

PLANNING COMMITTEE

Wednesday, 17 July 2019

5.30 pm

Committee Rooms 1-2, City Hall

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

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

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

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

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 29 May 2019	5 - 20
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	21 - 26

4. Applications for Development	
(a) Crematorium Building, City Crematorium, Washingborough Road, Lincoln	27 - 48
(b) Proposed Second Chapel: Crematorium Building, City Crematorium, Washingborough Road, Lincoln	49 - 66
(c) 16 St Martins Lane, Lincoln	67 - 88
(d) 88 Yarborough Crescent, Lincoln	89 - 112
(e) Kiosk 1, Kiosk 2, Tourist Information Centre, Cornhill, Lincoln	113 - 118
5. Exclusion of Press and Public	119 - 120
<p>RESOLVED that the press and public be excluded from the meeting during consideration of the following item(s) of business because it was likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972</p>	
6. Part B Report: Exempt Information	121 - 128
	[Exempt Para(s) 3]

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 Bob Bushell (*in the Chair*),
Councillor Biff Bean, Councillor Bill Bilton, Councillor
Alan Briggs, Councillor Kathleen Brothwell, Councillor
Chris Burke, Councillor Gary Hewson, Councillor
Rebecca Longbottom and Councillor Edmund Strengiel

Apologies for Absence: Councillor Naomi Tweddle and Councillor Ronald Hills

1. Confirmation of Minutes - 24 April 2019

RESOLVED that the minutes of the meeting held on 24 April 2019 be confirmed.

2. Declarations of Interest

Councillor Biff Bean declared a Declaration of Predetermination with regard to the agenda item titled 'Application for Development: 8 Top Lodge Close, Lincoln'.

Reason: He had predetermined his view on the matter to be considered.

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

Councillor Edmund Strengiel declared a Declaration of Predetermination with regard to the agenda item titled 'Usher Art Gallery, Lindum Road, Lincoln'.

Reason: As an Elected County Councillor it may be perceived that he had predetermined his view due to his position.

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

Councillor Edmund Strengiel declared a Declaration of Predetermination with regard to the agenda item titled 'Usher Art Gallery, Lindum Road, Lincoln (LBC)'.

Reason: As an Elected County Councillor it may be perceived that that he had predetermined his view due to his position.

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

Councillor Kathleen Brothwell declared a Declaration of Predetermination with regard to the agenda item titled 'Usher Art Gallery, Lindum Road, Lincoln (LBC)'.

Reason: She sat on the Arboretum Advisory Group where this matter had been discussed and had predetermined her view on the proposals.

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

Councillor Kathleen Brothwell declared a Declaration of Predetermination with regard to the agenda item titled 'Usher Art Gallery, Lindum Road, Lincoln'.

Reason: She sat on the Arboretum Advisory Group where this matter had been discussed and had predetermined her view on the proposals.

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

3. Work to Trees in City Council Ownership

The Open Spaces Officer, on behalf of the Arboricultural Officer:

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

Members asked whether it was possible for a further column to be inserted within the table of works to trees in City Council ownership giving details of when/where the work was carried out.

The Open Spaces Officer advised that replacement trees were only transplanted during the dormant period of the year November to December due to ideal planting conditions. It was possible to add another column to the table to depict work completed or the timescale involved.

The Chair highlighted that a six monthly update was presented to Planning Committee on completed works to trees, although the Open Spaces Officer was welcome to discuss this matter further with the Arboricultural Officer.

RESOLVED that:

1. Possible amendments to the template of work to trees in City Council ownership be discussed with the Arboricultural Officer
2. The works set out in the schedule at Appendix A attached to the report be approved.

4. Application for Development: 8 Top Lodge Close, Lincoln

(Councillor Bean left the room for the discussion of this item, having made a Declaration of Predetermination with regard to the agenda item to be discussed.)

The Planning Manager:

- a. described the application property, 8 Top Lodge Close, a currently vacant two storey detached dwelling located in a cul-de-sac together with eight other properties accessed from Doddington Road to the south, close to the junction with Whisby Road
- b. highlighted that Top Lodge Close was privately owned and maintained, having a private driveway to the front and a large garden to the side and

rear, bounded by approximately 1.8m high fencing with 9 Top Lodge Close to the east of the site, 6 and 7 Top Lodge Close to the west and properties on Swaythling Close to the north

