

## PLANNING COMMITTEE

**Wednesday, 28 February  
2018**

**5.30 pm**

**Committee Rooms 1-2, City  
Hall**

- Membership: Councillors Jim Hanrahan (Chair), Peter West (Vice-Chair), Biff Bean, Kathleen Brothwell, Bob Bushell, Paul Gowen, Gary Hewson, Ronald Hills, Tony Speakman, Edmund Strengiel and Naomi Tweddle
- Substitute members: Councillors Jackie Kirk and Neil Murray
- Officers attending: Mick Albans, Emma Brownless, Simon Cousins, Democratic Services, Sarah Harrison, Alastair MacIntosh and Kieron Manning
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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.

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## A G E N D A

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- | <b>SECTION A</b>   | <b>Page(s)</b> |
|--|----------------|
| 1. Confirmation of Minutes - 31 January 2018   | <b>5 - 10</b>  |
| 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   | <b>11 - 14</b> |

4. Applications for Development
  - (a) The Lincolnshire Poacher, Bunkers Hill, Lincoln **15 - 52**
  - (b) 235 Monks Road, Lincoln **53 - 70**
5. Heritage Update **Verbal Report**

Presentation by Alastair MacIntosh (City Archaeologist) and Sarah Harrison (Principal Conservation Officer)
6. New Historic Environment Record (Arcade) **Verbal Report**

Presentation by Alastair MacIntosh (City Archaeologist) and Sarah Harrison (Principal Conservation Officer)

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

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

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

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

The application files contain the following documents:

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

APPLICATIONS WITH ADDITIONAL BACKGROUND PAPERS (See 5 above.)

Application No.: Additional Background Papers

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

### **Criteria:**

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

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

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

**Present:** Councillor Jim Hanrahan (*in the Chair*),  
Councillor Peter West, Councillor Biff Bean, Councillor  
Kathleen Brothwell, Councillor Bob Bushell, Councillor  
Paul Gowen, Councillor Gary Hewson, Councillor  
Tony Speakman, Councillor Edmund Strengiel, Councillor  
Naomi Tweddle and Councillor Keith Weaver

**Apologies for Absence:** Councillor Ronald Hills

**76. Confirmation of Minutes - 3 January 2018**

RESOLVED that the minutes of the meeting held on 3 January 2018 be confirmed.

**77. Declarations of Interest**

No declarations of interest were received.

**78. 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.

**79. Application for Development: 74A Winn Street, Lincoln**

The Planning Manager:

- a) described the application site located on Winn Street to the south of Monks Road bordering the Monks Abbey recreation ground to the west, rear elevations of terraced houses on Spa Street to the east, and to the north a more modern development of three houses, nos. 74B, C and D Winn Street, facing west towards the recreation ground with a vehicular access from Winn Street along the eastern boundary of the application site
- b) advised that the site was currently occupied by a single bungalow, no. 74A Winn Street, being vacant and in a state of repair with boarded up windows
- c) advised that the application sought permission for the demolition of the bungalow and in its place to erect a two/three storey building

accommodating a total of seven apartments

- d) reported that two previous planning applications granted for the same site had both since expired, the development being proposed under this latest application was essentially identical to the 2007 approval and 2010 renewal, with a slight revision to the internal layout, as detailed within the officer's report
- e) confirmed that the application was being presented to Members of Planning Committee as four objections had been received, one being a petition with 33 signatures, together with comments and photographs received from Cllr. Fay Smith in respect of parking and bin storage
- 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 LP13: Accessibility and Transport
  - Policy LP25: The Historic Environment
  - Policy LP26: Design and Amenity
  - National Planning Policy Framework
- g) outlined the responses made to the consultation exercise
- h) referred to the update sheet which contained a revised site layout plan illustrating an amended bin storage location as agreed in consultation with Biffa, photographs provided by Councillor Fay Smith, page 2 of the petition which was omitted from the original agenda, and a revised officer recommendation requesting that the application be granted conditionally subject to listed conditions, with authority delegated to the Planning Manager to enable the required desk based assessment to be submitted and considered by the City Archaeologist
- i) reported on the issues raised by the application as follows:
  - Visual Amenity
  - Principle of Use
  - Residential Amenity
  - Parking
  - Archaeology
  - Drainage
  - Bin Storage
- j) concluded that:
  - The principle of the re-development of the site was acceptable and the proposal could be successfully accommodated here, relating well to the surroundings, particularly in relation to siting, height, scale, massing and design.
  - The proposal would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
  - Matters relating to parking, archaeology, drainage and potential noise for future occupants had been appropriately considered and

could be dealt with by condition where necessary.

- The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP13, LP25 and LP26, as well as guidance within the National Planning Policy Framework.

Members discussed the content of the report in further detail, making the following comments:

- It was concerning to see a bungalow left in such a bad condition.
- Parking issues were difficult at all times in many similar areas, attributable to local residents or workers.
- Congestion was getting worse in the city with no mitigation measures for parking.
- The application had been approved twice before with little change here apart from bin storage.
- Accommodation was in short demand in the city.
- The Highways Authority had raised no objections to the proposals.
- There were potential options in the future for residents parking in the area.
- The petition had raised a lot of public feeling; it was important to explain the reasons for decisions made at Planning Committee.
- It would be helpful to insert a drainage gully at the edge of the development to run straight into the main to prevent flooding often occurring in the area.

Councillor Strengiel advised from his knowledge as a County Councillor that the Highways Authority's tended to look at safety congestion rather than car parking issues.

The Planning Manager offered the following points of clarification:

- In relation to the petition: It was standard practice for all applications receiving objections to be sent a response informing them of the decision made at Planning Committee. Those members of the public having signed the petition would be notified of the decision accordingly provided adequate postal addresses had been provided.
- Drainage aspects: The Planning Authority was aware of the flooding problem on Winn Street. The County Council as Flood Authority had raised no objections, however the issues would need to be covered through building regulations as part of foundation design.
- The Highways Authority remit was principally highway safety. It also looked at capacity issues for large developments. It did not specifically look at parking requirements on residential developments. The remit of Planning Committee was to take each application on a case by case basis weighing up its deliberations based upon all the considerations before us when making its decision.

RESOLVED that planning permission be granted subject to the conditions outlined below and that authority be delegated to the Planning Manager to enable the required Desk Based Assessment to be submitted and considered by the City Council's Archaeologist:

- Time limit of the permission;

- Development in accordance with approved plans;
- Samples of materials;
- Contamination;
- Archaeology;
- Landscaping;
- Refuse storage areas made available prior to occupation;
- Construction of the development (delivery times and working hours); and
- Obscure glazing to bedroom and landing windows.

**80. Application for Development: The Lawn, Union Road, Lincoln**

The Planning Manager:

- a. advised that planning consent was being sought for the installation of a sculpture at the Lawn, Union Road, to be sited within the grassed area to the rear of the buildings, to the south of the car park
- b. described the sculpture comprising a 5.5m high carved oak pole supported by a 1.5m circular stone base, measuring 5.85m high in total, commissioned as part of the Charter of the Forest celebration by the Woodland Trust and other organisations, marking the Charter for Trees, Woods and People
- c. reported that Lincoln had been nominated to receive the Champion Pole (the sculpture) which was currently being displayed within the grounds of Lincoln Castle but intended to be moved to its permanent location at The Lawn in March or April this year
- d. reported on the location of the site within the Carline Road No. 8 Conservation Area, The Lawn building being Grade II\* listed
- e. confirmed that the application was being presented to Members of the Planning Committee as the City of Lincoln Council was the applicant
- f. provided details of the policies pertaining to the application as follows:-
  - Policy LP7: A Sustainable Visitor Economy
  - Policy LP25: The Historic Environment
  - Policy LP26: Design and Amenity
  - National Planning Policy Framework
- g. outlined the responses made to the consultation exercise
- h. reported on the issues raised by the application as follows:
  - Visual Amenity
  - Character of the Conservation Area
- i. concluded that:
  - The sculpture would support the promotion of an event, benefiting the visitor economy, and would be in an appropriate location, relating well to the site and surroundings.
  - The proposal would also preserve the character of the Carline Road



Conservation Area, in accordance with the requirements of Central Lincolnshire Local Plan Policies LP7, LP25 and LP26 and guidance within the National Planning Policy Framework.

Members discussed the content of the report in further detail.

Councillor Hewson asked who would be responsible for maintenance of the sculpture.

The Planning Manager agreed to ask the Community Contracts Officer to contact Councillor Hewson directly in response to this question.

RESOLVED that:

1. The Community Contracts Officer be requested to contact Councillor Hewson directly to respond to his query regarding maintenance of the sculpture.
2. Planning permission be granted subject to the following conditions:
  - Time limit of the permission; and
  - Development in accordance with approved plans.

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<b>SUBJECT:</b>	<b>WORK TO TREES IN CITY COUNCIL OWNERSHIP</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>LEAD OFFICER</b>	<b>STEVE BIRD – ASSISTANT DIRECTOR (COMMUNITIES &amp; STREET SCENE)</b>

**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 i) Finance

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

##### 4.2 ii) Staffing N/A

##### 4.3 iii) Property/Land/ Accommodation Implications N/A

##### 4.4 iv) Procurement

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

**Call In and Urgency:** Is the decision one to which Rule 15 of the Scrutiny Procedure Rules apply?

No

**List of Background Papers:**

Section file

Te 623

**NOTIFICATION OF INTENDED WORK TO TREES AND HEDGES  
RELEVANT TO THEIR CITY COUNCIL OWNERSHIP STATUS.  
SCHEDULE No 3 / SCHEDULE DATE: 28/02/18**

<b>Item No</b>	<b>Status e.g. CAC</b>	<b>Specific Location</b>	<b>Tree Species and description / reasons for work / Ward.</b>	<b>Recommendation</b>
1	N/A	Rear of 7/8 Thornton Close	<b><u>Hartsholme Ward</u></b> 5 self-set Aspen and a Norway Maple. Fell to prevent damage to property.	Approve and replant with 6 Field Maples in a suitable location.
2	TPO	Link path to rear of 44 Abingdon Avenue	<b><u>Hartsholme Ward</u></b> 7 Elders. Fell, to increase accessibility and light levels to footpath for pedestrians.	Approve and replant with 7 Field Maples in a suitable location.
3	N/A	Front garden of 24 Prial Avenue.	<b><u>Moorland Ward</u></b> 1 Cypress, fell to prevent damage to property and improve light levels.	Approve and replant with a Rowan in a suitable location.
4	CAC	Adjacent to the eastern boundary of Canwick (Old) Cemetery	<b><u>Park Ward</u></b> 1 Horse Chestnut. Fell, the tree is diseased and dying.	Approve and replant with a Beech

<b>Application Number:</b>	2017/1490/LBC
<b>Site Address:</b>	The Lincolnshire Poacher, Bunkers Hill, Lincoln
<b>Target Date:</b>	8th February 2018
<b>Agent Name:</b>	Inventive Design Associates
<b>Applicant Name:</b>	Marston's PLC
<b>Proposal:</b>	Internal refurbishment and decoration, with associated small scale external works and decoration (Listed Building Consent)

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

### *Site Location and Description*

The application is for the refurbishment of the Lincolnshire Poacher, Bunkers Hill. The proposal includes internal redecoration of the pub with the installation of a fixed seating booth and screen divider and a new pizza counter. Externally it is proposed to paint the ground floor windows and the entrance doors and surrounds. The proposed works relate to the existing public house only.

