a greater quality of life for residents and a much needed local service.

Members discussed the content of the report in further detail, commenting as follows:

- There were other 2-3 storey buildings in the area.
- The travel plan was welcomed but needed to be policed.
- Access/egress for deliveries was not depicted well on the plans.
- Extant planning permission already existed for a three storey care home with 3 extra bedrooms.
- Specialist staff would come from further afield to care for residents, not just on foot.
- The bus service to the area was not the best.

- Additional parking spaces would be welcomed to reduce overspill onto residential streets.
- The previous granted application included 36 car parking spaces.
- The Travel Plan gave an indication of parking on other similar operational sites with ample space.

The Planning Team Leader offered the following points of clarification to members:

- Most of the contention seemed to focus on car parking spaces and the travel plan.
- There was potential to have more car parking spaces on site should the need arise.
- The travel plan was a live document throughout the life of the development. Officers could ask the applicant to update the travel plan with a firm commitment to provide additional car parking spaces in the future if required. Alternatively, delegated powers could be given to officers to ask for such provision to be provided before the application was determined.

A motion was moved and seconded that a condition be imposed on the grant of planning permission requiring additional car parking spaces to be provided as part of the scheme.

The motion was put to the vote and fell.

A motion was moved and seconded that authority be delegated to officers to monitor the need for additional car parking spaces through the travel plan, to be implemented if and when required at a future date.

The motion was put to the vote and carried.

RESOLVED that planning permission be granted subject to:

- 1. Planning conditions covering the matters listed below:
  - Timeframe of Permission (3 years)
  - Approved Plans
  - Materials
  - Landscaping
  - Contaminated Land
  - Surface Water
  - Foul Water
  - Implementation of Travel Plan
  - Implementation of Boundary Details
  - Construction and Delivery Hours
- 2. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

#### REASON

To prevent environmental and amenity problems arising from flooding.

3. Authority be delegated to the Planning Manager to monitor the need for additional car parking spaces within the care home site through the travel plan, to be provided if required at a future date

#### 57. Application for Development: 122 Roman Wharf, Lincoln

The Planning Team Leader:

- a. advised that planning permission was sought (resubmission) for the erection of a two storey side extension to this two storey end terrace property to accommodate a study at ground floor, a bedroom and ensuite to an existing bedroom at first floor level, and the re-positioning of a boundary wall to the side of 122 Roman Wharf
- b. provided details of the policies pertaining to the application as follows:-
  - Policy LP14: Managing Water Resources and Flood Risk
  - Policy LP16: Development on Land Affected by Contamination
  - Policy LP26: Design and Amenity
  - National Planning Policy Framework
- d. outlined the responses made to the consultation exercise
- f. highlighted the main issues relating to the proposals as follows:-
  - Visual Amenity
  - Residential Amenity
  - Parking and Highways
  - Flood Risk and Drainage
  - Contamination
- g. concluded that:
  - The scale, mass, form and design of the proposed extension was acceptable and would complement the original architectural style of the property and terrace, also not causing harm to the character of the area.
  - The extension would not cause harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
  - It was not considered that the proposed wall would cause harm to either the character of the area or the amenity of neighbours.
  - Technical matters relating to highways, flood risk and contaminated land had also been appropriately considered.
  - The proposal would therefore be in accordance with the requirements of the Central Lincolnshire Local Plan Policies LP14 and LP26, and guidance within the National Planning Policy Framework.

Mrs Nicola Rainey, applicant, addressed Planning Committee covering the following points:-

- She had read with interest the objections and comments made in relation to her planning application and wished to respond.
- There had been five objections. One letter of support had been received for the proposals from the only neighbour affected by the extension, for which she was thankful for the support.
- Two of the objections came from owners of houses who were not resident in them.
- She felt that some objectors had not considered the plans properly.
- The architect did not agree that the extension would create a shadow on local residents' properties.
- The ridge height of the new extension was 400mm lower than the existing house.
- The new garden wall to the existing boundary would accommodate extending gates leading to the driveway and garage.
- To say that the size of the extension suggested multiple occupation was totally untrue, it would add only one new bedroom.
- She was surprised at the number of objections. The extension would enhance her family home. Extra space was required for visitors and four grown up children.

#### RESOLVED that:

Planning permission be granted subject to the following conditions:

- Time limit of the permission;
- Development in accordance with approved plans;
- Samples of materials;
- Reporting unexpected contamination; and
- Obscure glazing en-suite window to rear.

#### 58. Application for Development:: 51 Montaigne Crescent, Lincoln

The Planning Team Leader:

- a. advised that planning permission was sought for the erection of a single storey side extension to the front, side and rear of this detached bungalow at 51 Montaigne Crescent
- b. highlighted that the application was brought before Planning Committee, the applicant being an employee of the City of Lincoln Council
- c. provided details of the policies pertaining to the application as follows:-
  - Policy LP26: Design and Amenity
  - National Planning Policy Framework
- d. outlined the responses made to the consultation exercise
- f. highlighted the main issues relating to the proposals as follows:-
  - Impact on Visual Amenity
  - Impact on Residential Amenity
  - Impact on Highway Safety

g. concluded that the proposed extension would not cause unacceptable harm to visual amenity, residential amenity or highway safety, in accordance with the relevant policies of the National Planning Policy Framework and Central Lincolnshire Local Plan.

RESOLVED that planning permission be granted subject to standard time limit and plan conditions.

#### 59. <u>Application for Development: Lincoln Transport Hub Development, Pelham</u> <u>Street, Lincoln</u>

The Principal Planning Officer:

- a. advised that planning permission was sought for installation of perforated metal signage to the new Multi Storey Car Park and Bus Station, part of the Transport Hub development, in the following locations:
  - North, East and West elevations of car park
  - 1no. set of internally illuminated lettering and logo to South elevations of car park
  - 1no. fascia sign to South and East elevations of multi-storey car park
  - Installation of 1no. set of internally-illuminated lettering and logo to East and West elevations of Lincoln Central Bus Station
- b. provided details of the policies pertaining to the application as follows:-
  - National Planning Policy Framework
  - Central Lincolnshire Local Plan-Policy LP27
- d. outlined the responses made to the consultation exercise
- f. highlighted the main issues relating to the proposals as follows:-
  - Relevant Planning Policy
  - Visual Amenity
  - Public Safety
- g. concluded that the advertisement scheme would not have an unduly harmful impact on visual amenity or highway safety in accordance with policy LP27 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

RESOLVED that planning permission be granted subject to standard advert conditions controlling them for a period of 5 years.

#### 60. Brownfield Land Register

Toby Forbes-Turner, Principal Planning Officer:

a. provided a report:

- To provide Planning Committee with an overview of the new requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017
- To set out how the Planning Team within DCE would implement the Brownfield Land Register
- To advise Planning Committee that the Council should amend the Constitution to include decision making associated with its forthcoming Brownfield Land Register
- b. defined Brownfield Land as land which had previously been developed and/or had been occupied by a permanent structure as set out in the Governments definition in the glossary at Annex 2 of the National Planning Policy Framework (NPPF)
- c. confirmed that on 16th April 2017 the Government's Town and Country Planning (Brownfield Land Register) Regulations 2017 came into force which introduced a requirement on Local Planning Authorities to publish and maintain a Brownfield Land Register with a legal requirement for all Local Authorities to comply with the deadline for publication of Part 1 of the register by 31st December 2017
- d. outlined in further detail the background to the introduction of the Brownfield Land Register including arrangements for Part 1 of its implementation and authorisation required by Council for amendments to the Constitution to facilitate this new piece of legislation.

Members discussed the content of the report with officers in further detail.

RESOLVED that:

- 1. The report on the new requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017 be noted.
- 2. The Planning Team within Directorate of Communities and Environment's intention to implement the Brownfield Land Register be noted.
- 3. The intention that the Council would amend the Constitution to include decision making associated with its forthcoming Brownfield Land Register be noted by Planning Committee.

#### 61. <u>Exclusion of the Press and Public</u>

RESOLVED that the press and public be excluded from the meeting during consideration of the following items 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.

#### 62. Part B Report: Exempt Information

The Heritage and Planning Enforcement Team Leader:

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 of 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 and 8.2 of the report be approved.

# SUBJECT:WORK TO TREES IN CITY COUNCIL OWNERSHIPREPORT BY:DIRECTOR OF COMMUNITIES AND ENVIRONMENTLEAD OFFICERSTEVE BIRD – ASSISTANT DIRECTOR (COMMUNITIES & 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 the accepted 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.

#### 3. Tree Assessment

- 3.1 All tree 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 appropriate location within the vicinity. Tree planting is normally scheduled for the winter months following the removal.

#### 4. **Resource Implications**

#### 4.1 <u>i) Finance</u>

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.

- 4.2 ii) Staffing N/A
- 4.3 iii) Property/Land/ Accommodation Implications N/A
- 4.4 <u>iv) Procurement</u>

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, ensuring that staff are all suitably trained, qualified, and experienced. The contract for this work was let in April 2006.

- 5. Policy Implications
- 5.1 (i) Strategic Priority N/A
- 5.2 (ii) S.17 Crime and Disorder N/A
- 5.3 (iii) Equality and Diversity N/A
- 5.4 (iv) Environmental Sustainability

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

5.5 (v) Community Engagement/Communication N/A

#### 6. Consultation and Communication

- 6.1 All ward Councillors are informed of proposed works on this schedule, which are within their respective ward boundaries.
- 6.2 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.

#### 7. Legal Implications

7.1 (i) Legal

The City Council has a legal obligation to ensure that trees in Council ownership are maintained in a safe condition. Trees may be protected by the law in certain instances. Situations where this applies are normally in relation to planning legislation covering Conservation Areas, and Tree Preservation Orders. Where there is legal protection for a tree or trees, this is identified clearly in the appendices.

7.2 (ii) Contractual

See 4.4 above.

#### 8. Assessment of Options

#### 8.1 (i) Key Issues

The work identified on the attached schedule represents the Arboricultural Officers 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.

#### 8.2 (ii) Risk Assessment

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 Council open to allegations that it has not acted responsibly in the discharge of its legal responsibilities.

#### 9. Recommendation

9.1 That the works set out in the attached schedules be approved.

Access to Information: Does the report contain exempt information, which would prejudice the public interest requirement if it was publicised?	No
Key Decision	No
Key Decision Reference No.	N/A
Do the Exempt Information Categories Apply	No
<b>Call In and Urgency:</b> I s the decision one to which Rule 15 of the Scrutiny Procedure Rules apply?	No
List of Background Papers:	Section file Te 623
Lead Officer:	Mr S. Bird, Assistant Director (Communities & Street Sce

Assistant Director (Communities & Street Scene) Telephone 873421

#### NOTIFICATION OF INTENDED WORK TO TREES AND HEDGES RELEVANT TO THEIR CITY COUNCIL OWNERSHIP STATUS. SCHEDULE No 1 / SCHEDULE DATE: 03/01/18

ltem No	Status e.g. CAC	Specific Location	Tree Species and description / reasons for work / Ward.	Recommendation
1	CAC	Arboretum, Monks Road	Abbey Ward 405 trees located within the Arboretum have been surveyed by the council's tree inspector and 22 of those trees were recommended for felling due to the trees exhibiting some of the following symptoms: Crown dieback, fungal decay of main stems or root systems and instability.	Approve and replant with the equivalent number of replacement trees as per the Arboretum Management Plan.
			The 22 trees are located at various locations within the Arboretum and are comprised of: 9 Lime, 3 Sycamore, 1 Poplar, 2 Ash, 1 Maple, 2 Horse Chestnut, 4 Beech.	
			22 equates to approximately 5% of the total number of trees surveyed in the Arboretum.	
2	N/A	Rear garden of 24 Mildenhall Drive.	Birchwood Ward 1 Sycamore. Fell to prevent damage to property.	Approve and replant with a Field Maple in a suitable location.
3	N/A	Birchwood Nature Park, adjacent to boundary with 10 Chedburgh Close.	Birchwood Ward 6 self-set Alders. Fell, to prevent damage to private property.	Approve and replant with 6 Oaks in a suitable location.

4	CAC	The Lawn, adjacent to the children's play area	Carholme Ward 1 Horse Chestnut. Fell, the tree diseased and nearly dead.	Approve and replant with a Horse Chestnut.
5	N/A	Hartsholme Country Park HCP Car park	Hartsholme Ward Fell 1 self-set suppressed Sweet Chestnut. Thin out self-set, suppressed trees including: 3 Sycamores, 3 Norway Maples and 1 Holly.	Approve and replant with 6 Beech, 6 Oaks, 6 Sweet Chestnuts and 2 Alders.
		HCP Camp site	Fell 1 suppressed and leaning Yew. Fell 1 Sycamore in decline.	
		HCP Cycle path	Fell 1 suppressed Elm.	
		HCP Lake side	Thin out suppressed, self-set trees including: 2 Sycamores, 2 Alders and 2 Willows.	
		HCP Near north- west boundary.	Fell 1 suppressed Sweet Chestnut and 1 Corsican Pine.	
		HCP Skellingthorpe Road entrance	Fell 1 suppressed Ash.	
6	N/A	Whisby Green Communal Garden Area	Hartsholme Ward 8 small Scots Pine. Fell as part of the garden improvements	Approve and replant with 8 Field Maples in suitable locations.
7	N/A	Boundary of Hykeham Road Allotment to rear of 14 Abbotsford Way.	<u>Witham Ward</u> 1 Lombardy Poplar Fell, to prevent damage to property.	Approve and replant with a Field Maple.

This page is intentionally blank.

# SUBJECT:ALLOTMENT CAPITAL DEVELOPMENT PROGRAMME – REMOVAL<br/>OF TREES (PHASE TWO)REPORT BY:DIRECTOR OF COMMUNITIES & ENVIRONMENTLEAD OFFICER:BRUCE KELSEY – ALLOTMENT STRATEGY OFFICER

#### 1. Purpose of Report

- 1.1 To inform and advise elected members of the proposed removal of trees required as part of phase 2 of the allotment capital improvement programme.
- 1.2 To identify and specify only those trees that, in the opinion of the Arboricultural Officer and the Allotment Strategy Officer, need to be removed according to the schedule at <u>Appendix 1</u> below.

#### 2. Background

- 2.1 In April 2016 the Council obtained permission from the Department for Communities & Local Government (DCLG) to de-commission the former allotment site on Riseholme Road, known locally as the Ermine allotment site.
- 2.2 Monies from the eventual disposal of this site have been earmarked to permit a comprehensive capital improvement programme of the city allotment sites.
- 2.3 A detailed action plan has been constructed which identifies a site by site programme of proposed works that need to be undertaken. The consultation version of this plan, which has been sent to all allotment tenants, is attached as <u>Appendix 2</u> below and lists all projects in phase 2 of the improvement programme scheduled between November 2018 and April 2019.
- 2.4 The main thrust of these works will be to address many years of minimal essential maintenance across the allotment sites and will primarily focus upon two key areas of work. Firstly, making improvements to site security to reduce incidents of break-ins and theft of property from allotment sites. Secondly, to make significant improvements to site drainage to reduce incidents of flooding on allotment sites which has increased markedly over recent years and, as a result, makes a large number of potentially lettable plots unworkable.
- 2.5 To make these proposed security and drainage improvements successful, on some allotment sites the works will involve the removal of certain trees where their continued presence compromises either the preferred security solution or the proposed drainage solution
- 2.6 As might be expected of locations where there has been minimal maintenance for a number of years, certain sites contain a mixture of small medium and larger self-set species which have not been regularly maintained, trimmed or removed. Our aim is to carefully and selectively remove these species where necessary, to meet the objectives of the allotments improvement programme.
- 2.7 As well as removing physical barriers in many instances, these works will also increase available light to many plots which, in turn, will markedly enhance growing opportunities.

At the same time, removal of areas of dense tree growth will permit, for the first time in many years, robust and defensible site boundaries to provide a substantial physical barrier to deter unwanted visitors.

- 2.8 An overriding principle of these works has been the wish to only remove the smallest number of trees possible. Through our lead contractor, Robert Woodhead Ltd, we have taken the opportunity to engage the views and opinions of an ecologist. This useful professional advice has been acted upon and has influenced both the timing and scope of the proposed works.
- 2.9 Wherever possible, we have taken note of the potential loss of natural habitats that may be compromised as a result of these works. The list at <u>Appendix 1</u> represents the absolute minimum of removal works required to ensure that both security and drainage solutions, proposed as part of this major investment in the city allotments, will be a success.
- 2.10 Throughout the programme we will aim to retain and subsequently maintain as many mature and well established native species as possible to maintain the overall amenity value, feel and look of each site.
- 2.11 Where species are compromising waterways or creating major blockages to pathways, proposed fence lines and maintenance areas, these trees will either be removed entirely or sensitively trimmed to ensure that their amenity value can be retained whilst drainage and security are not affected.
- 2.12 Once completed, the trees on the allotment sites will be maintained on a regular basis as part of the ongoing grounds maintenance contract which will then allow them to grow and flourish properly. Such ongoing maintenance will also remove the need for further rectification works in the future, save for any species that are damaged through storms or growth issues.
- 2.13 Species affected by these works include:

Willow, Sycamore, Cypress, Apple, Prunus, Hazel, Oak, Elder, Ash, Cherry, Aspen, Lombardy Poplar, Norway Maple Alder and Beech.

- 2.14 Of these species, the proposed removal of both willow and beech are as a direct result of self-set species or poorly maintained hedging. In these areas, species have simply been allowed to grow unchecked across defined site boundaries and into ditches, dykes and waterways.
- 2.15 This in turn, has resulted in water backing up across formerly viable plots, blockages of watercourses and enabling leaves and dead wood, together with associated undergrowth such as brambles etc. to span site boundaries and provide bridges across waterways for unauthorised access and unwanted guests.
- 2.16 No trees covered by this plan, and listed in <u>Appendix 1</u> are subject to a Tree Preservation Order, nor are they located within a conservation area.
- 2.17 The proposed works on allotments sites are programmed to take place in two phases over eighteen months. This is so that clearance and improvement works can be carried out during winter months when the impact upon gardeners and wildlife will be at its least. Subject to planning permission being given for these tree removals, Phase 2 will commence in November 2018 and will conclude at the end of April 2018. Some smaller, non-invasive works, which can be carried out without any direct impact to tenants or wildlife may occur in the period April October 2018.

2.18 Planning Committee, at its meeting on November 8<sup>th</sup> 2017, approved a removal plan for those tree on sites involved in phase 1 of the capital improvement programme.

#### 3. Proposal

- 3.1 The attached schedule at <u>Appendix 1</u> details, by site, the trees which are scheduled for removal in phase 2, subject to permission being granted.
- 3.2 After further investigation at Clarence Street A allotment, a further four trees have been identified as requiring removal and/or maintenance works during phase 1 of the programme between November 2017 and April 2018. The details are listed in the schedule at <u>Appendix 1.</u>

#### 4. Consultation

- 4.1 A public consultation programme occurred in March 2017 across seven venues in the city. Tenants were personally invited to attend drop in sessions between 9am and 9pm at each venue. Additionally, specific plans relating to the site on which the tenant has a plot have been circulated to all current tenants.
- 4.2 Once the full costs of these works are known, tenants will receive a letter, around the start of November 2018, informing them of what works will be taking place and when these works are proposed to start and end.
- 4.3 Residents whose properties border or back onto an allotment site will, at the same time as the tenants, also be contacted to inform them of what will be happening and when.

#### 5. Resource Implications

- 5.1 <u>Finance</u>
  - (i) The costs of the works outlined below will to be met by the receipt from the sale of the former Ermine allotment site.

#### 5.2 <u>Staffing</u>

- (ii) All works relating to the Allotment Capital Improvement Programme will be managed and overseen by Robert Woodhead Ltd. Robert Woodhead may choose to sub-contract these works to third parties. In such cases, the subcontractor will fully satisfy the Council's own policies and standard in this regard.
- (iii) Internally the works for the programme will be managed by the Allotment Strategy Officer and supported by the Client Procurement Officer, the Legal & Democratic Services Officer, Community Services Manager and Assistant Director for Community Services & Street Scene.

#### 5.3 <u>Property/Land/Accommodation Implications</u>

(iv) The loss of the former Ermine Allotment site – an area of 0.98ha – will be replaced by the establishment of a new allotment site in the Birchwood area to a similar size and will address a recognised strategic gap in the provision of allotments in the South West quadrant of Lincoln.

#### 5.4 <u>Procurement</u>

(v) The contract to undertake the allotment capital improvement programme has been carried out using the East Midlands Property Alliance SCAPE contractual framework under the control and guidance of the council's Client Procurement Officer.

#### 6. Policy Implications

6.1 Strategic Priority

(i) The Council's recently adopted strategic plan – "*Vision 2020 – together let's deliver Lincoln's ambitious future*" identifies the allotment capital improvement programme as a key project under the strategic heading "Let's Enhance our Remarkable Place".

#### 7. Consultation and Communication

- 7.1 All allotment tenants are aware of the proposed improvements at their site. All have had the opportunity to view the entire programme of works. Allotment tenants have contributed to modifying and shaping the proposed plans.
- 7.2 Allotment societies, both locally and nationally, are aware of our proposed plans and have also engaged in consultation. Through the use of the council's webpages and social media as well as articles in the press, we will keep all residents informed of progress over the eighteen months of these proposed works.

#### 8. Legal Implications

8.1 Planning officers have viewed the overall proposals for the whole capital programme including the proposed removal of the trees listed in this report. With the exception of proposed works to install new perimeter fencing at the St Botolphs site, the installation of boundary fencing at the Sincil Bank and Tritton Road sites, we are advised that no other planning permissions associated with the capital improvement programme are required at this time. Should any such requirement become apparent as works progress, a further report on the subject will be brought to this committee.

#### 9. Assessment of Options

#### Key Issues

- 9.1 Taking no action and leaving most or all of the trees listed in this report in situ will significantly hinder the overall effectiveness of the refurbishment of the city allotment sites. In short, new secure boundaries will not be effectively established, drains which are believed to be essential means for water to escape from the site, will not be recreated and site security in some areas will remain significantly compromised.
- 9.2 Some tenants have expressed concerns that the natural balance of certain sites could be affected by a large scale reduction of trees, especially well established and mature species. As mentioned earlier, it is not and never has been our intention to conduct whole scale site clearances in this way. We remain committed to maintaining the good balance of quality gardening spaces coupled with naturally occurring flora and fauna.
- 9.3 The site borders and the internal draining of allotment land has not seen significant investment for many years. As such the trees have been allowed to grow unhindered and are now becoming a problem. Trees identified, if left in-situ will hinder the free flow of water off site and along drains that would be cleared by the improvement works.

- 9.4 Large root systems will further hinder the flow of water off the site and canopy spread will reduce the amount of available light on the site, both of which are unhelpful to allotment gardeners.
- 9.5 The council is committed to enhancing its environmental credentials and reducing its carbon footprint. The Council has a policy of replacing trees that are removed. Planting additional trees, to compensate for the projected loss of species listed in <u>Appendix 1</u> will take place.
- 9.6 Where possible, the council will re-plant trees in locations, on or off allotment sites, following the successful completion of the allotment capital improvement programme from March 2019 subject to the following constraints:
  - i. Trees are re-planted so that, when fully grown, they do not and will not impinge upon the light or drainage issues at an allotment site.
  - ii. That trees when planted do not cause an ongoing nuisance to other parties such as residents and businesses.
- 9.7 A further report relating to the proposed replacement programme, identifying the locations, species and quantities where additional trees will be planted, will be brought to committee for approval in due course.

#### 10. Recommendation

10.1 That members approve the list of trees to be removed at <u>Appendix 1.</u>

#### Access to Information:

Does the report contain exempt i which would prejudice the public if it was publicised?			No
Key Decision:			No
Key Decision Reference No:			N/A
Do the exempt information cate	egories apply?		No
Call In and Urgency			
Is the decision one to which Rule Procedure Rules apply? List of background papers:	e 15 of the Scrutiny		No
	Planning Committe Allotment Ca	e Noven apital Developr	nber 8 <sup>th</sup> 2017 nent
		Programme -	- Removal of Trees
		(Phase One)	)
Lead Officer	Bruce Kelsey -	Allotment S	Strategy Officer
	Telephone:		01522 873706
	E-mail:	bruce.kelsey	@lincoln.gov.uk

#### Summary of Trees to be removed from Allotment Sites - Phase 2

The clearance works primarily involve the removal of self-set varieties resulting from non-maintenance at sites. The majority of species which are included in this work are self-set willow and elder. Listed in the summary table below, are those trees, in addition to those that are contained within the generic description above which are mature/semi mature species.

#### Allotment Improvement Programme - November 2018 – April 2019

Site	Willow	Sycamore	Cypress	Apple	Prunus	Hazel	Oak	Elder	Notes
Boultham Glebe	69	2	1	2	7	1			Scrub growth - predominantly self-set willow & elder
Long Leys Road	12	1		1	1	1	1		Hawthorn hedge trim along western boundary
Sincil Bank					1				Clearance of undergrowth on site
South Common			No Tree o	clearance	e required				
St Botolph's Cresc.		9							Self-set sycamore on allotment/housing boundary
Yarborough Cresc. B	No tree clearance required								
Wragby Road		1							
Melbourne Road			No tree o	learance	e required				
Clarence Street 'A'		2			4				Remove prunus on plot 7. Removal of 2 decaying
ယ့(Phase 1 additional)									sycamore near entrance gate.
0									

Total 81 15 1 3 10 2 1 0 00000000000000000000000000
---

Site	Ash	Cherry	Aspen	Poplar	Maple	Alder	Beech	Horse Chestnut	Notes
Boultham Glebe									Scrub growth predominantly self-set willow &
									elder
Long Leys Road	1	1		2	1				Hawthorn hedge trim along western boundary
Sincil Bank	1								Clearance of undergrowth
South Common			No Tree clea	arance rec	uired				
St Botolph's Cresc.	1								
Yarborough Cresc. B		·	No Tree clea	arance rec	uired				
Wragby Road									
Melbourne Road		·	No Tree clea	arance rec	uired				
Clarence Street 'A'								1	Removal of 1 stem of Horse Chestnut in danger
(Phase 1 additional)									of splitting out and causing damage to property
									behind allotment site. 20% thinning/crown lift of
									3 cherry trees on plot 19.