- c. advised that planning permission was sought for change of use from a dwellinghouse (Class C3) to a seven bed House in Multiple Occupation (HMO) (Sui Generis); proposing to maintain the four bedrooms on the first floor, two on the second floor (within the roof) and a further bedroom created as part of a self-contained unit within the double garage
- d. reported that works to create this unit had already commenced involving the installation of internal stud walls and the partial bricking up of the garage door openings to creating window openings, the occupants in the main house would have access to a lounge, kitchen/diner, snug and bathrooms
- e. provided details of the policies pertaining to the application, as follows:
 - Policy LP9 Health and Wellbeing
 - Policy LP10 Meeting Accommodation Needs
 - Policy LP26 Design and Amenity Standards
 - Policy LP29 Protecting Lincoln's Setting and Character
 - Policy LP37 Sub-Division and Multi-Occupation of Dwellings within Lincoln
 - National Planning Policy Framework
- f. outlined the responses made to the consultation exercise
- g. referred to the update sheet which contained a further objection received from Councillor Bean, member of Planning Committee and picture evidence of parking issues
- h. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
 - Use and Policy Context
 - Lack of Demand for the Dwellinghouse Use
 - HMO Concentration
 - Parking and Effect on the Amenities of the Wider Area
 - External Communal Space, Cycle and Bin Storage
- i. concluded that:
 - In accordance with CLLP Policies LP9 and LP10 officers were fully supportive in principle of the provision of the type of accommodation that was suggested by the application, however, it was the HMO use and not the specific operator that had been considered.
 - The potential for mental health benefits would not therefore outweigh the requirement for the HMO proposal to meet Policy LP37 and the SPD. These both required that applications should demonstrate that there was an established lack of demand for the use of the property as a family dwellinghouse. The application had failed to provide such evidence and officers recommended refusal on these grounds.

- Similarly, while the application stated that there would be limited vehicle ownership associated with specific use, officers had to consider the potential for a seven bedroom HMO to be occupied by seven occupants, each with their own car.
- There was no objection from the Lincolnshire County Council as Local Highway Authority in terms of highway safety although officers considered that the potential for increased vehicle numbers and the insufficient parking provision within the application site would result in on-street parking, which would in turn cause harm to the amenities of local residents. Officers would recommend that the application is also refused on these grounds.
- Notwithstanding the impact on neighbouring properties through increased on-street parking it was not considered that the principle of the HMO use would result in undue harm to neighbouring occupants or the visual amenity of the wider area. The application would not result in an over concentration of HMOs within the area. The application site also had the potential to provide adequate provision for external communal areas for amenity, cycle storage and bin storage.
- Officers would therefore recommend refusal of the application on the grounds of lack of evidence of the demand for the property as a family dwelling and the impact on neighbouring occupants as a result of the potential for on-street parking, contrary to CLLP Policies LP26 and LP37, the SPD and the NPPF.

Mr Richard Sargent addressed Planning Committee in objection to the proposed development, covering the following main points:

- He spoke this evening with unanimous support from the residents of Top Lodge Close and Swaythling Close.
- The character of the application site represented typically a strong family residential area.
- There were issues associated with the proposed use in terms of integration within the community and safeguarding.
- There were no other HMO's in the area.
- This area was not an appropriate or safe environment for a HMO.
- Residents did not deny there was a need for this type of accommodation, however, it should be in the right area.
- There was a high demand for these residential houses.
- The driveways only had space for three vehicles.
- The proposal for seven occupants within the property was not achievable as the Close was too small in terms of parking provision.
- This would result in parking on the street, on the sharp bend of the Close and also other people's private driveways being used.
- Issues were envisaged resulting from vehicles parking on the sharp bend as lorries had to reverse in for waste bin collection and would probably not bother to collect with such access headaches.
- Issues of emergency vehicle access.
- We had been told that it was intended that residents to the HMO would not require vehicles, however, this was a high risk HMO of three storeys in height with seven occupants, which could attract additional vehicles in the area.
- The application stated the developers were CQC registered.

- The company in question was not registered on the CQC website and did not hold a Lincoln city office.
- Residents wished the Planning Committee to consider safeguarding, integration, parking and safety of residents in relation to the proposals before them.
- In this case, need did not outweigh harm.
- Please refuse planning permission.

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

- The policy position here was two-fold.
- Lack of demand for a family dwelling.
- Demand and supply were linked - prices paid reflected demand and supply.
- Supply was currently at a heavy market position.
- There were 52 properties up for sale in the LN6 area of similar price.
- There was a healthy turnover with no lack of supply.
- HMO use
- Stringent S106 conditions could be applied to the property.
- With regards to the legality of the planning application, indirect discrimination had been discussed.
- It was necessary to take a wider look and ask questions.
- Why was Article 4 introduced- to discriminate against disabled people? Of course not.
- Use of LP27 to refuse planning permission would discriminate against disabled people.
- S106 conditions could be used instead.
- Use of LP27 to refuse was unlawful.
- Please approve planning permission with the imposition of an S106 agreement.

The Planning Manager offered the following points of clarification in relation to the above comments:

- Article 4 did not apply to a Sui Generis HMO as proposed (having more than six occupants).
- The associated Houses in Multiple Occupation Supplementary Planning Document Approved Draft (SPD) provided criteria for determining planning applications for the development of HMOs, which were still relevant to this type of HMO.
- SPD under Article 4 had been ratified by the Secretary of State very recently.