The Lincolnshire Poacher is a grade II listed building. Originally a farmhouse dating from the late 18<sup>th</sup> century, the building was converted to a public house in 1994 and remains as such. This designated heritage asset has architectural interest derived from the original building's form, materials and detailing externally. Internally the building has already undergone extensive alterations and extensions and as a consequence the significance derived from a historic floorplan is limited. Likewise, internal decorations and surface finishes are modern and have no heritage values. However, the listed building has retained its historic timber sash windows and the ability to discern the extent of the original dwelling internally.

### **Site History**

Planning permission for the erection of a lodge style hotel was refused in March 2017, this decision was overturned by the planning inspectorate and permission for the hotel was granted in December 2017. The proposed application relates to works requiring listed building consent to the existing pub, it does not relate to the application for the hotel.

### **Case Officer Site Visit**

Undertaken on 17<sup>th</sup> January 2018.

### **Policies Referred to**

- National Planning Policy Framework
- Central Lincolnshire Local Plan Policy LP26

### **Issues**

- Visual Amenity and the effect on the Listed Building
- Highways
- Issues raised by neighbours

## **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	No Response Received
Monks Road Neighbourhood Initiative	No Response Received

### **Public Consultation Responses**

Name	Address
Mrs Jacqueline Brown	17 Neile Close Lincoln LN2 4RT
A S Hayes	2 Sympson Close Lincoln LN2 4UY
Mr Edward Waddon	1 Sympson Close Lincoln LN2 4UY
Mr Michael Grummitt	17 Sympson Close Lincoln LN2 4UY
Mrs Juliet Grummitt	17 Sympson Close Lincoln LN2 4UY
Paul Campbell-Morgan	16 Sympson Close Lincoln LN2 4UY
Nora Frances Kaye	93 Bunkers Hill Lincoln LN2 4QT
Jeanette Philbin	2 Sympson Close Lincoln LN2 4UY
Mrs Diane Pegg	10 Sympson Close Lincoln LN2 4UY
Mrs D Campbell-Morgan	16 Sympson Close Lincoln LN2 4UY



A number of objections have been received which can be summarised to the following points:

- Increase in seating which would increase the demand on car parking space
- Increase in seating which would result in increased deliveries
- Lodge reception point within the hotel
- Loss of the children's play area
- Increase in noise from the outdoor seating area and extra people leaving the pub
- Increase in traffic using the junction
- Changes the use of the pub to pub/hotel
- Insufficient car parking
- Loss of trees

## **Consideration**

### National and Local Planning Policy

Paragraph 14 of the National Planning Policy Framework (the Framework) outlines that “at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

Chapter 12, para 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Para 131 states that in determining planning applications, local planning authorities should take account of:

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

## Policy LP25: The Historic Environment

Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

In instances where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made by its setting, the applicant will be required to undertake the following, in a manner proportionate to the asset's significance:

- a) describe and assess the significance of the asset, including its setting, to determine its architectural, historical or archaeological interest; and
- b) identify the impact of the proposed works on the significance and special character of the asset; and
- c) provide clear justification for the works, especially if these would harm the significance of the asset or its setting, so that the harm can be weighed against public benefits.

Unless it is explicitly demonstrated that the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposal(s) does not harm the significance of the asset and/or its setting.

Development proposals will be supported where they:

- d) Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;
- e) Promote opportunities to better reveal significance of heritage assets, where possible;
- f) Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

The change of use of heritage assets will be supported provided:

- g) the proposed use is considered to be the optimum viable use, and is compatible with the fabric, interior, character, appearance and setting of the heritage asset;
- h) such a change of use will demonstrably assist in the maintenance or enhancement of the heritage asset; and
- i) features essential to the special interest of the individual heritage asset are not lost or altered to facilitate the change of use.

## Listed Buildings

Permission to change the use of a Listed Building or to alter or extend such a building will be granted where the local planning authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Permission that results in substantial harm to or loss of a Listed Building will only be granted in exceptional or, for grade I and II\* Listed Buildings, wholly exceptional circumstances.

Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

## The Principle of the Development

The submitted application seeks Listed Building Consent for the proposed internal and external alterations to the building because it is Grade II listed. The changes do not require planning permission. Therefore this application must assess whether the proposed works have an impact on the heritage asset and its setting.

## Visual Amenity and the Effect on the Listed Building

A number of minor works are proposed to the property, which have been assessed in detail by the City Councils Principal Conservation Officer, which are set out below:

### External Alterations

- Painting of the ground floor window and door surrounds
- Painting of the rear portico entrance in a dark blue colour, a change from the current white
- General refurbishment of the beer garden area & external areas

Repainting the sash windows, as existing, is welcomed as good maintenance practice in order to sustain these important historic elements of the buildings, repainting the modern portico in a neutral colour is considered to have no adverse visual impact on the rest of the building.

The external works are considered to be minor and are repairing and refreshing the existing structure. The works are consistent with the existing external appearance of the building and would have no impact on the heritage asset.

### Internal Alterations

- New fixed seating booth
- New pizza station
- New floor finishes
- New timber dividing screen
- New door to Gents WC to match existing & new cubicle dividers.
- General redecoration.

The fixed seating would be within the existing bar/lounge area and the pizza oven replaces a carvery area, therefore, it is considered that these elements would not have any impact

on the heritage interest of the building. A screen is also proposed which would span an arched opening in the previously solid external wall prior to the extension being built. As such the legibility of the extent of the historic building is retained, and the highly permeable design would ensure that this new feature has low visual impact. In terms of redecoration and replacement of floor coverings, currently, these are all modern and therefore, the 'like for like' replacement has no heritage impact.

In terms of further ongoing maintenance, the details of the small scale repairs of areas of flooring applied for should be secured by condition to agree a methodology and specification for the works.

### Highways

The Highways Authority have raised no objections to the proposed Listed Building Consent.

### Other Matters Raised by Objectors

Where matters relating to the application have been raised by objectors these have been addressed in the main body of the report. The follow issues have been raised but do not form part of the Listed Building application and should not form part of the consideration of the application.

#### *Increase in seating which would increase the demand on car parking space when there is insufficient car parking*

The application has detailed all the proposed changes within the pub for the purposes of assessing whether the changes would need Listed Building Consent and/or have an impact on the building or setting of the building. The additional tables, or moving of existing tables does not require planning permission. The building has planning permission for use as a public house and there is no requirement to apply for planning permission to add in additional tables. As it stands the plans show an increase of 20 dining seats from 394 to 414.

#### *Increase in seating which would result in increased deliveries and traffic using the junction*

The increase in seating does not require planning permission and in any case there is no evidence to suggest that increasing the number of seats by 20 would result in increased deliveries or have an impact on the junction.

#### *Lodge reception point within the hotel*

The note for a lodge reception point has been removed from the plans following discussion with the applicant.

#### *Loss of the children's play area*

The current outdoor play area would be unaffected by the current application. It does not form part of the layout plans and is outside the scope of works.

### *Increase in noise from the outdoor seating area and extra people leaving the pub*

The building has planning permission for use as a public house and there are no restrictions on how many tables the pub can have, either inside or outside. The changes to the external space are minimal and there is no way that the planning authority can control the number of people using the outdoor space. However there are other controls, through licencing, which restricts the times that the pub can operate and this application does not apply to vary these operating hours.

The City Council's Pollution Control Officer has reviewed the application and sees no reason for any further work to be carried out in terms on noise impact or environmental pollution.

### *Changes the use of the pub to pub/hotel*

There is nothing within the application to suggest that the pub is changing its use and the reference to a lodge reception has been removed. The building has planning permission for use as a public house and there is nothing within this application which would lead the planning authority to request any further planning applications. Increasing the number of tables does not result in a material change of use of the building.

### *Loss of trees*

This application would result in no loss of trees.

### **Conclusion**

The significance of this asset is primarily derived from the external appearance of the original building, therefore the majority of the modest works included within this application do not have an impact on this significance. The repair and maintenance of the fabric is welcomed in order to sustain this important building. Therefore it is considered that the proposal is in accordance with the duty contained within section 16(2) of the Planning (Listed Buildings and Conservation Areas Act) 1990 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. It is also considered to be in accordance with the guidance contained within the NPPF paragraph para 131 which requires that Local Planning Authorities in determining applications should take account of the desirability of sustaining and enhancing the significance of heritage assets, putting them to viable uses consistent with their conservation, and paragraph 132 which requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

### **Application Determined within Target Date**

Yes.

### **Recommendation**

That the application is Granted Conditionally.