	Total	3	1	0	2	1	0	0	1	
--	-------	---	---	---	---	---	---	---	---	--





Together, let's deliver

www.lincoln.gov.uk

### Boultham Glebe(1)



- Introduce new paisade fence to riverside boundary. (red line – 550m)
- Clear perimeter drainage ditch. (light green line – 350m)
  - Will need all plots (2-32) to relinquish 3m at rear of plot to allow for clearance and planting to take place, creating a permanent 'maintenance strip' and to standardisation of the plot boundaries.
  - Iemporarily create clearance access points (yellow lines) for max, of 3 months. (as far as possible, we will use vacant plots as they become available). Plot owners may be asked to temporarily relinguish their plot).
  - Yellow lines are <u>indicative only</u> and should NOT be seen as definitive points of access.
  - IF any plots are affected, these will be returned to plot holders once clearance works completed. Plots will be fully rotovated and plot holders will have 1 year of rent-free gardening.
  - Estimated time of works 6-8 weeks. www.lincoln.gov.uk

# Long Leys Road & Long Leys Road 'A'

- New 5ft palisade gates and fencing at all entrances. (red line)
- Boundary hedge and ditch clearances. (green lines – 275m)
- Ditch clearances. (blue lines –
- Extend track after plot 60a. (orange line – 80m)
- Improvements to boundary hedge – infill planting with hedge whips only. (yellow line)

Lincoln council

 $\frac{\omega}{2}$ 



## Boultham Glebe (2)

- On-site drainage ditches fully cleared and re-established. (blue line – 750 - 850m)
- New drainage ditches to be installed to reduce flooded plots
- Clear undergrowth and old buildings and prepare plots for rent in green hatched box area.
- Clear and re-establish proper hard core (road planings) pedestrian access path for Elison Avenue plots following existing pathway. (orange line – 150m)
- Once boundary fence and clearance works are completed, responsibility for plot boundaries (blackthorn hedge) will pass to plot holders once hedge is properly established. This will be written into any subsequent tenancy agreements
- Consideration given to installation of electric gate closer/opener to aid site security





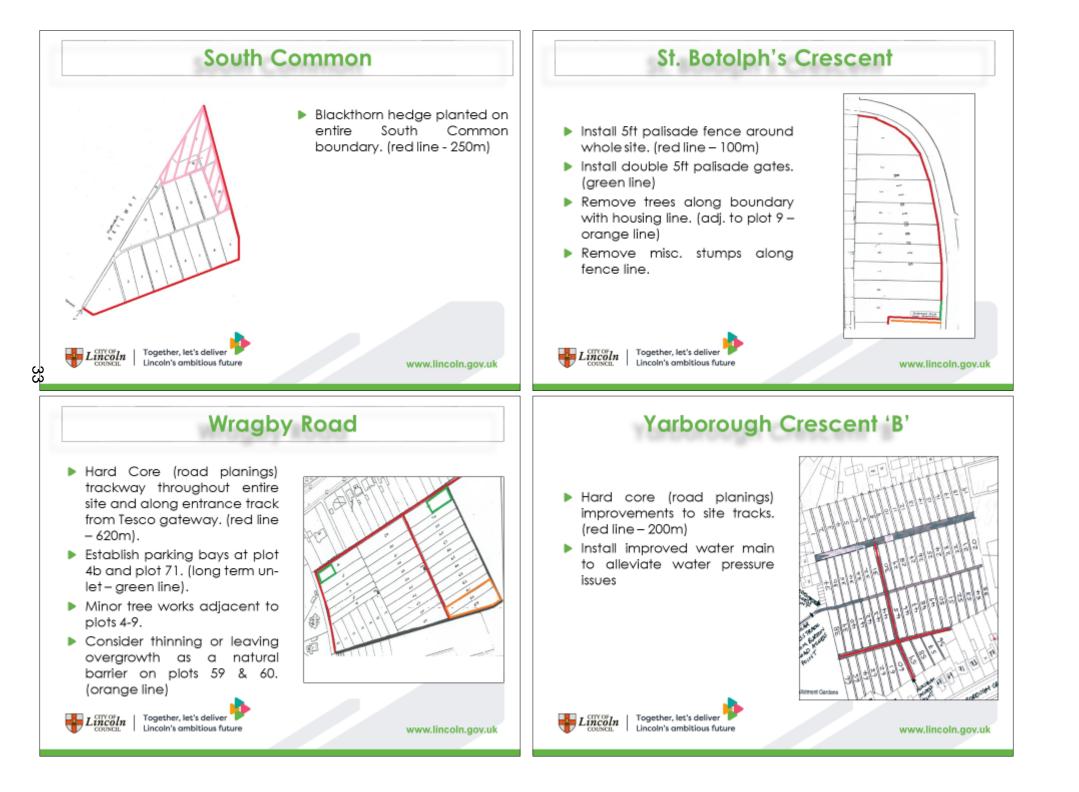
www.lincoln.gov.uk

## Sincil Bank

- Blackthorn hedge along Sincil Bank boundary. (orange line – 100m)
- Clearance of general undergrowth and brash. Extend temporary chestnut pale fence solution to provide security whilst hedge grows up.(orange line – 80m)
- Trimming and maintenance of hedge along school boundary down to 3ft. (red line – 150m)
- Hard core (road planings) track laid. (green line – 130m)
- Pailsade fence solution for corner of site. (Blue box - tbc)

Lincoln | Together, let's deliver





### For All Sites

- New fully enclosed double headed standpipes set in their own frost boxes to replace all existing water taps.
- Additional water taps on some sites where water pressure/supply is suitable to standard outlined above.
- A self-composting toilet on larger sites (subject to consultation and agreement by tenants).
- On larger sites, consideration given to designated areas where periodic woodchip & manure can be deposited by contractors (subject to consultation and agreement by tenants).
- On larger sites, consideration given to designated areas on sites where scrap metal, plastics and excess wood can be deposited for periodic collection (subject to consultation and agreement by tenants).
- Investigation of key card entry systems to replace traditional keys and padlocks.
- New corporate notice boards.



www.lincoln.gov.uk

#### SUBJECT: CONFIRMATION OF TREE PRESERVATION ORDER 155

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: MR KIERON MANNING, PLANNING MANAGER

#### 1. Purpose of Report

1.1 To have confirmed one (temporary) Tree Preservation Order made by the Planning Manager under delegated powers. The Order currently provides 6 months of temporary protection for the trees, but is required to be confirmed by the Planning Committee to provide long term future protection.

#### 2. Executive Summary

- 2.1 A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality.
- 2.2 The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.
- 2.3 The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.
- 2.4 The process of applying for work to protected trees allows for elected members, and members of the public to have an opportunity to comment on work to protected trees.

#### 3. Background

- 3.1 Tree Preservation Order 155 was made on 25 September 2017 protecting 14 Oaks, 6 Birch, 2 Copper beech, 2 Field Maple, 1 Cherry, a group of trees comprising 12 No. Limes and a group comprising mixed woodland of mainly Birch, Oak, Maple and Sycamore at located at Tritton Road/Moorland Avenue, Lincoln.
- 3.2 The trees are considered to contribute to the visual amenity of the area and the unauthorised removal of the trees would be considered to be detrimental to visual amenity.
- 3.3 The initial 6 months of protection would end for the Tree Preservation Order on 25 March 2018.

#### 4. Consideration

#### 4.1 Tree Preservation Order 155: 14 Oaks, 6 Birch, 2 Copper beech, 2 Field Maple, 1 Cherry, a group of trees comprising 12 No. Limes and a group comprising mixed woodland of mainly Birch, Oak, Maple and Sycamore at located at Tritton Road / Moorland Avenue, Lincoln as shown on attached schedule.

The reason for making a Tree Preservation Order on this site is to protect an important group of trees that provide a green edge to Tritton Road and which make a positive contribution to the appearance of the area.

The Arboricultural Officer identified the trees to be reasonably healthy and stable, having amenity value and providing a positive contribution to the amenity of the street scene and locality.

Following the statutory 28 day consultation period no objections have been received.

Confirmation of the Tree Preservation Order here would ensure that the trees could not be removed or worked on without the express permission of the Council.

#### 5. Organisational Impacts

5.1 Legal Implications – Anyone who wishes to carry out works to the trees will require consent from the City Council first.

#### 6. Recommendation

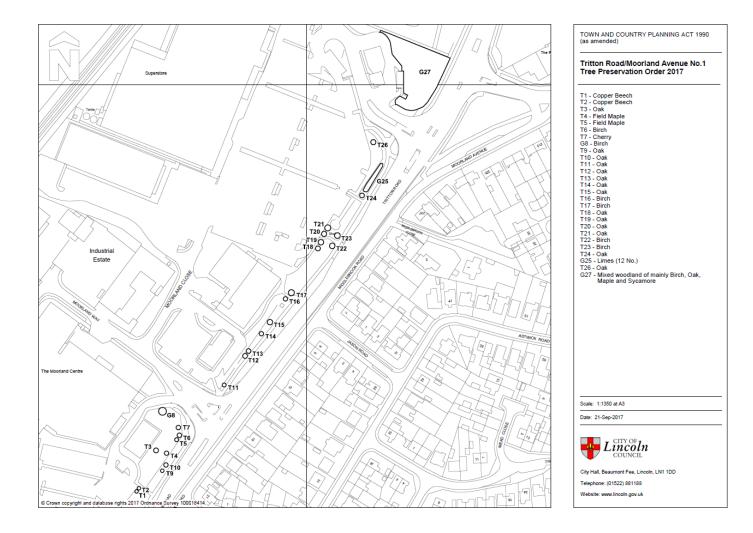
6.1 It is recommended Members confirm the Tree Preservation Order without modifications, and that the Officer carries out the requisite procedures for confirmation.

How many appendices does None the report contain?

List of Background Papers: None

Lead Officer: Kieron Manning, Planning Manager Telephone (01522) 873551 Tree Preservation Order 155, 14 Oaks, 6 Birch, 2 Copper beech, 2 Field Maple, 1 Cherry, a group of trees comprising 12 No. Limes and a group comprising mixed woodland of mainly Birch, Oak, Maple and Sycamore at located at Tritton Road / Moorland Avenue, Lincoln.

Map showing location of trees













This page is intentionally blank.

Application Number:	2017/1195/FUL
Site Address:	Land Adjoining Boultham Medical Practice, Boultham Park
	Road, Lincoln.
Target Date:	27th January 2018
Agent Name:	Studio-G Architecture
Applicant Name:	Mr Steff Wright
Proposal:	Erection of 10 retirement bungalows and associated car parking, together with a public car park for the users of Boultham Park, Lincoln.

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

The application site is situated in the north-west corner of Boultham Park, between the Boultham Health Centre to the west and the Park Tennis Courts, Bowling Green and Pavilion to the east. To the north are the rear gardens of residential properties on Western Avenue, and to the south is the Park footpath. It is accessed is by way of an existing access road which serves the adjacent Library and Health Centre, and runs parallel with the Park footpath.

Although the site falls within the boundary of the Park, it has no formal use and has not been cultivated or maintained for a number of years. Part of the site currently serves as an informal parking and storage area for construction works within and adjacent to the Park.

The site is being sold by City of Lincoln Council for development. The application has been submitted by Gusto Developments, the developers of the adjacent Home Grange retirement scheme by Longhurst and Havelock Homes.

#### Site History

No relevant site history.

#### Case Officer Site Visit

Undertaken on 27<sup>th</sup> July, 23<sup>rd</sup> August and 7<sup>th</sup> December 2017.

#### Policies Referred to

- Policy LP1: A Presumption in Favour of Sustainable Development
- Policy LP2: The Spatial Strategy and Settlement Hierarchy
- Policy LP10: Meeting Accommodation Needs
- Policy LP18: Climate Change and Low Carbon Living
- Policy LP22: Green Wedges
- Policy LP25: The Historic Environment
- Policy LP26: Design and Amenity
- Policy LP29: Protecting Lincoln's Setting and Character

#### <u>Issues</u>

- National and local planning policy
- Impact on visual amenity
- Impact on residential amenity

- Impact on designated and non-designated heritage assets
- Highway safety, access and parking
- Foul and surface water drainage
- Potential land contamination and other environmental impacts

#### **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
Lincoln Civic Trust	Comments Received
Lincolnshire Police	Comments Received

#### Public Consultation Responses

Name	Address
Mr And Mrs M S Croft	57 Western Avenue Lincoln Lincolnshire LN6 7SR
Guy Hird	J1 The Point Weaver Road Lincoln LN6 3QN
Laura Scott	

#### **Consideration**

The application proposes the erection of 10 two-bed retirement bungalows situated either side of a gated, secure block-paved pedestrian street. A private parking area, incorporating a communal bin store, would be sited in the south east corner of the site; and a 12no. space public car parking area for visitors and users of Boultham Park would be sited in the south west corner of the site, next to the site entrance.

Each bungalow would include a front porch which would be used to store an electric mobility scooter with an electric charging point adjacent to the level access entrance door.

#### National and Local Planning Policy

#### Meeting Accommodation Needs

Paragraph 50 of the National Planning Policy Framework (NPPF) outlines the Government's aim "to deliver a wide choice of high quality homes, and create sustainable, inclusive and mixed communities" that meet the needs of different groups in the community, including older people and people with disabilities. Planning Practice Guidance states "the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (DCLG Household Projections 2013)... [Planners] will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied" (Paragraph: 021 Reference ID: 2a-021-20160401; Revision date: 01 04 2016).

The applicant has indicated the proposed development would be for over 55s and would, therefore, contribute towards meeting specific accommodation needs as identified within the Central Lincolnshire Strategic Housing Market Assessment (Adopted July 2015). The use of the proposed bungalows as retirement dwellings would be restricted via a condition on an approved application.

Policy LP10 'Meeting Accommodation Needs' states proposals for 6 or more dwellings must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4 (2) 'Accessible and Adaptable Dwellings' of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical. The proposed development includes higher quality access provision than the basic provision required by Category M4(1) 'Visitable Dwellings' of the Building Regulations and, therefore, meets the abovementioned requirement. Higher accessible homes should be located close to any existing or proposed centre and public transport connections. The site is appropriately located close to a range of local services and amenities and established sustainable transport links to and from the city centre.

#### Principle of Development and Potential Impact on Green Wedge

The application site is not allocated for housing development within the Central Lincolnshire Local Plan (2017), but is considered an appropriate location for housing development within the Lincoln urban area, in accordance with the terms of Policy LP2 'The Spatial Strategy and Settlement Hierarchy'. Notwithstanding this, the site falls within the boundary of the 'Witham Valley Green Wedge'. Policy LP22 'Green Wedges' is permissive of development within Green Wedges provided it can be demonstrated that the development is not contrary or detrimental to the function and aims of Green Wedges; and it is essential for it to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.

Green Wedges prevent the physical merging of settlements, preserving their separate identity, local character and historic character; create a multifunctional 'green lung' to offer communities a direct and continuous link to the open countryside beyond the urban area; and provide an accessible recreational resource, with both formal and informal

opportunities, close to where people live. They also conserve and enhance local wildlife and protect links between wildlife sites to support wildlife corridors.

Boultham Park provides formal and informal recreational opportunities set within a wider green space. The proposed development would be sited on an unmanaged area of land in the north-west corner of Boultham Park, and would enhance public access to the Park and wider Witham Valley Green Wedge by providing 12no. car parking spaces for public use. Comments from residents of neighbouring properties on Western Avenue suggest the application site may have some ecological value, however, there is no evidence to support this view at present. Nevertheless, the applicant has agreed to undertake an ecological assessment of the site, and include mitigation such as bat and bird boxes within the proposed development, if needed. It is, therefore, considered appropriate to impose a condition on an approved application requiring an ecological assessment to be undertaken prior to the commencement of development.

Other relevant local planning policies, contained within the Central Lincolnshire Local Plan (2017), are referred to in subsequent sections of this report.

#### Impact on Visual Amenity

Policy LP26 'Design and Amenity' of the Central Lincolnshire Local Plan (2017) is permissive of new buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability.

The proposed development has been sympathetically designed taking account of its location within the park boundary close to the bowling green pavilion, and to the rear of residential properties on Western Avenue. Although the layout of the proposed development has been restricted in part by the requirement for a public parking area, it still relates well to the site and surroundings, and satisfies relevant design principles outlined in Policy LP26 'Design and Amenity'. Notwithstanding this, the proposed materials need further consideration, to ensure they sympathetically complement or contrast with the local architectural style. It is, therefore, considered appropriate to impose a condition on an approved application requiring details of materials to be agreed with officers prior to development.

#### Impact on Residential Amenity

In relation to both the construction and life of the development, 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 (Policy LP26 'Design and Amenity). The closest residential properties are located on Western Avenue to the north of the application site. The proposed bungalows at Plots 5 and 6 are located closest to the boundary, which is shared with the rear gardens of the properties at 51, 53, 55 and 57 Western Avenue; with the bungalow at Plot 5 being sited approximately 2.0 metres from the boundary, and the bungalow at Plot 6 approximately 3.0 metres from the boundary. Despite this relatively close proximity, there would be a separation distance of approximately 21.0 metres between existing and proposed properties, due to the size of the gardens to the rear of the properties on Western Avenue. Furthermore, the ridge heights of the proposed bungalows at Plots 5 and 6 would not exceed 4.7 metres and the

properties would not include any windows to their north facing side elevations facing the properties on Western Avenue. It is, therefore, considered the proposed development would not cause undue harm to the amenities which all existing and future occupants of these neighbouring properties may reasonably expect to enjoy.

#### Impact on Designated and Non-Designated Heritage Assets

#### Boultham Park

The application site is located within Boultham Park, which is one of three Historic Park and Gardens within the built up area of Lincoln. Consequently, proposals within Boultham Park should preserve or enhance its special character, setting and appearance, and respect its special historic context (Policy LP25 'The Historic Environment' and LP29 'Protecting Lincoln's Setting and Character). The proposed development would be sited on an area of unmanaged land, and has been sympathetically designed taking account of its location within the park boundary close to the bowling green pavilion.

The Arboricultural Survey and Report submitted with the application indicate approximately 70% of the trees on site would be removed as part of the proposed development. Whilst this is a large percentage the Survey and Report identify that the specimens marked for removal are of low amenity value and are will struggle to develop into decent specimens if left unmanaged. Removing the poor specimens and keeping the best will encourage those left to greatly improve. The City Council's Arboricultural Officer considered the proposals at pre-application stage, and advised the applicant on which trees should be retained.

#### Potential Archaeological Remains

An archaeological appraisal of the site indicates that it is located within an area which has potential to reveal archaeological remains associated with Roman Colonia Era Industrial Use and Boultham Medieval Village. It is, therefore, considered appropriate to impose a condition on an approved application requiring archaeological monitoring and recording to take place during construction.

#### Highway Safety, Access and Parking

The layout of the proposed development has been restricted by the requirement for a public parking area. Notwithstanding this, the application proposes the incorporation of an adoptable standard turning head facility as an extension of the existing adopted highway, i.e. the access road to the site. Lincolnshire County Council, as Highways Authority, has considered the proposals at both pre-application and application stage, and specified the level of detail required to enable the proposals to be adopted.

A contribution of £10,000 would be required towards the improvement of the existing pedestrian crossing on Boultham Park Road, which links to the access road to the site and the north entrance to Boultham Park. Discussions are ongoing with Lincolnshire County Council, as Highways Authority, regarding how this contribution can best be secured.

#### Foul and Surface Water Drainage

#### Foul Water

The application indicates the proposed development would connect to an existing foul

sewer, however, Anglian Water has indicated that this would lead to an unacceptable risk of flooding downstream. Consequently, a foul water drainage strategy would need to be prepared in consultation with Anglian Water to determine appropriate mitigation measures. It is, therefore, considered appropriate to impose a condition on an approved application requiring the applicant to prepare and submit a foul water strategy prior to development.

#### Surface Water

The application proposes a sustainable surface water drainage system, using permeable road and paving surfaces with attenuated run-off to soakaways and large underground crates providing additional holding capacity. Whilst this is considered acceptable in principle, Lincolnshire County Council (as Lead Local Flood Authority) has indicated that additional information is required, to determine whether the proposed method of surface water disposal is viable. It is, therefore, considered appropriate to impose a condition an approved application requiring the applicant to prepare and submit a surface water strategy, including details of ground investigations and hydraulic calculations, prior to development.

#### Potential Land Contamination and other Environmental Impacts

The Phase 1 Desktop Report submitted with the application does not identify any potential contaminated that may affect the proposed development. Nevertheless, it is considered appropriate to impose a condition on an approved application requiring any unexpected contamination to be reported to City Council in the event that it is found.

The application suggests electric vehicle recharge points would be installed as part of the proposed development, but does not provide specific details of the number and types of points to be provided. The City Council's Pollution Control Officer has, therefore, requested that this information is required by a condition on an approved application. Midland Energy Services has produced an initial energy strategy for proposed development, which recommends several measures that would reduce energy consumption and associated CO<sup>2</sup> emissions from the proposed bungalows, in accordance with the hierarchy outlined in Policy LP18 'Climate Change and Low Carbon Living' of the Central Lincolnshire Local Plan (2017).

Details of external lighting to parking and access areas have not been provided as part of the application, therefore, it is considered appropriate to impose a condition on an approved application to ensure sympathetically designed lighting is used within the development.

#### Lincoln Townscape Assessment

The application site is situated within the Boultham Park Character Area which comprises a public park, civic and commercial buildings and leisure facilities in the grounds of the former 19th century Boultham Hall Estate. The Character Area lies on an area of former scrub woodland and drained wetland in the Witham valley. St. Helen's Church is the only survival of the former medieval settlement around Boultham. Although extensively remodelled in the 19th century it retains some 13th-century elements and the foundation may date from as early as the 10th or 11th century.

Elements surviving from the 19th-century Boultham Hall estate include the lake of 1851, the site of Boultham Hall itself, gates, a fountain, footpaths and Home Farm. Boultham

Park is now a public park with large grassed areas, ornamental woodland, a yew walk, bowling green, tennis court, children's playground and a bandstand.

From the late Inter-War Period [1919-1945] to the Modern Period [1967-2009] a number of civic and commercial buildings were built along Boultham Park Road including Parklands Hotel, Boultham Library and Boultham Medical Practice. These form part of a small commercial centre around Boultham Park Road roundabout. However, there is no urban public space near the civic and commercial buildings. There are good pedestrian connections between the park and surrounding areas in all directions.

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

Yes, at pre-application and during process of application, details in report.

#### Financial Implications

Legal agreement needed for financial contribution towards improvement of Boultham Park Road pedestrian crossing (details in report).

#### Legal Implications

None.

#### **Equality Implications**

None.

#### **Conclusion**

The proposed development would provide much needed accommodation for older people within the city, has been sympathetically designed taking account of its location within the park boundary close to the bowling green pavilion, and neighbouring residential properties; and would not cause undue harm to the amenities of adjoining residents, the wider residential area, or the environment in accordance with relevant policies and guidance contained within the Central Lincolnshire Local Plan (2017) and National Planning Policy Framework (2012).

#### 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

- 03) Ecological assessment
- 04) Details of materials
- 05) Foul water strategy
- 06) Surface water strategy

#### Conditions to be Discharged before Use is Implemented

- 07) Details of numbers and types of electric vehicle recharge points
- 08) External lighting scheme and assessment of off-site impact

#### Conditions to be Adhered to at all Times

- 09) Restriction on use of bungalows as retirement dwellings
- 10) Archaeology
- 11) Reporting of unexpected contamination

#### Table A

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

Drawing No.		Version	Drawing Type	Date Received	
Design	and	Access		Other	27th October 2017
Sta	tement				
427-A-003				Other	27th October 2017
427-A-004				Elevations	27th October 2017
427-A-005	427-A-005 Elevations 27th Octobe		27th October 2017		
427-A-006	06 Elevations 27th October 20		27th October 2017		
427-A-007	427-A-007 Elevations 27th October		27th October 2017		
427-A-008	427-A-008 Elevations 27th October		27th October 2017		
427-A-009				Elevations	27th October 2017
427-A-010 Other 27		27th October 2017			
427-A-011			Streetscape	27th October 2017	
427-A-012	A-012 Other 27th October 201				27th October 2017

427-A-014	Other	27th October 2017
427-A-015	Other	27th October 2017
Site Aerial Views	Other	27th October 2017
Tree report	Other	27th October 2017
427-A-001C	Site plans	14th Decembe
		2017
427-A-17	Site plans	15th Novembe
		2017
427-A-002B	Site plans	15th Novembe
		2017
Midlands Energy Services	Other	15th Decembe
Report		2017
Supporting information	Email	14th Decembe
		2017

This page is intentionally blank.

2017/1195/FUL Retirement bungalows at Boultham Park











View north towards properties on Western Avenue (after site clearance)



This page is intentionally blank.



В	151117	Site area expanded	IRD	GF
A	251017	Site Boundary amended	EC	GF
rev	date	rev notes	drn	chkd
C				

ARCHITECTS 

ENGINEERS 

DEVELOPMENT CONSULTANTS

The Business Centre 

Rio Drive Collingham 

Newark Nottinghamshire 🛛 NG23 7NB T: 01636 894913 F: 01636 894909

E: studio@sga-llp.co.uk W:www.sga-llp.co.uk

Gusto Developments

Understand Home Green ∠ Lincoln

Site Location Plan

DWG NO	427 -A-002	REV	В	DRN	IRD	CHKD	GF
SCALE @ A1	1 : 500			DATE	Sept 17		


# PLANNING

COPYRIGHT © This drawing and any design thereon is the copyright of Studio-G Associates IIp and must not be reproduced without their written consent.

Contractors must verify all dimensions on site before commencing any work or making any shop drawings. No dimensions are to be obtained by scaling from this drawing. All materials specified on this drawing are to be used strictly in accordance with the manufacturers details, recommendations and current codes of practice.



Site Plan in Context 1:500

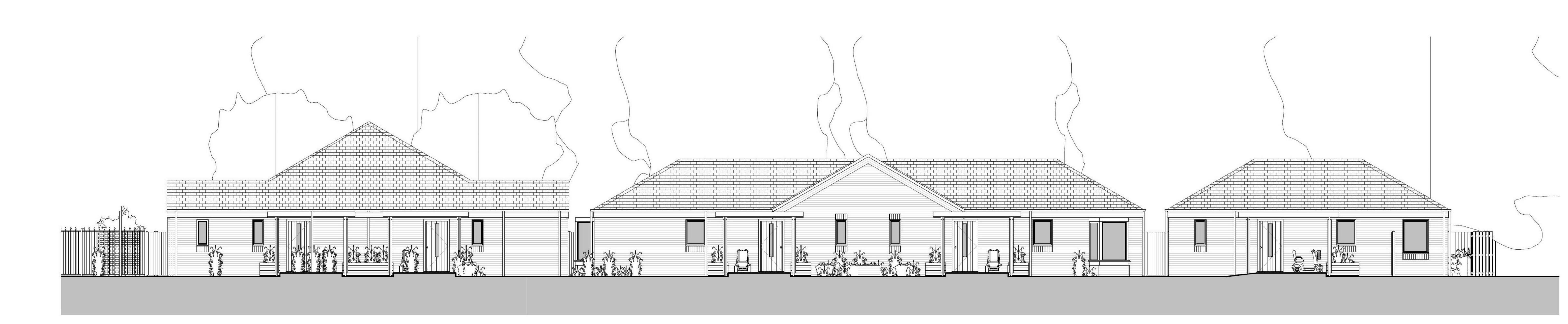




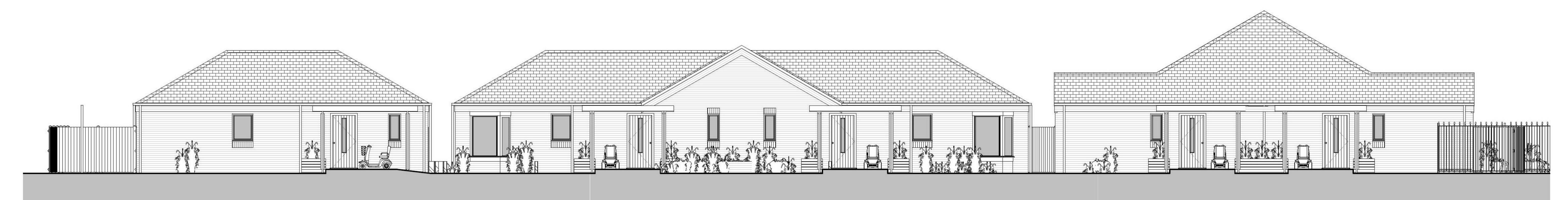
COPYRIGHT © This drawing and any design thereon is the copyright of Studio-G Associates IIp and must not be reproduced without their written consent.

drawing. All materials specified on this drawing are to be used strictly in accordance with the manufacturers details, recommendations and current codes of practice.