Members sought and received clarification from officers that in the event that planning permission was granted and the application for supported living fell, the property would still remain as a HMO.

Members discussed the content of the report in further detail, making individual comments in respect of the proposed development as follows:

- The 'not in my back yard' attitude was concerning.
- The need for this type of accommodation in this locality had not been proven.

- There was no objection on highways grounds.
- The nature of the application was not the concern here, but the type of potential residents in a Sui Generis HMO
- Future residents may have cars.
- Help should be given to disabled residents although in this case other considerations outweighed the benefits of granting planning permission.
- Potentially the seven occupants within the application property could own cars.

Members raised questions in relation to whether:

- The reference within the officer's report to the potential for increased vehicle numbers and insufficient parking provision within the application site resulting in on-street parking was made by Highway Authority officers or City of Lincoln Council Planning officers.
- An S106 agreement could be imposed to restrict occupants of the property from owning cars.

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

- The reference within the officer's report to increased vehicle numbers was made by City Council officers.
- The Highways Authority had assessed the specific proposal as submitted including the statement from the applicants.
- Planning officers had taken into account the Sui Generis use and the fact that potentially the property could be occupied by seven unrelated individuals all with cars.
- The site consisted of a small cul-de-sac with a tight bend in the road - four additional cars parked on the street would be an issue.
- The operation of the premises could be controlled by an S106 agreement to personalise permission, however, the application also failed to meet policy tests for the demand for this type of house.

RESOLVED that planning permission be refused for the following reasons:

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

5. Application for Development: 97 Boutham Park Road, Lincoln

(Councillor Bean returned to the room and re-took his seat as a member of Planning Committee for the remainder of the meeting.)

The Principal Planning Officer:

- a. advised that planning permission was sought for the erection of a two storey dwelling (with rooms in the roof served by dormers) on land to the rear and west of 97 Boutham Park Road, a two storey detached dwelling located on the corner of Boutham Park Road and Earls Drive, currently occupied by garden land and a double garage/store with access from Earls Drive
- b. reported that the dwelling would replace the existing garage and would incorporate three bedrooms and a double garage, utilising the existing vehicular access, and was situated within Flood Zone 3
- c. highlighted that the application had been revised during the process, firstly to address an objection from the Environment Agency and again to improve the relationship with neighbouring 95 Boutham Park Road; as detailed later within the officer's report, all neighbours had been re-consulted on the first revision with 95 Boutham Park Road directly notified of the second revision affecting their property
- d. advised that the application had been called in to be determined by committee at the request of Councillor Hewson
- e. provided details of the policies pertaining to the application, as follows:
 - Policy LP1 A Presumption in Favour of Sustainable Development
 - Policy LP2 The Spatial Strategy and Settlement Hierarchy
 - Policy LP14 Managing Water Resources and Flood Risk
 - Policy LP26 Design and Amenity Standards
 - National Planning Policy Framework
- f. outlined the responses made to the consultation exercise
- g. referred to the update sheet which contained revised site layout plans for the planning application relating to boundary treatment, an electric vehicle re-charge point, retained hedge and fencing, and a revised proposed officer recommendation in respect of the planning application
- h. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
 - Principle of Use
 - Visual Amenity
 - Residential Amenity
 - Flood Risk
 - Access and Highways
- i. concluded that:
 - The principle of a dwelling in this location was considered to be acceptable and the development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing

and design.

- The proposal would also not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
- Technical matters relating to flood risk, drainage and highways were also to the satisfaction of the relevant consultees.
- The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP14 and LP26, as well as guidance within the National Planning Policy Framework.

Mr Alan Epps addressed Planning Committee in objection to the proposed development, covering the following main points:

- His objections were based on the overlooking position.
- Two revised plans had been produced - on each occasion the only change was to introduce obscure glazed windows.
- Overlooking was such a major issue resulting in the need for planning permission to be refused.
- The obscure glass facing our property had a door next to it. The height of the door well overlooked the height of the fence due to an increase of 1 metre on finished levels of the proposed building.
- In comparison to the height of the existing garage, our land was even lower and the floor level of the new building would be raised by an extra metre.
- The height of the new build would be 12 metres taking into account land levels.
- The officer's report stated that the new build would not appear unduly dominant when viewed from 1 Earls Drive, however, at a distance of 1.4 metres from our fence we didn't feel this was acceptable.
- Some of the land held a restricted covenant. Although planning officers had stated this was not within the Council's remit, he himself was in possession of a letter from the Head of Planning Services stating that the build had been refused originally due to a restricted covenant on the land. Why was this still not an issue?