## **Conditions**

Works to start within 3 years

Works to be carried out in accordance with the plans

Methodology and specification for the repairs to the floors

Lincolnshire Poacher 2017/1490/LBC

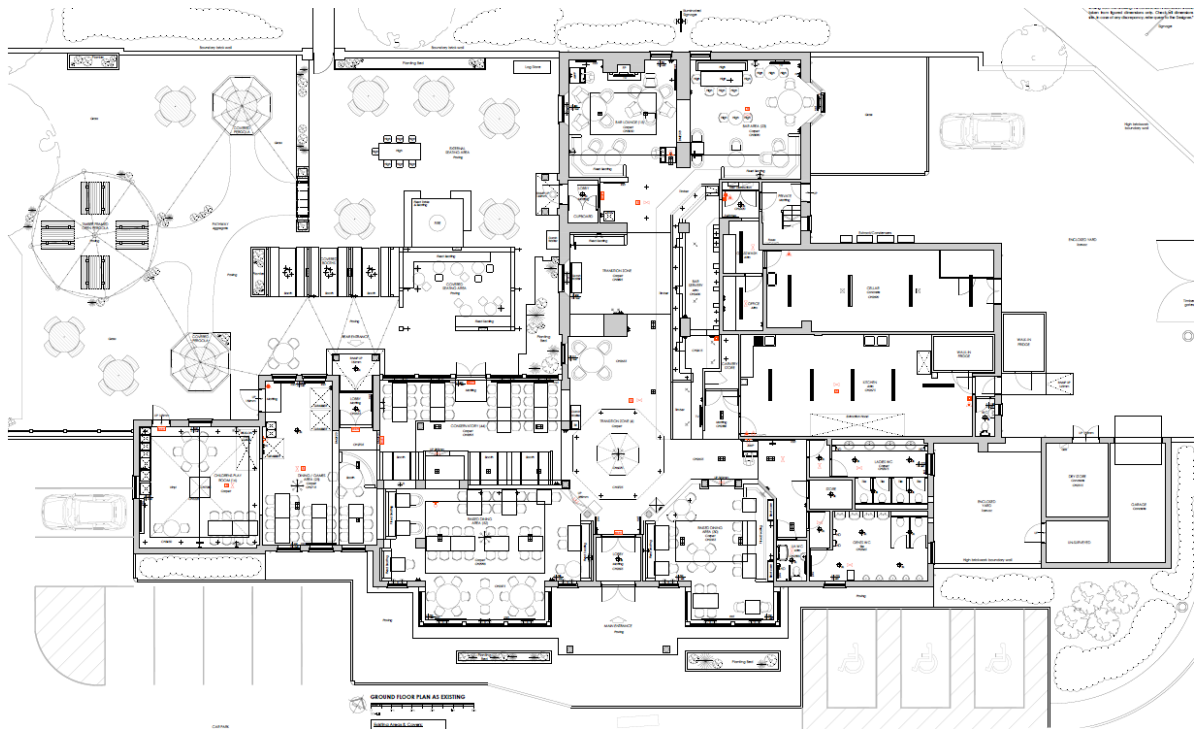
Plans

Site Location Plan

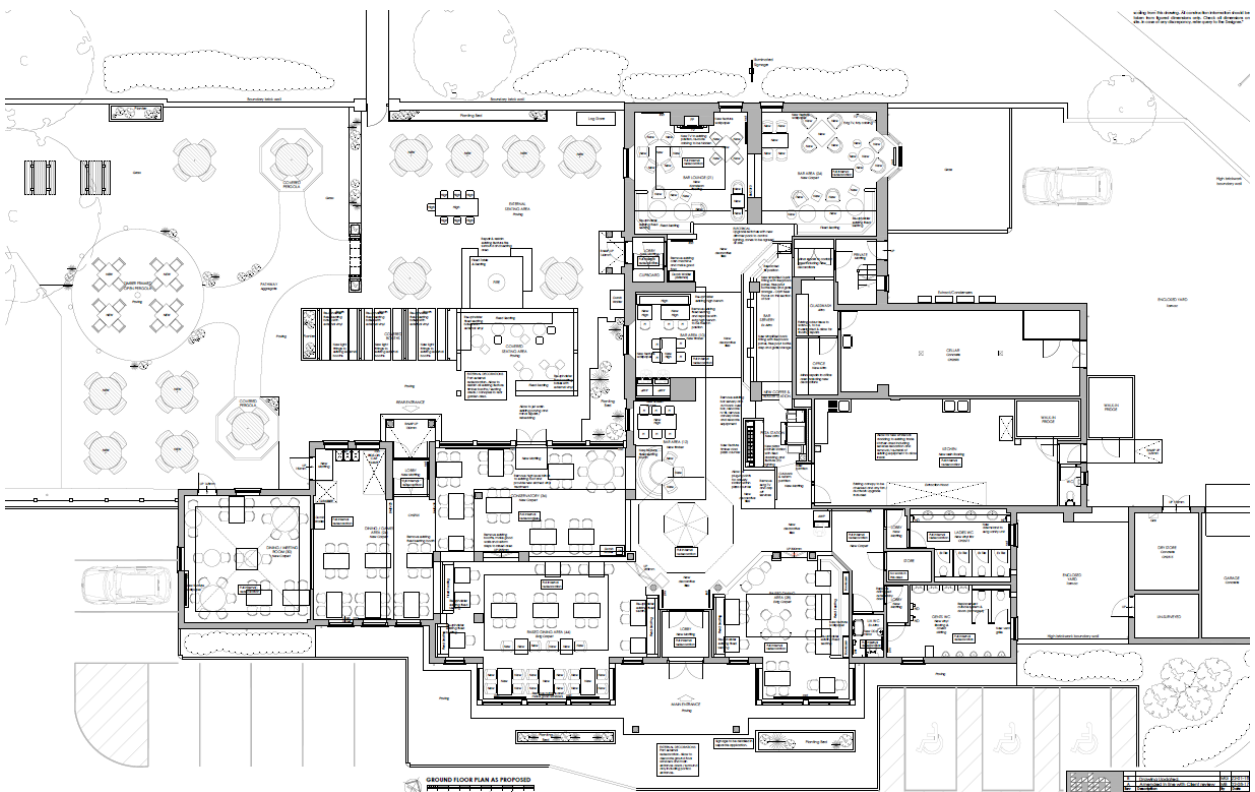


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### Existing Layout



### Proposed Layout



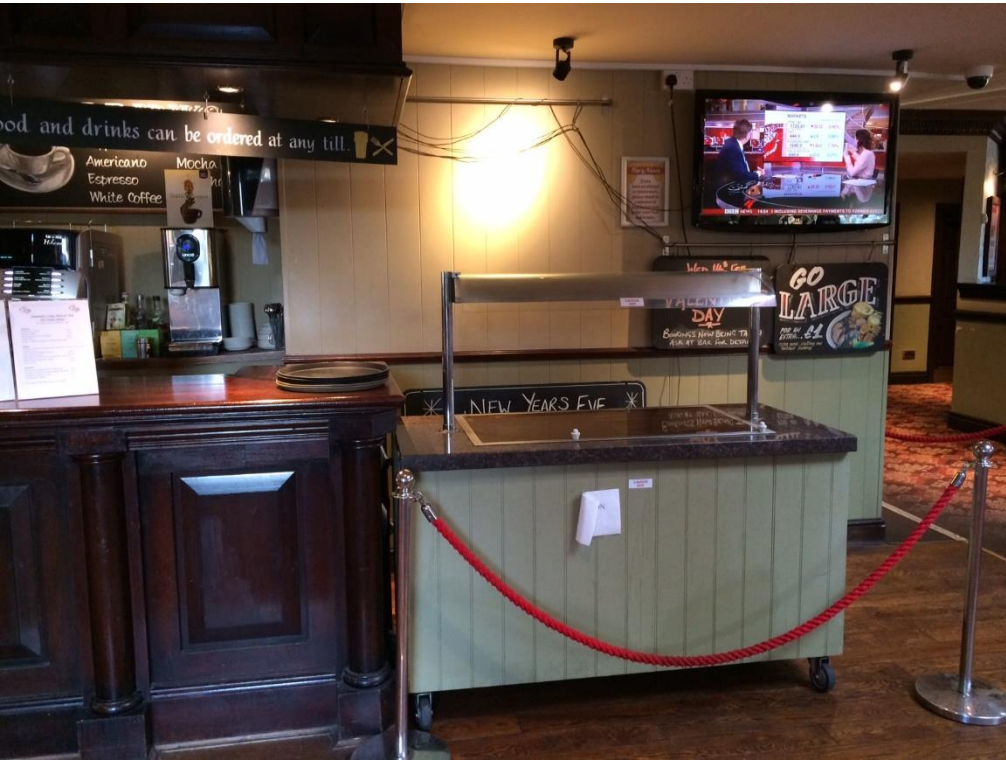


Site Photos











Consultee Comments

**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: 2017/1490/LBC

With reference to this application dated 13 December 2017 relating to the following proposed development:

Address or location

**The Lincolnshire Poacher, Bunkers Hill, Lincoln, Lincolnshire, LN2 4QT**

Date application referred by the LPA

19 December 2017

Type of application: Outline/Full/RM/

LBC

Description of development

Internal refurbishment and decoration, with associated small scale external works and decoration (Listed Building Consent)

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

**Does not wish to restrict the grant of permission.**

CONDITIONS (INCLUDING REASONS)

NO OBS

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

Case Officer:

*Laura Rowett*

for Warren Peppard

County Manager for Development

Date: 5 January 2018

## **Consultee Comments for Planning Application 2017/1490/LBC**

### **Application Summary**

Application Number: 2017/1490/LBC

Address: The Lincolnshire Poacher Bunkers Hill Lincoln Lincolnshire LN2 4QT

Proposal: Internal refurbishment and decoration, with associated small scale external works and decoration (Listed Building Consent)

Case Officer: Lana Meddings

### **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 - COMMENT It is noted that whilst the application is for a refurbishment of the property, it does seek to increase the number of patrons. Its positioning being on the crest of Bunkers Hill and the proximity of a pedestrian crossing is not ideal for increased usage. Some detailed consideration should be given to the access from Bunkers Hill to alleviate the effects of increased activity



## Neighbour Comments

City Hall  
Beaumont Fee  
Lincoln  
LN1 1DF

M Grummitt  
17 Sympson Close  
Lincoln  
LN2 4UY

Date: 07 January 2017

Ref: 2017/1490/LBC

**Internal refurbishment and decoration, with associated small scale external works and decoration (Listed Building Consent) | The Lincolnshire Poacher Bunkers Hill Lincoln Lincolnshire LN2 4QT**

Dear Sir/Madam,

I wish to object to the proposed refurbishment for the following reasons.