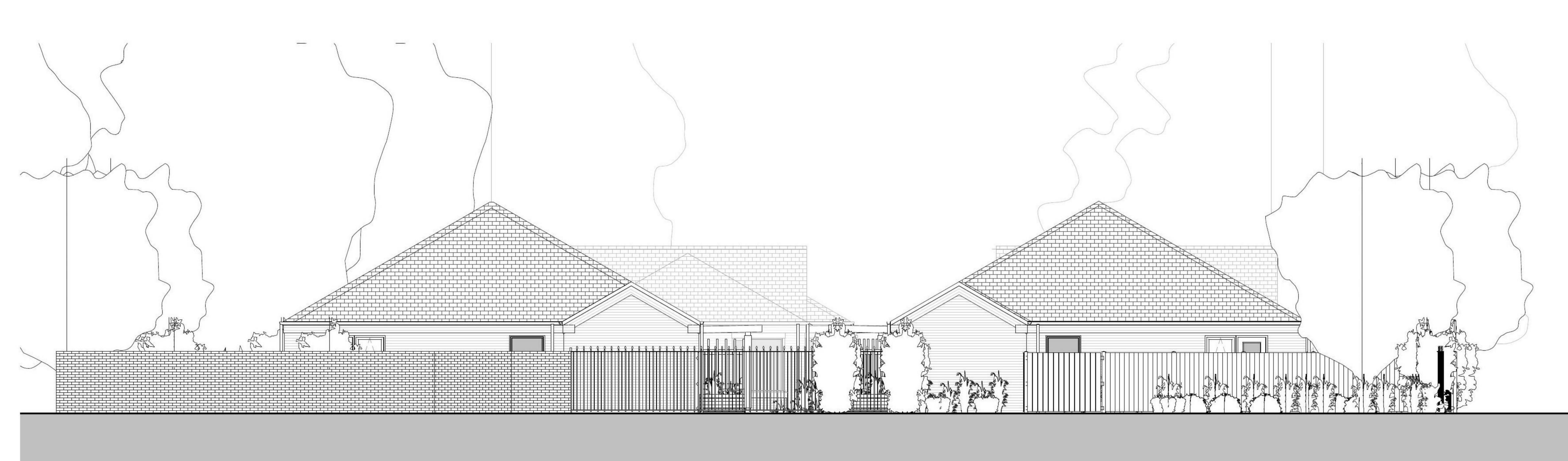
Contractors must verify all dimensions on site before commencing any work or making any shop drawings. No dimensions are to be obtained by scaling from this



**Street Elevation 1 - East** 1:100



**Street Elevation 2 - West** 1:100



**Street Elevation 3 - South** 1:100



rev date revnotes

The Business Centre 

Rio Drive

T: 01636 894913 F: 01636 894909

E: studio@sga-llp.co.uk W:www.sga-llp.co.uk

Home Green

Gusto Developments

Collingham 

Newark

∠ Lincoln

427 -A-011

Street Elevations

drn chkd

ARCHITECTS 

ENGINEERS 

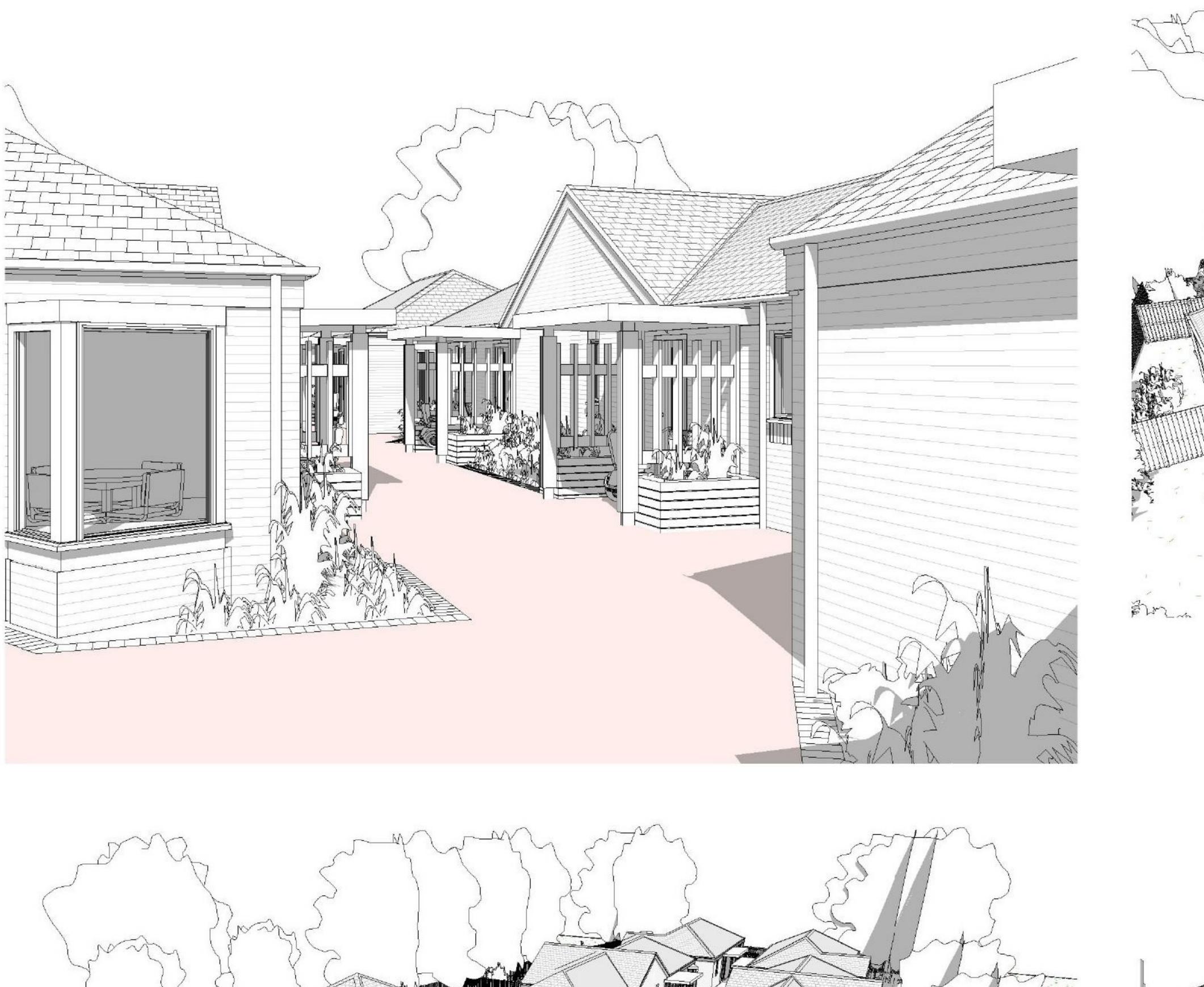
DEVELOPMENT CONSULTANTS

금 RD 문 GF

COPYRIGHT © This drawing and any design thereon is the copyright of Studio-G Associates IIp and must not be reproduced without their written consent.

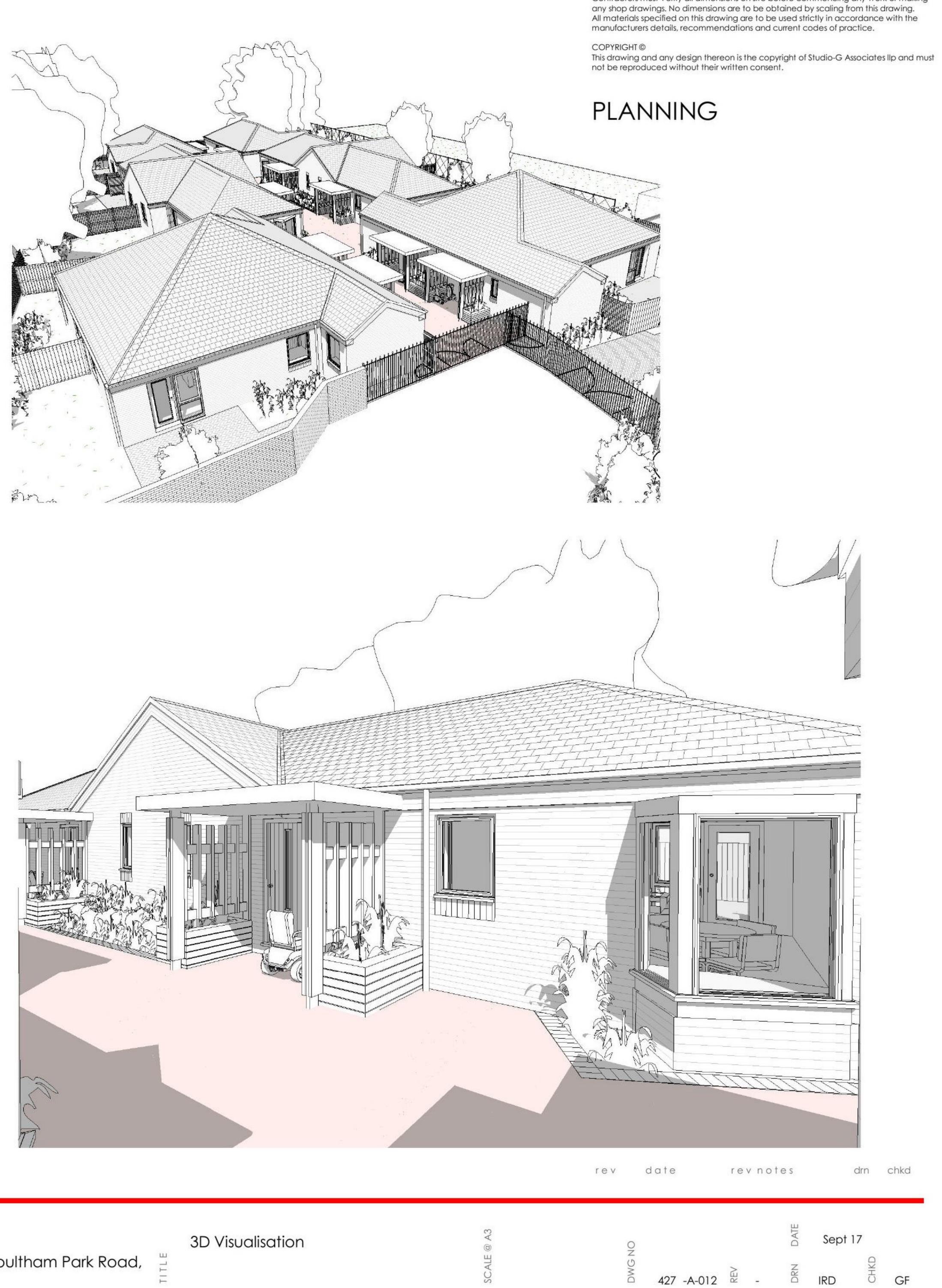
All materials specified on this drawing are to be used strictly in accordance with the manufacturers details, recommendations and current codes of practice.

Contractors must verify all dimensions on site before commencing any work or making any shop drawings. No dimensions are to be obtained by scaling from this drawing.





SC 

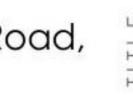


Gusto Developments



Home Green

Boultham Park, Boultham Park Road, Lincoln



Contractors must verify all dimensions on site before commencing any work or making any shop drawings. No dimensions are to be obtained by scaling from this drawing. All materials specified on this drawing are to be used strictly in accordance with the manufacturers details, recommendations and current codes of practice.

#### Davies, Amy (City of Lincoln Council)

From: Sent: To: Subject: Laura Scott 15 November 2017 20:42 Technical Team (City of Lincoln Council) Planning Permission

Dear Sir/Madam

I have just received a letter regarding planning permission for the land adjoining Boultham Park Medical Practice and Boultham Park Road. I live behind the GP surgery on Western Avenue and while its great that the area is being developed we have had a year of limited parking on our street and vans being everywhere including obscuring the view in and out of driveway.

I am unable to view the plan as your server is down so I cannot see the actual plan. My initial concern is the disruption which I would like you to consider and address.

Thank you

Laura Scott

Mr & Mrs M S Croft 57 Western Avenue Lincoln LN6 7SR

Mr Kieron Manning – Planning Manager City of Lincoln Council Development Team City Hall Beaumont Fee Lincoln LN1 1DF

27 November 2017

Dear Mr Manning,

### Ref: 2017/1195/FUL – Erection of 10 retirement bungalows and associated car parking, together with a public car park for the users of Boultham Park, Lincoln

We are writing to you with reference to the aforementioned planning application.

It is important to note that as professionals within the design and development industry our letter should not be considered a NIMBY response to the proposed development nor are we in objection to development of the land in principle. However, having reviewed the planning documents associated with the application there are several areas of concern which we do object to and would like to raise questions about in the hope that these points will be considered in the deciding of this application.

Whilst we appreciate the need for development, we also understand the criticality of public consultation prior to submission of a planning application, it is disappointing in this instance that it appears no prior consultation with local residents has taken place which may have identified earlier some of the points raised within our letter of objection to the existing proposals.

#### Surrounding Area

As residents of Western Avenue with a property backing onto the proposed development site we find it disappointing that the properties directly affected by this development are not fully/ at all indicated on either the Site Location Plan (Dwg no 427-A-002 Rev A) or Site Plan (Dwg no 427-A001 Rev C). How the impact of the proposed development on neighbouring residential properties can be assessed when they have been omitted from all plans is questionable, in fact their absence from the drawings suggests that little attention has been paid to this at all. It is disappointing that the City of Lincoln Council have accepted these drawings as part of the application when they do not fully assess impact on the surrounding areas. The site plan itself is misleading, the green hatch to the North boundary does not identify the neighbouring boundaries and rather alludes to this as being vacant land rather than the curtilage of residential properties.

We would like to see resubmissions of both the Site Location Plan and the Site Plan to include, as a <u>minimum, the properties and the extent of their rear gardens on Western Avenue directly adjacent to</u> <u>the development site so that a fair impact assessment can be made</u>. We feel that this would show that the proposed layout for the site is indeed an anomaly to the urban grain of the area which is heavily characterised by houses situated within generous plots, and where these houses are backed onto by other residential properties then these are also sited within generous plots so there is a good distance between each dwelling. The current proposed site plan shows that Plot 5 is approximately 2m away from the site boundary, completely out of character with the surrounding area and reflects that the 10no. bungalows have been densely packed into the site. The view from the properties on Western Avenue bordering this development will be of gable ends which is not evident within the local area.

## Ecological Impact

A further concern is with regards to the heavy loss of mature trees within the site, whilst both the Design and Access Statement and Arboricultural report may claim the trees are of limited amenity value, as residents with direct views of these trees and the privacy they provide we would strongly argue otherwise.

From our perspective T4, T5, T6 and T7 are of particular interest to retaining the privacy our property currently enjoys and whilst we are pleased to see that T7 is proposed to be retained, would question the measures being taken to protect its RPA from the construction works given that Plot 5 must fall within its designated RPA. If, through negligence on behalf of the appointed contractor this tree was lost it would have a dramatic effect on the outlook experienced from our property and its residential amenity.

There seems to be a lack of an ecological survey demonstrating that the loss of these trees would not impact on the local wildlife, as residents we are aware of nesting birds and evidence of bats roosting in and around the area. We would wish to understand, and have sight of all ecological impact surveys undertaken on the site to demonstrate that consideration has been given to the ecological impact of removing mature trees and habitat for birds, bats and other protected species.

Noise and Disturbance

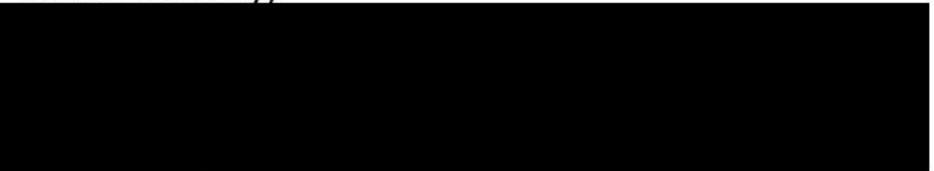
We would like, as part of the decision process, for the proximity of the proposed development site to existing residential properties to be taken into very careful consideration and would ask that should consent to develop the site be granted that reasonable hours of construction activity are implemented and that no weekend working is permitted. The construction noise from the existing Boultham Park development project is almost bearable, but considering these works will practically be taking place in our back garden we will have minimal respite from the noise, coupled with the arrival of our new born baby continuous construction noise would have a significant impact on our lives.

## Highway Safety and Congestion

As with the above point raised, should planning permission be granted for the development of the site we would also like to see that a condition be imposed that requires a detailed Construction Management and Traffic Plan be developed and approved by City of Lincoln Council prior to commencement of works on site. At present, with the current development works taking place in and around Boultham Park, a large number of contractor and trade vehicles line both sides of Western Avenue during the day. These are parked from early in the morning until late in the evening and severely obstruct vision splays upon entering Western Avenue and upon existing individual drive ways. This is particularly worrisome in the mornings when there is an abundance of school children with minimal highways awareness making their way to the local schools, many cycle on the footpath or on the road and the transit vans limit views when travelling along Western Avenue. Western Avenue is a residential street not a car park for contractors and sufficient provision needs to be made by Gusto Developments to ensure that contractors car parking requirements are met on their development site and do not impact on the surrounding area.

We would welcome the opportunity to discuss the points raised above further, and indeed if necessary would welcome relevant members of the Development Team to 57 Western Avenue to appreciate the impact the loss of the trees and the development on the site would have on our property, we can be contacted on either

Yours Sincerely,



Mr Matthew Croft Mrs Sophie Croft

## Davies, Amy (City of Lincoln Council)

rom: George, Lee (City of Lincoln C			
Sent:	15 December 2017 11:21		
To:	Davies, Amy (City of Lincoln Council)		
Subject:	RE: 2017/1195/FUL		

Hi Amy

As per our conversation, I am happy with changes regarding the new gate way and that the chain link fence along the tennis court will be repaired / renewed to protect the boundary. Regards Lee

Lee George **Community Contracts Officer T** 01522 873412







City of Lincoln Council City Hall, Beaumont Fee, Lincoln, LN1 1DF http://www.lincoln.gov.uk/doitonline

Read more about our vision >

From: Davies, Amy (City of Lincoln Council) Sent: 15 December 2017 10:44 To: George, Lee (City of Lincoln Council) <Lee.George@lincoln.gov.uk> Subject: RE: 2017/1195/FUL

Good morning Lee

Amended site plan and supporting information enclosed for your consideration and comments.

## **Car Parking for Park Users**

As discussed, we have now indicated a pedestrian / mobility scooter access gate to be put into the existing metal railings adjacent to the car park entrance, as indicated on drawing number 427-A-001D which is attached.

Lighting details – could these please be handled as a condition in the planning determination document.

Kind regards

Amy

1

Amy Davies Planning Officer T 01522 873579

From: George, Lee (City of Lincoln Council)
Sent: 28 November 2017 15:36
To: Technical Team (City of Lincoln Council) <<u>technicalteam@lincoln.gov.uk</u>>
Subject: 2017/1195/FUL

## Good afternoon

Following up on the above application. The Community Services Team would like to suggest that a permanent gate and path is installed in Boultham park so user can access the park without having to go back down the road to the main gate. I have also noted that on the plans there is no provision for any fencing to be installed along the boundary with the tennis courts. Could this please passed onto the developer for suggestion. I am happy to meet on site or discuss further if required.

Regards

Lee

Lee George Community Contracts Officer

T 01522 873412 or 07799 470207



Together, let's deliver Lincoln's ambitious future

City of Lincoln Council City Hall, Beaumont Fee, Lincoln, LN1 1DF http://www.lincoln.gov.uk/doitonline

Read more about our vision **b** 

## 2

#### Davies, Amy (City of Lincoln Council)

From:	Capital_Development <capital_development@lincolnshire.gov.uk></capital_development@lincolnshire.gov.uk>
Sent:	23 November 2017 15:20
To:	Technical Team (City of Lincoln Council)
Subject:	RE: Consultation on Planning Application
Categories:	Louise Taylor

Hi Amy

Are you able to confirm the following in relation to this application please: That the dwellings will be restricted by condition/s.106 to be retirement dwellings. That the combined gross internal area of the development is below 1,000m<sup>2</sup>

This will enable me to give a view on this application.

Kind regards

Simon

Simon Challis Strategic Development Officer Corporate Property

Lincolnshire County Council | County Offices | Newland | Lincoln | LN1 1YL

Tel: 01522 553391 | Mob: 07920 182302 | email: simon.challis@lincolnshire.gov.uk

This e-mail may include legally privileged information and may contain confidential information intended only for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination of information contained herein, together with the distribution or copying of this e-mail, is strictly prohibited. If you have received this e-mail in error, please notify me by return e-mail. Thank you.

If your email is a request under the Freedom of Information Act then please send this to foi@lincolnshire.gov.uk. This is the email account that is used to process Freedom of Information requests.

-----Original Message-----From: developmentteam@lincoln.gov.uk [mailto:developmentteam@lincoln.gov.uk] Sent: 10 November 2017 07:20 To: Capital\_Development Subject: Consultation on Planning Application

Dear Mr Simon Challis

Please find attached consultation for Planning application reference 2017/1195/FUL

Regards

Development Team City of Lincoln Council City of Lincoln Council is a Living Wage employer. If you would like to know more about the Living Wage, or sign up to the Making Lincoln Living Wage campaign, please visit www.lincolnagainstpoverty.co.uk/livingwage

This transmission is intended for the named addressee(s) only and may contain sensitive or classified material up to OFFICIAL and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. Please also notify the sender immediately Under the Data Protection Act 1998 and the Freedom of Information Act 2000 the contents of this email may be disclosed.

The City of Lincoln Council reserves the right to monitor both sent and received emails.

# Consultee Comments for Planning Application 2017/1195/FUL

#### **Application Summary**

Application Number: 2017/1195/FUL Address: Land Adjoining Boultham Medical Practice Boultham Park Road Lincoln Proposal: Erection of 10 retirement bungalows and associated car parking, together with a public car park for the users of Boultham Park, Lincoln. Case Officer: Amy Davies

#### **Consultee Details**

Name: Ms Catherine Waby Address: St Mary's Guildhall, 385 High Street, Lincoln LN5 7SF Email: lincolncivictrust@btconnect.com On Behalf Of: Lincoln Civic Trust

#### Comments

No Objection

# 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. 2017/1195/FUL

17th November 2017

Development & Environmental Services City Hall, Beaumont Fee

Lincoln, LN1 1DF

Land adjoining Boultham Medical Practice, Boultham park Road, Lincoln (10 Retirement Bungalows)

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

Lincolnshire Police has no formal objections to the planning application.

This is an excellent design and layout making good use of a small cul-de-sac style plan with excellent fields of natural crossing surveillance enhancing the opportunities for social and community cohesion. Such a design has been proven to help reduce the opportunities for crime and disorder.

## **External Doors and Windows**

**Building Regulations** (October 1<sup>st</sup> 2015) provides that for the first time all new homes will be included within Approved Document Q: Security – Dwellings (ADQ).

Approved document Q applies to all new dwellings including those resulting from change of use, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas.

This will include doors at the entrance to dwellings, including all doors to flats or apartments, communal doors to multi-occupancy developments and garage doors where there is a direct access to the premises. Where bespoke timber doors are proposed, there is a technical specification in Appendix B of the document that must be met.

Windows: in respect of ground floor, basement and other easily accessible locations.

The secured by design requirement for all dwelling external doors is PAS 24.2016 (doors of an enhanced Security) or WCL 1 (WCL 1 is the reference number for PAS 23/24 and is published by Warrington Certification Laboratories).

All ground floor windows and doors and those that are easily accessible from the ground must conform to improved security standard PAS24:2016. Window retainers should be provided on all windows that are accessible.

# Lighting

Lighting should be designed to cover the external doors and be controlled by *photoelectric cell* (dusk to dawn) with a manual override. The use of low consumption lamps with an efficacy of greater than 40 lumens per circuit watt is required; it is recommended that they be positioned to prevent possible attack.

### **Door Chains and viewers**

A door chain must be installed on the door set that the occupier would expect to be the main entry (front) door. A door viewer must also be fitted between 1200 mm and 1500 mm from the bottom of the door (not required if the door set is installed with clear glazing or adjacent windows provide a clear view of the front door entrance).

### Landscaping

Any landscaping should be kept to a maximum growth height of 1 metre. Whilst any trees should be pruned up to a minimum height of 2 metres, thereby maintaining a clear field of vision around the development. Trees when fully grown should not mask any lighting columns or become climbing aids.

Boundaries between public and what is private space should be clearly defined and open accessible spaces should not allow for any unintended purpose which may cause any form of anti-social behaviour or nuisance. I would recommend that these spaces are defined clearly by low level (carefully considered) planting of limited growth height and maintenance shrubbery (maximum growth height of 1m).

# **Bin Storage**

Internal communal bin and bicycle stores within blocks of flats must have no windows and be fitted with a secure door set that meets the same physical specification as 'front door' and specifically Section 2, paragraphs 21.1 to 21.6 and 21.8 to 21.13.

This will ensure that such stores are only accessible to residents. The locking system must be operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. A bicycle store must also be provided with stands with secure anchor points or secure cycle stands.

External bins stores and home composting containers (supplied to meet 'Code for Sustainable Homes' 'Was 3') should be sited in such a way that they cannot be used as a climbing aid to commit crime.

## Utilities

In order to reduce the opportunities for theft by 'bogus officials' the utility meters should, where possible, be located to the outside of the dwelling at a point where they can be overlooked. This will negate the need for an official to enter the building in order to read a meter, which will in turn reduce the opportunity for distraction burglary. Where possible utility meters in multi occupancy developments should be located on the ground floor between access controlled doors (air lock system) so that access can be restricted to the meters

Note 33.1: Where a utility provider refuses to provide external meters, and there is an obvious (historic) risk of distraction burglary within the location, the developer should consider an alternative supplier.

I would recommend that the developer applies for a Secured by Design award for this application; application forms are available on <a href="https://www.securedbydesign.com">www.securedbydesign.com</a>

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

Please refer to New Homes 2016 which can be located on www.securedbydesign.com

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 Dip Bus. Force Crime Prevention Design Advisor

74



### **Environment & Economy**

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

To: Lincoln City Council

Application Ref: 2017/1195/FUL

With reference to this application dated 27 October 2017, relating to the following proposed development:

Address or location

Land Adjacent To Boultham Park, Boultham Park Road, Lincoln, Lincolnshire

Date application referred by the LPA 10 November 2017 Type of application: Outline/Full/RM/: Full Planning Application

Description of development

# Erection of 10 retirement bungalows and associated car parking, together with a public car park for the users of Boultham Park, Lincoln

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



Requests that the Local Planning Authority request the applicants to provide additional information as set out below.

# CONDITIONS (INCLUDING REASONS) /REASONS FOR REFUSAL/ADDITIONAL INFORMATION REQUIRED

The Highway and Lead Local Flood Authority (HLLFA) would make the following comments:

# **Highways**

The HLLFA will require the following information:

- A shaded block plan/site plan showing the proposed adoptable turning head extension to the existing public highway, geometry in line with Lincolnshire's design guide. Please include proposals for continuation/access of the existing footway link.
- Proposals for draining this section of adoptable highway.

The above will require adoption under Section 38 of the Highway Act 1980.

# **Drainage**

As the site exceeds 10 dwellings it will require draining via SUDs principles. Generally for full planning the (HLLFA) will require the following:

- A Flood Risk Statement/Assessment
- A Drainage Strategy incl. adoption &/or maintenance proposals & sketch layout plans
- A detailed development layout showing surface water drainage infrastructure
- Detailed hydraulic calculations
- Geotechnical interpretive reports (e.g. assessment of infiltration & groundwater table levels)
- Discharge and adoption agreements

Only part of the above information has been submitted. The principles outlined in this application for the drainage are acceptable; however ground investigation to determine suitability for infiltration/ground water table levels along with hydraulic calculations will be required at this stage. A flood risk statement will also be required assessing the site in terms of flood risk.

A contribution of £10,000 will be required via S106 towards the improvement of the existing pedestrian crossing on Boultham Park Road.

Case Officer: John Clifton

Date: 30/11/17

for Warren Peppard County Manager for Development

From:	Guy Hird
Sent:	Fri, 24 Nov 2017 14:35:38 +0000
To:	'HighwaysSUDsSupport@lincolnshire.gov.uk';Technical Team (City of Lincoln
Council)	
Subject:	FW: Observations on Consultation Request 2017/1195/FUL

UD-3755-2017-PLN

Dear Sir/Madam

### REFERENCE: 2017/1195/FUL

DEVELOPMENT: Erection of 10 retirement bungalows and associated car parking, together with a public car park for the users of Boultham Park, Lincoln LOCATION: Land Adjacent To Boultham Park, Boultham Park Road, Lincoln, Lincolnshire

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

### 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. The applicant indicates the use of SuDS including permeable surfacing and soakaway with no direct discharges form site. However there are no investigations or calculations included in the application.