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

- He thanked members of Planning Committee for allowing him the opportunity to speak.
- The original design context for the new build consisted of two storey with roof accommodation.
- The revised proposals were the same in principle, but with added mitigation measures to address the height of floor levels to satisfy the Environment Agency and protect the amenity of No 95 Boultham Park Road.
- The floor level difference relative to existing properties was another 500mm.
- The developer had worked with planning officers to help mitigate the issues raised by objectors.
- Careful consideration had been given to the position of windows to maintain privacy of neighbouring properties.

Members discussed the content of the report in further detail.

Members made the following individual comments against the proposals:

- No habitable accommodation in the garden had been imposed recently on a planning application in the area.
- The development did affect the amenity of the area.
- The amenity for having substantial gardens in the area would be reduced.
- Covenants had been discussed by this Committee in the past.
- The proposal would affect the character of the local area.

Members asked for clarification in relation to the following main points:

- Why the Environment Agency were happy with the proposals although the Drainage Board had raised an objection.
- Whether residents were saying there was insufficient obscure glazing only.
- Whether overlooking distance as well as visibility was adequate in terms of planning regulations.
- Where residents would park their cars when the garage was demolished.
- Whether the frosted windows with clear 'top overs' could be conditioned to remain closed at all times to protect the privacy of neighbouring properties.
- Whether the objections in respect of overlooking related mostly to the garden area.
- Whether the issue of soakaways raised by the Drainage Board could be addressed.

The Principal Planning Officer offered the following points of clarification in relation to member's comments:

- The top openings to the obscure glazed windows at level 3 were high up. A condition could be imposed to require them to be 'non-opening' if members were so minded.
- There would be ample space for residents to park their vehicles within their own plot.
- There was a difference of opinion between the Drainage Board and Environment Agency. The Drainage Board tended to raise objections to planning applications in principle in all Flood Zone 3 areas. The Environment Agency as statutory consultee had recommended the level of 5.6 metres as the finished level for the building.
- The matter of a covenant was not a planning consideration. It was mentioned before as a matter of explanation to enlighten consultees rather than a planning consideration.
- In terms of obscure glazing, the distance from the boundary of the new build to the hedge would be retained at 2.4 metres.
- The issue raised by the Drainage Board in relation to soakaways would be dealt with.

A motion was proposed by Councillor Bean and seconded by Councillor C Burke that the 'top overs' to obscure glazed windows be fixed as non-opening.

The motion was put to the vote and carried.

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

- Development to commence within three years
- Development to be constructed in accordance with the submitted plans
- Development in accordance with Flood Risk Assessment
- Windows installed strictly as per plans
- Removal of permitted development rights including windows
- Fence to replace section of hedge in accordance with submitted details
- Materials as submitted details
- Electric vehicle recharge point installed as per submitted details
- Construction of the development (delivery times and working hours)
- Obscure glazed windows to be non-vented.

6. **Application for Development: 4 Southland Drive, Lincoln**

The Principal Planning Manager:

- a. advised that planning permission was sought for the erection of a single storey side and rear extension at 4 Southland Drive, a two storey semi-detached dwelling with a detached garage (resubmission of planning application (2018/1064/HOU), previously granted conditionally at Planning Committee on 7th November 2018.
- b. advised that the property had previously been extended to the rear via a pitched roofed conservatory and enclosed car port to the side, which would be partly removed to accommodate this proposal
- c. highlighted that the application had been revised during the process, the original proposal showed the eaves of the extension would likely encroach onto neighbouring land and an objection to this effect was received from a neighbour; although boundary/ land disputes were ultimately private matters, officers approached the agent for clarification regarding the matter, subsequently a revised drawing was submitted which depict the proposed extension entirely within the curtilage of the applicants
- d. advised that the application was being presented to Members of the Planning Committee as the applicant was related to a member of staff working for Lincoln City Council
- e. provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework
 - Policy LP26 Design and Amenity Standards
- f. outlined the responses made to the consultation exercise
- g. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
 - Effect on Visual Amenity
 - Effect on Residential Amenity
 - Effect on Highway Safety
 - Flood Risk
- h. concluded that the proposed extensions were appropriately designed and

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

Members discussed the content of the report in further detail.

RESOLVED that planning permission be granted conditionally.

7. Application for Development: Usher Art Gallery, Lindum Road, Lincoln

(Councillors Brothwell and Strengiel left the room for the discussion of this item and the following related Listed Building Consent application, having made a Declaration of Predetermination with regard to the agenda item to be discussed.)