The proposed ground floor plans show an increase in seating for the restaurant, bar and gaming areas and includes an additional food preparation area. This together with the comprehensive refurbishment of the pub/restaurant will increase footfall and additional traffic without the extra vehicles associated with the new hotel.

It is noteworthy that these plans have been submitted after all representations have been made about the hotel development. The traffic surveys initiated by Marstons and carried out in part by its own staff did not take this into account. As such they are out of date as they are based on the current operations and patronage of the public house which in their own words: "... is tired and in need of refreshing." Any service sector business which spends money on renovations would expect an escalation in trade otherwise it is not commercially viable. The increase in customers will undoubtedly increase the need for extra food and drink provisions thus increase deliveries and the resulting waste collection. The existing deliveries already cause obstructions and this will only heighten the situation (see photos in Annex 1). The bins currently overflow and any more disposal vehicles will again add to the restrictions and creating more waste is not sustainable (see photo in Annex 1).

As was apparent in the application for a hotel to be built on the car park I believe the highways agency were not made fully aware of the blind spots caused by the delivery vehicles both in/out of the car park and in/out on to the A15. The lorries also have to undertake dangerous manoeuvres to position themselves in order to service the public house. May I respectfully ask that they are now informed of this situation and that they should be invited to see for themselves what the evidence in the photos in Annex 1 show to be happening and that a comprehensive investigation and 'swept path analysis' is finally undertaken.

The proposed plans show an area for a "*potential Lodge reception point*", this is in contradiction to the officers committee report for the associated hotel on 2016/1246/FUL which states under 'Noise' that:

*"Whilst the hotel would operate 24/7 the planning authority have sought confirmation from the applicants about how the hotel would actually operate. All administration for the hotel, including checking in and checking out would take place from within the hotel from a manned reception."*

This is significant as it proves that the public house and hotel is one development site larger than two separate entities. This has implications for how the planning process views the site and what restrictions and policies come into effect. These include:

1. Different analysis of site requirements dependent on its overall size.
2. Safe areas for loading and unloading of provisions.
3. Parking.
4. Waste disposal and recycling.
5. Health & Safety.

The introduction of a reception for the hotel and the alterations to the public house will change its functionality from purely a pub/restaurant to an operational hub of the hotel. The discovery of this on a separate application is an attempt to once again mislead the planners and conceal Marstons true motives. If the authorities and Government inspectorate were made aware of these facts earlier then the outcome of the planned hotel may have been different. I believe that moves should be made at a higher level to take this matter further.

Yours Faithfully

Michael Grummitt



ANNEX 1



Annex 1



## Comments for Planning Application 2017/1490/LBC

### Application Summary

Application Number: 2017/1490/LBC

Address: The Lincolnshire Poacher Bunkers Hill Lincoln Lincolnshire LN2 4QT

Proposal: Internal refurbishment and decoration, with associated small scale external works and decoration (Listed Building Consent)

Case Officer: Lana Meddings

### Customer Details

Name: Mrs Juliet Grummitt

Address: 17 Sympson Close Lincoln

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 17, Sympson Close

Lincoln

LN2 4UY

09/02/18

Dear Sir/Madam,

I wish to object to the proposed refurbishment of the Lincolnshire Poacher Ref: 2017/1490/LBC.

It is clearly stated in the plans for Marston's car park hotel that the reception area is to be located in the hotel itself and not in the Lincolnshire Poacher. Placing any form of hotel reception or management in the pub would mean that the hotel and pub are part and parcel of the same operation and may as well be one building. This has implications on the original planning permission for the hotel as different policies would come into force. They have enlarged the dining and cooking zones at the expense of the children's play areas knowing full well that the refurbishment alone will increase usage. The car parking, delivery and rubbish areas will not be large enough to cope which will lead to an overflowing carpark, extra delivery and waste vehicles and more congestion on the already busy and hazardous A15 junction.

Public safety is already compromised at the junction due to the delivery and rubbish lorries on the narrow access road.

Yours Faithfully

Juliet Grummitt

## Comments for Planning Application 2017/1490/LBC

### Application Summary

Application Number: 2017/1490/LBC

Address: The Lincolnshire Poacher Bunkers Hill Lincoln Lincolnshire LN2 4QT

Proposal: Internal refurbishment and decoration, with associated small scale external works and decoration (Listed Building Consent)

Case Officer: null

### Customer Details

Name: Mrs jacqueline brown

Address: 17 neile close lincoln

### Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:we get enough noise from the poaches with people shouting and screaming at night when thy come from the poaches also in the summer they have a karoky in the gardens and the noise really carries we do not need anymore noise from the poaches also the traffic is already heavy on bunkers hill without having a hotel being built there as this could add to the traffic and cause more traffic built up I don't think there is any need for any alterations as this is not needed if any of you live near the poaches you would know what I mean

---

Mrs D Campbell-Morgan

16 Sympson Close

Lincoln

LN2 4UY

10th January 2018

Dear Sir

Ref 2017/1490/LBC

### OBJECTION

In their previous application 2016/1246 FUL Marston's sited the Lodge reception desk in the lodge building itself, stating it would be run seperately from the pub with a manned reception desk where people check in and out. The application was approved on this basis. This is my objection - there is no need to have the reception desk for the lodge in the public house as it appears in the proposed ground floor plan on this latest application. This is inconsistant with the application they made when they got approval for the hotel. They should not be able to just change things as they go along. You should refuse the application until this is sorted out. If we have got to have the lodge there at all,

then from a security point of view let it be managed properly from the building itself so that people are not having to gain access to an unstaffed building and causing a disturbance.

Amid the general improvements being proposed for the pub I notice that the seating capacity is greatly increased. How will this be supported by the decrease in parking spaces in the car park once the lodge is built and occupies a large part of it?

The pizza bar and provision of breakfasts will lead to more deliveries. This means more delivery lorries will have to enter and leave the site.

This application needs to be looked at in closer detail in conjunction with the previous application 2016/1246/FUL.

Yours faithfully

Mrs D Campbell-Morgan

---

Paul Campbell-Morgan

16 Sympson Close

Lincoln

LN2 4UY

10 January 2018.

Dear Sir/Madam

**Lincolnshire Poacher Application 2017/1490/LBC**

I am objecting to the current application as currently presented. All the documents to which I refer to relating to the previous application are available on the Lincoln City Council website planning portal at <https://development.lincoln.gov.uk/online-applications/applicationDetails.do?keyVal=OIJLXAJFHOM00&activeTab=summary>. I have tried, where possible to direct you to the relevant part of the document.

In their application Marstons state that the application is for "Internal refurbishment project with small scale external decoration works". If this was all there was then I would not be putting in an objection.

However when you look at the plan for the proposed new layout it is about far more than this. (Plan 4, drawing number 1747-201). Buried in this plan are is a reception desk for the Proposed Lodge Style hotel. This has significance which you need to be aware of.

This represents a change in operation and function and is inconsistent with the application which Marstons made previously, which you rejected but which was accepted on their word by the planning inspectorate.

In the previous application Marstons' were adamant that the proposed lodge and the public



house were operationally separate. To quote from their Full Statement of Case (4.6):

From an operational perspective, typically guests would arrive in the early evening. The vast majority of guests would stay one night and thus check out the following morning. Guests have the option to take evening meals and/or breakfast in the Lincolnshire Poacher. Reception facilities are within the Lodge itself and are staffed around the clock.

In the Case officer's report (under heading noise)

Noise There have been a number of objections from local residents concerned that the proposed hotel would result in excessive noise disturbing the adjacent residential properties. Whilst the hotel would operate 24/7 the planning authority have sought confirmation from the applicants about how the hotel would actually operate. All administration for the hotel, including checking in and checking out would take place from within the hotel from a manned reception.

This application seems inconsistent with this - I see no need for a hotel and lodge reception desk within the public house given the undertakings made for a reception desk fully staffed 24 hours a day 7 days a week within the hotel. To be consistent the checking in and out of guests should be only in the lodge as committed to in Marstons lodge style hotel application otherwise it goes against one of the arguments they made in that application. There is no need for a reception in the public house.

This is not just an esoteric matter of where the reception is; it is of importance.

There are a number of consequences of this separation. The land area of the previous proposal was kept below 0.5 hectares which means that it counted a small site rather than a site where additional planning requirements were necessary, for example a health impact assessment.

Marstons were also able to claim that the hotel had nothing to do with the operation of the pub and therefore issues relating to lorries coming and going and unloading could not be covered by that application: The following quote from the planning officer's report for the application relating to the proposed lodge style under servicing is relevant here:

"Similarly the planning authority have raised these concerns with the applicants, who also operate the pub and the possibility of servicing from elsewhere could be looked at in the future. This change cannot be controlled by the current application."

This is the subject of considerable controversy as Marstons were able to claim that there was no objection from highways whereas, as I pointed out in my objection to the inspector, evidence pointed in a different direction. The following is from my objection and you can access the documents as they are available on the planning portal:

"However, as evidenced in the documentation, there seems to have been discussions:

- The initial conditions applied (See Appendix 1b of the statement of common ground)

- The exchange of emails supplied in Appendix 1a Case correspondence demonstrates that there were concerns:
  - The emails from Shaun Richards and John Clifton dated 18 January 2017
  - The email from Paul Harris to Lana Meddings dated 18 January 2017
  - The response from Lana Meddings to Paul Harris dated 19 January 2017
  - The revised conditions (See Appendix 1b of the statement of common ground)

The statement in Paragraph 3.34, page 10 of the Statement of Common Ground also indicates that this has been a source of discussion.

With the current planning application the whole site is now covered."

This is especially the case as the proposed plan also includes more dining area with an increase in eating provision including a pizza serving area. This is clearly intended to attract more customers. This, together with the development of the hotel and the net loss of car parking spaces due to its construction will lead to issues relating to car parking space.

It is also about jobs.

In the email from Paul Harris, dated 23 February 2017 (2017\_\_0017 APRPP-Statement of Common- Ground 500523, Page 28 when viewed as .pdf file), Under the heading Operations he states that:

"Reception facilities are in the lodge itself and are staffed around the clock

Marstons made the claim as part of the economic sustainability argument, from full statement of case (5.81)

In addition, the lodge itself is a direct source of new jobs. Again, an analysis of the lodges that are trading within the Marston's estate shows that on average a new lodge will create 6no. housekeeping positions (3-4 full time, 2-3 full time), 2no. porter positions and 3no receptionist positions (2no. full time, 1no. part time)

He also quotes this in the exchange of emails with Lana Meddings (11 January 2017).