Regards

Guy Hird Engineering Services Officer

Witham First District Internal Drainage Board Witham Third District Internal Drainage Board Upper Witham Internal Drainage Board North East Lindsey Drainage Board J1 The Point, Weaver Road, LINCOLN, LN6 3QN. 01522 697123

\*\*\*\* Disclaimer\*\*\*\* The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission,dissemination or other use, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from your computer. Any correspondence with the sender will be subject to automatic monitoring. Please note that neither the Board or the sender accept any responsibility for viruses and it is your responsibility to scan attachments (if any). -----Original Message-----From: hp\_eplanning@lincolnshire.gov.uk [mailto:hp\_eplanning@lincolnshire.gov.uk] Sent: 20 November 2017 2:51 PM To: Planning and Consents <planning@witham3idb.gov.uk> Subject: Observations on Consultation Request

Dear Sir/Madam

REFERENCE: 2017/1195/FUL

DEVELOPMENT: Erection of 10 retirement bungalows and associated car parking, together with a public car park for the users of Boultham Park, Lincoln LOCATION: Land Adjacent To Boultham Park, Boultham Park Road, Lincoln, Lincolnshire

The County Council has received the above application for consultation.

Your comments are requested to be returned to <u>HighwaysSUDsSupport@lincolnshire.gov.uk</u> and it would be appreciated if these are returned as soon as possible, but in any case within 14 days of this email. If your observations are not received within the specified time then it will be assumed that you have no comments to make on this application.

Should you require an extension to the period of consultation for any reason, or wish to discuss any matter direct with the lead officer, please email <u>HighwaysSUDsSupport@lincolnshire.gov.uk</u>.

Yours faithfully

Highways Support on behalf of Flood Risk and Development Manager Phone: 01522 782070

------ Note: We are a Microsoft Office site. Our base version is 2010. Please make sure that files you send can be read in this format. Any form of reproduction, dissemination, copying, disclosure, modification, distribution and/or publication of this e-mail is strictly prohibited save unless expressly authorised by the sender. The information contained in this message is intended for the named recipients only. It may contain privileged and confidential information and if you are not the addressee or the person responsible for delivering this to the addressee, you may not copy, distribute or take action in reliance on it. If you have received this message in error, please notify the sender(s) immediately by telephone. Please also destroy and delete as soon as possible the message from your computer.

***************************************
***************************************



# **Planning Applications – Suggested Informative**

# **Statements and Conditions Report**

AW Reference:	00024948
Local Planning Authority:	Lincoln City Council
Site:	Boultham Park Road, LINCOLN - Boultham
Proposal:	Erection of 10 retirement bungalows and associated car parking, together with a public car park for the users of Boultham Park, Lincoln.
Planning Application:	2017/1195/FUL

Prepared by: Pre-Development Team

Date: 08 December 2017

# If you would like to discuss any of the points in this document please contact me on 0345 606 6087 or email planningliaison@anglianwater.co.uk

# ASSETS

## **Section 1 – Assets Affected**

1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."

# WASTEWATER SERVICES

# Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Canwick Water Recycling Centre that will have available capacity for these flows.

# Section 3 – Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

# Section 4 – Surface Water Disposal

4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the

drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

### **Section 5 – Trade Effluent**

5.1 Not applicable

### Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

### Foul Sewerage Network (Section 3)

### CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

## REASON

To prevent environmental and amenity problems arising from flooding.

82

#### CITY OF LINCOLN COUNCIL DIRECTORATE OF DEVELOPMENT & ENVIRONMENTAL SERVICE

#### MEMORANDUM

To: Development Team Development Control From: Ian Wicks, Pollution Control Officer

Planning Ref: 2017/1195/FUL

Date: 17 November 2017

Erection of 10 retirement bungalows and associated car parking, together with a public car park for the users of Boultham Park on land adjoining Boultham Park Medical Practice, Boultham Park Road, Lincoln

Further to your consultation on the above application, I would make the following comments:

#### Contaminated Land

With regard to the above planning application I would advise that the following condition should be included in any consent granted.

#### Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval, in writing, of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### Air Quality and Sustainable Transport

Whilst it is acknowledged that the proposed development, when considered in isolation, is unlikely to have any 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.

The NPPF seeks to promote and enable sustainable transport choices and, in doing so, aims to protect and enhance air quality. Paragraph 35 of the NPPF states ".... developments should be

located and designed where practical to....incorporate facilities for charging plug-in and other ultralow emission vehicles".

It is noted that this proposed development will include dedicated off street parking for the residents of the development and, therefore, it is recommended that the applicant be required to incorporate appropriate electric vehicle recharge points into the development in line with the recommendations of paragraph 35 of the NPPF.

It is noted that the applicant is undertaking to install electric vehicle recharge points within their Design and Access Statement. However, no specific details of the number and type of points has been provided. It is recommended that the following condition be attached to the planning consent:

 Prior to the commencement of the development, details of a scheme for the provision of electric vehicle recharge points at a minimum rate of one per residential unit shall be submitted to the planning authority for approval. The approved scheme shall be implemented prior to the occupation of the dwelling and shall be maintained thereafter.

#### **Construction/Demolition Impacts**

Although this is a relatively small development, due to the close proximity to neighbouring sensitive uses, there is potential for significant problems due to noise from the construction phase of the development, particularly during the noise sensitive hours. It is therefore recommended that the following item be included as a consent condition, if permission is granted:

 The construction of the development hereby permitted shall only be undertaken between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms; and

Any deliveries associated with the construction of the development hereby permitted shall only be received or despatched at the site between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time.

Regards

lan Wicks Pollution Control Officer (Ext 3794)

Application Number:	2017/1196/FUL
Site Address:	Site Of Former Superbowl, Valentine Road, Lincoln
Target Date:	1st February 2018
Agent Name:	Banks Long & Co
Applicant Name:	Mr Matthew Karran
Proposal:	Erection of 77 no. townhouses to be occupied as 6 bed (C4)
	Houses in Multiple Occupation.

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

The application is for the erection of 77 no. 6 bedroom town houses to be occupied as Houses in Multiple Occupation (HMOs) (Use Class C4). The development will provide a total of 462 en-suite bedrooms. The town houses are arranged in a series of four storey linear blocks which overlook private and secure landscaped courtyards. There is controlled access to the development at the entrance to the new access road, which serves a 90 space car park. A single storey reception building will be located adjacent to the entrance to provide an information point for visitors and also 24 hour management and policing of the site.

The submitted Design and Access (D&A) Statement advises that a shortfall in student accommodation is predicted for September 2018 and also that there is an increasing demand for student accommodation for 2<sup>nd</sup> and 3<sup>rd</sup> year students. This application is a joint venture between the applicant and the University of Lincoln which aims to meet this demand. The scheme would provide accommodation for staff and students migrating out into the city in their latter years of study, and also the nature of townhouses is seen to be a preference for post graduates. The applicant hopes that the accommodation will be available for the September semester in 2018.

The application site is located to the south west of the city centre and was formerly occupied by Lincoln Superbowl, which closed in January 2015. The building has been demolished although this section of the site has not been fully cleared. The associated car park is temporarily being used as a 'Park and Stride' car park.

There is a high hedgerow which runs along the north west and north east boundaries of the site, beyond is a track that connects Valentine Road to the farm situated adjacent to Swan Pool. Adjacent to this is the Coulson Main Drain and beyond this, to the north, is Hamilton House, B&Q and Morrisons. To the east is the rear elevation of Farm Foods. The south west boundary is defined by a low fence which separates the site from the Valentine Retail Park car park and service yards. To the west is the railway line and the Coulson Road level crossing, with the site of the Western Growth Corridor beyond. The site is located within Flood Zone 3.

The site is owned by the City Council and therefore the application is being presented to Members of the Planning Committee for consideration and determination.

#### Site History

Reference:	Description	Status	Decision Date:
2017/0214/FUL	Creation of new	Granted	31st March 2017
	vehicular access to site	Conditionally	
2005/0266/F	Erection of a temporary	Granted	3rd June 2005
	building to be used as a		
	skatepark.		

#### Case Officer Site Visit

Undertaken on 23rd November 2017.

#### Policies Referred to

- Policy LP1: A Presumption in Favour of Sustainable Development
- Policy LP2: The Spatial Strategy and Settlement Hierarchy
- Policy LP10: Meeting Accommodation Needs
- Policy LP13: Accessibility and Transport
- Policy LP16: Development on Land affected by Contamination
- Policy LP18: Climate Change and Low Carbon Living
- Policy LP25:The Historic Environment
- Policy LP26:Design and Amenity
- National Planning Policy Framework

#### <u>Issues</u>

- Principle of use
- Visual amenity
- Residential amenity
- Access and highways
- Flood risk and drainage
- Contaminated land
- Trees and landscaping
- Network Rail

#### **Consultations**

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

#### **Statutory Consultation Responses**

Consultee	Comment
Environment Agency	Comments Received
Highways & Planning	Comments Received

Environmental Health	Comments Received
Shane Harrison	No Response Received
Lee George	No Response Received
Lincolnshire Police	Comments Received
Kate Bell	No Response Received
Councillor Gill Clayton- Hewson	No Response Received
Councillor Gary Hewson	No Response Received
Councillor Ralph Toofany	No Response Received
Lincoln Civic Trust	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Education Planning Manager, Lincolnshire County Council	No Response Received
Network Rail	Comments Received

#### **Public Consultation Responses**

Name	Address
Mick Albans	Arboricultural Officer
	City Of Lincoln Council

#### **Consideration**

#### 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. The site has no specific policy allocation within the CLLP and Policy LP2 goes on to state that additional growth on non-allocated sites in appropriate locations within the developed footprint of the Lincoln urban area will be considered favourably.

The D&A Statement considers that 'the town house scheme can make a valuable contribution to meeting future accommodation needs as well as easing pressures on areas of the City, such as the West End, which have become imbalanced as a result of a proliferation of rental properties serving the student market'.

Officers are satisfied that the principle of the residential use in this location is acceptable. Officers are also supportive in principle of this university related development, which would contribute towards the continued growth of the university, as required by CLLP Policy LP32.

Supporting the application would also be in accordance with CLLP Policy LP1 which 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. Paragraph 49 of the National Planning Policy Framework (NPPF) also states that housing applications should be considered in the context of the presumption in favour of sustainable development and local authorities should aim to deliver a wide choice of high quality homes (paragraph 50).

#### Visual Amenity

The site is located behind existing retail units and therefore views are limited to those from part of Valentine Road and also the Valentine Retail Park car park. There are longer views available from the north. The surrounding area is predominantly characterisd by large scale commercial and retail units, generally constructed with blockwork, brick and cladding. The scale varies but most buildings are substantial, meaning that the principle of a large scale development is appropriate in this location. Accordingly the length of the development, approximately 160m, and the flat roof, four storey height is not out of character here. The mass is further broken up by the gaps in the front elevation at the courtyard access points and through the staggered elevations.

It is therefore considered that the site is of a sufficient size to comfortably accommodate the proposed development, also providing outdoor amenity areas and parking. The site will be elevated to meet Flood Risk requirements, however, this can be controlled by a condition requiring the submission of these details for approval. Officers are therefore satisfied that the proposal would relate well to the site and surroundings in relation to the height, scale and mass, in accordance with CLLP Policy LP26.

It is also considered that the design of the proposal is acceptable, and has been amended during the process to ensure that the development would have a positive impact on the area. The south west elevation facing the access road and car park and the opposite north east elevation incorporates only windows serving the stairwells. This is to ensure that the habitable rooms and bedrooms benefit from an outlook over the internal courtyards. The end elevations, however, include the frontages to units.

The modern, yet simple design is broken up by the staggering of the elevations and also the variations in the window proportions and positions. The elevations will be constructed with complementary buff/light brown bricks, and the flat roof will be set below a parapet, which will hide the proposed photovoltaic panels and limit the views of any roof plant. Samples of the materials will be required by condition but there is no objection in principle in this respect. Officers are therefore satisfied that the design and appearance of the elevations is acceptable. It is therefore considered that the development would improve on the architectural style of the local surroundings, in accordance with CLLP Policy LP26.

There is also no objection in terms of design and scale of the single storey reception building adjacent to the entrance of the site on Valentine Road.

Details of the boundary treatments have been provided. To the north east and north west will be a secure 1.8m high fence, this treatment continued to the side facing Valentine Road but this was negotiated to be a more visually appropriate wall with railings. The south west boundary will be left open.

The site layout indicates areas of landscaping, although full details will be required by condition for approval.

The proposal would therefore be in accordance with CLLP Policy LP26 and also paragraph 131 of the NPPF, which requires that developments should make a positive contribution to local character and distinctiveness.

#### Residential Amenity

There are no residential properties in the vicinity of the application site and there have been no responses from adjacent premises. In accordance with CLLP Policy LP26, it is 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.

In terms of the amenities of future occupants the application is accompanied by a Noise Assessment. The City Council's Pollution Control (PC) Officer has considered the report and noted that it identifies that a large amount of the site will be affected by elevated levels of night-time noise due to passing rail freight. Some of the predicted maximum noise levels at the western part of the site, i.e. closest to the rail track, are very high and will need extensive mitigation in place to protect future occupants from unreasonable levels of sleep disturbance. However, the PC officer is satisfied that, even at the most affected part of the development, it is feasible to control sound levels to an acceptable internal standard. Accordingly the PC officer has no objections in principle to the development on noise grounds, provided that a pre-commencement condition is attached to the consent, if granted, requiring specific mitigation proposals.

The potential impact from off-site lighting has also been considered, most specifically from adjacent commercial premises and service yards. The PC officer notes that the layout of the development mitigates against lighting from the south of the site and has recommended a condition requiring a light impact assessment to consider and mitigate against the light from the service yard to the east.

The proposal includes seven, ground floor accessible rooms, with access to the communal living facilities on the same floor. The D&A also states that the applicant has worked closely with the university to ensure that the houses are designed to meet the future demand. In this respect the application would be in accordance with the requirements of CLLP Policy LP10.

#### Access and Highways

The D&A Statement advises that the university is within easy walking distance from the

site, with the Library and Science Park a 0.7 mile and 0.5 mile walk respectively. There is a bus stop on Tritton Road 0.2 miles walk from the site and the railway station is approximately 1 mile away. The site has excellent connectivity to the cycle way along Tritton Road, which provide easy access to the university and the city centre. On site secure cycle storage is available within each of the enclosed courtyards. Officers therefore consider that the site is in a location where travel can be minimised and the use of sustainable transport modes maximised, in accordance with CLLP Policy LP13.

In addition the development will provide a 90 space car park, utilising the current access to the site from Valentine Road to the south west. A minor revision to re-position the access point slightly to the north is proposed, which will remove the current dogleg. The university has stated that there is a demand from students on programmes such as nursing, paramedic science, physiotherapy, pharmacy etc. who have placements around Lincoln and Lincolnshire, for accommodation with car parking so that they can access their placements. This is particularly relevant where students are working on shifts and public transport may not available. The applicant states that the needs of these students are difficult to meet and this development is very positive in that it will assist in recruiting and retaining students on these important programmes.

The D&A Statement identifies that the site was most recently occupied by Lincoln Superbowl with an approximately 200 space car park. Now occupied by the 'Park and Stride' car park there are 156 spaces. The proposed car park will accommodate 90 spaces. The D&A Statement argues that the site therefore had, and has, a higher parking offer than that associated with the proposed use. Due to the reduction in the car park allocation to 90, along with the frequency of the trips associated with the residential use, it is suggested that the new proposal will provide a benefit to the highways system in the area.

The Lincolnshire County Council as Local Highway Authority (HA) has raised no objections in principle to the proposal, subject to further information relating to surface water drainage, which will be dealt with later in the report, and a number of conditions. These include the reinstatement of the footpath following the re-positioning of the access, the adjustment of the double yellow lines and the provision of a tactile crossing point.

Subject to these conditions, officers therefore conclude that the HA has no objection in terms of the access, traffic volumes or parking numbers. Accordingly officers are satisfied that the development would not impact unacceptably on the local highway network.

#### Flood Risk and Drainage

The site is located within Flood Zone 3 and a Flood Risk Assessment (FRA) and other supporting information has accordingly been submitted with the application. The proposal and the FRA has been considered by the Environment Agency, Anglian Water, the Lincolnshire County Council as Lead Local Flood Authority and the Upper Witham Internal Drainage Board. Responses have raised some concerns and requests for further information. At the time of writing the report the agent was in discussion with the Environment Agency to address the issues and the outcome of this will be reported to Members on the update sheet.

#### Contaminated Land

CLLP Policy LP16 advises that development proposals must take into account the

potential environmental impacts from any former use of the site. The City Council's Scientific Officer has been involved in meetings and discussions with the agent prior to and during the application process. The officer has reviewed the submitted Phase II report, which identifies elevated levels of ground gases on site and recommends that further monitoring is required given the proximity to a former domestic and industrial landfill. The ground gas investigations are ongoing and additional site investigation work has also been undertaken. However, the Scientific Officer is satisfied that the future investigations and remediation can be appropriately dealt with by conditions.

#### Trees and Landscaping

The City Council's Arboricultural Officer has undertaken a site visit to assess the trees on site. The officer has advised that the site is bordered on the north and west by a 4 metre high, mainly hawthorn, hedge for approximately 170 metres. This hedge will be removed to accommodate the proposal. There are also some 19 trees within the car park comprising of mainly hawthorn, oak, birch, alder and field maple. With the exception of one or two oaks most of these trees are of limited amenity value. These trees will also be removed.

It is also noted that a copse of trees, containing a mix of pines and birch, to the west of the site will be removed to accommodate the proposed parking along with the removal of an area of a copse further west, comprising aspen and Lombardy Poplar, to provide the turning head.

The development therefore necessitates the removal of the majority of trees and vegetation on site. However, the Arboricultural Officer has identified that, given that the location and trees are set back from the major highway of Tritton Road and, in the main, obscured by the large retail outlets and stores surrounding the site to the east and north, it is suggested that the trees on the site do not have a high amenity value. Officers would accordingly conclude that there is no issue with the application in this respect, particularly as a scheme for landscaping will be required by condition to compensate for the loss.

#### Network Rail

Network Rail raised an initial objection to the application on the grounds that the development, through the opening up of the eastern boundary to provide access to a refuse turning head, would make the Coulson Road level crossing more publicly accessible, increasing the usage and therefore the risk of a crossing. Network Rail suggested mitigation to enhance the safety of the crossing; either an audible warning system or miniature stop light system.

In response the agent has proposed to install secure gates and fencing at the end of the internal access road, before the existing track and proposed turning head. Access to the turning head would be controlled and limited to the refuse and service vehicles only, which will be managed by the university staff based in the reception building. Officers are satisfied that this addresses Network Rail's concern as there will be no general increase in vehicles or pedestrians using the level crossing as a result of the development, due to the controlled and restricted access. In addition the full extent of the north boundary, adjacent to the track which accesses the crossing, will be secured by 1.8m high fencing, whereas at present there is pubic access through gaps in the hedge from the car park.

At the time of writing the committee report officers had received no formal response from Network Rail to the agent's suggested mitigation. However, the gate, as outlined above,

will be conditioned on any grant of consent along with the other suggested conditions from Network Rail.

#### Other Matters

Air Quality and Sustainable Transport

The proposed development will include off street parking and the City Council's PC Officer has therefore recommended that the applicant be required to incorporate appropriate electric vehicle recharge points into the development, in line with the recommendations of CLLP Policy LP13 and paragraph 35 of the NPPF.

Officers have discussed this with the agent who has submitted an amended site plan which illustrates eight charging points. A condition requiring these to be installed prior to the occupation of the development will be attached to any grant of permission.

#### Climate change and low carbon living

In accordance with CLLP Policy LP18 the application will have benefits in this respect as the site's location will minimise the need to travel and the development will produce energy from photovoltaics to the roof.

#### Archaeology

An Archaeological Desk-Based Assessment has been submitted at the request of the City Council's Archaeologist. This is currently being considered and will be conditioned to require further work as necessary, in accordance with the requirements of CLLP Policy LP25.

#### Refuse Storage

Refuse storage will be within a communal bin store along the south west boundary of the site, as well as within individual courtyards. There will be an area for refuse collection also to the south west. The storage and presentation of refuse for collection will be managed by the university's on site, 24 hour facilities and administration team. A condition will require a management plan for approval.

#### Design and Crime

Comments have been made by the Lincolnshire Police, they have raised no objections but have suggested recommended measures. This correspondence will be forwarded to the agent for their information.

#### Lincoln Townscape Assessment

Tritton Road Industrial Character Area is a large edge of city centre mixed-use area that extends either side of Tritton Road, one of the main arterial roads into and out of the city. The scale and form of buildings and setting within large areas of parking are typical features of an out-of-town retail centre but its location is actually very close to the city centre, within walking distance of St. Mark's retail area in the city centre. Due to the strong linear boundaries of the river and railway to the east and west, access into and out of the area is confined to Tritton Road itself, as well as Dixon Street and Firth Road which bridge the river.

Since the Early 19<sup>th</sup> century the Character Area has undergone, and continues to undergo, several changes which reflect Lincoln's industrial, commercial and residential growth. The area's former rural and wetland character was initially superseded by 19<sup>th</sup> century industrial growth, which itself is becoming increasingly replaced with commercial, and more recently residential, developments. Little of the area's rural character survives, and the majority of 19<sup>th</sup> century industry has been overwritten by modern commercial and residential development. Nevertheless, the townscape retains many elements of its former rural and industrial uses, which contribute to a complex and evolving townscape.

Developments are based along minor roads and cul-de-sacs leading off Tritton Road. Large and irregularly shaped urban blocks are subdivided by a coarse grain of building plots. The public/private boundary in the Character Area is varied. Industrial units tend to have high, impermeable boundaries around the perimeter of the plot. The public/private boundary between retail/commercial units and the road tends to be lower or less solid to enable visibility onto the buildings behind. Within the area there are also many open spaces, including extensive areas of car parking, yards, and grass and planted verges. The River Witham and Main Drain both cross the Character Area. Mature trees along the western boundary screen the industrial area from view from the west.

The majority of buildings have a large footprint. Buildings vary from 1-2 tall storeys in height to enable manufacturing and other uses. Overall the buildings have a horizontal emphasis and this combines with the wide roads and large areas of open space to create a low sense of enclosure.

Buildings are generally detached units or rows of attached buildings of similar plan form arranged either side by side or around a courtyard. The latter often have a communal plot with no boundaries between units and shared car parking. Plots often have a large amount of open space for parking, storage or distribution. The majority of buildings are of solid brick construction or steel frame with a variety of other materials used for the outer shell. Decoration is very limited, and primarily confined to the colour of the cladding and any signage. Properties generally have very few windows and doors leading to a high solid to void ratio and many inactive frontages. The door is often the main feature on buildings, emphasised by large porches on many retail units. Residential properties have a lower solid to void ratio and UPVc windows.

Street furniture is frequent and modern. There are many tall lampposts, especially in areas of retail parking. Along Tritton Road there are many large street signs, sets of traffic lights, bollards and long stretches of metal railings to control pedestrian movement. In some parts of the Character Area there are a number of different road and pavement surfaces, some in a degraded condition which, combined with the variety of materials used for plot boundaries, leads to a feeling of incoherence in the public realm.

Tritton Road is the major road, though Dixon Street also has a heavy flow of traffic. Tritton Road is busy at all times of day but especially at commuter times. Vitality within the area is mainly confined to business hours.

Along almost the entire length of Tritton Road there are partially obstructed northerly views of the Cathedral and wider skyline of the North Escarpment. From several places on Tritton Road there are also rural views east onto the South Escarpment.

#### **Conclusion**

The principle of the use of this unallocated site for residential purposes is considered to be acceptable and the development would contribute towards the continued growth of the university. The design of the development has been well thought out, improving on the architectural style of the local surroundings. There are no residential properties in the vicinity that would be impacted upon by the proposal and the amenities for future occupants has been carefully considered through noise and light assessments. The site is in an accessible location, also providing cycle and car parking to meet an identified need. The Highway Authority has raised no objection in principle to the access or parking arrangements. Matters relating to contamination, archaeology, the railway/level crossing and refuse can be dealt with appropriately by condition. Subject to further details of flood risk and drainage being to the satisfaction of the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP10, LP13, LP16, LP18, LP25 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:

- Time limit of the permission
- Development in accordance with approved plans
- Samples of materials
- Site levels and finished floor levels
- Noise mitigation strategy
- Off-site lighting assessment
- Highways- reinstatement of footpath, adjustment of double yellow lines and tactile crossing point.
- Contamination
- Surface water drainage and management strategy
- Foul sewerage strategy
- Refuse management plan
- Archaeology
- Implementation and maintenance of access gate to turning head
- Landscaping- including Network Rail requirements
- Network Rail- construction safety, drainage and lighting
- Use restriction and requirement for management by higher/further education body
- Electric Vehicle Charging points before occupation

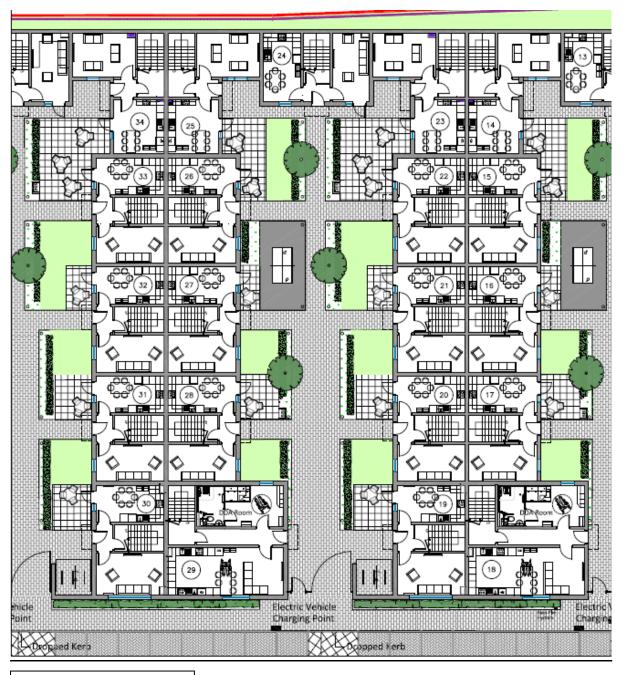
#### Former Superbowl site- plans and photos