The Planning Manager:

- a. advised that the application sought planning permission for additional metal gates to protect the shelter to the south east corner of Temple Gardens, situated on Lindum Hill on the eastern side of the city centre
- b. reported that the application building was Grade II listed by virtue of its curtilage relationship with the Usher Art Gallery and was located within Conservation Area No.1 'Cathedral and City Centre'
- c. referred to a separate but related planning application for listed building consent for the proposed works (2019/0306/LBC) as part of tonight's agenda bundle
- d. described the relevant site history to the planning application as detailed within the officer's report
- e. provided details of the policies pertaining to the application, as follows:
 - Policy LP1 A Presumption in Favour of Sustainable Development
 - Policy LP25 The Historic Environment
 - Policy LP29 Protecting Lincoln's Setting and Character
 - National Planning Policy Framework
- f. outlined the responses made to the consultation exercise
- g. referred to the update sheet which contained a further response received from Lincoln Civic Trust
- h. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
 - National and Local Planning Policy
 - Potential Impact on the Significance of Heritage Assets
- h. concluded that:
 - These works would secure the future of the shelter, guarding against further damage and allowing the shelter in the future to

once again fulfil its optimum viable use and preserve the setting of the Usher Art Gallery and preserve and enhance the character and appearance of the conservation area.

- Therefore, it was considered that the proposal was in accordance with the duty contained within section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 'In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area',

Members discussed the content of the report in further detail, finding the option suggested by Lincoln Civic Trust to demolish the Temple Garden building as puzzling.

Members asked:

- Whether the materials to be used could be chosen sympathetically to suit the Georgian aspect of the buildings in the area.
- Whether the appearance of the structure would be compromised according to the Lincoln Civic Trust objection.
- How often the rubbish behind the building would be cleared.
- Would the graffiti be removed?
- Advice on the age of the building.

The Planning Manager offered the following points of clarification in relation to member's comments:

- The building was built at the same time of the Usher Art Gallery or soon after.
- Officer's also expressed concerns regarding the suggestion made by Lincoln Civic Trust to demolish a listed building.
- Officers did not agree that solid barriers added to the building would be a better option as they would be more oppressive together with creating a canvas for graffiti.
- The design of the railings had been planned in negotiation with the Principal Conservation Officer. This was felt by officers to be the correct approach accepting this advice.
- The accumulation of rubbish was always a risk, the proposal represented the lesser of two evils compared to issues of dumping/rough sleepers.
- Maintenance of the building would be discussed with the relevant department.

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

Standard Conditions

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

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

- 02) With the exception of the detailed matters referred to by the conditions of

this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.

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

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

Conditions to be discharged before commencement of works

None.

Conditions to be discharged before use is implemented

None.

Conditions to be adhered to at all times

None.

Table A

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

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

8. Application for Development: Usher Art Gallery, Lindum Road, Lincoln (LBC)

The Planning Manager:

- a. advised that permission was sought for Listed Building Consent to install additional metal gates to protect the shelter to the south east corner of Temple Gardens, situated on Lindum Hill on the eastern side of the city centre
- b. reported that the application building was Grade II listed by virtue of its curtilage relationship with the Usher Art Gallery and located within Conservation Area No.1 'Cathedral and City Centre'
- c. referred to a separate but related planning application for the proposed works (2019/0305/RG)
- d. described the relevant site history to the planning application as detailed within the officer's report
- e. provided details of the policies pertaining to the application, as follows:

- Policy LP1 A Presumption in Favour of Sustainable Development
 - PolicyLP25 The Historic Environment
 - National Planning Policy Framework
 - Policy LP29 Protecting Lincoln’s Setting and Character
- f. outlined the responses made to the consultation exercise
- g. referred to the update sheet which contained a further response received from Lincoln Civic Trust
- h. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
- National and Local Planning Policy
 - Potential Impact on the Significance of Heritage Assets
- h. concluded that:
- The proposed works would secure the future of the shelter, guarding against further damage and allowing the shelter in the future to once again fulfil its optimum viable use and preserve the setting of the Usher Art Gallery and preserve and enhance the character and appearance of the conservation area.
 - Therefore, it was considered that the proposal was in accordance with the duty contained within section 16 (12) of the Planning (Listed Buildings and Conservation Areas Act) 1990 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses', Policy LP25 'Historic Environment' of the Central Lincolnshire Local Plan (2017) and relevant guidance contained within the National Planning Policy Framework (2019).

Members discussed the content of the report in further detail.

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

Standard Conditions

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

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

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

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

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

Conditions to be discharged before commencement of works

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

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

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

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

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

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

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

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

Conditions to be discharged before use is implemented

None.

Conditions to be adhered to at all times

None.

Table A

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

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

This page is intentionally blank.

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

1. Purpose of Report

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

2. Background

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

3. Tree Assessment

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

4. Consultation and Communication

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

5. Strategic Priorities

5.1 Let's Enhance our Remarkable Place

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

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

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, unless stated otherwise in the works schedule.

ii) Staffing N/A

iii) Property/Land/ Accommodation Implications N/A

iv) Procurement

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

6.2 Legal Implications including Procurement Rules

All works arising from this report are undertaken by the Council's grounds maintenance contractor. The contractor was appointed after an extensive competitive tendering exercise. The contract for this work was let in April 2006.