In my original objection prior to Marstons commitments I observed that

"It is not specified how many jobs will be created or what these jobs will be; therefore no assessment can be made of how this proposal improves employment opportunities. It could be dependent upon if existing roles are restructured in the public house, e.g. existing staff take on reception duties, and whether or not services such as laundry and cleaning are sub-contracted. There needs to be observable and/or measureable evidence to make a judgement; this is not there. There is no commitment to employing local people, only the expectation: "The rooms will be serviced through, in all likelihood local staff from the local area" (Planning statement, para 3.8, pp5-6). Are these the only jobs being created?

This statement suggests so. It is the only reference I could find to employment."

Unless Marstons commit to their promise a manned reception in the hotel 24 hours a day, 7 days a week then it would seem that they are already cutting back on the claimed local employment opportunities this development was supposed to have, exactly as I feared they would.

There needs to be:

- Operation of the lodge style hotel and the public house need to be kept operationally separate as committed to in the previous application, therefore there should be no hotel reception in the pub
- A swept path analysis as previously requested on 18/01/17 with vehicles entering and leaving in a forward gear with loading and unloading of lorries in a non-dangerous position as there is clearly now within the public house different food requirements (breakfasts and additionally serving pizzas).
- The application needs to be more fulsome reflecting the implications and requirements of the proposed new layout, e.g. health impact assessment, car parking, local amenity.

The plan for the new public house layout is dated June 2017; this is within the same time period as the hotel application and appeal.



Mr Edward Waddon, 1 Sympson Close, Lincoln, LN24UY  
8 January 2018

FAO Mr K Manning  
Directorate of Communications & Environment  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DF



Dear Mr Manning,

**Ref: The Planning Application by Marstons Ales for developments at the Lincolnshire Poacher, Bunkers Hill, Lincoln, LN2 4QT**

Thank you for your letter dated 19th December 2017 informing me of the planning application by Marstons Ales for alterations to the Lincolnshire Poacher public house on Bunkers Hill.

I wish to raise an objection to their application as follows:-

1. Ref: Drawing Number LN2&QT GF Plan As Proposed. The drawing shows that a hotel reception area is included in the Lincolnshire Poacher public house internal refurbishment application for people seeking accommodation to the Lodge/Hotel that is to be built into the car park of the Poacher.

Application Number 2016/1246/FUL of the Application for approval of a Hotel/lodge to be built under the headings "proposed Development and Suitability of the Site the application states,

"The hotel would be managed 24 hours a day by a member of staff on reception. Checking in and out would take place within the hotel from the reception at the front of the building"

The Case Officer, on granting the Application for the building of the Hotel, accepted this part of the application on the basis that customers would deal directly with the hotel and not be travelling unnecessarily between the pub and the hotel and creating additional disruption and noise.. By introducing a hotel reception area inside the pub Marstons have ignored this noise abatement requirement. On this basis I strongly object to the inclusion of the hotel reception area within the pub.

I was of the opinion that Marstons were building a Lodge on the car park but now it is being referred to as a Hotel. In my mind Hotels provide a higher level of service, they have a lounge and a bar and food. What Marstons are really saying is that the Lincolnshire Poacher has changed its status and is now a Hotel with an accommodation block in the car park.

I think it likely that Marstons intend to manage the Hotel more as a Lodge and will not provide a 24/7 reception in the Hotel itself.

I believe they intend to operate the check in/out from the management of the public house itself. I have myself been to this type of operation in other Travel Lodges. I am also of the opinion that Marstons claim that the hotel would provide several more jobs was mainly a sound bite to improve their prospects of getting planning approval for the hotel.

2. Marstons have stated that, with the removal of a substantial number of trees, they will have 100 car parking spaces after the hotel is built. I, and a number of other residents do not believe this to be true. Application No. 2016/1246/Ful, Case Officer's Report under the heading "Servicing" together with the plans for the latest Planning Application:-

Alterations to disabled parking; the requirement for electrical charging bays; the requirement for servicing and waste disposal vehicles and the requirement for a turning circle to enable vehicles to enter and exit in a forwards direction means that the 100 parking space requirement cannot be achieved under the present plans. The alterations above will reduce the parking spaces notably below 100space requirement. Parking on Sympson Close is increasingly likely to occur with the associated loss of amenities and additional noise on a quiet residential area. The Highway Department should carry out a reappraisal of the parking situation, though I doubt they will.

The Case Officer's Report under the heading "Servicing", states that the current problem of delivery lorries blocking Sympson Close is a pre-existing issue which would not be made worse by the Hotel is nonsensical. More customers means more deliveries. The fact that a hotel reception area is to be included in the proposed refurbishment application for the pub shows beyond doubt that the hotel and the pub are intrinsically united and the problem of delivery lorries blocking access and egress should be reassessed before the current application is granted.

3. Marstons have been poor neighbours and have made no attempt to discuss the effects their plans will have on the neighbourhood. It is simply business for them and loss of light - too bad, extra noise - too bad additional difficulty entering and exiting the Close - too bad!

Planning Dept.  
City Hall,  
Lincoln LN1 1DD



93, Bunkers Hill,  
Lincoln

LN2 4QT

10<sup>th</sup> Jan. 2018

objection to proposed development at the  
Poacher public house  
2017/1490/LBC

Dear Sirs,

I write to object to the proposed development at the Poacher public house, which I understand to involve the building of a small hotel facility and the development of the children's play area.

I live at 93 Bunkers Hill which is directly opposite the Poacher. My house's driveway directly faces the main entrance to the Poacher car park.

Despite my proximity to the proposed development I have not been given formal notice of the application, which is a disappointment to me as I consider that I am directly and adversely affected by it.

Bunkers Hill is, as we all know, a very busy public road and is, in all likelihood, to become much busier in the near future. This proposed development will result in increased use of the access to the premises at a point on Bunkers Hill where there is no clear visibility of the turn. This will create a further traffic hazard on an already overloaded road.

I would also wish to refer back to the promises made by the developers of the Poacher when they originally sought permission to

CONT...

...CONT. 2017/1490/LBC

Develop what was a private house in order to create licensed premises. It was never envisaged that residential accommodation would be included in a facility which has limited space and whose space will be even further limited if this development is allowed to continue.

Bunkers Hill is, and has been since the 1930's, a residential area. The proposed development is inconsistent with that and the amenity of the residents.

Yours sincerely,



Simon Walters  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DF  
07 January 2018

Re Planning application: 2017/1490/LBC (Lincolnshire Poacher Public House)  
Proposal: internal refurbishment and decoration with associated small-scale external works  
and decoration( Listed Building Consent)

To whom it may concern

I wish to make formal objection to Marston's application to the internal refurbishment and decoration with associated small-scale external works and decoration( Listed Building Consent) of the Lincolnshire Poacher public house. I have several reasons for lodging this objection.

#### Objection 1

I note from the application that Marston's are planning to increase the seating capacity both inside and outside of the property. According to the figures submitted this increase will be a minimum of 20 covers/seats. This will have an impact on the capacity of the car park to service these additional covers/seats.

Following the appeal decision regarding the building of the hotel on the car park car parking spaces will ready be reduced to a maximum of 100 in order to accommodate the needs of hotel residents. Prior to this existing car park capacity has been 120+. Conditions attached to the appeal decision have also specified the inclusion of a turning circle for delivery and service vehicles which will also include loss of a number of parking spaces. This turning circle and loading/unloading area must be kept free at all times. This will be a permanent feature which must be available for use at all times. Therefore at a time when car park spaces are being reduced significantly this application is proposing to increase capacity in the public house and therefore the number of vehicles that will be using the car park.

I therefore object on the grounds of car park capacity and its subsequent effect on the amenity of neighbouring properties.

## Objection 2

The siting of a reception desk for the hotel within the public house now confirms that the public house and the hotel are not separate businesses as originally submitted by Marston's. This also contradicts the assurances given by Marston's agents to the planning department and the planning committee that the reception for the hotel would be within the hotel and would be manned, from there, 24 hours a day. I therefore suggest that it would be inappropriate for the planning department/planning committee to approve the siting of a hotel reception area within the main body of the public house. This also, despite prior assurances from Marston's, proves that the hotel and the public house are inextricably linked and any expansions, refurbishments, delivery/servicing decisions need to consider the impact of both buildings rather than just one.

I therefore object to the siting of the reception desk in the hotel as it contradicts the agreed negotiations between Lincoln planning department and Marston's regarding the siting of this reception area.

## Objection 3

The proposed increase in capacity of external seating will have a noise impact on neighbouring properties. Properties already suffer from noise disturbances from the beer garden, particularly during the warmer months, and an increase in seating capacity in this area will only serve to have a further negative impact on the amenity and welfare of local residents. I would respectfully suggest that, at a minimum, a noise impact survey should be undertaken and restrictions placed on the usage of this area for example between the hours of 11 PM and 8 AM. Otherwise the amenity and welfare of local residents will be significantly impacted.

## Objection 4

The proposed changes to / additional lighting in the expanded seating area will also have a negative impact on neighbouring properties unless some time restriction is placed on usage of the outside area. I would respectfully suggest that, at a minimum, a lighting impact survey should be undertaken and restrictions placed on the usage of this area for example between the hours of 11 PM and 8 AM. Otherwise the amenity welfare of local residents will be significantly impacted.

## Objection 5

As stated Lincolnshire poacher is a great 2 listed building. This is now the 3<sup>rd</sup> or 4<sup>th</sup> application from Marston's to make changes to the character and nature of this building. Whilst I accept that the external view of the structure of this building remains the effect of this ongoing refurbishments, redecoration and expansion of existing structures is having a significant impact on the character and overall appearance of this great 2 listed building. I would suggest to the extent that no one would ever guess that a great 2 listed building

actually existed on this site . I therefore object to any additional changes be made to both internal and external areas of this building although I do accept the general redecoration within stated boundaries is acceptable .