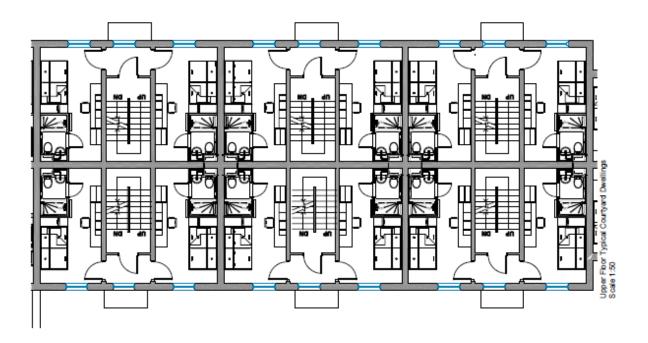
Site location plan

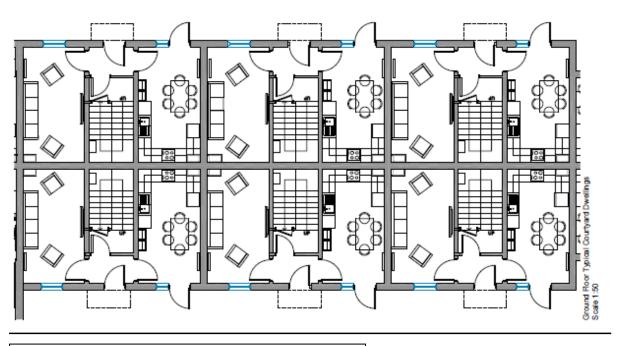




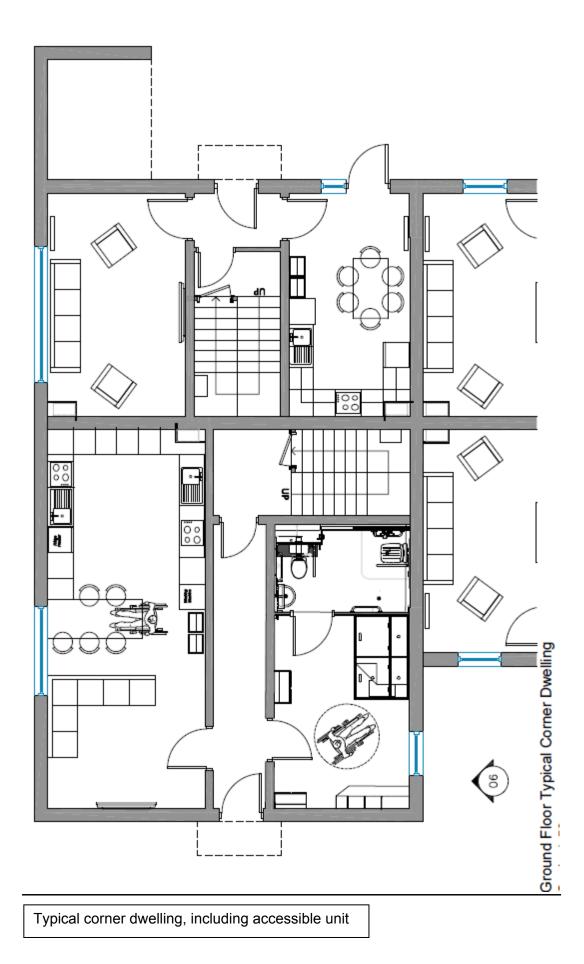


Typical courtyard layout





Typical courtyard dwellings- ground and first floor







Rear, north east elevation



Typical internal courtyard elevation

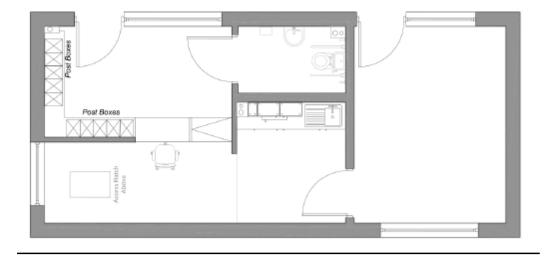


South east elevation to Valentine Road

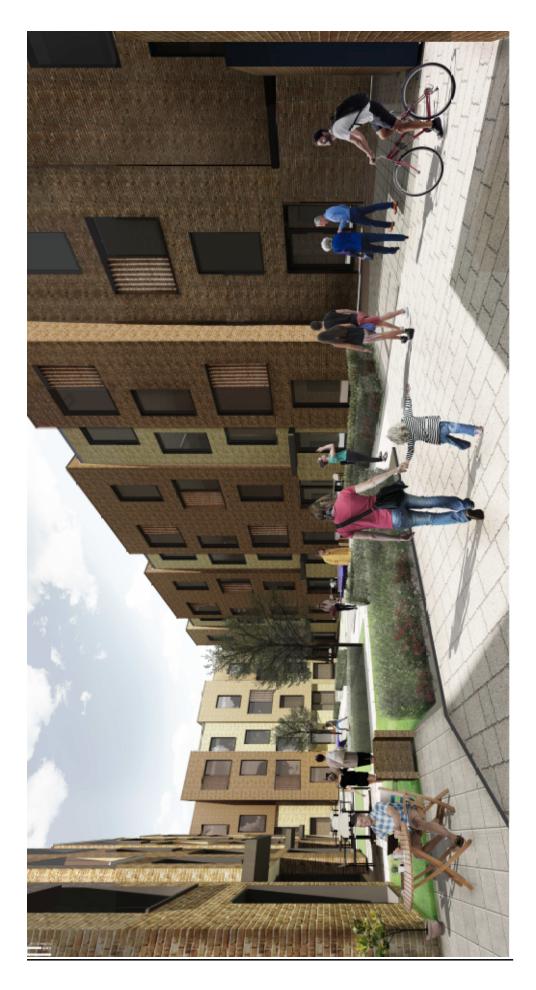


Section of front elevation

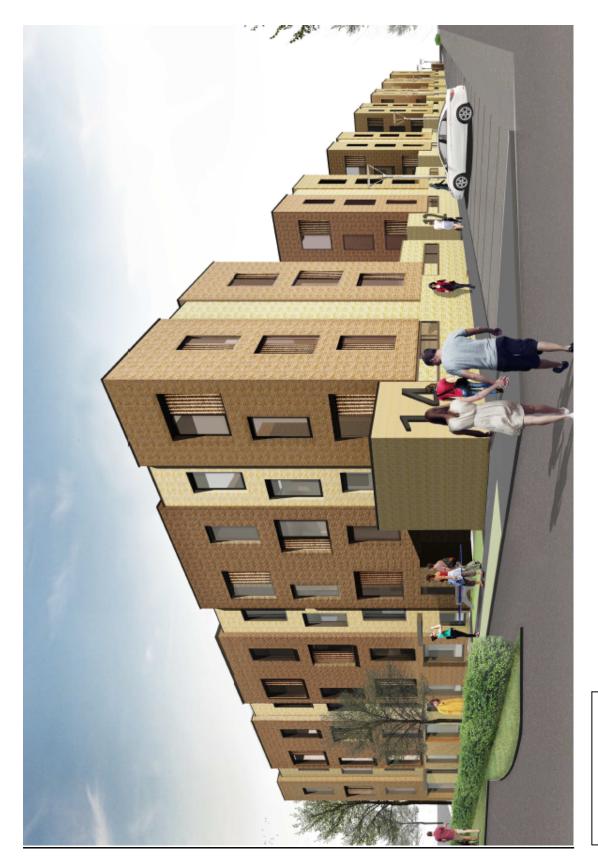




Reception building plan and front elevation



Courtyard visual



Corner visual



South east boundary of site from Valentine Road



Internal access road from access on Valentine Road



North west boundary where internal access road will continue to turning head



South west boundary looking east towards site access



View across site towards south east, with hedge lined north east boundary (left)



Existing track, Coulson Road Level Crossing and proposed area for turning head

#### Former Superbowl Site- Consultation Responses

**Environment Agency** 



FAO: Marie Smyth Lincoln City Council Development Control City Hall Beaumont Fee Lincoln Lincolnshire LN1 1DF Our ref: AN/2017/126529/01-L02 Your ref: 2017/1196/FUL

Date:

01 December 2017

Dear Marie

## Erection of 77 no. townhouses to be occupied as 6 bed (C4) Houses in Multiple Occupation

#### Site Of Former Superbowl Valentine Road Lincoln Lincolnshire

Thank you for referring the above application, which was received on 20 November 2017.

This is a holding response as we require a site specific topographic survey in order to comment on the adequacy of the flood risk assessment and the proposed finished floor levels.

However, we have reviewed the Geo-Environmental Report dated October 2017 prepared by Delta-Simons. Based on the information provided, we consider that past uses of the site appear to pose low risk to controlled waters. There is limited evidence of this site being part of the Skewbridge Tip and it also appears that the railway embankment on-site has been removed at some stage, which is likely to have removed any associated contaminants. The report shows only low levels of potential contaminants in soil and groundwater. We can therefore recommend the following conditions.

#### Condition 1

If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

#### Reason

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

Cont/d..

Customer services line: 03708 506 506 Calls to 03 numbers cost the same as calls to standard geographic numbers (i.e. numbers beginning with 01 or 02). To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

#### Informative

Due to the site's former use being a railway and its location adjacent to a former landfill, some limited unidentified contamination of the ground cannot be entirely ruled out.

#### Condition 2

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

#### Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

It should be established that any proposed options for infiltration drainage are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

As you are aware the discharge of planning conditions rests with your Authority. It is, therefore, essential that you are satisfied that the proposed draft conditions meet 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 conditions, 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.

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



## Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority)

In relation to the above application I can confirm, in principle, I have no objection. I would make the following comments which will need addressing:

- As a major development it will require draining via SuDs principles, I can confirm the site does not have any particular susceptibility to surface water flooding, however this information wasn't contained within the FRA nor is the detail I would expect for a full application in terms of a drainage strategy. As the site was 100% impermeable surface with a calculated run off (149 l/s), I would expect detail outlining what the proposed betterment/reduction in run off is, together with hydraulic calculations.
- The principle of permeable paving is acceptable as first stage treatment before conveyance to discharge, however suitability of this proposal is reliant on ground conditions, water table levels etc., again no information regarding this is contained in the application (GI report).
- Securement of discharge consent for the life of the development and agreed run off rate will be required together with adoption proposals.

The existing site access which is to become redundant will require reinstating to footway construction, this may require the adjustment of the double yellow lines and the attached Traffic Regulation Order (a consultative process to be carried out by the Highway Authority at cost to the applicant). A small tactile crossing point will also be required.

Regards JC

John Clifton Principal Development Management Officer Development Management Environment and Economy Second Floor Lancaster House 36 Orchard Street Lincoln LN1 1XX

### Anglian Water



# Planning Applications – Suggested Informative Statements and Conditions Report

AW Reference:	00024820
Local Planning Authority:	Lincoln City Council
Site:	Valentine Road, LINCOLN - Boultham
Proposal:	Erection of 77 no. townhouses to be occupied as 6 bed (C4) Houses in Multiple Occupation.
Planning Application:	2017/1196/FUL

### Prepared by: Pre-Development Team

Date: 30 November 2017

If you would like to discuss any of the points in this document please contact me on 0345 606 6087 or email <u>planningliaison@anglianwater.co.uk</u>

#### ASSETS

#### Section 1 – Assets Affected

1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

#### WASTEWATER SERVICES

#### Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Canwick Water Recycling Centre that will have available capacity for these flows.

#### Section 3 – Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

#### Section 4 – Surface Water Disposal

4.1 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

4.2 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

We will request that the agreed strategy is reflected in the planning approval.

#### Section 5 – Trade Effluent

5.1 Not applicable

#### Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

#### Foul Sewerage Network (Section 3)

#### CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

#### REASON

To prevent environmental and amenity problems arising from flooding.

#### Surface Water Disposal (Section 4)

#### CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

#### REASON

To prevent environmental and amenity problems arising from flooding.

#### Network Rail

FAO – Development Team Ref – 2017/1196/FUL Proposal – Erection of 77no. townhouses Location – Site of former Superbowl, Valentine Road, Lincoln

Thank you for your letter of 7 November 2017 providing Network Rail with an opportunity to comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has concerns regarding these proposals and their impact on the adjacent railway level crossing and must object to this development on grounds of operational railway safety.

#### Level Crossings

The safety of railway level crossings and crossing users is of paramount concern to us and we would have concerns over any proposals that would increase the usage and therefore the risk of a crossing. In this instance, the site is adjacent to Coulson Road level crossing (NOB2 @32M 300yds) and the proposals include opening up the eastern end of the site to provide a refuse turning head. From the plans provided, it appears that this would open up public access from the site straight on to the level crossing which we consider to be an unacceptable increase in risk without some form of mitigation to enhance the safety of the crossing, which would be at the developer's expense. To enable us to reconsider our objection, agreement must be reached on improvements to the safety of the crossing which include the following measures appropriate for this site;

Option 1: COVTEC audible warning system (cost approx. £50k)

Option 2: VAMOS Overlay miniature stop light system (cost approx. £150k)

Below are some further requirements which must be met;

#### Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

- There should be no increase to average or peak flows of surface water run off leading towards Network Rail
  assets, including earthworks, bridges and culverts.
- All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
- Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

#### Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

#### Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method

1

statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

#### Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

#### Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DFT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

#### Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

#### Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

#### OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

#### Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

#### ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection

Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

#### Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

#### Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina" Not Acceptable:

Acer (Acer pseudoplantanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common line (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

#### Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

#### Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, the adjacent railway level crossings should remain clear and unobstructed at all times, both during and after construction to ensure crossing users can exit the area safely and crossing approaches are not blocked.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the <u>drainage, boundary fencing, Armco barriers, method statements,</u> <u>soundproofing, lighting and landscaping</u> should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

#### Upper Witham Internal Drainage Board

#### Dear Sir/Madam

REFERENCE: 2017/1196/FUL DEVELOPMENT: Erection of 77 no. townhouses to be occupied as 6 bed (C4) Houses in Multiple Occupation LOCATION: Former Superbowl Site, Valentine Road, Lincoln, LN6 7BH

Thank you for the opportunity to comment on the above application. The site is within the Upper Witham Internal Drainage Board district the site is adjacent to Board maintained watercourse, Boultham Pump Drain.

The Board Objects in Principle to any development in flood plain (Zones 2 and 3 on the Environment Agency flood maps). However it is up to City of Lincoln Council as the planning Authority grant planning permission. It is noted that a Flood Risk Assessment is included in the Application that contains appropriate mitigation, notably the FFL is to be above 5.5mAOD.

<u>Comment and information to Lincolnshire CC Highway SUDs Support</u> 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. The Flood Risk Assessment indicates discharge to the existing surface water sewer, as a brownfield site any discharge should be limited to a maximum of 70% the existing ACTUAL rate or the allowable discharge as specified by the relevant body responsible for the surface water sewer whichever is the least.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Regards

Guy Hird Engineering Services Officer

Witham First District Internal Drainage Board Witham Third District Internal Drainage Board Upper Witham Internal Drainage Board North East Lindsey Drainage Board J1 The Point, Weaver Road, LINCOLN, LN6 3QN.

#### Lincolnshire Police



# 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. 2017/1196/FUL

8<sup>th</sup> November 2017

Our Ref: PG//

## **Development & Environmental Services**

City Hall, Beaumont Fee Lincoln, LN1 1DF

## Re: Former Super-bowl Site Valentine Road, Lincoln, Lincolnshire

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

Lincolnshire Police has no formal objections to the planning application in principle but would recommend that the attached recommendations are implemented.

### **External Doors and Windows**

**Building Regulations** (October 1<sup>st</sup> 2015) provides that for the first time all new homes will be included within Approved Document Q: Security – Dwellings (ADQ).

Approved document Q applies to all new dwellings including those resulting from change of use, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas.

This will include doors at the entrance to dwellings, including all doors to flats or apartments, communal doors to multi-occupancy developments and garage doors where there is a direct access to the premises. Where bespoke timber doors are proposed, there is a technical specification in Appendix B of the document that must be met.

Windows: in respect of ground floor, basement and other easily accessible locations.

The secured by design requirement for all dwelling external doors is PAS 24.2016 (doors of an enhanced Security) or WCL 1 (WCL 1 is the reference number for PAS 23/24 and is published by Warrington Certification Laboratories).

All ground floor windows and doors and those that are easily accessible from the ground must conform to improved security standard PAS24:2016. **Window retainers should be provided on all windows that are accessible.** 

The potential for unwanted guests will be a consideration at this location and therefore robust measures should be installed to ensure the security and safety of residents. An air lock style (double access point) communal entrance (help prevent unauthorised follow through access) that allows an access control system, with an electronic door release, and visitor door entry system that provides colour images, and clear audio communications linked to each individual unit. This can be built internally to the main communal entrance.

Under no circumstances should a trade person release button or similar uncontrolled access method be used.

## **Parking Provision**

I have that the proposed parking provision does not appear to benefit from any overlooking natural surveillance and therefore vehicles may be susceptible to vehicle crime. I would recommend that any overlooking properties have cable end windows ideally from active rooms that can provide both a deterrent and surveillance of the parking areas.

An approved and effectively sited CCTV system can be provide mitigation against the lack of surveillance but should not be seen as a complete solution and should be used in conjunction with other measures.

### Individual Flat or Unit Doors.

Flat entrance door-sets should meet the same physical requirements as the 'main front door' i.e. PAS24:2016. The locking hardware should be operable from both sides of an unlocked door without the use of the key (utilising a roller latch or latch operable from both sides of the door-set by a handle). If the door-set is certified to either PAS24:2016 or STS 201 Issue 4:2012 then it must be classified as DKT.

### Cycle Storage Structure (if to be included)

Generally pedestrian access doors-sets to commercial units should be certified to LPS 1175 security rating 2. The access controlled door should be designed in such a way that the hinges and door-sets are of a non-lift nature and non-tamper proof. The door locks must be operable by way of a thumb screw turn to avoid any person being accidently locked in the cycle storage area.

Lighting within cycle storage area; automatically activated passive infra-red lighting should be considered rather than permanent lighting to which other users become accustomed and therefore activation would not draw any attention. Lighting units should be vandal resistant energy efficient light fittings.

### **Communal Areas & Mail Delivery**

Where communal mail delivery facilities are proposed and are to be encouraged with other security and safety measures to reduce the need for access to the premises communal letter boxes should comply to the following criteria.

- Located at the main entrance within an internal area or lobby (vestibule) covered by CCTV or located within an 'airlock style' entrance hall.
- Be of a robust construction (Federation Technical Specification 009 (TS009)
- Have anti-fishing properties where advised and appropriate.
- Installed to the manufacturers specifications.
- Through wall mail delivery can be a suitable and secure method.

## Lighting

Lighting should be designed to cover the external doors and be controlled by *photoelectric cell* (dusk to dawn) with a manual override. The use of low consumption lamps with an efficacy of greater than 40 lumens per circuit watt is required; it is recommended that they be positioned to prevent possible attack.

### **Bin Storage**

Internal communal bin and bicycle stores within blocks of flats must have no windows and be fitted with a secure door set that meets the same physical specification as 'front door' and specifically Section 2, paragraphs 21.1 to 21.6 and 21.8 to 21.13.

This will ensure that such stores are only accessible to residents. The locking system must be operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. A bicycle store must also be provided with stands with secure anchor points or secure cycle stands.

External bins stores and home composting containers (supplied to meet 'Code for Sustainable Homes' 'Was 3') should be sited in such a way that they cannot be used as a climbing aid to commit crime.

#### Utilities

In order to reduce the opportunities for theft by 'bogus officials' the utility meters should, where possible, be located to the outside of the dwelling at a point where they can be overlooked. This will negate the need for an official to enter the building in order to read a meter, which will in turn reduce the opportunity for distraction burglary. Where possible utility meters in multi occupancy developments should be located on the ground floor between access controlled doors (air lock system) so that access can be restricted to the meters.

Note 33.1: Where a utility provider refuses to provide external meters, and there is an obvious (historic) risk of distraction burglary within the location, the developer should consider an alternative supplier.

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

Please refer to *New Homes 2016* which can be located on <u>www.securedbydesign.com</u> 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 Dip Bus. Force Crime Prevention Design Advisor

### Lincoln Civic Trust

### OBJECTION

Whist we agree with the development of an existing site we have some concerns. Our Concerns are:

- 1. The placing of a residential site in a totally commercial area
- 2. The overall mass of the structure and its proximity to the railway line
- 3. The condensed nature of the site for 462 students
- 4. Access to the site from Tritton Road

5. The volume of traffic generated in theory on a 24 hour basis

We appreciate that the current use of the site is as a car park, but this is predominately for commuters into the city and hence is only a problem at rush-hours whereas the proposed use of the site will in theory be on 24 hours basis for vehicle movements. Tritton Road again worries us as we have seen the developments with the St Marks Centre, the Science Park, the Western Growth Corridor and the Sports Direct proposals all bringing additional traffic onto the road which as a major artery for the city centre, blighted by the number of entrances and exits onto the road, already struggling to cope with the current volume of traffic. This proposal, however small the increase is, will only seek to make matters worse. What is needed is a direct route away from the area out towards the Eastern By-Pass and until this is achieved the area will be more gridlocked than is experienced at the moment.

Application Number:	2017/1185/C4
Site Address:	1 Shearwater Road, Lincoln.
Target Date:	21st December 2017
Agent Name:	None
Applicant Name:	Mr Quyen Truong
Proposal:	Change of use from existing Dwelling (Class C3) to a flexible use as Dwelling (Class C3) and/or House in Multiple Occupation (Class C4).

## Background - Site Location and Description

The application seeks a change of use from a dwellinghouse to a flexible C4/C3 use to enable the property to be used as a House In Multiple Occupation for up to 6 unrelated occupants.

The property was originally a 3 bed detached dwelling although a former living area downstairs has been converted to create a fourth bedroom. Two of the bedrooms within the property are large enough to be occupied by more than one occupant and whilst the applicant has suggested that he may only occupy the property with 3 people to begin with, he would look to occupy with it with the maximum allowed under C4 in the future (6 occupants).

A previous application was granted conditionally by Planning Committee on 31st August 2016 for a first floor, front, side and rear extension (2016/0638/HOU). The applicant has been made aware that should the application currently before us be granted and implemented, the previously granted extension could not be added to the C4 property as the extension was granted to the C3 dwellinghouse. The applicant has been advised that should he wish to extend the property and change the use, then he would need to withdraw the current application and re-submit for a change of use and extension under one application. The applicant has decided to continue with the current application for a flexible C3/C4 use without extending the property.

The applicant has confirmed that he is currently living in the property with his partner and two lodgers, which would fall within the definition of a C3 use. In contrast to this, the same applicant has submitted a Certificate of Lawful Use, in an attempt to prove that the property has been operating as a C4 use during the time of the implementation of the Article 4 Direction and continuing after this time. This application is being considered separately under application 2017/1380/CLE.

13 objections have been submitted against the proposal by local residents.

## Site History

Reference:	Description	Status	Decision Date:
2016/0638/HOU	Erection of a first floor front, side and rear extension		31st August 2016

## Case Officer Site Visit

Undertaken on 13th November 2017.

## Policies Referred to

- Policy LP37: Sub-division and multi-occupation of dwellings within Lincoln 86
- Supplementary Planning Guidance: Houses in Multiple Occupation
- Policy LP26 Design and Amenity

## <u>Issues</u>

The issues raised by the application principally relate to those raised in the 'Houses in Multiple Occupation Supplementary Planning Document' and Policies LP26 and LP37 of the Central Lincolnshire Local Plan 2017, they are:

- Impact on amenity of surrounding properties and character of the area
- Loss of single family home
- Concentration of HMOs in area
- External communal space and cycle storage
- Highway Safety

## **Consultations**

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

## Statutory Consultation Responses

Consultee	Comment
Environmental Health	No objections
Highways & Planning	No objections

### **Public Consultation Responses**

Name	Address
Gerald And Ruth Chapman	9 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mr And Mrs Peters	12 Shearwater Close Lincoln Lincolnshire LN6 0XU
Graham West	12 Shearwater Road Lincoln Lincolnshire LN6 0XX

Keith Hayes	4 Shearwater Close
	Lincoln
	Lincolnshire
	LN6 0XU
Angela Keywood	4 Shearwater Road
	Lincoln
	LN6 0XX
David Bishop	6 Shearwater Road
	Lincoln
	Lincolnshire
	LN6 0XX
Mrs Sue Brown	7 Goldcrest Close
	Lincoln
Mr Michael Jackson	LN6 0UX 2 Shearwater Close
	Lincoln
	Lincolnshire
	LN6 0XU
Robert Whiley	
Pete And Fran Crowther	5 Shearwater Road
	Lincoln
	Lincolnshire
	LN6 0XX
Nigel Cobbold	10 Shearwater Road
	Lincoln
	Lincolnshire
	LN6 0XX
Mark And Maxine Morley	3 Shearwater Road
	Lincoln
	Lincolnshire
	LN6 0XX
John Williams And Janine Williams	3 Shearwater Close
	Lincoln
	Lincolnshire
	LN6 0XU

## **Consideration**

## Principle of the Development

With regard to National Planning Policy, relevant polices and guidance are contained within the National Planning Policy Framework (NPPF), and accompanying Planning

Practice Guidance (PPG), including Paragraph 50 which seeks to "deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities" and Paragraph 58 which seeks to ensure that developments "will function well and add to the overall quality of the area ... respond to local character and history, and reflect the identity of local surroundings and materials".

The issues raised by the application in relation to the principal of the use are those contained within Policy LP37 of the Central Lincolnshire Local Plan, as well as the Supplementary Planning Document. The Policy supports changes of use to Houses of Multiple Occupation where:

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

There are also policies within the existing Local Plan which also require consideration such as LP 26 'Design and Amenity' which states that proposals should "respect the existing topography, landscape character and identity and relate well to the site and surroundings..."

## Consideration of Issues

12 objections have been received from local residents, principally relating to:

- The change of use to a House in Multiple Occupation changing the character of the area
- Increase in activity, noise and disturbance
- Concerns regarding parking
- Concerns regarding highway safety

## Impact on Amenity and Character of the Area

The property, like most others in the vicinity, is detached with a double width drive with a lawned front garden. Parking concerns have been raised by many of the objectors. Parking on the street is unrestricted and therefore it is likely that the proposal would result in a number of cars parking on the street if no external alterations were made to the front of the site. However, the applicant has submitted a drawing showing the existing grass area to be taken up and replaced with hardstanding to accommodate parking. The drawing shows 6 spaces could be accommodated towards the front of the house which are to a minimum highway standard ( $4.8 \times 2.4$  metres).

The Highway Authority has raised no objections to the scheme and therefore does not consider the application to have highway safety implications that would constitute a severe impact. Whilst paving the front garden would ensure that on-street parking would not become an issue, I have concerns that this results in a poor impact on the visual amenity

of the wider area.

Neighbouring objections raise concerns with the amount of potential occupants of the property, some expecting up to 8 people to occupy a dwelling of this size. However, if granted the property would have a limit of 6 people under the C4 definition. This number of people is still an increase of the amount of people you would expect to occupy such a property and being unrelated, it is likely to generate much more trips than would be expected from a family. This is highlighted in a recent appeal (APP/M2515/W/17/3180815) "...the nature of vehicle use is likely to differ from a family dwelling as, for example, a family are more likely to share vehicles and trips whereas individual HMO residents may have their own vehicles with a resultant effect on the level of vehicle ownership and associated car parking." Furthermore, the property is located out of the City Centre and therefore more likely that each occupant would have their own car. The character of this area is, of the most part, large well-kept front gardens with grassed areas and I have concerns hardstanding the front garden principally for car parking and the number of potential vehicles that could be parked at the front of this property at a given time would change the character of the area to an unacceptable degree. This is particularly harmful given the prominent position of the property, on the entrance to the estate and on the corner of Shearwater Road and Skellingthorpe Road, a major route within the City. It is not considered that the parking arrangements would respect the character and identity of the area contrary to Policy LP26 of the Central Lincolnshire Local Plan.

## Loss of Single Family Home

The applicant states that the application property is currently his home, although this is contested by many of the objectors. In any case, the property has not been marketed as a single family home. Whilst the applicant has submitted information that there is potential demand for the property to be let as a House in Multiple Occupation, the supplementary planning document is clear that "Notwithstanding shared accommodation needs, proposals comprising the conversion of existing residential property to an HMO must demonstrate there is an established lack of demand for the single family use of the property concerned." Evidence should be submitted as part of the application that this has happened and this has not been the case with regard to the application before us.

Furthermore, information the City hold regarding properties in Lincoln indicates that there are no other HMOs within the area. The properties in this area were built as family homes and are occupied as such. The proposal would therefore result in a loss of a family home in an area where it has not been identified that there is a lack of demand for this use, contrary to the SPD and LP 37.

## Concentration of HMOs in Area

In accordance with the Supplementary Planning Document, a 10% maximum concentration is applied to a defined 100 metre radius to assess the concentration within that particular area. In this instance this threshold has not been exceeded and the percentage of HMO properties in this location is very low.

There is also a requirement to ensure that proposals do not result in three adjacent HMO's which would result in clusters of HMO's. Based on the information currently held by the planning authority this situation would not arise in this case.

## External Communal Space and Cycle Storage

The property has external communal space by way of a rear garden as well as a single garage which can be used for the storage of cycles/bins.

## Highway Safety

The Highway Authority have raised no objections to the scheme and therefore do not consider the application to have highway safety implications that would constitute a severe impact.

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

During process to get additional information.

## Financial Implications

None.

## Legal Implications

None.

## **Equality Implications**

None.

## **Conclusion**

The proposal is contrary to the SPD for Houses in Multiple Occupation and to Policies LP26 and 37 of the Central Lincolnshire Local Plan.

## Application Determined within Target Date

No.