The Council is compliant with all TPO and Conservation area legislative requirements.

6.3 Equality, Diversity and Human Rights

There are no negative implications.

7. Risk Implications

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

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

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

8. Recommendation

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

Is this a key decision? No

Do the exempt information categories apply? No

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

How many appendices does the report contain? 1

List of Background Papers: None

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

**NOTIFICATION OF INTENDED WORK TO TREES AND HEDGES
RELEVANT TO THEIR CITY COUNCIL OWNERSHIP STATUS.
SCHEDULE No 6 / SCHEDULE DATE: 17/07/19**

Item No	Status e.g. CAC	Specific Location	Tree Species and description / reasons for work / Ward.	Recommendation
1	N/A	Garden of 11 Snowberry Gardens.	<u>Birchwood Ward</u> 2 Self-set Sycamores. Fell, as part of garden improvements.	Approve and replant with 2 Field Maples in a suitable location.
2	N/A	Garden of 28 Larchwood Crescent.	<u>Birchwood Ward</u> 2 Chamaecyparis and 1 small Cherry. Fell to allow clearance from property and as part of garden improvements.	Approve and replant with a Cherry and 2 Silver Birch in a suitable location.
3	N/A	Garden of 137 Woodfield Avenue.	<u>Birchwood Ward</u> 1 Cherry. Fell. The tree has canker on the main stem, has outgrown its location and is in close proximity to property. The works are part of garden improvements.	Approve and replant with a Cherry in a suitable location.
4	N/A	Amenity grass area opposite 43 Dellfield Avenue.	<u>Birchwood Ward</u> 1 Prunus. Fell, the tree is dead.	Approve and replant with a Cherry.
5	N/A	Garage site to rear of 2 Bain Street.	<u>Castle Ward</u> 1 Whitebeam. Fell, due to decay in the main stem and crown dieback.	Approve and replant with a Whitebeam in a suitable location.
6	CAC	Wickham Gardens, adjacent to 51 Chapel Lane.	<u>Castle Ward</u> 1 Lime. Remove epicormics growths, reduce crown by 1 metre and prune to clear property roof.	Approve.

7	N/A	Rear garden of 45 Highfield Avenue	<u>Moorland Ward</u> 1 self-set Sycamore Fell, inappropriate species for the location and has a potentially weak root system.	Approve and replant with a Field Maple in a suitable location.
8	CAC	St Peter at Gowts church yard	<u>Park Ward</u> 1 Lime, Prune and reduce the crown to ensure clearance to the roof of 22 Ashtons Court.	Approve.

This page is intentionally blank.

Application Number:	2019/0413/RG3
Site Address:	Crematorium Building, City Crematorium, Washingborough Road
Target Date:	20th July 2019
Agent Name:	Evans McDowall Architects
Applicant Name:	Mr Simon Walters
Proposal:	Proposed renovation and extension of the existing chapel and book of remembrance building, including over cladding the existing building and replacement of existing windows and doors with associated additional 81 car parking and landscaping (phase one).

Background - Site Location and Description

Lincoln Crematorium is located on the south-east edge of the City of Lincoln, to the north side of Washingborough Road. The City Crematorium occupies an area of approximately 4.7 hectares.

The application submitted as described above, is part of the overall project to enhance the existing services and aesthetics of the building. The City of Lincoln Council's objectives are to enhance the dated appearance of the existing building and make the user experience more welcoming, whilst addressing fundamental layout issues to allow space for loved ones to gather following ceremony.

The application is to be considered by Planning Committee as the service is owned and run by the City of Lincoln Council.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 7th June 2019.

Policies Referred to

- National Planning Policy Framework
- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP12 Infrastructure to Support Growth
- Policy LP15 Community Facilities
- Policy LP17 Landscape, Townscape and Views
- Policy LP22 Green Wedges
- Policy LP23 Local Green Space and other Important Open Space
- Policy LP26 Design and Amenity

Issues

To assess the proposals with regard to:

1. Accordance with National and Local Planning Policy
2. Impact on amenity of neighbouring uses

3. Impact on visual amenity
4. Highway safety, access, parking and surface water drainage
5. Impact on trees, landscaping and ecology

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
Environmental Health	Comments Received
Shane Harrison	No Response Received
Lee George	No Response Received
Paul Carrick	No Response Received
Lincolnshire Wildlife Trust	No Response Received
Environment Agency	Comments Received
Paul Clifton	No Response Received

Public Consultation Responses

Name	Address
Mr Guy Hird	J1 The Point Weaver Road Lincoln LN6 3QN

Consideration

1. Accordance with National and Local Planning Policy

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

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

Paragraph 127 states that planning decisions should ensure that developments:

- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The application is for the enhancement of existing facilities at the City Crematorium therefore the following policies within the Central Lincolnshire Local Plan are entirely relevant.