**Objection 6**

It is unclear from the plans whether or not the proposals to add white rock cladding to the kitchen area will have an impact on the structure and design features of the grade 2 listed building. This is an area that I would seek clarification for. However if this area is part of the listed building and I would object to this decorative change which will undoubtedly impact on the original character of the building.

**Objection 7**

Marston's state that this business is aimed at families. The existing children's play area does not appear on the plans. If this is being removed I would object to this as it will significantly change the nature and intent of this business and it is well documented that children need to carry out less sedentary activities. If this is the case I object to the removal of this area and partial replacement by virtual reality or gaming machines (AWP) that can influence negative habitual activities. A point to note is does the facility hold a licence for such gambling activities. Another example of Marston's seeking out opportunities to make more profit with no thought or concern on the impact of the people or surrounding area.

Yours faithfully

A S Hayes  
2 Sympson Close  
Lincoln  
LN2 4UY

---

Simon Walters / Keith Manning  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DF  
20 January 2016

Re Planning application: 2017/1490/LBC  
Proposal: internal refurbishment and decoration with associated small-scale external works and decoration( Listed Building Consent)

To whom it may concern

I wish to make formal objection to Marstons application to the internal refurbishment and decoration with associated small-scale external works and decoration ( Listed Building Consent) of the Lincolnshire Poacher public house. I have several reasons for lodging this objection.

Objection 1

I note from the application that Marstons are planning to increase the seating capacity both inside and outside of the property. According to the figures submitted this increase will be a minimum of 20 covers/seats. This will have an impact on the capacity of the car park to service these additional covers/seats.

Following the appeal decision regarding the building of the hotel on the car park , car parking spaces will ready be reduced to a maximum of 100 in order to accommodate the needs of hotel residents. Prior to this existing car park capacity has been 120+ .Conditions attached to the appeal decision have also specified the inclusion of a turning circle for delivery and service vehicles which will also include loss of a number of parking spaces. This turning circle will be a permanent feature which must be available for use at all times. Therefore at a time when car park spaces are being reduced significantly this application is proposing to increase capacity in the public house and therefore the number of vehicles that will be using the car park.

I therefore object on the grounds of car park capacity and its subsequent effect on the amenity of neighbouring properties.



#### Objection 2

The siting of a reception desk for the hotel within the public house now confirms that the public house and the hotel are not separate businesses as originally submitted by Marstons. This also contradicts the assurances given by Marston's agents to the planning department and the planning committee that the reception for the hotel would be within the hotel and would be manned, from there, 24 hours a day. I therefore suggest that it would be inappropriate for the planning department/planning committee to approve the siting of a hotel reception area within the main body of the public house. This also, despite prior assurances from Marstons, proves that the hotel and the public house are inextricably linked and any expansions, refurbishments, delivery/servicing decisions need to consider the impact of both buildings rather than just one.

I therefore object to the siting of the reception desk in the hotel as it contradicts the agreed negotiations between Lincoln planning department and Marstons regarding the siting of this reception area .

#### Objection 3

The proposed increase in capacity of external seating will have a noise impact on neighbouring properties. Properties already suffer from noise disturbances from the beer garden, particularly during the warmer months, and an increase in seating capacity in this area will only serve to have a further negative impact on the amenity and welfare of local residents. I would respectfully suggest that , at a minimum, a noise impact survey should be undertaken and restrictions placed on the usage of this area for example between the hours of 11 PM and 8 AM. Otherwise the amenity and welfare of local residents will be significantly impacted.

#### Objection 4

The proposed changes to / additional lighting in the expanded seating area will also have a negative impact on neighbouring properties unless some time restriction is placed on usage of the outside area. I would respectfully suggest that, at a minimum, a lighting impact survey should be undertaken and restrictions placed on the usage of this area for example between the hours of 11 PM and 8 AM. Otherwise the amenity welfare of local residents will be significantly impacted.

#### Objection 5

as stated Lincolnshire poacher is a great 2 listed building. This is now the 3<sup>rd</sup> or 4<sup>th</sup> application from Marstons to make changes to the character and nature of this building. Whilst I accept that the external view of the structure of this building remains the effect of this ongoing refurbishments, redecoration and expansion of existing structures is having a significant impact on the character and overall appearance of this great 2 listed building . I would suggest to the extent that no one would ever guess that a great 2 listed building

actually existed on this site. I therefore object to any additional changes be made to both internal and external areas of this building although I do accept the general redecoration within stated boundaries is acceptable.

#### Objection 6

It is unclear from the plans whether or not the proposals to add white rock cladding to the kitchen area will have an impact on the structure and design features of the grade 2 listed building. This is an area that I would seek clarification for. However if this area is part of the listed building and I would object to this decorative change which will undoubtedly impact on the original character of the building.

Your sincerely



Jeanette Philbin

2 Sympson Close

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## Comments for Planning Application 2017/1490/LBC

### Application Summary

Application Number: 2017/1490/LBC

Address: The Lincolnshire Poacher Bunkers Hill Lincoln Lincolnshire LN2 4QT

Proposal: Internal refurbishment and decoration, with associated small scale external works and decoration (Listed Building Consent)

Case Officer: Lana Meddings

### Customer Details

Name: Mrs Diane Pegg

Address: 10 Sympson Close Lincoln

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to Marston's application for internal refurbishment of the Lincolnshire Poacher public house. My objections mirror those submitted by fellow residents as follow:

Mr Hayes of 2 Sympson Close

Mr Edward Waddon of 1 Sympson Close

Mr Paul Campbell-Morgan of 16 Sympson Close

Mr Michael Grummitt of 17 Sympson Close.

Ref: The Planning Application by Marstons Ales for refurbishment and redecoration of the Lincolnshire Poacher, Bunkers Hill, Lincoln, LN2 4QT

With regards to my letter dated 8th Jan 2018, I have had more time to consider Marstons internal operations to the public house. Though Marstons have been successful in their application to build a "hotel"

in the car park the current plan will not provide the 100 spaces they state they require. Their intention to increase the internal seating capacity of the pub and the provision of a conference room will place even more stress on their parking requirement. I therefore object to the Application to refurbish the Poacher until the car parking problem is properly resolved.

Surely, Marstons must apply for a Change of Use for the Poacher? The pub itself will provide the amenities of the hotel i.e., bar, lounge, conference room and food and the building in the car park is purely accommodation and nothing like a hotel in its own right.

On the BBC News this morning it was stated that the number of trees planted last year was the lowest on record. The news went on to state that the Prime Minister/Government has set aside over £7 million pounds to increase forestry in the country. It seems rather illogical when the Government are concerned about trees but the Case Officer for the district council isn't! It would seem that removing a significant number of mature healthy trees for car parking for a commercial venture on a residential estate is much more important than improving and maintaining the existing forestry. Surely, the removal of these trees should be looked at again?

Sincerely yours,  
Edward Waddon

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<b>Application Number:</b>	2017/1516/FUL
<b>Site Address:</b>	235 Monks Road, Lincoln, Lincolnshire
<b>Target Date:</b>	2nd March 2018
<b>Agent Name:</b>	None
<b>Applicant Name:</b>	Mr & Mrs Akhgar
<b>Proposal:</b>	Change of use of part ground floor to 1no. self-contained flat and relocation of fence

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

The application property is a two-storey mid-terrace situated on the southern side of Monks Road and incorporates an access to its rear yard from Coleby Street, across the rear of the neighbouring property, No. 233 Monks Road. Along with that property, the application property was recently confirmed to be a House in Multiple Occupation by virtue of a Certificate of Lawfulness (references 2017/1171/CLE and 2017/1172/CLE respectively). No. 3 Coleby Street is also known to be a HMO but No. 1 is not known to be in multiple occupancy use.

It is now intended that the ground floor of the rear projecting wing of the application property (including the lean-to at the very rear) is separated internally from the remainder of the property and a self-contained flat formed.

The application also includes details of the relocation of the fence to the rear of the property that was aligned at the boundary between the two HMOs. This would be moved further to the east in order to provide an area of off-street parking.

### **Site History**

Reference:	Description	Status	Decision Date:
2017/1172/CLE	Continued use of property as a House in Multiple Occupation (Use Class C4) (Certificate of Lawfulness)	Granted	30th October 2017

### **Case Officer Site Visit**

Undertaken on 7th February 2018.

### **Policies Referred to**

- 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 LP13 Accessibility and Transport
- Policy LP26 Design and Amenity
- Policy LP36 Access and Movement within the Lincoln Area
- Policy LP37 Sub-division and Multi-Occupation of Dwellings within Lincoln
- National Planning Policy Framework

## **Issues**

In this instance the main issues relevant to the consideration of the application are as follows:

1. The Principle of the Development;
2. Effect upon the Amenities of the Wider Area; and
3. Other Matters.

## **Consultations**

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

## **Statutory Consultation Responses**

Consultee	Comment
Monks Road Neighbourhood Initiative	No Response Received
Lincolnshire Police	Comments Received
Highways & Planning	Comments Received
Environmental Health	No Response Received

## **Public Consultation Responses**

Name	Address
Mr Robert Taylor	237 Monks Road Lincoln Lincolnshire LN2 5JT

## **Consideration**

### **1) The Principle of the Development**

#### **a) *Relevant Planning Policies***

##### *i) Sustainable Development and the Proposed Uses*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration in determining planning applications. Framework paragraph 215 indicates

that due weight should be given to relevant policies in the development plan according to their consistency with the Framework i.e. the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

The development plan comprises the recently adopted Central Lincolnshire Local Plan (the Plan) and during its examination the policies therein were tested for their compliance with the Framework.

Paragraph 14 of the National Planning Policy Framework (the Framework) outlines the following in relation to the principle of development:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.

For decision taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

Meanwhile, at the heart of the Core Planning Principles within the Framework (Paragraph 17) is the expectation that planning should:-

"proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth"

Turning to Local Plan Policy, Policy LP1 of the Plan supports this approach and advocates that proposals that accord with the Plan should be approved, unless material considerations indicate otherwise.