### **Recommendation**

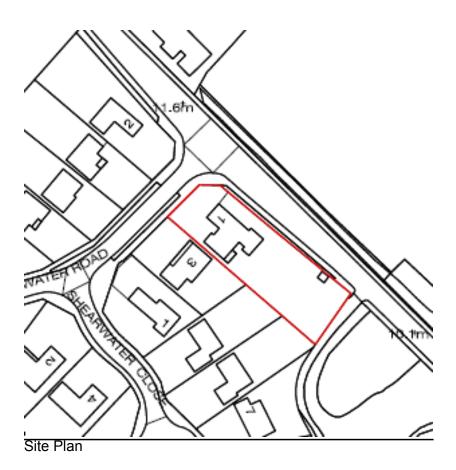
That the application is refused

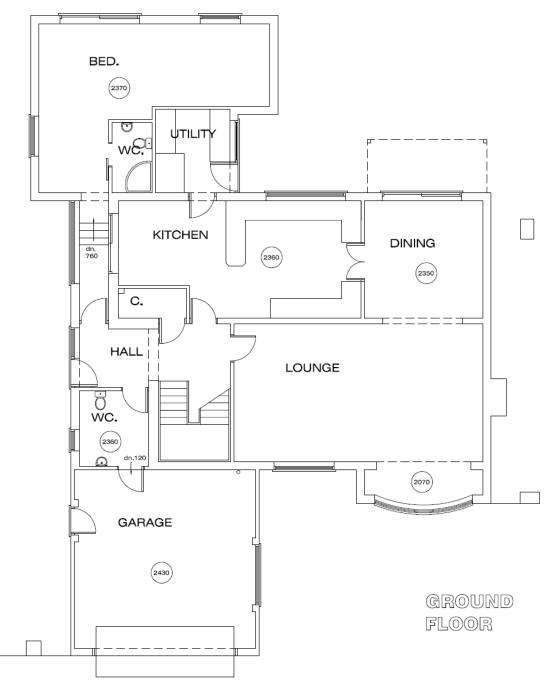
### **Refusal Reasons:**

- 01) 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 and results in a loss of a family home, contrary to Policy LP37 of the Central Lincolnshire Local Plan and the Supplementary Planning Document.
- 02) The paving of the front garden to create the amount of parking spaces required for the proposed change of use would be harmful to visual amenity and would negatively change the character of the area an unacceptable degree. This is particularly harmful given the prominent position of the property, on the entrance to the estate and on the corner of Shearwater Road and Skellingthorpe Road, a major

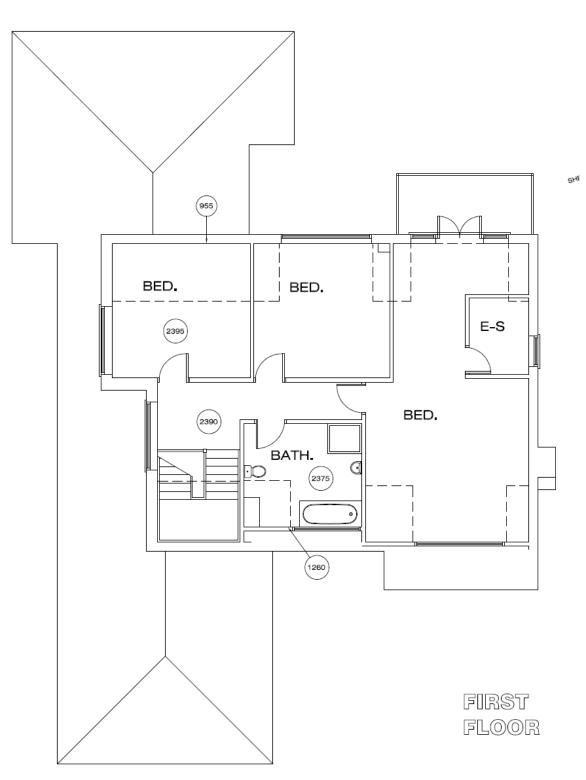
route within the City. These parking arrangements would not respect the character and identity of the area and would therefore be contrary to Policy LP26 of the Central Lincolnshire Local Plan. This page is intentionally blank.

1 Shearwater Road – Plans and Drawings

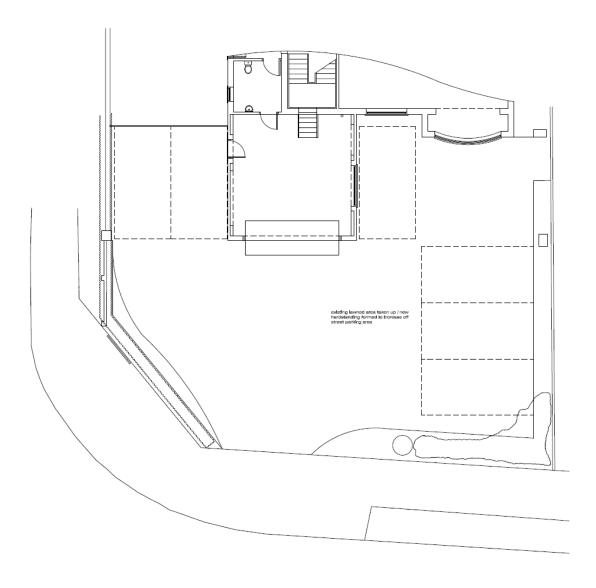


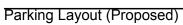


Ground Floor Plan











## Responses

## Mrs Sue Brown 7 Goldcrest Close Lincoln Lincolnshire LN6 0UX (Objects) Comment submitted date: Mon 20 Nov 2017

I wish to register an objection to the above Planning Application for a HMO at No.1 Shearwater Road Lincoln. This is a highly desirable residential area of a unique beauty, charm and character and this development is not suitable within this area. At a previous extension planning meeting it was clear that No 1 was operating illegally as a HMO without consent, and was causing grave issues. It has continued to cause considerable inconvenience & concerns to neighbours and it is still used to house multiple tenants. As permission for an extension to the property has been granted, the situation can only get worse. We were assured by the council at the last meeting that the HMO situation would be investigated and despite these assurances, we would like to know why nothing has been done to prevent this activity. The house does not comply with safety standards required for a HMO. \_The position of the property at No 1 Shearwater is dangerous in respect of vehicle access and parking, this has been a considerable issue which was raised at a previous meeting (regarding the extension.) Having been granted the extension will have capacity for up to 7/8 bedrooms, and therefore potentially 16 or more tenants and there is insufficient parking facilities to accommodate their vehicles. We have never had any objections to the extension itself, but we do have objections to the property being used as a HMO. We attended the planning meeting for the extension and it was discussed that no application for a HMO had been received and should one be submitted it would NOT be granted. Hopefully your previous views have not changed and this application will be declined. Yours sincerely Sue Brown\_7 Goldcrest Close Lincoln LN6 0UX

## David Bishop 6 Shearwater Road Lincoln Lincolnshire LN6 0XX (Objects) Comment submitted date: Wed 15 Nov 2017

Dear Sir or Madam,

I wish to register our objection to the above Planning Application for a HMO at No.1 Shearwater Road Lincoln on the following grounds:

1) This is a purely residential area of a fairly unique character and desirability and this is not a desirable development within this area.

2) The property in question is in a dangerous position regarding vehicle parking and access, an issue which was raised at the previous meeting regarding the Planning Application for the proposed extension to the property.

3) The approved plans for extensions will facilitate up to 8 bedrooms, which could potentially house 16 + tenants and their vehicles.

4) Whilst we realise, appreciate and have no objection to the extension, it is the purposes for which it will be used that we have objection and we all know that without this approval for a HMO, the proposed extension would not be viable.

It has been noted by all of us who live in this vicinity that despite assurances from the Council representative at the previous planning meeting that operating a HMO without consent is illegal, the owner has continued to have multiple tenants during the time since that meeting. We would like to know why no action has been taken to stop this activity as the building is purely residential and therefore does not comply with any safety

standards required of such a building.

As a consequence of recent events it would be interesting to see who would carry the blame should any tragedy occur in that building in light of the repeated warnings to the Council that this building was being used for an illegal commercial operation.

Yours sincerely

David Bishop 6 Shearwater Road Lincoln LN6 0XX 12 Shearwater Close Lincoln LN6 0XU

Mr K Manning Planning Manager Development Team City of Lincoln Council City Hall Beaumont Fee Lincoln LN1 1DF

22 November 2017

8

Planning Application Ref 2017/1185/C4

Dear Sir,

It has been brought to our attention that the owner of:-1 Shearwater Road LN6 0XX has applied for planning permission to extend his property and to change the use from existing Dwelling to a House of Multiple Occupancy.

With up to 8 letting bedrooms this would be totally out of character for this location and the way in which this estate was originally developed.

There are no flats in this area and each property has its own parking facility by way of garage and driveway to accommodate vehicles and with no street lighting after 12.00 midnight cars parked on the road would create safety issues and increase the already high volume of traffic in this location.

The owner hasn't lived in this property for over a year and the house has been used with multiple occupancy during this time without permission and despite earlier complaints from local residents this been allowed to continue

There have already been issues with tenants and the Police have been involved on at least 2 occasions so what further proof is required that this application if approved would indeed have a detrimental effect on this area.

We strongly object to this application.



Mr R A Peters & Mrs P A Peters

9 Shearwater Close LINCOLN LN6 0XU

21 November 2017

Mr K Manning Planning Manager, Development Team City of Lincoln Council City Hall Beaumont Fee LINCOLN LN1 1DF

Dear Mr Manning

PLANNING APPLICATION 1 SHEARWATER ROAD, LINCOLN LN6 0XX REFERENCE: 2017/1185/C4

With reference to the above planning application, we in Shearwater Close strongly object, not to the extension but for a flexible dwelling into a multiple dwelling.

The current owners appear to have no interest in this residential area apart from using it as a business venture whereas we have lived here happily over 30 years and enjoyed the benefits of this close knit residential environment.

From a safety point of view we should point out the prospect of several additional cars entering and exiting that particular property, which as you are aware is located on a busy corner off the Skellingthorpe Road, would become an accident waiting to happen!

Please do not allow this application to go through.

Yours faithfully

GERALD AND RUTH CHAPMAN

From: Sent: To: Cc: Subject: Mark Morley 4 21 November 2017 09:13 Technical Team (City of Lincoln Council) Mark Morley 2017/1185/C4 - 1 Shearwater Road, Lincoln, LN6 0 XX

Categories:

Good morning Mr Manning,

RE: 2017/1185/C4 1 Shearwater Road, Lincoln, LN6 OXX.

In response to your letter regards the above reference number we would like to strongly oppose this change of use application on the following points.

- In the original planning application it was agreed that the extension would be for the owners own use and not a HMO.
- We are concerned with regards to traffic, parking straight off Skellingthorpe Road, as per the planning
  application there have been accidents and near miss accidents.
- We were attracted to the area for the family feel and just having moved away from the centre of Lincoln and
  previously living next to a HMO for 13 years, we didn't want this again, especially having a young family.
- If this application was to go ahead it would set a president for the area, the houses were not built as HMO's, and this will have a negative effect on values.
- The owner is still letting rooms currently without a HMO licence, there are different people coming and going, different cars. The current tenants are not family members as the owner stated in his planning application meeting.
- We have a young family and live next door to the proposed HMO, we have reported issues in the last
  planning meeting of unsociable behaviour and the smoking of drugs from the property. with more rooms
  this may increase these issues.

Summarising the owner has lied on numerous occasions in his original planning application hearing and he was adamant that this would not be a HMO development. Should now the original planning application be reconsidered, now that he has lied? How would people who voted in favour on that day, now vote if they had this new evidence?

1

If you require any further information please contact me direct.

thank you

Best regards

Mark Morley & Maxine Morley 3 Shearwater Road, Lincoln, LN6 0XX

RE	CITY OF		
LEIN	2 1 NOV 2017	POC	
Ě	LINCOLN COUNCIL	Ť	

Michael S Jackson 2, Shearwater Close Lincoln LN60XU

November 19, 2017

Mr K Manning Planning Manager, Development Team City of Lincoln Council City Hall Beaumont Fee Lincoln LN1 1DF

Subject : Planning Application 1 Shearwater Road Lincoln LN60XX Reference : 2017/1185/C4

#### Dear Mr Manning,

I write to you in respect to the above ref Planning Application, which I understand will re-class the subject property to HMO status with the potential of eights (8) letting bedrooms.

I wish to object to this application on the grounds of Change of Use and Safety in that :

1 – Change of Use : the intended residential property is not occupied by the owner who has rented the rooms out for some time, and this application would in effect change the intended residential house into a business asset for the owner, with use not in keeping with neighborhood residential properties.

2 - Public / Traffic Safety : the location of the property is the first house on the left turning in to Shearwater Road off Skellingthorpe Road, with its driveway very close to vehicles turning in and out of Skellingthorpe Road, with constant pedestrian, cycle, and vehicle traffic. Giving the planning application potential of eight letting rooms, and possibility of sixteen people, and sixteen vehicles, there is insufficient on-property parking and on-road parking is already a hazard, let alone if additional vehicles are allowed. The practice of parking in front of the property half on the road and half on the grass verge is not the answer and still results in a hazardous obstruction as the property is too close to the turn-in off Skellingthorpe Road to safely adopt this way of parking.

I would appreciate your respect of these genuine and substantial concerns.

Yours truly



Michael S Jackson.

From: Sent: To: Subject: Robert Whiley 4 21 November 2017 14:18 Technical Team (City of Lincoln Council) 'House of Multiple Occupancy' Application - 1, Shearwater Road.

#### Reference: 2017/1185/C4

Dear Mr K Manning,

With relation to the above application for 1, Shearwater Road, to become a 'house of multiple occupancy', having previously objected to the application for planning permission enabling them to do so, I would again like to raise my objection to the property being granted such permission for the reasons below.

Firstly, I would like to state that I am in no way against the idea of the property being improved, we ourselves have had two house extensions completed in recent years, it's more the impact of the number of residents that draws concerns for both myself and my wife.

If I understand correctly, the house may potentially increase to 8 letting bedrooms once the extension is completed.

With the property being located directly across from my dwelling, the number of people coming and going on a daily basis, focusing here in the number of vehicles, could cause issues.

The property, for some time now, has had a number of residents residing in the property, vehicles have often in the past been an issue having been parked on the roadside.

The property is located directly on the left hand side (corner) as you turn into Shearwater Road, from a safety perspective, there have been previous issues with traffic entering the road at notable speeds.

Also, for myself and my wife, when cars are parked on the roadside across from our driveway, then we are unable to reverse off our driveway quickly, given the hindrances, and have twice nearly been wiped out by cars turning left into Shearwater Road.

With there being the potential for 8 bedrooms, then the number of associated bedrooms will seriously increase the number of vehicles being parked at, or outside, the property.

In fact, should the rooms be occupied by couples, then goodness knows how many vehicles will be present!

The bins for the property are also left at the pavement side for most of the week, nobody seems to look after them, I can only see that the number of bins will further increase to cope with the large number of people living there.

Also, given the area and environment to which we live in, I have to question the appropriateness of this, a house of multiple occupancy isn't in tune with where we are living.

This may adversely affect the value of nearby properties.

If you would be kind enough to confirm receipt of my email, then that would be appreciated.

From: Sent: To: Subject:

peter crowther 21 November 2017 14:09 Technical Team (City of Lincoln Council) 1 Shearwater Road

Dear Sir,

My wife and I would like to object to Application Reference 2017/1185/C4 namely the change of use of 1 Shearwater Road from the existing dwelling to a flexible use as dwelling.

We are unable to write this in the form of a letter as we are currently in Dubai where the post is very unreliable

Best wishes

Pete and Fran Crowther 5 Shearwater Road Lincoln LN6 0XX



4 SHEARWATER ROAD LINCOLN LNG OXX 21.11.17

1 SHEARWATER ROAD - CHANGE OF VSE REF: - 2017/1185/C4

I would like to object to the above application for Change of use to a Housein Multiple Occupation.

This is a very pleasant small estate with a feel of living in the countryside about it. I think that with five ar more people, and probably some with partness living at NoI and with five or more Vehicles it will create problems with parting.

The property concerned is situated on a coner with restricted views and there have already been incidences with children on bicegles.

During the post year or so the owner of No. I have had more than five people occopying this property and it has created problems with pathing.

This is a narrow estate road and when people are particed opposite my drive and then other cars parte either side of it my vision is Completely restricted and I cannot See anyone entering Shearwater Road from Skellingthorpe Road or cars coming from the other direction from the lower and of Sherrwater Road.

the on-Street parling is caused because the drive to Nol is limited to three four Cars.

A house in Multiple Occopation will change the nature of the estate from a family neighbourbood of long term residences in which residents take prive in their properties and gardens. Yours faithfully (ANGELA KEYWOOD). The Development Team Planning Department Lincoln City Council City Hall Lincoln LN1 1DF Mr & Mrs R Brown 7 Goldcrest Close Lincoln LN6 0UX

19th November 2017

Dear Development Team

#### Re: Planning Application - 2017/1185/C4 Address: 1 Shearwater Road Lincoln LN6 0XX Mr Q Truong

As residents living close to the above mentioned property, I feel I must write on behalf of my husband & myself to submit our objections to this planning application for a HMO at the above property.

It is apparent that the owner of this property has, since the summer of 2015, not resided at the property, but has rented the property out to tenants on a multiple occupancy basis as I understand it without the appropriate licence or permission. Thise has caused considerable issues for the other local residents.

Due to the fact that Me Truong no longer uses this property as his permanent dwelling, we can only assume that the Planning Application previously made (Ref 2016/0638/HOU) to increase the property to a 6 bedroom property was purely for financial gain and in order to increase the rental capacity. We feel that pure financial gain is not a good reason to spoil what is otherwise a very beautiful and sought after area. A major concern for us and other local residents is that a multi occupancy residency of this nature will totally change the dynamics of the area.

My husband and I attended the original planning meeting when an extension application was discussed and it was emphasised that an application for a HMO had never been submitted and should such a submission ever be received, it would never be granted due to the nature of the area.

I understand that planning permission to extend the property was granted on the basis it would NOT & NEVER would be a HMO and should an application ever be received, it would be declined.

One concern is that this is a unique area of particular beauty and is a highly respectable, desirable area of high quality residential properties which are, maintained to a very high standard. We would not wish to see the area deteriorate by more transient people and having a regular turnover of tenants & yet more cars parked up the kerbs and on the grass.

Another of our main concerns is traffic safety. 1 Shearwater Road is a corner property adjacent to Skellingthorpe Road. There is a slip road from Skellingthorpe Road into Shearwater Road across which a cycle path runs. Although the problem has not been as bad since the last planning meeting, existing Tenants can park far too close to the junction. With the extension application now granted, the additional tenants created by granting a HMO aaplication will make the situation worse. This causes danger to us & other road users, pedestrians and cyclists. The police were called out to an incident last year involving a motor cyclist who entered the slip road into Shearwater Road and had to brake quickly to avoid hitting a van parked too close to the junction the motor cyclist ended up under the vehicle.

In the past there were several issues with other residents of Shearwater Road being unable to safely get off or on to their own drives due to the tenants cars from No 1 being parked along Shearwater Road, which made it very difficult for other local residents to negotiate all the parked vehicles. I myself have turned into Shearwater Road on a couple of occasions and had to go on the wrong side of the road to negotiate the parked tenants cars and then brake quickly as there was oncoming traffic exiting Shearwater Road. I have also had to actually stop whilst exiting Shearwater road, due to a car turning into Shearwater from Skellingthorpe Road which was on the wrong side of the road due to a parked car.

Should this HMO Application be granted, we fear this will increase the number of cars at the property and therefore the risk of further accidents.

We would very much appreciate your consideration of our objections. I would also like to point out that we were unable to find this application of your planning website & had to ascertain the planning application number from someone on Shearwater Road.

Please do not hesitate to contact us should you require any further information.

Yours sincerely

.....

.....

Mrs Sue Brown

Mr Ray Brown

#### Turney, Helen (City of Lincoln Council)

From: Sent: To: Subject: Sraham West 4 20 November 2017 10:50 Technical Team (City of Lincoln Council) Objection to Proposed Planning Application

Mr & Mrs G West 12,Shearwater Road Lincoln LN6 0XX

20/11/2017

OBJECTION TO PLANNING APPLICATION Ref 2017/1185/C4 at 1, Shearwater Road

Mr K Manning Planning Manager, Development Team City of Lincoln Council City Hall Beaumont Fee Lincoln LN1 1DF

Dear Sirs,

We wish to make an objection for the change of use for the residential property (1, Shearwater Road)

Please think carefully before you allow this illegal situation to be condoned by the Council.

The original application for a residential property extension has been abused and contrived to alter the purpose of the application to change to a home of multiple occupancy. By nature of this intention if the Council agrees to pass this application it will do so in knowing that considerable problems will occur with parking of up to a dozen extra cars around the premises and road corner.

We suggest you visit the site and observe the potential parking disruption and safety to nearby properties.

It cannot be right for the Council to allow illegal occupancy of tenants whilst the owner has not lived in the property for over a year and obviously wishes to conduct a Commercial Business from this residential road.

Yours faithfully Mr G West Mrs P West

Sent from Outlook

1

John Williams <: 18 November 2017 17:47 Technical Team (City of Lincoln Council) Planning application 1 shearwater road In60xx ref: 2017/1185/c4

**Categories:** 

From:

Subject:

Sent: To:

Helen Turney

FAO: MR K MANNING

Dear Mr Manning,

I am emailing to contest the planning permission for the above reference.

This is a residential only area that has no place for a property of multiple residents.

This property overlooks my garden and if it us extended any further will encroach my privacy.

We will certainly not be giving our approval for this.

There have been numerous incidents in the past at this property where the police have been called with tenants causing trouble. Any more will undoubtedly cause more trouble to the area.

This area is sought after with the properties well over £350000 in value. If planning permission was to be granted and the house was to be made into a rented accommodation then this would have a detrimental effect on the value of the houses.

I contest any planning permission.

John and Janine Williams

3 shearwater close lincoln LN60XU.

150

From: Sent: To: Subject: John Williams < 18 November 2017 08:22 Technical Team (City of Lincoln Council) Ref: 2017/1185/C4 - 1 Shearwater Road LN60XX

Categories:

Helen Turney

FAO: MR K MANNING

DEAR Mr Manning,

In regards to the application for the above reference I and my wife totally object to this proposed development.

This is not an area for properties to be made into rental dwellings.

We only moved into the road 12 months ago and if we had known this was going to happen we would have looked somewhere else.

If this causes the value of my property to decrease if passed, I will be looking at my legal rights against the council.

Regards

John Williams & Janine Williams 3 Shearwater Close Lincoln LN60XU 4,Shearwater Close Lincoln LN6 0XU

#### Tel

19-11-2017

<u>Subject</u> – Planning application for No 1 Shearwater Road , Lincoln LN6 0XX Reference 2017/1185/C4

Dear Sir,

As you are well aware the said property has been used as a "house of multiple occupancy" for the past year, whether this had been approved by your department or not I don't hold such information.

I was not even aware of the fact until a neighbour explained to me that the owner of No 1 Shearwater Road had applied to your department to give permission for him to extend the property to increase the number of persons that could reside in the property.

To this end, I and my wife signed a petition objecting to the fact that the said property was to be changed from a "dwelling status" to the status of "multiple occupancy". Nothing was forthcoming from our objection but I am now informed that the owner of the above address wishes to seek official approval to for the dwelling to become a "house of multiple occupancy" status.

The properties on Shearwater Road (phase 1) and Shearwater Close were built in the early 1980s, (we had our house built in 1982) and they were advertised as residential houses in a desirable location, and to this date to quote an estate agents wording "the properties on Shearwater Road and Shearwater Close are desirable houses in a much sought after location".

I cannot conceive that the City Council should even consider allowing a "house of multiple occupancy" to be located in this area, this is a residential area with all the properties ranging in value somewhere between £250k and £350k.

The owner of No 1 Shearwater Road has no thoughts whatsoever for neighbours in close vicinity to his property, nor I believe does he reside in the property himself, all he is wanting to achieve is a financial return on his investment and "be blowed" to anyone who objects.

Finally, Im sure you live in a comfortable dwelling in a pleasant area, would you or your team wish to have a dwelling of multiple occupancy in your street??.

Should you wish to contact me with reference to my letter then my phone number appears at the top of this letter, alternatively my email address is



From:	Nigel Cobbold <
Sent:	20 November 2017 12:27
To:	Technical Team (City of Lincoln Council)
Subject:	Formal Objection to Planning Application Ref. 2017/1185/C4

This is a formal objection as above re the property at 1 Shearwater Road, Lincoln, LN6 0XX. The application is for change of use from 'Dwelling (Class C3)' to 'Flexible Dwelling (House in Multiple Occupancy - HMO - Class C4)'.

No1 Shearwater Road has now been used as an HMO for at least 2 years. There was a previous planning application submitted, heard and concluded re this property about one year ago. That was simply to extend the property to one with eight bedrooms. Because of the way the property was then being used, as an HMO, and because the number of vehicles parking inappropriately around it, I was party to an objection on those grounds. Apparently, the application was approved on condition that adequate parking was created. Part of the front lawn was removed, and vehicles thereafter parked on the drive, front garden soil and shingle. The owner has not physically lived there, and the majority, if not all who have, have been individuals for at least the two years concerned.

Now it would appear that the non-resident owner has decided to be up front about the current situation, and his intention to develop the scenario further.

I assume that should this current planning application be approved, the owner will need to apply for an HMO Licence, because of the number of intended bedrooms and occupancy.

I fear that should this situation be allowed to develop, then the manner in which the property is managed at the only entrance to this family housing area will just worsen.

I am therefore submitting this objection to the application on the grounds of the nature of the area, a family setting, with its public park and amenity appeal being further demeaned and losing its integrity. How can an HMO of such proportions as is seemingly intended, be acceptable in this position and area? Could this lead to more such applications here?

Nigel Cobbold (No. 10 Shearwater road LN6 0XX).



# 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. 2017/1185/C4

31<sup>st</sup> October 2017

#### **Development & Environmental Services**

City Hall, Beaumont Fee

Lincoln, LN1 1DF

#### Re – 1 Shearwater Road, Lincoln, Lincolnshire, LN6 0XX (HMO)

Thank you for your correspondence and opportunity to comment on the proposed development. I would request that you consider the following points that if adhered to would help reduce the opportunity for crime and increase the safety and sustainability of the development.

Historically HMOs can become vulnerable to crime and anti-social behaviour therefore it is important that the best security arrangements and provision are planned for such premises.

Lincolnshire Police has no formal objections to the planning application in principle but would recommend that the initial advisory recommendations are implemented.

The new regulations in respect of approved windows and doors may apply to this development and presume that compliance will be ensured by way of Building Regulations.

#### External doors and windows

**Building Regulations** (October 1<sup>st</sup> 2015) provides that for the first time all new homes will be included within Approved Document Q: Security – Dwellings (ADQ).

Approved document Q applies to all new dwellings including those resulting from **change of use**, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas.

This will include doors at the entrance to dwellings, including all doors to flats or apartments, communal doors to multi-occupancy developments and garage doors where there is a direct access to the premises. Where bespoke timber doors are proposed, there is a technical specification in Appendix B of the document that must be met.

Windows: in respect of ground floor, basement and other easily accessible locations.

The secured by design requirement for all dwelling external doors is PAS 24.2016 (doors of an enhanced Security) or WCL 1 (WCL 1 is the reference number for PAS 23/24 and is published by Warrington Certification Laboratories).

All ground floor windows and doors and those that are easily accessible from the ground must conform to improved security standard PAS24:2016 or equivalent approved standard.

#### Individual Flat or Unit Doors.

Door-sets providing access to the individual bedrooms shall be of robust construction and fire rated (FD30 or higher), and installed with a lock certificated to BS 8621 or PAS 8621, and will be fitted with a minimum of two hinge bolts or hinges with a similar integral facility to ensure protection in the event of a hinge failure under following a criminal attack, and installed with a securely fixed, robust planted stop, OR Shall meet the same physical specification as 'front door' (paragraphs 21, excluding any requirements for postal delivery).

#### Lighting

Lighting should be designed to cover the external doors and be controlled by *photoelectric cell* (dusk to dawn) with a manual override. The use of low consumption lamps with an

efficacy of greater than 40 lumens per circuit watt is required; it is recommended that they be positioned to prevent possible attack.

#### **Bin Storage**

Internal communal bin and bicycle stores within blocks of flats must have no windows and be fitted with a secure door set that meets the same physical specification as 'front door' and specifically Section 2, paragraphs 21.1 to 21.6 and 21.8 to 21.13.

This will ensure that such stores are only accessible to residents. The locking system must be operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. A bicycle store must also be provided with stands with secure anchor points or secure cycle stands.

External bins stores and home composting containers (supplied to meet 'Code for Sustainable Homes' 'Was 3') should be sited in such a way that they cannot be used as a climbing aid to commit crime.