Policy LP1: A Presumption in Favour of Sustainable Development

When considering development proposals, the Central Lincolnshire districts will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the policies within the Local Plan should be approved without delay, unless material considerations indicate otherwise.

Policy LP12: Infrastructure to Support Growth

The proposals would improve the overall level of service and would be supported by an increased provision of car parking to remediate the existing lack of car parking. The movement of traffic would not therefore be considered to have a harmful impact upon the existing infrastructure capacity.

Policy LP15: Community Facilities

All development proposals should recognise that community facilities are an integral component in achieving and maintaining sustainable, well integrated and inclusive development. The redevelopment or expansion of the existing facility to extend or diversify the level of service provided will be supported by the policy.

Policy LP17: Landscape, Townscape & Views

Policy LP17 states that proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area. All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

As set out within the design and access statement the proposals have been developed to enhance the architectural quality of the existing building and complement the existing mature landscape. Where possible existing tree planting has been retained, with significant new landscaping proposals planned across the site to enhance the existing natural environment.

Careful consideration has been taken to respect views into the site and also views from within the site boundary to enhance the setting of the existing building and the visitor experience.

Policy LP22: Green Wedges

Policy LP22 states that planning permission will not be granted for any form of development, including changes of use, unless:

- a. it can be demonstrated that the development is not contrary or detrimental to the above functions and aims; or
- b. it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.

Development proposals within a Green Wedge will be expected to have regard to:

- c. the need to retain the open and undeveloped character of the Green Wedge, physical separation between settlements, historic environment character and green infrastructure value;
- d. the maintenance and enhancement of the network of footpaths, cycleways and bridleways, and their links to the countryside, to retain and enhance public access, where appropriate to the role and function of the Green Wedge;
- e. opportunities to improve the quality and function of green infrastructure within the Green Wedge with regard to the Central Lincolnshire Green Infrastructure network and Biodiversity Opportunity Mapping.

The proposed renovation and extension of the crematorium is designed to preserve the life of an existing facility that is already located within the green wedge. It will enhance the existing offering, through physical intervention, which will have a minimal physical impact on their area.

Policy LP26: Design and Amenity

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

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

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

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;

p. Loss of light;

The proposals should therefore be considered on these points.

2. Impact on Amenity of Neighbouring Uses

The Crematorium is bound by a limited amount of development, including a bowling alley to the east and a single residential dwelling located to the southwest. Other adjoining uses include the St Swithin's Cemetery located to the west, railway line to the north and former Canwick golf course to the south.

The application proposes a number of building works including the extension and renovation of the main crematory building to provide an additional 100 square metres of floor space to the north of the existing building to house new cremators and facilitate the remodel of the back office. The existing chimney would also be replaced and reduced in height to 7m.

The existing book of remembrance building would also be extended to the south, providing an additional 62 square metres of floor space, including similar external renovations.

Additional works include the reconfiguration and expansion of the existing gathering and post-service areas to ensure a clear separation and more a functional use of space. The existing car park would also be expanded and improved to provide adequate parking for the existing and proposed requirements.

The extensions would be modest in size and would not be considered to have any harmful impact upon the neighbouring uses of the site, retaining the substantial set back from Washingborough Road. The overall increase in activity would be sustainable and would not be considered to have a harmful impact in terms of additional noise or disturbance through the access and egress from the site.

3. Impact on Visual Amenity

The physical changes to the building, the new structures and extensions, along with the overcladding, will result in a substantial improvement in its appearance. The architects have been very careful in their selection of the palette of materials, utilising natural materials with a colours and textures representative of the local area. The main area of the ground storey of the building is proposed to be overclad in Lincolnshire limestone and this will also be used for the new colonnade space surrounding the perimeter of the room of the Book of Remembrance and the new external gathering space. Vertical bronze cladding will be used on the upper part of the existing building and on the new crematory, whilst brickwork is proposed for the existing and extended elevations of the Book of Remembrance and then the south facade of the crematorium, beneath the limestone colonnades are proposed to be clad in oak. The combination of materials are both locally relevant and also of a high quality.

The architecture of the alterations has picked up on the themes of the original building in terms of scale a proportions but the more contemporary style of the colonnade, the extension of the room for the Book of Remembrance and the incorporation of the new area for the crematory, when combined with the high quality traditional materials, provides a pleasing blend which is a major improvement to the appearance of the building.

4. Highway Safety, Access, Parking and Surface Water Drainage

The applicants have submitted a detailed Transport Assessment following discussions with the Highway Authority at the pre-application stage, formally scoping out the requirements of the assessment. A detailed surface water assessment has also been submitted which is satisfactory. The Highway Authority has no objections to the proposed extension.