In terms of the spatial dimension of sustainability, proposals need to demonstrate that they contribute to the creation of a strong, cohesive and inclusive community, making use of previously developed land and enable larger numbers of people to access jobs, services and facilities locally, whilst not affecting the delivery of allocated sites and strengthening the role of Lincoln (Policy LP2). Meanwhile, Policy LP3 sets out how growth would be prioritised and Lincoln is the main focus for urban regeneration. The relatively recent adoption of the Local Plan ensures that there is a very clear picture of the options for growth in Central Lincolnshire.

However, Policy LP37, which deals with the subdivision of properties suggests 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;*
- 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.*

**b) *Consideration of the Principle of the Proposed Use***

Policy LP37 of the Local Plan is the most relevant to the proposal as it is for floor space within the building to be used independently from the principle building. Moreover, it would be necessary to consider if the proposals would inhibit or be inhibited by the existing use or neighbouring uses.

The site is no different to many other properties situated in similar positions close to the junction of two streets, in that one can access the rear of the building from the yard of a neighbouring property. Consequently, in order for the principle of the development to be acceptable, there would need to be suitable provision for amenity space and protection of amenities, which are dealt with below.

Notwithstanding this, in terms of the other criteria under Policy LP37, the property is already an HMO so would not be lost from single-family use. Similarly, in more general terms, as the site is located within a residential area, the principle of residential development is acceptable, particularly due to its sustainability credentials, as the site is close to a range of facilities and services locally; it is also close to a busy route into the city, which buses utilise; and accessible by cycle and walking routes. This would accord with the main thrust of the Framework and local plan policies in respect of the location and nature of development.

**2) Effect upon the Amenities of the Wider Area**

**a) *Relevant Planning Policy***

*i) Policies Relevant to General Amenities*

In terms of national policy, the NPPF suggests that development that results in poor design and/or impacts upon the quality of peoples' lives would not amount to sustainable development. Consequently, the implications of both are key to the consideration of the acceptability of the principle of development within a given site. Moreover, the Framework (Paragraph 9) sees "seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life" as being important to the delivery of sustainable development, through "replacing poor design with better design" and "improving the conditions in which people live" amongst others. Furthermore, the core principles of the Framework (Paragraph 17) indicate that "planning should...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". Both aspects are referred to in detail in the following two sections of this report.



Policy LP26 of the Plan deals with the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy and suggests that these must not be unduly harmed by, or as a result of, the development. There are nine specific criteria which must be considered. As alluded to above, the conversion to form separate accommodation needs to be converted without causing harm to the amenities of future occupants, neighbours and the wider area. These policies are in line with the policy principles outlined in Paragraphs 17, 59 and 123 of the NPPF. Indeed, Paragraph 123 of the Framework suggests that “decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”. The Framework also aims to ensure that new development does not restrict the ability of businesses to develop.

*ii) Highways and Access Relevant Policies*

The impacts of growth are enshrined in the Core Planning Principles of the Framework (Paragraph 17), which expects planning to actively manage this growth “to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”. As such, Paragraph 35 requires that: “developments should be located and designed where practical to [amongst other things] give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; and should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones”.

A number of Local Plan Policies are relevant to the access, parking and highway design of proposals. In particular, the key points of Policy LP13 are that “all developments should demonstrate, where appropriate, that they have had regard to the following criteria:

- a) Located where travel can be minimised and the use of sustainable transport modes maximised;
- b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure;
- c) Should provide well designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport by providing a network of pedestrian and cycle routes and green corridors, linking to existing routes where opportunities exist, that give easy access and permeability to adjacent areas”

There are also transport measures referred to in Policy LP36, which more specifically refers to development in the ‘Lincoln Area’, the key measures add to and reinforce the criteria within Policy LP13. As such, they are intended to reduce the impact upon the local highway network and improve opportunities for modal shift away from the private car. In particular, development should support the East West Link in order to reduce congestion, improve air quality and encourage regeneration; and improve connectivity by means of transport other than the car.

Paragraph 32 of the Framework suggests that the residual cumulative impacts of the development would need to be severe for proposals to warrant refusal. This is reinforced by Policy LP13 of the Local Plan which suggests that only proposals that would have “severe transport implications will not be granted planning permission unless deliverable

mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.”

### *iii) Visual Amenity Policies*

So far as this issue is concerned, as alluded to above, the proposals must achieve sustainable development and it is the social dimension of sustainability that relates to design. Moreover, Paragraph 7 of the Framework requires the creation of high quality built environment. In addition, the policy principles outlined in Paragraphs 17, 58, 60, 61 and 64 of the Framework also apply. Moreover, the Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

Policy LP26 refers to design in wider terms and requires that “all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.” The policy includes 12 detailed and diverse principles which should be assessed.

### ***b) Implications upon General Amenities***

The main impact of the proposals would be in terms of general amenity, i.e. upon the residential amenities that the occupants of the proposed flat, existing HMOs and neighbouring properties, would expect to enjoy.

#### *Impact upon No. 1 Coleby Street*

In terms of the occupants of No. 1 Coleby Street, the existing lawful situation is that the property shares a boundary with three HMOs to the north and south (Nos. 233 and 235 Monks Road and No.3 Coleby Street). In light of this, the impact of the noise and disturbance that could be caused by the use of and movements to and from these HMOs could already be harmful to the amenities that the occupants of that property would seek to enjoy. As such, the provision of an additional unit of self-contained accommodation to the rear of No. 235 would introduce greater potential for noise and disturbance. This combined with the use of the existing multiple occupancy premises would be harmful to the occupants of that property.

#### *Impact upon No. 237 Monks Road*

In terms of the occupants of 237 Monks Road, the property shares a boundary with HMOs at Nos. 235 and 239 Monks Road so any harmful impacts associated with noise and disturbance that could be caused by the use of and movements to and from these HMOs would already be observed by the occupants of that property. For similar reasons to No. 1 Coleby Street, it is considered that the intensification of the accommodation within the application site would introduce greater potential for noise and disturbance which would be harmful to the amenities that the occupants of No. 237 would expect to enjoy. This combined with the use of the existing multiple occupancy premises would be harmful to the occupants of that property.

### *Impact of the HMOs and Self-Contained Flat on One Another*

It is considered that it would be problematic if the ground floor of the application building was to be occupied as an independent unit of accommodation alongside the HMO, as there would not be the ability to provide separate amenity space for each use. Furthermore, the space that is available to the rear of all the properties affected by virtue of the repositioning of the rear garden fence and inclusion of parking would be significantly reduced, particularly for the occupants of the HMO at No. 233.

Similarly, with a separate element of ground floor accommodation with direct access (not via a shared entrance), one would reasonably expect to be afforded with a better quality of amenity being afforded to that accommodation. However, the proposed flat would share amenity space with the five occupants of the HMO, the rear access to which would be alongside the proposed flat. A consequence of this is that, when in use by the occupants of the HMO, there would be no relief from the potential noise and disturbance caused by its use. As such, the site would not be conducive to a separately owned / or let unit of accommodation but even if both remained under the same ownership / management, the physical relationship between the two uses would not be appropriate.

In addition to the above, the reduction in the size of the rear yard to the property to provide additional space for off-street parking would also exacerbate the impact of there not being any private amenity space afforded to the occupants of the HMO at No. 233.

#### **c) *Consideration of the Impact upon Parking and Highway Safety***

The application site is not located within a Residential Parking Permit Zone so it is currently possible for residents to park on-street. However, as the proposals are to provide a larger open curtilage space from the street frontage, presumably to provide off-street parking, this would give the occupants an alternative. However, the proposals could create additional pressure on the existing on-street parking provision.

Notwithstanding this, as the site is adjacent to Monks Road, where public transport is available and various facilities and services, so it would be sustainably located and occupiers could travel by alternative means to the car.

In light of this, it would be difficult to object to the application upon the grounds of its potential impact upon highway safety or the impact upon on-street parking, particularly as the Highway Authority has not returned any objections to the proposals.

#### **d) *Implications upon Visual Amenity***

The use of the rear projection at ground floor as a separate element of accommodation would not in itself have a harmful impact upon the visual amenity of the area but the alterations to the enclosures at the rear of the building in order to accommodate a greater degree of parking within the site would cause to harm the character of the area, as parking would be positioned perpendicular to the street in an unfamiliar manner. Moreover, whilst there are benefits to providing off-street parking, the provision in this locality would not be akin to the parallel form of parking experienced on-street. As such, the introduction of parking would be a more dominant feature within the site.

### **3) Other Matters**

There are a number of points that have been raised by the occupants of No. 237 Monks Road that refer to alterations within the HMO. The application only relates to the provision of a further self-contained unit of accommodation within the property and does not include for any alterations within the building. As the use of the HMO is already lawful, all changes internally are only governed by Building Regulations, including the incorporation of domestic extraction for kitchens and bathrooms. Similarly, any nuisance caused by the noise or working hours associated with works not requiring planning permission or lighting from the premises can also be investigated by the Public Protection and Antisocial Behaviour team.

Furthermore, as the recommendation for the proposals is to refuse planning permission, it would not be necessary to refer to the management / storage of refuse. However, if an application was successful, officers are satisfied that it would be possible to mitigate the impact of this through the allocation of space within the site or its outbuildings to accommodate refuse bins.

#### **Application Negotiated Either at Pre-Application or During Process of Application**

None.

#### **Financial Implications**

The proposals would offer benefits to economic and social sustainability through spend by new residents and there would be a residential property that would be subject to council tax payments.

#### **Legal Implications**

None.

#### **Equality Implications**

None.

#### **Conclusion**

The proposals would have the potential to cause harm to the amenities that the occupants of the adjacent properties at Nos. 237 Monks Road and 1 Coleby Street; as well as upon the occupants of the existing HMOs, particularly as there would be a large number of independent adults in the HMOs and separate household in the proposed accommodation. Furthermore, the harm caused by alterations to create parking within the curtilage of the property would be harmful to the character of the area. All these factors add weight to the conclusion that the proposals would not accord with the relevant planning policies.

#### **Application Determined within Target Date**

Yes.