#### **Intruder Alarm**

Where an intruder alarm is installed it should be complaint and meet the standards of BSEN 50131. It is recommended that any alarms system is provided and installed by a police approved company registered with the National Security Inspectorate (NSI) or the Security Systems & Alarms Inspection Board (SSAIB). It is also important that residents are clearly instructed in its use.

#### Utilities

In order to reduce the opportunities for theft by 'bogus officials' the utility meters should, where possible, be located to the outside of the dwelling at a point where they can be overlooked. This will negate the need for an official to enter the building in order to read a meter, which will in turn reduce the opportunity for distraction burglary. Where possible utility meters in multi occupancy developments should be located on the ground floor between access controlled

doors (air lock system) so that access can be restricted to the meters

Note 33.1: Where a utility provider refuses to provide external meters, and there is an obvious (historic) risk of distraction burglary within the location, the developer should consider an alternative supplier.

#### Landscaping

Landscaping should not impede the opportunity for natural surveillance and must avoid the creation of areas of concealment. Any landscaping should be kept to a maximum growth height of 1 metre. Whilst any tree should be pruned to a minimum height of 2 metres, thereby maintaining a clear field of vision around the development. Trees when fully grown should not mask any lighting columns or become climbing aids.

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

Please refer to *New Homes 2016* which can be located on <u>www.securedbydesign.com</u> New Homes 2016 36.1 this includes details of the criteria for bespoke window fittings that may apply to this development.

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 Dip Bus.

Force Crime Prevention Design Advisor

This page is intentionally blank.

Application Number:	2017/1162/C4	
Site Address:	39 Foster Street, Lincoln.	
Target Date:	19th December 2017	
Agent Name:	Sahaja Planning Consultancy	
Applicant Name:	Mr David Allen	
Proposal:	Change of use from Dwellinghouse (Use Class C3) to a	
	House in Multiple Occupation (Use Class C4).	

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

#### Site Location

The application site is situated on the northern side of Foster Street, within the Boultham Ward of the city and within Flood Zone 2. The property is a mid-terrace 3-bedroom dwelling accessed by a shared passageway and incorporates a bay window at street level. The ground floor is occupied by a lounge, dining room, kitchen and bathroom. The first floor is occupied by three bedrooms.

#### Application Description

This application for planning permission proposes to change the use of the house from a single dwelling, which falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), to a House in Multiple Occupation (HMO), which falls within Class C4. This was a permitted change of use until the introduction of the City-wide Article 4 direction as of March 1<sup>st</sup> 2016, after which time the change of use came under the control of the Local Planning Authority. Consequently, changes of use of this nature now require an application for planning permission.

There are no changes proposed to the use of the rooms within the house.

#### Site History

Reference:	Description	Status	Decision Date:
2017/0136/CLE	Continued use of property as 3 no. bedroom HMO (Class C4). (Application for Certificate of Lawfulness).	Refused	7th April 2017

#### Case Officer Site Visit

Undertaken on 15th November 2017.

#### Policies Referred to

- Policy LP37 Sub-division and multi-occupation of dwellings within Lincoln
- National Planning Policy Framework
- Supplementary Planning Guidance (Houses in Multiple Occupation)

#### <u>Issues</u>

The issues raised by the application relate to the Houses in Multiple Occupation Supplementary Planning Document Approved Draft, firstly in relation to the principle of the development and then the impacts of the use itself in terms of amenity and flood risk.

The purpose of the Article 4 direction, as explained within the draft document, "is not to restrict the supply of HMOs, rather [it is] intended to manage the future development of HMOs to ensure such developments will not lead to or increase existing overconcentrations of HMOs that are considered harmful to local communities."

#### **Consultations**

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

#### **Statutory Consultation Responses**

Consultee	Comment
Environmental Health	Comments Received
Highways & Planning	Comments Received
Lincolnshire Police	Comments Received

#### Public Consultation Responses

Name	Address
John Harrod	86 Foster Street
	Lincoln
	Lincolnshire
	LN5 7QF

#### **Consideration**

The issues raised by the application are those contained within the Policy LP37 of the Central Lincolnshire Local Plan and particularly those within the aforementioned SPD, which has been developed from a strong and robust evidence base and gives a clear direction for the consideration of applications that are submitted as a consequence of the Article 4 direction.

## 1) Planning Policies

The National Planning Policy Framework (the Framework) is relevant:

Para 50 seeks to *"deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities."* 

Para. 58 seeks to ensure that developments "will function well and add to the overall quality of the area....respond to local character and history and reflect the identity of the local surroundings and materials."

Meanwhile, the Framework sets out a strategy for dealing with flood risk in paragraphs 93-108 Inc. which involves the assessment of site specific risks with proposals aiming to place the most vulnerable development in areas of lowest risk and ensuring appropriate flood resilience and resistance.

Central Lincolnshire Local Plan – Policy LP37: "the conversion or change of use of existing dwellings and buildings in other uses to self-contained flats or shared accommodation including houses in multiple occupation will be supported where:

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

The issues identified below are based upon the groupings of issues referred to in the Supplementary Planning Document and relevant planning policies, starting with the issues that affect the principle of development:

## 2) <u>The Principle of Development</u>

#### a) Relevant Site History

Members will note that the property has been the subject of an application for a Certificate of Lawfulness to establish whether the property is lawfully an HMO.

Council Tax records suggest that the property was a company let HMO for homeless/vulnerable people from October 2011 to February 2017. In light of this, the decision of officers was that the use of the property by Framework Housing Association, as tenant, did not constitute an HMO.

Moreover, given that they operate as a non-profit registered provider of social housing, as defined under Schedule 14, Section 254 of the Housing Act 2004 and subsequently the Town and Country Planning Use Classes Order (as amended), whilst the

occupation was in a multi-occupation format the use could not technically be classified as an HMO. This is because use of properties in this manner by providers of this nature, alongside Local Housing Authorities, are excluded from the definition of HMOs.

## b) The Implications of the Previous Use

It is clear that the previous use of the property has functioned in the same manner as an HMO would but could not <u>technically</u> be classified as such by the aforementioned relevant legislation. As such, use of the property as an HMO would not in itself be an unacceptable use for the property, as there would not be a material change in the way in which the property is occupied.

In light of this, officers are satisfied that this application would not necessarily result in the loss of an existing family home, particularly as the property is currently vacant. Nonetheless, the application property is currently being marketed for sale with a local estate agent at a reasonable price (£127,000).

The case of the application property is not commonplace and it is clear that the property was previously occupied in a manner identical to an HMO for a number of years. Consequently, officers would recommend to Members that it would be reasonable to suggest that the full marketing exercise need not be undertaken for the property given the previous use of the property as families would not be precluded from buying or renting the property as a C3 dwelling for single-family use.

## c) Flexible Use

The draft Supplementary Planning Document includes advice in relation to a planning condition which would give the applicant flexibility over the use of property for a period of ten years. This would allow the property in question to change freely from a C4 HMO use to a C3 dwelling (a permitted change) and back to a C4 use (needs planning permission as a result of the Article 4 direction). Although the applicant has not specifically requested this condition be imposed, should Members be minded to grant approval for the application this would allow the applicant or subsequent owners to respond to changing local housing market circumstances over a period of ten years. Therefore this would ensure that the property could return to a dwelling should there be a need in the future.

## d) Summary on this Issue

The fact that the property has been used on a multiple-occupancy basis in the past is important in considering the impact of an HMO in the area, as well as the need for marketing. In terms of the former, there would not be a material change in the way in which the property is proposed to be occupied. In terms of the latter, although marketing is underway, officers would advise that it is not necessarily important to the consideration of the acceptability of the proposed use given the previous use.

## 3) Concentration of HMO Uses in the Area

A high concentration of HMOs can lead to an imbalance in the community. Recently gathered evidence suggests there is some correlation between increasing numbers of HMOs and the following symptoms of imbalance within parts of the city;

- High levels or absence of any specific tenure
- High levels of turnover of housing vacancies
- Abnormally high or low house prices and rents
- A population that is highly fixed or transient
- A local economy that is largely dependent upon a large group of people
- Falling school rolls or changes in the nature of school rolls

The database developed in support of the Article 4 direction has been designed to allow, as far as is possible, to assess the concentration of HMO uses within the particular area and, in accordance with the draft Supplementary Planning Document. The criteria set out in in the draft SPD is that there is likely to be an over-concentration if, within a 100m radius, there is a concentration of more than 10% of properties in a HMO use. The 10% threshold does need to be applied reasonably and is not an absolute, but does give a good indication as to whether HMO uses are particularly prevalent in a particular area.

In the case of this application, the 10% threshold has not been met (7.97%) and would not be met with the proposals (as each property only increases the percentage by 0.61%). However, as officers have alluded to elsewhere, the property has previously been utilised in a multiple-occupancy manner so the impacts of this numerical change would not necessarily impact upon the balance in tenure.

Notwithstanding this, it would still be necessary to consider the indirect implications of the proposals in terms of the potential harm that could be caused by the proposed change in tenure of the property. This is dealt with below.

## 4) Effect on the Amenities of the Wider Area

Turning to the indirect implications of the proposals in terms of the potential harm that could be caused by the proposals, this section will deal with aesthetics, highways and residential amenity.

## a) Character and Appearance

The use of the property as proposed will not result in any external physical alterations, the ground floor frontage of the building is set sufficiently back from the highway that the use of this room as a bedroom would not, in itself, cause harm to the appearance of the area, particularly as the room has been used for sleeping accommodation with the previous use.

## b) Impacts upon Residential Amenity

In terms of the impacts of the proposals upon the existing and future occupants of existing properties and the property the subject of this application, as all the other properties within the wider area, the property is served by a small rear yard area. This is considered to be appropriately sized for the proposals as there would be sufficient shared space for the occupants of the four rooms proposed to be occupied independently of one another. In addition, the potential use of the rear yard should not in practice be any more harmful than a normal residential context.

The property has operated and would continue to operate, utilising the standard domestic refuse arrangements so there should not be harm caused to occupants of the property or those either side, as the secure passageway to the side of the property would provide access for presenting bins for collection. The issues raised by a resident in relation to the presentation and storage of bins in the footway is a management issue and can be investigated by the Council's Public Protection and Anti-Social Behaviour team.

In terms of noise and disturbance, officers are mindful that the occupants of the rooms could result in independent adults living together with comings and goings, including at unsocial hours, by these occupants, their friends and other visitors. The balance of probability would suggest that this would be more likely to be greater than with a single family household. However, given the long linear nature of the street, the dense configuration of properties either side of the street and its close proximity with High Street, one could argue that an element of general noise would not be unexpected in this location from the residents living within the wider street. As such, it is considered that it would not be reasonable to resist the application upon the basis of the impact upon wider amenity.

In terms of the future occupants of the property and those neighbouring, the applicant has confirmed that there are 225mm solid brick party walls with original wet plaster finish; and internal walls consist of 112mm single brick with wet plaster finish. Officers have clarified with relevant colleagues that the Council has no record of any complaints being made regarding noise emanating from the building and that the aforementioned construction is sufficient to meet the Building Regulations in terms of acoustic insulation.

Notwithstanding this, in the interests of the future occupants of the property, it would be appropriate to restrict the number of occupants to four unrelated residents due to the scale of accommodation, including the communal spaces inside and outside the property. In addition, Lincolnshire Police offer pertinent advice regarding the proposals which should be passed on to the applicant should the application be successful.

## c) Traffic and Parking

Vehicular traffic on Foster Street is two-way and there is unrestricted parking to either side. The street is narrow as a result and with multiple occupancy of the premises, there is potential for traffic generation and parking to also be intensified. However, given that the site is close to the High Street, where there are numerous bus routes into and out of the city centre; and the street is not controlled by a resident permit scheme, officers would recommend to Members that it would be difficult to afford too much weight to this issue. Moreover, it would be possible for anyone to park on the street so it would be difficult to determine whether HMOs cause this problem. Indeed, a resident has suggested that commuters and shoppers are part of the problem.

Although issues such as this are regrettable, without a coherent approach to the control of parking, it would be difficult to object to the proposals upon this basis as the site is located close to the city centre and other means of transport are possible. In addition to this, as the property has been used on a multiple-occupancy basis in the

recent past, officers would advise Members that it may be perceived as unreasonable to suggest that this issue should be reappraised.

It is therefore considered that the parking and traffic generation associated with the proposals would be unlikely to cause harm to the amenities of the wider area so there would not be justification to resist the application upon this ground, particularly as the Highway Authority does not object to this application.

Notwithstanding this, with controls over the number of occupants, the parking requirements would not become any greater than a family home.

## d) Summary

In light of the above, officers are satisfied that the residential use of the premises, particularly in a shared capacity would not result in a change in circumstances that would be sufficiently harmful to the amenities that the occupants of the property or those adjoining would expect to enjoy to warrant refusal of the application. Moreover, the occupancy of the property could be restricted to three persons overall to the existing bedrooms within the property.

## 5) Flood Risk

Environment Agency flood maps indicate that the property is located within Flood Zone 2, where there is a 'Medium Probability' of flooding. The Sequential Test does not need to be applied for applications for changes of use, however, the local planning authority must be satisfied that the proposed development can be safely and sustainably delivered.

The existing layout includes living spaces at ground floor but the previous use of the property also included sleeping accommodation. Ordinarily in circumstances where a property is located within a Flood Zone, in the interests of the safety of future occupants, the Council would normally insist that there is not sleeping accommodation at ground floor. However, due to the fact that the previous use of the building incorporated sleeping accommodation at ground floor, it is considered that it would not be reasonable for officers to recommend such a restriction, as there would not technically be an increase in the risk to life.

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

Yes, additional information provided regarding layout.

## **Financial Implications**

None.

## Legal Implications

None.

## Equality Implications

None.

## **Conclusion**

Although the use of the property as a HMO would technically result in a new HMO, the property has been utilised in the past on a multiple-occupancy basis so there would not be harm caused to the physical and social character of the residential area in relation to the nature and composition of the local community. Similarly, due to the previous occupation of the property, there would not be a need for marketing in relation to the demand for the property as a family home, as it has not been used as such in the recent past.

In addition, the proposals would not cause harm to the amenities that the occupants of nearby properties would expect to enjoy as a result of noise and disturbance or car parking; and control over the number of residents would ensure that the occupants of the property would not be harmed. Finally, given the previous use, it would not be reasonable to impose controls over the use of rooms at ground floor within the property in terms of the risk of flooding to sleeping accommodation.

#### **Recommendation**

The recommendation is to grant the change of use subject to the conditions outlined below.

#### Planning Conditions

The following Planning Conditions are recommended:-

Standard Timeframe for Implementation (3 years) Approved Plans

#### Flexible Use Condition

The use hereby approved is permitted to change from C4 to C3 and back again to C4 without the need for a further application for planning permission for an unlimited number of times for a period limited to ten years hence from the date of this permission. The use of the premises at the expiry of ten years shall then be the use of the premises from that point forwards.

Reason: In order to enable the applicant / owner of the property to respond to market conditions, without the need for multiple planning applications.

#### Restriction on Occupants when a HMO

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 4 residents shall at any time occupy the

property whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the premises is occupied by unrelated individuals who share basic amenities).

Reason: The occupancy of the property by more than four residents could be harmful to amenity.

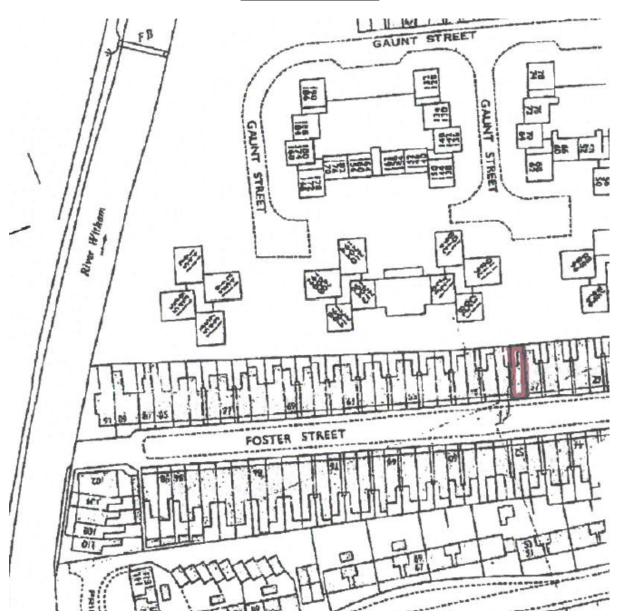
## Report by: Planning Manager

# Site Photos

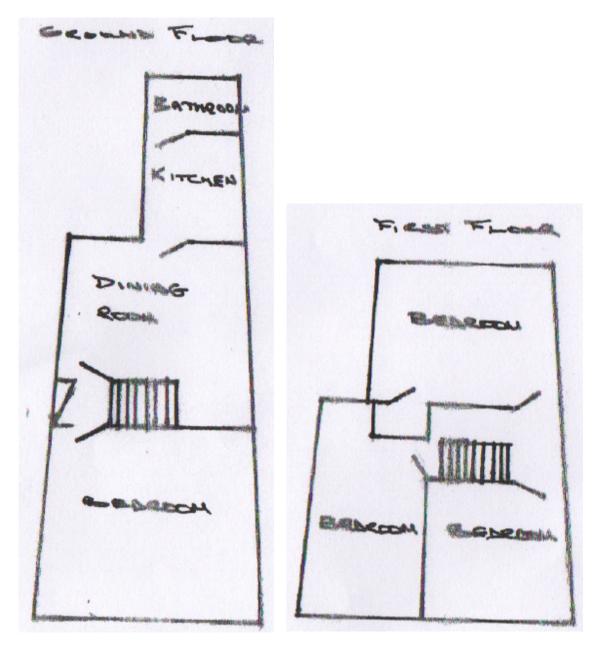




Site Location Plan



## Floor Plans



#### <u>Correspondence</u>

#### Mr. J. Harrod (86 Foster Street)

There are now a considerable number of houses with multiple occupation (though not necessarily in the form of this application) in Foster Street. From my experience as a long standing resident they invariably attract people who have no interest in or consideration for the local community. The lifestyle & lack of consideration they adopt with regard to their comings & goings impacts on other residents on a daily basis. Also the owners of such premises with regard to students do not appear to worry too much about the state of the property until of course it is time for the next intake. This is usually obvious by it being immediately preceded by the arrival of the property maintenance team van and intensive activity that ensues!

However I realise that these general points will almost certainly conveniently be outside the scope of the planning application and that I am in effect wasting my time with this missive.

Having said that I strongly feel that the proliferation of this type of accommodation does impact significantly as follows:-

#### Wheelie Bins

The introduction of wheelie bins I welcomed but sadly some people seem to think that it is ok to leave them on the pavement far longer than is required for emptying and in some cases on a permanent basis. I along with other residents have complained about this to the City Council on a number of occasions with no lasting effect. Obviously houses of multiple occupation have multiple wheelie bins and are already one of the chief offenders in this respect! These are also a Health and Safety issue and more so with regard to limitation on Street Lighting with which I have no other problem.

I respectfully suggest that the City Council should adopt a more robust policy for dealing with this problem and pursue any means possible to get rid of this dangerous eyesore.

#### Street Parking

Foster Street is prime day time parking for both non-resident workers and shoppers in significant numbers. The piecemeal introduction of 'Resident Parking ' such as in Alfred/Gaunt Street whilst creating a luxurious number of unused places there has merely moved the problem elsewhere! Obviously multiple occupation of properties exacerbates this issue further. I have personally observed cars of students parked without movement for weeks at a time.

I respectfully suggest that the subject of extending the Residents Parking Scheme should be revisited. I know of a number of long standing residents who have been opposed to this in the past who would now welcome such a scheme.

Any comments welcome.

## Lincolnshire County Council, as Highway Authority and Lead Local Flood Authority

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. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

#### *Lincolnshire Police – Force Crime Prevention Design Advisor*

Thank you for your correspondence and opportunity to comment on the proposed development. I would request that you consider the following points that if adhered to would help reduce the opportunity for crime and increase the safety and sustainability of the development.

Historically HMOs can become vulnerable to crime and anti-social behaviour therefore it is important that the best security arrangements and provision are planned for such premises.

Lincolnshire Police has no formal objections to the planning application in principle but would recommend that the initial advisory recommendations are implemented.

The new regulations in respect of approved windows and doors may apply to this development and presume that compliance will be ensured by way of Building Regulations.

#### External doors and windows

**Building Regulations** (October 1<sup>st</sup> 2015) provides that for the first time all new homes will be included within Approved Document Q: Security – Dwellings (ADQ).

Approved document Q applies to all new dwellings including those resulting from **change of use**, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas.

This will include doors at the entrance to dwellings, including all doors to flats or apartments, communal doors to multi-occupancy developments and garage doors where there is a direct access to the premises. Where bespoke timber doors are proposed, there is a technical specification in Appendix B of the document that must be met.

Windows: in respect of ground floor, basement and other easily accessible locations.

The secured by design requirement for all dwelling external doors is PAS 24.2016 (doors of an enhanced Security) or WCL 1 (WCL 1 is the reference number for PAS 23/24 and is published by Warrington Certification Laboratories).

All ground floor windows and doors and those that are easily accessible from the ground must conform to improved security standard PAS24:2016 or equivalent approved standard

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

Please refer to *New Homes 2016* which can be located on <u>www.securedbydesign.com</u> New Homes 2016 36.1 this includes details of the criteria for bespoke window fittings that may apply to this development.

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 Dip Bus.

Force Crime Prevention Design Advisor

This page is intentionally blank.

Application Number:	2017/1163/C4
Site Address:	97 Vernon Street, Lincoln.
Target Date:	19th December 2017
Agent Name:	Sahaja Planning Consultancy
Applicant Name:	Mr David Allen
Proposal:	Change of use from Dwellinghouse (Use Class C3) to a
-	House in Multiple Occupation (Use Class C4).

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

#### Site Location

The application site is situated on the southern side of Vernon Street, within the Boultham Ward of the city and within Flood Zone 2. The property is a mid-terrace 3-bedroom dwelling accessed by a shared passageway and incorporates a bay window at street level. The ground floor is occupied by a lounge, dining room, kitchen, utility and bathroom. The first floor is occupied by three bedrooms.

#### Application Description

This application for planning permission proposes to change the use of the house from a single dwelling, which falls within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), to a House in Multiple Occupation (HMO), which falls within Class C4. This was a permitted change of use until the introduction of the City-wide Article 4 direction as of March 1<sup>st</sup> 2016, after which time the change of use came under the control of the Local Planning Authority. Consequently, changes of use of this nature now require an application for planning permission.

There are no changes proposed to the use of the rooms within the property.

#### Site History

Reference:	Description	Status	Decision Date:
2017/0135/CLE	Continued use of property as 3 no. bedroom HMO (Class C4. (Application for Certificate of	Refused	7th April 2017
	Lawfulness).		

#### Case Officer Site Visit

Undertaken on 15th November 2017.

#### Policies Referred to

- Policy LP37: Sub-division and multi-occupation of dwellings within Lincoln 86
- National Planning Policy Framework
- Supplementary Planning Guidance (Houses in Multiple Occupation)

#### <u>Issues</u>

The issues raised by the application relate to the Houses in Multiple Occupation Supplementary Planning Document Approved Draft, firstly in relation to the principle of the development and then the impacts of the use itself in terms of amenity and flood risk.

The purpose of the Article 4 direction, as explained within the draft document, "is not to restrict the supply of HMOs, rather [it is] intended to manage the future development of HMOs to ensure such developments will not lead to or increase existing overconcentrations of HMOs that are considered harmful to local communities."

#### **Consultations**

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

#### **Statutory Consultation Responses**

Consultee	Comment
Lincolnshire Police	No Response Received
Environmental Health	Comments Received
Highways & Planning	Comments Received

#### Public Consultation Responses

Name	Address
Mr Jeremy Dawkins	95 Vernon Street
	Lincoln
	Lincolnshire
	LN5 7QU

## **Consideration**

The issues raised by the application are those contained within the Policy LP37 of the Central Lincolnshire Local Plan and particularly those within the aforementioned SPD, which has been developed from a strong and robust evidence base and gives a clear direction for the consideration of applications that are submitted as a consequence of the Article 4 direction.

## 1) Planning Policies

The National Planning Policy Framework (the Framework) is relevant:

Para 50 seeks to "deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities."

Para. 58 seeks to ensure that developments "will function well and add to the overall quality of the area....respond to local character and history and reflect the identity of the local surroundings and materials."

Meanwhile, the Framework sets out a strategy for dealing with flood risk in paragraphs 93-108 inc. which involves the assessment of site specific risks with proposals aiming to place the most vulnerable development in areas of lowest risk and ensuring appropriate flood resilience and resistance.

Central Lincolnshire Local Plan – Policy LP37: "the conversion or change of use of existing dwellings and buildings in other uses to self-contained flats or shared accommodation including houses in multiple occupation will be supported where:

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

The issues identified below are based upon the groupings of issues referred to in the Supplementary Planning Document and relevant planning policies, starting with the issues that affect the principle of development:

## 2) <u>The Principle of Development</u>

#### a) Relevant Site History

As outlined in the planning history referred to above, Members will note that the property has been the subject of an application for a Certificate of Lawfulness to establish whether the property is lawfully an HMO.

Council Tax records suggest that the property was a company-let HMO for homeless/vulnerable people from October 2011 to February 2017. In light of this, the decision of officers was that the use of the property by Framework Housing Association, as tenant, did not constitute an HMO.

Moreover, given that they operate as a non-profit registered provider of social housing, as defined under Schedule 14, Section 254 of the Housing Act 2004 and subsequently the Town and Country Planning Use Classes Order (as amended), whilst the property

was utilised in a multi-occupation format it could not technically be classified as an HMO. This is because use of properties in this manner by providers of this nature, alongside Local Housing Authorities, are excluded from the definition of HMOs.

## b) The Implications of the Previous Use

It is clear that the previous occupation of the property has functioned in the same manner as an HMO would but could not <u>technically</u> be classified as such by the aforementioned relevant legislation. As there would not be a material change in the way in which the property is occupied, officers would advise Members that the use of the property as an HMO would not in itself be an unacceptable use.

As the property was previously utilised on a multiple-occupancy basis officers are satisfied that this application would not necessarily result in the loss of an existing family home, particularly as the property has remained vacant following the previous use ending. Nonetheless, the application property is currently being marketed for sale with a local estate agent at a reasonable price (£129,950).

The case of the application property is not commonplace and it is clear that the property was previously occupied in a manner similar to an HMO for a number of years. Consequently, officers would recommend to Members that it would be reasonable to suggest that the full marketing exercise need not be undertaken for the property, as families would not be precluded from buying or renting the property as a C3 dwelling for single-family use.

## c) Flexible Use

The draft Supplementary Planning Document includes advice in relation to a planning condition which would give the applicant flexibility over the use of property for a period of ten years. This would allow the property in question to change freely from a C4 HMO use to a C3 dwelling (a permitted change) and back to a C4 use (needs planning permission as a result of the Article 4 direction). Although the applicant has not specifically requested this condition be imposed, should Members be minded to grant approval for the application this would allow the applicant or subsequent owners to respond to changing local housing market circumstances over a period of ten years. Therefore this would ensure that the property could return to a dwelling should there be a need in the future.

## d) Summary on this Issue

The fact that the property has been used on a multiple-occupancy basis in the past is important in considering the impact of an HMO in the area, as well as the need for marketing. In terms of the former, there would not be a material change in the way in which the property is proposed to be occupied. In terms of the latter, although marketing is underway, officers would advise that it is not necessarily important to the consideration of the acceptability of the proposed use given the previous use.

## 3) <u>Concentration of HMO Uses in the Area</u>

A high concentration of HMOs can lead to an imbalance in the community. Recently gathered evidence suggests there is some correlation between increasing numbers of HMOs and the following symptoms of imbalance within parts of the city;

- High levels or absence of any specific tenure
- High levels of turnover of housing vacancies
- Abnormally high or low house prices and rents
- A population that is highly fixed or transient
- A local economy that is largely dependent upon a large group of people
- Falling school rolls or changes in the nature of school rolls

The database developed in support of the Article 4 direction has been designed to allow, as far as is possible, to assess the concentration of HMO uses within the particular area and, in accordance with the draft Supplementary Planning Document. The criteria set out in in the draft SPD is that there is likely to be an over-concentration if, within a 100m radius, there is a concentration of more than 10% of properties in a HMO use. The 10% threshold does need to be applied reasonably and is not an absolute, but does give a good indication as to whether HMO uses are particularly prevalent in a particular area.