## **Recommendation**

That the application is refused for the following reasons:-

### **Refusal Reasons:**

The proposals, together with the existing HMO within the application building and at Nos. 233 and 239 Monks Road, would exacerbate the amenity concerns of noise and disturbance associated with those multiple occupancy properties which would have a detrimental effect on the living conditions of local residents, particularly the occupants of Nos. 237 Monks Road and 1 Coleby Street; as well as upon the occupants of the existing HMOs at Nos. 233 and 235 Monks Road. The resultant private amenity spaces available for the proposed property and the HMOs would also be of such a small scale that they would not offer any relief to these impacts. Moreover, the reduction in the amenity space of the properties and incorporation of further parking would be prominent when viewed from public areas and harmful to the character and appearance of the area. The proposals would therefore be in conflict with Policies LP26 and LP37 of the Central Lincolnshire Local Plan and the policy aims of the National Planning Policy Framework in respect of amenity and design.

### **Report by Planning Manager**

## Neighbour Correspondence

*Mr. Robert Taylor, 237 Monks Road*

With reference to the above planning application I wish to make the following comments:

1. Work is already well advanced on these proposals prior to my opportunity to comment which does not give me any confidence that any concerns I have might sensibly be addressed.
2. There is very little information with the application which might have addressed obvious concerns regarding the following.
3. How is the new ground floor bathroom at the front of the property going to be effectively ventilated outside the property?
4. How is the new shared kitchen/dining area going to be effectively ventilated to the outside of the property such that this new kitchen area does not result in cooking smells permeating into our property?
5. There is no new first floor plan although there are ongoing works in converting most, if not all, of these first floor rooms to have en-suite bathrooms. Again what is being provided in the way of effective external ventilation to these rooms? Why have these works not been included in this application or why is this not addressed when a new HMO licence is granted?
6. The new rear access concerns me in that this is very close to our rear patio area which for example, if the students use this as a communal area for smoking, will seriously impact on the amenity of our property. Conditions need to be imposed on this new access/egress such that nuisance to us does not arise.
7. I note that there is no proposal to revise the arrangements to existing bin storage/collection. As there will now be at least one new occupant in the new ground floor flat this cannot be acceptable. The flat has no direct access to the front of the property therefore new recycling and general waste bins must be provided and located in the rear yard accessible onto Coleby Street. In addition as the ground floor accommodation is being changed such that the only communal area is to the rear of the ground floor with a new rear access all waste storage should be moved to the rear of the property and located in a secure area away from my property to avoid nuisance arising from waste smells and vermin. The existing storage of bins so close to the front wall onto Monks Road encourages fly tipping and misuse of bins as these can easily be accessed from the footpath. I attach a photograph taken on 3<sup>rd</sup> August last year illustrating this point.
8. I note that there is no specific information regarding the parking of vehicles within the property's boundary. As there will be at least one further occupant in the new flat there is the potential for 6 vehicles trying to park on the already congested Coleby Street etc. There needs to be a requirement that adequate parking is part of this application. The developments on Monks Road are becoming ever more problematic regarding car parking. The other adjacent property to mine, 239 Monks Road, has been converted to 6 separate en-suite rooms, each occupant may have a car, therefore, with this proposal there could be 12 vehicles requiring parking

spaces. As there is no daytime parking on Monks Road in this area the situation is becoming intolerable and must be addressed.

9. There should be limitations on the on-site storage of waste arising from the works such that it is cleared frequently to avoid nuisance from dust affecting our property and so as not to attract fly tipping. Additionally there should be limits on the hours of work on this project as the work has already been very disruptive to us, particularly to my wife who is working on the final year of her Doctoral research. Controls on noise and nuisance should be imposed on these works.
10. The adjoining (party) wall between our property and 235 Monks Road is a solid one brick (225mm) thick wall. We have had serious nuisance from noisy occupants of this property in the past such that we have lined our side of the party wall with acoustic plasterboard. There should be a condition that this is included when these works are carried out to improve the sound insulation between adjacent properties.
11. Whenever works of this nature are put forward for planning consent it would be useful if the Council included a suggestion to the developers to use the provision of the Party Wall Act to advise us of the works. I recognise that this is not the Council's area of responsibility, however, it appears that these developers need advice on courtesy. The impact on us from these proposals has been highly stressful. If we had been consulted, either by using the Party Wall act or simply by entering into discussion with us prior to starting work we could have been saved some of this stress.
12. There is a proposal in the application for '2 x security lights with motion sensors'. In fact a highly unsuitable bright neon non-directional light has been fitted which shines into 3 of our rooms which is very distracting both during daylight and at night. This significantly impacts on the amenity of our property and must be addressed.

In conclusion until I receive satisfactory responses to the above I have to state that I object to the proposals in this application.

## Consultee Comments

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

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.



## **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 [www.securedbydesign.com](http://www.securedbydesign.com) 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.

## Site Photographs



Front section of the western elevation of No. 233 Monks Road, facing Coleby Street.



Officer photo of rear section of western elevation of No. 233 Monks Road, facing Coleby Street, encompassing the altered rear yard to Nos. 233 and 235 Monks Road. The outbuildings to the right form the southern boundary of both properties to No. 1 Coleby Street.





Applicant Photo taken before works commenced to rear yard.



Applicant Photo taken looking down into yard before works commenced to rear yard

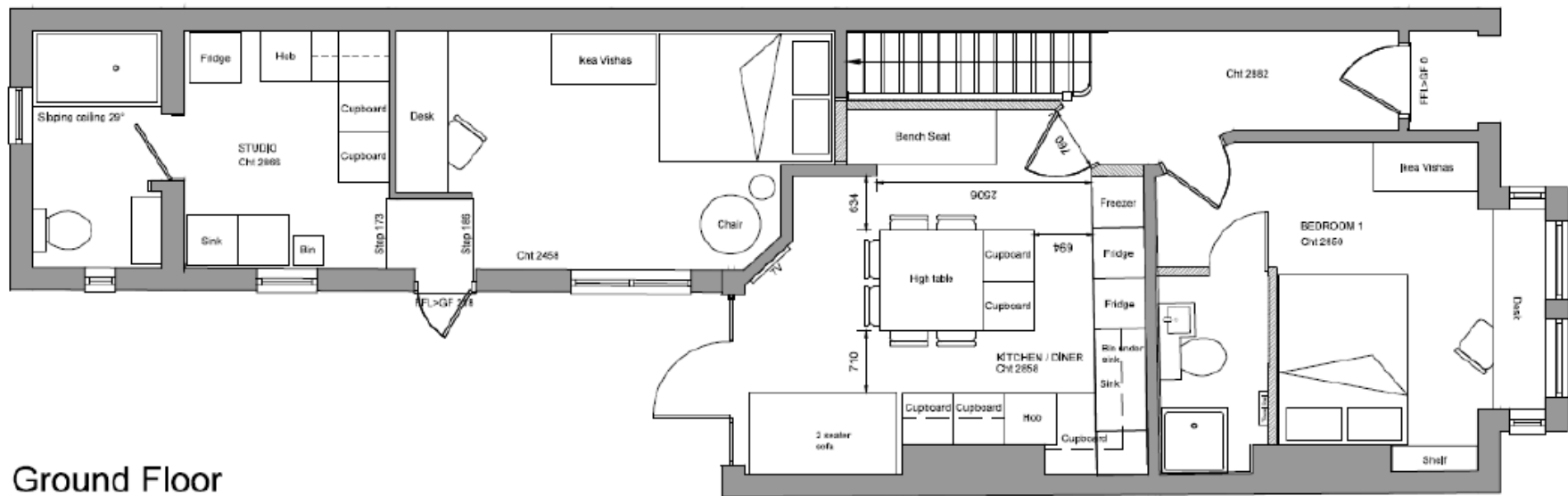
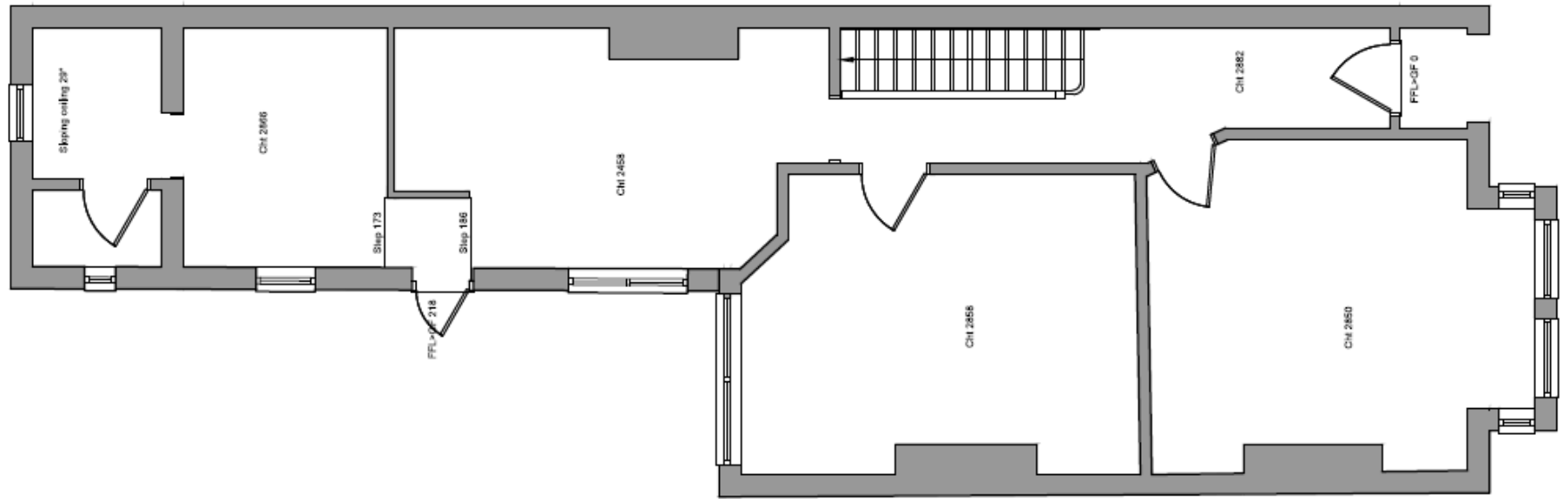




Left: Officer Photo of view south within the yard area, proposed to serve the HMO and flat at No. 235 Monks Road, towards No. 1 Coleby Street. The new fence is positioned to the right of the image.

Right: Officer Photo of view along western elevation of rear projection (which would incorporate the proposed flat); the doors into the HMO are shown boarded over.

**Plans – Existing and Proposed Ground Floor**



**Ground Floor**  
OPTION 2