In the case of this application, the 10% threshold has already been met (20.75%) and would be exceeded by a further 0.94% with this property, i.e. given the smaller number of properties within the area, each property that becomes an HMO has a significant impact in numerical terms. As such, whilst the establishment of a further HMO would lead to an increase in the concentration of HMOs, as officers have alluded to elsewhere, the property has previously been utilised in a multiple-occupancy manner so the impacts of this numerical change would not necessarily lead to a harmful imbalance in tenure.

Notwithstanding this, it would still be necessary to consider the indirect implications of the proposals in terms of the potential harm that could be caused by the proposed change in tenure of the property. This is dealt with below.

## 4) Effect on the Amenities of the Wider Area

Turning to the indirect implications of the proposals in terms of the potential harm that could be caused by the proposals, this section will deal with aesthetics, highways and residential amenity.

## a) Character and Appearance

The use of the property as proposed will not result in any external physical alterations, the ground floor frontage of the building is set sufficiently back from the highway that the use of this room as a bedroom would not, in itself, cause harm to the appearance of the area, particularly as the room has been used for sleeping accommodation with the previous use.

## b) Impacts upon Residential Amenity

In terms of the impacts of the proposals upon the existing and future occupants of existing properties and the property the subject of this application, as all the other properties within the wider area, the property is served by a small rear yard area. This is considered to be appropriately sized for the proposals as there would be sufficient shared space for the occupants of the four rooms proposed to be occupied independently of one another. In addition, the potential use of the rear yard should not in practice be any more harmful than a normal residential context.

The property has operated and would continue to operate, utilising the standard domestic refuse arrangements so there should not be harm caused to occupants of the property or those either side, as the secure passageway to the side of the property would provide access for presenting bins for collection.

In terms of noise and disturbance, officers are mindful that the occupants of the rooms could result in independent adults living together with comings and goings, including at unsocial hours, by these occupants, their friends and other visitors. The balance of probability would suggest that this would be more likely to be greater than with a single family household.

Ordinarily, given the long linear nature of the street, the dense configuration of properties either side of the street and its close proximity with High Street one could argue that an element of general noise would not be unexpected in this location from the residents living within the wider street. However, a neighbour of the property has pointed to the previous occupancy of the property being the subject of police attention on numerous occasions. In particular, a stabbing was reported in the local press. The neighbour has therefore expressed grave reservations regarding the continued use of the property on a multiple-occupancy basis.

In light of this, officers contacted the Lincolnshire Police City Centre and Carholme Beat Manager, who covers the area the application site is situated within and has verbally suggested that they also have similar concerns. They suggested that their concerns could be overcome by the occupancy of the property being restricted, perhaps to professionals or students.

A planning condition of this nature would need to be reasonably related to the development and officers would advise Members that it would be difficult for officers to support this request. Moreover, it would be unreasonable to impose a restriction due to previous management issues given that the owner of the property is the applicant and there is nothing to suggest that these problems would persist, particularly as the tenants were related to the former leaseholder of the property, Framework Housing Association, whom is not involved.

In light of the above, officers would advise that it would not be reasonable to resist the application upon the basis of the impact upon wider amenity, however, it is important to consider the impact upon occupants of the applicant building.

Moreover, in terms of the future occupants of the property and those neighbouring, the applicant has confirmed that there are 225mm solid brick party walls with original wet

plaster finish; and internal walls consist of 112mm single brick with wet plaster finish. Officers have clarified with relevant colleagues that the Council has no record of any complaints being made regarding noise emanating from the building and that the aforementioned construction is sufficient to meet the Building Regulations in terms of acoustic insulation.

Notwithstanding this, in the interests of the future occupants of the property, it would be appropriate to restrict the number of occupants to four unrelated residents due to the scale of accommodation, including the communal spaces inside and outside the property. In addition, Lincolnshire Police offer pertinent advice regarding the proposals which should be passed on to the applicant should the application be successful.

## c) Traffic and Parking

Vehicular traffic on Vernon Street is two-way and there is unrestricted parking to either side. The street is narrow as a result and with multiple occupancy of the premises, there is potential for traffic generation and parking to also be intensified. However, given that the site is close to the High Street, where there are numerous bus routes into and out of the city centre; and the street is not controlled by a resident permit scheme, officers would recommend to Members that it would be difficult to afford too much weight to this issue. Moreover, it would be possible for anyone to park on the street so it would be difficult to determine whether HMOs cause this problem.

Although issues such as this are regrettable, without a coherent approach to the control of parking, it would be difficult to object to the proposals upon this basis as the site is located close to the city centre and other means of transport are possible. In addition to this, as the property has been used on a multiple-occupancy basis in the recent past, officers would advise Members that it may be perceived as unreasonable to suggest that this issue should be reappraised.

It is therefore considered that the parking and traffic generation associated with the proposals would be unlikely to cause harm to the amenities of the wider area so there would not be justification to resist the application upon this ground, particularly as the Highway Authority does not object to this application.

Notwithstanding this, with controls over the number of occupants, the parking requirements would not become any greater than a family home.

## d) Summary

In light of the above, officers are satisfied that the residential use of the premises, particularly in a shared capacity would not result in a change in circumstances that would be sufficiently harmful to the amenities that the occupants of the property or those adjoining would expect to enjoy to warrant refusal of the application. Moreover, the occupancy of the property could be restricted to three persons overall to the existing bedrooms within the property.

## 5) Flood Risk

Environment Agency flood maps indicate that the property is located within Flood Zone

2, where there is a 'Medium Probability' of flooding. The Sequential Test does not need to be applied for applications for changes of use, however, the local planning authority must be satisfied that the proposed development can be safely and sustainably delivered.

The existing layout includes living spaces at ground floor but the previous use of the property also included sleeping accommodation. Ordinarily in circumstances where a property is located within a Flood Zone, in the interests of the safety of future occupants, the Council would normally insist that there is not sleeping accommodation at ground floor. However, due to the fact that the previous use of the building incorporated sleeping accommodation at ground floor, it is considered that it would not be reasonable for officers to recommend such a restriction, as there would not technically be an increase in the risk to life.

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

Yes, additional information in terms of the layout of the property.

## **Financial Implications**

None.

## Legal Implications

None.

## **Equality Implications**

None.

## **Conclusion**

Although the use of the property as a HMO would technically result in a new HMO, the property has been utilised in the past on a multiple-occupancy basis so there would not be harm caused to the physical and social character of the residential area in relation to the nature and composition of the local community. Similarly, due to the previous occupation of the property, there would not be a need for marketing in relation to the demand for the property as a family home, as it has not been used as such in the recent past.

In addition, the proposals would not cause harm to the amenities that the occupants of nearby properties would expect to enjoy as a result of noise and disturbance or car parking; and control over the number of residents would ensure that the occupants of the property would not be harmed. Finally, given the previous use, it would not be reasonable to impose controls over the use of rooms at ground floor within the property in terms of the risk of flooding to sleeping accommodation.

## **Recommendation**

The recommendation is to grant the change of use subject to the conditions outlined below.

## Planning Conditions

The following Planning Conditions are recommended:-

Standard Timeframe for Implementation (3 years). Approved Plans.

## Flexible Use Condition

The use hereby approved is permitted to change from C4 to C3 and back again to C4 without the need for a further application for planning permission for an unlimited number of times for a period limited to ten years hence from the date of this permission. The use of the premises at the expiry of ten years shall then be the use of the premises from that point forwards.

Reason: In order to enable the applicant / owner of the property to respond to market conditions, without the need for multiple planning applications.

## Restriction on Occupants when a HMO

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 4 residents shall at any time occupy the property whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the premises is occupied by unrelated individuals who share basic amenities).

Reason: The occupancy of the property by more than four residents could be harmful to amenity.

## **Report by: Planning Manager**

## Site Photographs

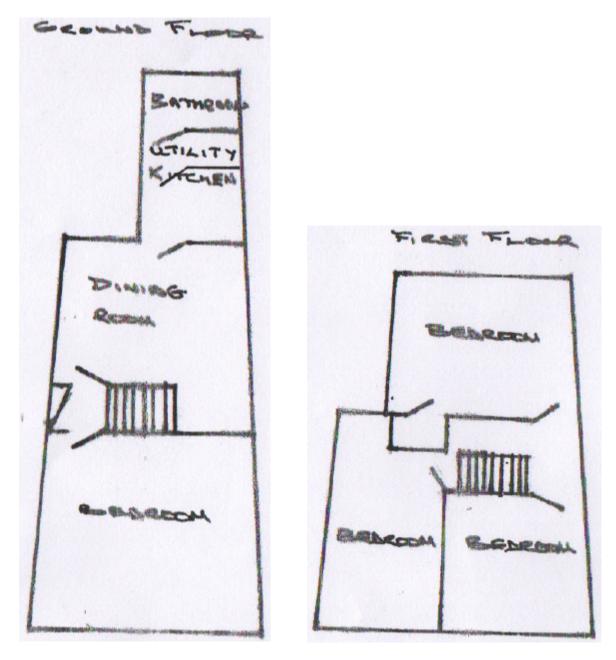




## Site Location Plan



## Floor Plans



## Correspondence

## Mr. J. Dawkins (95 Vernon Street)

I object to this proposed development as it fails to meet the criteria under the Local Plan and also the Article 04 direction relating to HMOs:

1) HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT

The application fails to provide relevant information concerning the following:

## 5 Assessment criteria

5.1 The following criteria will be used to determine planning applications for the development of HMOs:

## Housing needs

Notwithstanding shared accommodation needs, proposals comprising the conversion of existing residential property to an HMO must demonstrate there is an established lack of demand for the single family use of the property concerned, based on local housing market circumstances at the time. Evidence that the property has been openly marketed at a reasonable purchase or rental price for a period of at least six months shall be submitted with the application and verified by a suitable person in a relevant profession, such as an estate agent.

## 2) The application fails to provide any evidence of:

### 5.5 Sound insulation

Where necessary, proposals must include details of noise mitigation measures, having regard to recognised standards, to be incorporated into the proposed HMO development, to protect the amenities of future occupants and neighbours.

3) Vernon Street already has multiple HMO's and rented accommodation in the immediate area and would exceed the 10% maximum concentration which appropriately represents the community:

## 5.11 Defining over-concentration

HMO concentration is commonly expressed as a percentage of the total number residential properties within a certain area. A high concentration or percentage of HMOs can lead to an imbalance in the community. There is no widely accepted numerical model to indicate if balance or imbalance exits, therefore assessments of balance or imbalance must rely, to some extent, on the presence of symptoms of imbalance and comparison with other communities and housing markets.

## 4) Under Policy LP9: Health and Wellbeing

The potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals. Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated

The applicant has failed to demonstrate evidence of how they would address potential adverse impacts in their application given their historical poor management of the property. As one of the neighbours I have been unable to have reasonable enjoyment of my home due to the nature of the previous rentees resident at 97 Vernon Street. Policy states that the conversion or change of use of existing dwellings and buildings in other uses to self-contained flats or shared accommodation including houses in multiple occupation will be supported where:

a) the existing dwelling or building is capable of conversion without causing harm to the amenities of future occupants, neighbours and the wider area;

The current proprietor of these premises;

GLADEBROOK LIMITED of 52 Canwick avenue, Bracebridge Heath, Lincoln.

Have owned 97 Vernon Street in all the time I have been resident at the neighboring property. Unfortunately under their ownership this property has been the cause of much disturbance and distress to neighbours in the area. For example I would refer to the stabbing in October 2016:

http://lincolnshirereporter.co.uk/2016/10/man-hospitalised-suspected-stabbinglincoln/

This incident meant I was unable to access my own premises for 24 hours as the shared passageway was a crime-scene.

There have been frequent visits by Lincolnshire Police to the address involving issues such as drugs, theft and violence and therefore I have no confidence in the current management of the property by the existing proprietor.

The applicant has failed to demonstrate evidence of how they would address potential adverse impacts in their application given their historical poor management of the property.

I object to this application on the above grounds.

## Lincolnshire County Council, as Highway Authority and Lead Local Flood Authority

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. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

## *Lincolnshire Police – Force Crime Prevention Design Advisor*

Thank you for your correspondence and opportunity to comment on the proposed development. I would request that you consider the following points that if adhered to would help reduce the opportunity for crime and increase the safety and sustainability of the development.

Historically HMOs can become vulnerable to crime and anti-social behaviour therefore it is important that the best security arrangements and provision are planned for such premises.

Lincolnshire Police has no formal objections to the planning application in principle but would recommend that the initial advisory recommendations are implemented.

The new regulations in respect of approved windows and doors may apply to this development and presume that compliance will be ensured by way of Building Regulations.

## External doors and windows

**Building Regulations** (October 1<sup>st</sup> 2015) provides that for the first time all new homes will be included within Approved Document Q: Security – Dwellings (ADQ).

Approved document Q applies to all new dwellings including those resulting from **change of use**, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas.

This will include doors at the entrance to dwellings, including all doors to flats or apartments, communal doors to multi-occupancy developments and garage doors where there is a direct access to the premises. Where bespoke timber doors are proposed, there is a technical specification in Appendix B of the document that must be met.

Windows: in respect of ground floor, basement and other easily accessible locations.

The secured by design requirement for all dwelling external doors is PAS 24.2016 (doors of an enhanced Security) or WCL 1 (WCL 1 is the reference number for PAS 23/24 and is published by Warrington Certification Laboratories).

All ground floor windows and doors and those that are easily accessible from the ground must conform to improved security standard PAS24:2016 or equivalent approved standard.

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

Please refer to *New Homes 2016* which can be located on <u>www.securedbydesign.com</u> New Homes 2016 36.1 this includes details of the criteria for bespoke window fittings that may apply to this development.

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 Dip Bus.

Force Crime Prevention Design Advisor

<b>Application Number:</b>	2017/1108/FUL
Site Address:	Lincoln Transport Hub Development, Bus Station, Pelham
	Street, Lincoln.
Target Date:	7th December 2017
Agent Name:	John Roberts Architects Ltd
Applicant Name:	Mrs Kate Ellis
Proposal:	Construction of new refuse store enclosure and installation of
	mechanical plant to new bus station.

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

Permission is sought to fix additional plant to the external façade of the bus station along with an enclosure to the rear for the storage of bins.

The development site is at the recently approved bus station which forms part of the Transport Hub development.

## Site History

No relevant site history.

## **Case Officer Site Visit**

Undertaken on 20/11/2017.

## Policies Referred to

- National Planning Policy Framework
- Policy LP25: The Historic Environment
- Policy LP26: Design and Amenity
- Policy LP29: Protecting Lincoln's Setting and Character

## <u>Issues</u>

- Visual Impact
- Neighbour Amenity

## **Consultations**

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

## **Statutory Consultation Responses**

Consultee	Comment
Lincoln Civic Trust	No Response Received
Highways & Planning	No Response Received

## Public Consultation Responses

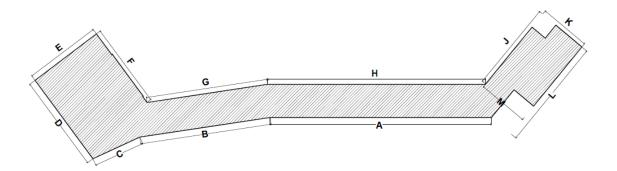
No responses received.

## **Consideration**

## Design and Visual Amenity

The proposed bin store would be located to the east elevation of the bus stations main entrance (Elevation F), this elevation looks into the bus concourse and as such the views are limited to those on the concourse or those exiting the multi storey car park on foot. It would be constructed of extruded aluminium louvres to match the new bus station. Three air conditioning condenser units have been added to the same elevation at low level behind the bin store.

A further two air conditioning condenser units are proposed on the west elevation of the other end of the bus station (Elevation J). These would be added at a high level so has to minimise visual impact.



It is considered that the use of high quality materials for the bin store and the positioning of the condenser units ensures that there are no adverse visual impacts in accordance with policy LP26 of the Central Lincolnshire Local Plan.

### Neighbour Amenity

Whilst there are currently no residential properties to consider there is permission in place for Block A to the north west of the bus station. However, the positioning of the block means that there would be very limited views of the bin store.

## **Conclusion**

The proposed bin store and the mechanical plant do not cause harm to either visual or neighbour amenity.

### Application Determined within Target Date

Yes.

## **Recommendation**

That the application is Granted Conditionally.

## **Conditions**

- Carried out within 3 yearsCarried out in accordance with the submitted plans

This page is intentionally blank.

## Plans Site Location Plan

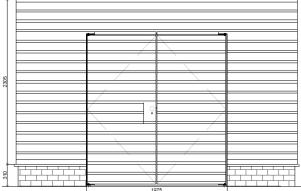


## Elevations

	/		
	/		
			815
	/		×
	<u> </u>		i I
	`		
			Ļ
SOUTH ELEVATION (1:20)			

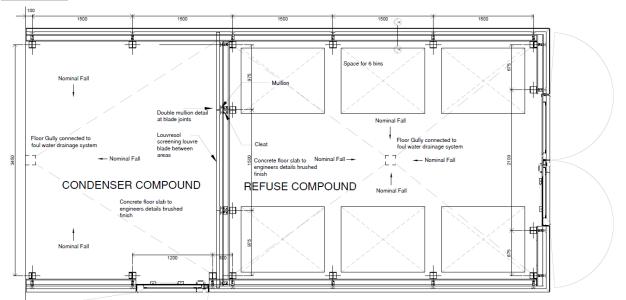
## NORTH ELEVATION (1:20)

615

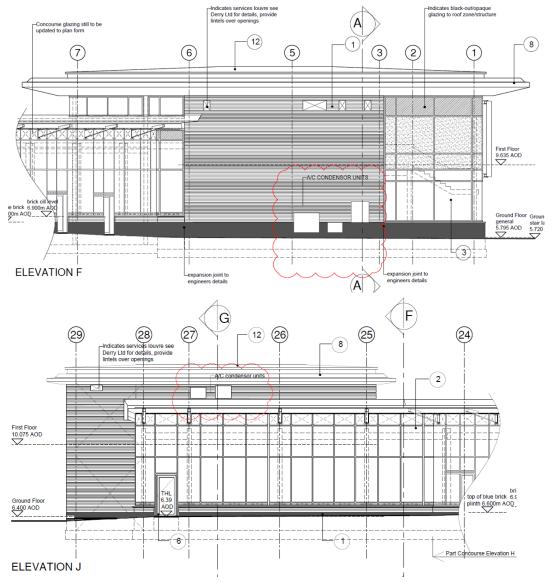


EAST ELEVATION (1:20)

### Floor Plan



### **Air Conditioning units**



## <u>Site Photos</u>



Position of bin store



Air conditioning units

#### **Consultee Responses**



Environment & Economy Lancaster House 36 Orchard Street Lincoln LN1 1XX Tel: (01522) 782070 E-Mail:Highwayssudssupport@lincolnshire.gov.uk

To: Lincoln City Council

Application Ref: 2017/1108/FUL

With reference to this application dated 11 October 2017, relating to the following proposed development:

Address or location

 $\square$ 

#### Land bounded by Sincil Street, Waterside South, Melville Street, Tentercroft Street and High Street, Lincoln

Date application referred by the LPA 12 October 2017 Type of application: Outline/Full/RM/: Full Planning Application

Description of development

## Construction of new refuse store enclosure and installation of mechanical plant to new bus station

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

$\bowtie$	Does not wish to restrict the grant of permission.
$\boxtimes$	Requests that any permission given by the Local Planning
_	Authority shall include the conditions below.
	Requests that the Local Planning Authority refuses the applic

Requests that the Local Planning Authority refuses the application for the reasons set out below.

Requests that the Local Planning Authority request the applicants to provide additional information as set out below.

CONDITIONS (INCLUDING REASONS) /REASONS FOR REFUSAL/ADDITIONAL INFORMATION REQUIRED

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. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.

A consultee has commented on a Planning Application. A summary of the comments is provided below.

Comments were submitted at 10:35 AM on 06 Dec 2017 from Ms Catherine Waby (<u>lincolncivictrust@btconnect.com</u>) on behalf of Lincoln Civic Trust.

### **Application Summary**

Reference:	2017/1108/FUL
Address:	Lincoln Transport Hub Development Bus Station Pelham Street Lincoln Lincolnshire
Proposal:	Construction of new refuse store enclosure and installation of mechanical plant to new bus station.
Case Officer:	Lana Meddings

Click for further information

### **Comments Details**

Comments: No Objection

Application Number:	2017/1289/HOU
Site Address:	64 Broadway, Lincoln.
Target Date:	16th January 2018
Agent Name:	None
Applicant Name:	Mr Matt Smith
Proposal:	Erection of first floor side extension and conversion of garage to
	living accommodation.

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

64 Broadway is a two storey, detached, 3 bedroom residential property located on the north side of Broadway.

Permission is sought for a first floor extension which would provide two bedrooms, enable the conversion of an existing bedroom to an ensuite, as well as the conversion of the garage for living accommodation.

The application is brought before committee because the applicant is a City of Lincoln employee.

## Site History

No relevant site history.

## Case Officer Site Visit

Undertaken on 12th December 2017.

## Policies Referred to

- National Planning Policy Framework
- Policy LP26 Design and Amenity

### <u>Issues</u>

- Policy Context
- Impact on residential amenity
- Design and visual amenity

### **Consultations**

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

## **Statutory Consultation Responses**

Consultee	Comment
Highways & Planning	No response received when this report was written

## Public Consultation Responses

No responses received.

## **Consideration**

## Impact on Residential Amenity

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

The existing side elevation with 62 Broadway has a window to the first floor serving the landing. The proposed extension would have a window in the same position serving a new room, this window has been designed as high level to ensure there would be no overlooking or loss of privacy on the neighbours. The extension is building above the footprint of the existing garage and as such it is not considered that the design or positioning would have an adverse impact on the neighbours. The neighbours at 66 Broadway would be unaffected by the proposals.

## Design and Visual Amenity

The proposed extension would be constructed of materials to match the existing. To the ground floor the existing garage door would be removed and replaced with a window to serve the newly created living accommodation. The window proportions, design and materials would match the other windows on this elevation and as such would be in accordance with policy. The extension would be of traditional design, examples of which can be seen on Broadway, and would be a sympathetic addition to the property.

## **Conclusion**

Policy LP26 of the Central Lincolnshire Local Plan requires applications for extensions to existing buildings to take into account design principles and amenity considerations. It is considered that the proposal is in accordance with the policy because the extension uses appropriate materials and is of a scale and mass in keeping with the property. Similarly the amenities of occupants of neighbouring buildings would not be unduly harmed by or as a result of development.

## Application Determined within Target Date

Yes.

## **Recommendation**

That the application is Granted Conditionally.

## **Conditions**

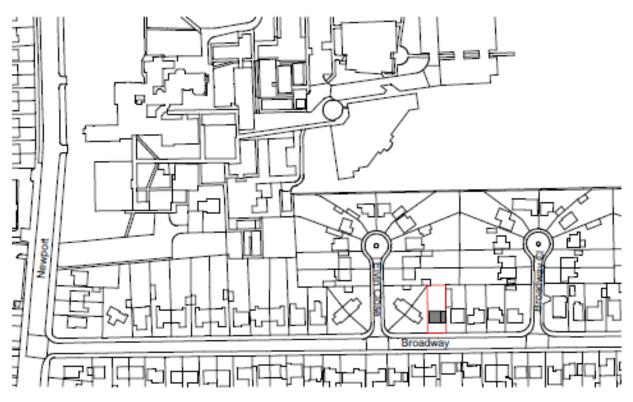
- 1. Development to commence within 3 years.
- 2. Development to accord with the plans.

3. Samples of materials to be submitted.

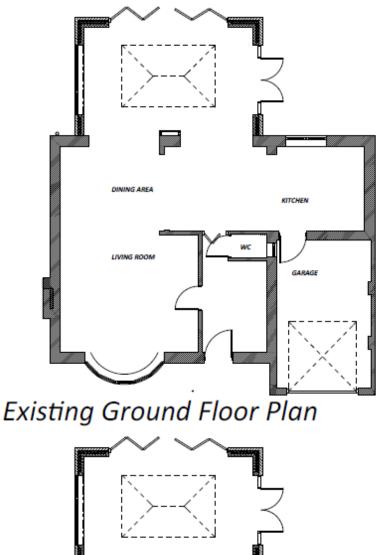
This page is intentionally blank.

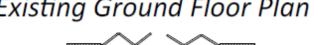
## <u>Plans</u>

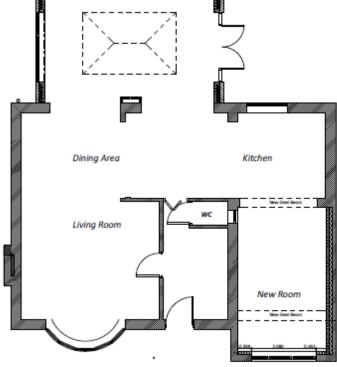
Location Plan



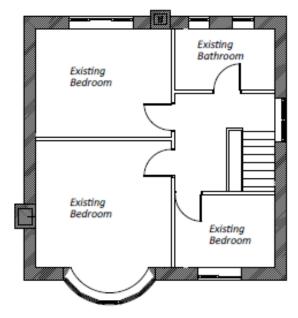
## Floor Plans



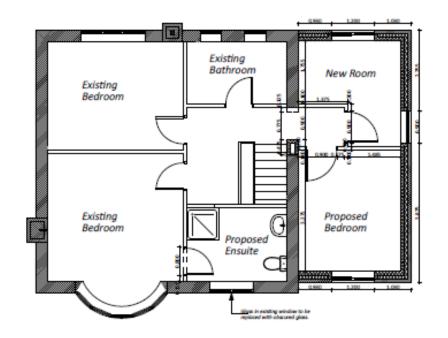




Proposed Ground Floor Plan



Existing First Floor Plan



Proposed First Floor Plan

**Elevations** 



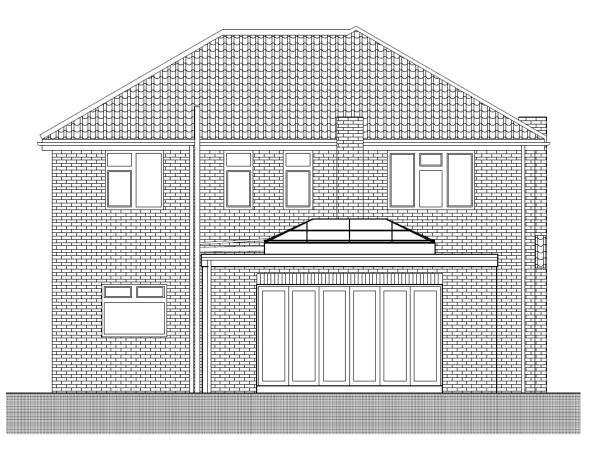
## Existing Front Elevation



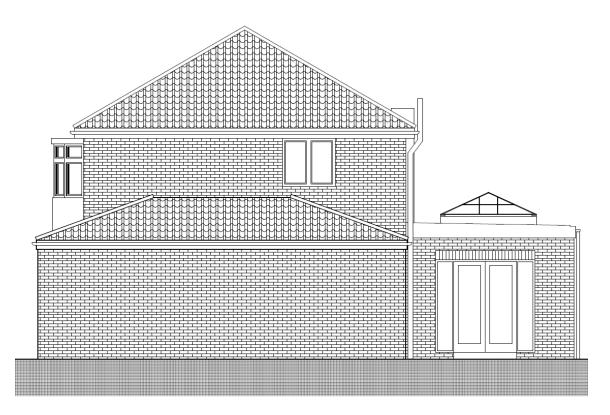
## **Proposed Front Elevation**



## Existing Rear Elevation



**Proposed Rear Elevation** 



# Existing Side Elevation



## Proposed Side Elevation

## <u>Photos</u>