5. Impact on Trees, Landscaping and Ecology

The submitted ecological appraisal report also demonstrates the proposals are to have minimal impact on local wildlife. A number of landscape measures are also proposed as part of the development which will enhance the ecological value of the site. The extension of the car park will result in the removal of a select number of trees and a detailed landscaping report that accompanies the application proposes new tree planting as well as extensive new shrub and associated planting.

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

A thorough pre-application consultation has taken place between the architects and Local Authority to enable proposals for the renovation and extension of the Crematorium to be positively developed and supported throughout the planning process.

Conclusion

This is a good proposal that allows for significant internal upgrading of the Crematorium and does so in a manner that also significantly improves the exterior of the building and the grounds. There are no adverse effects.

Application Determined within Target Date

Yes.

Recommendation

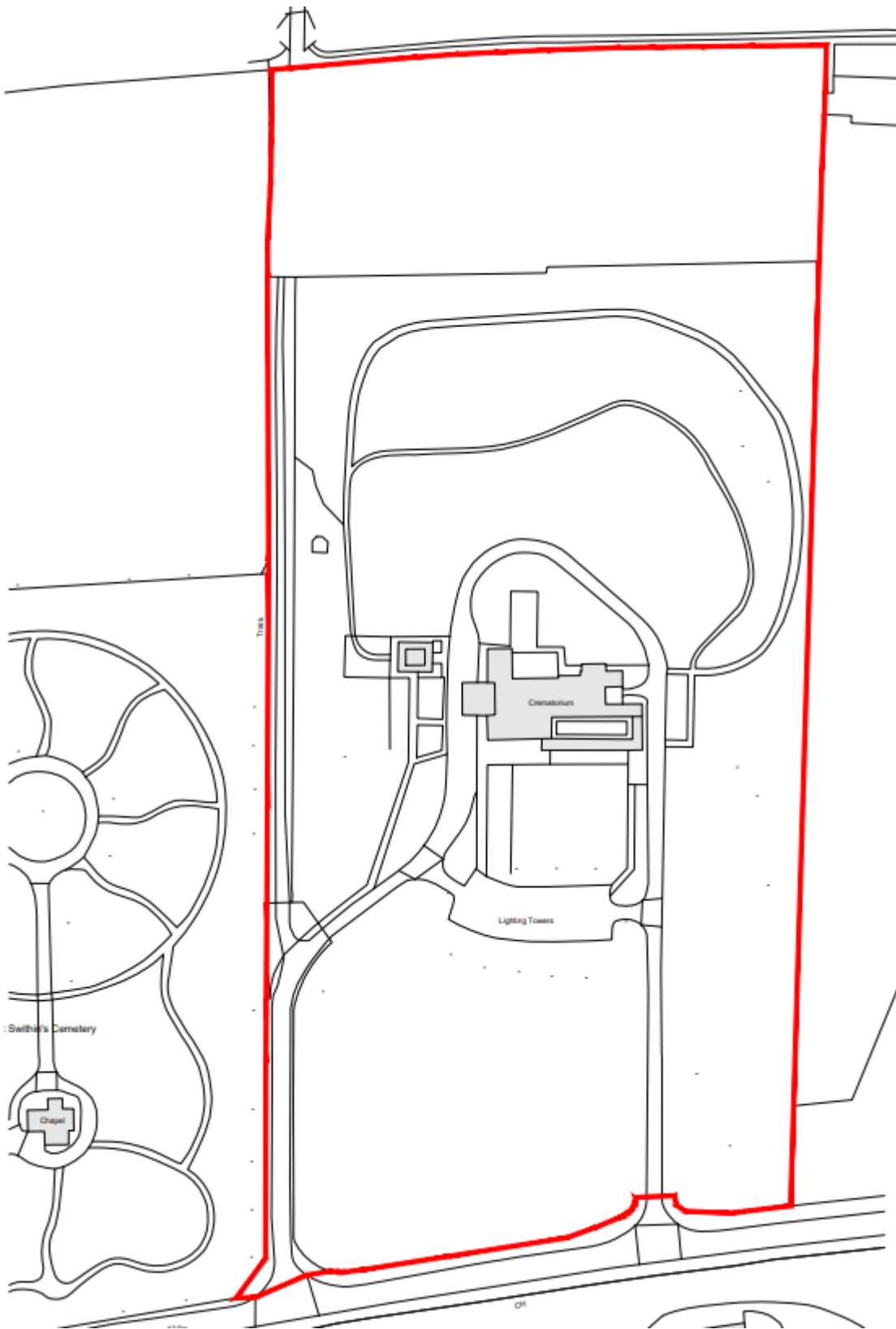
That planning permission is granted with the conditions set out below:

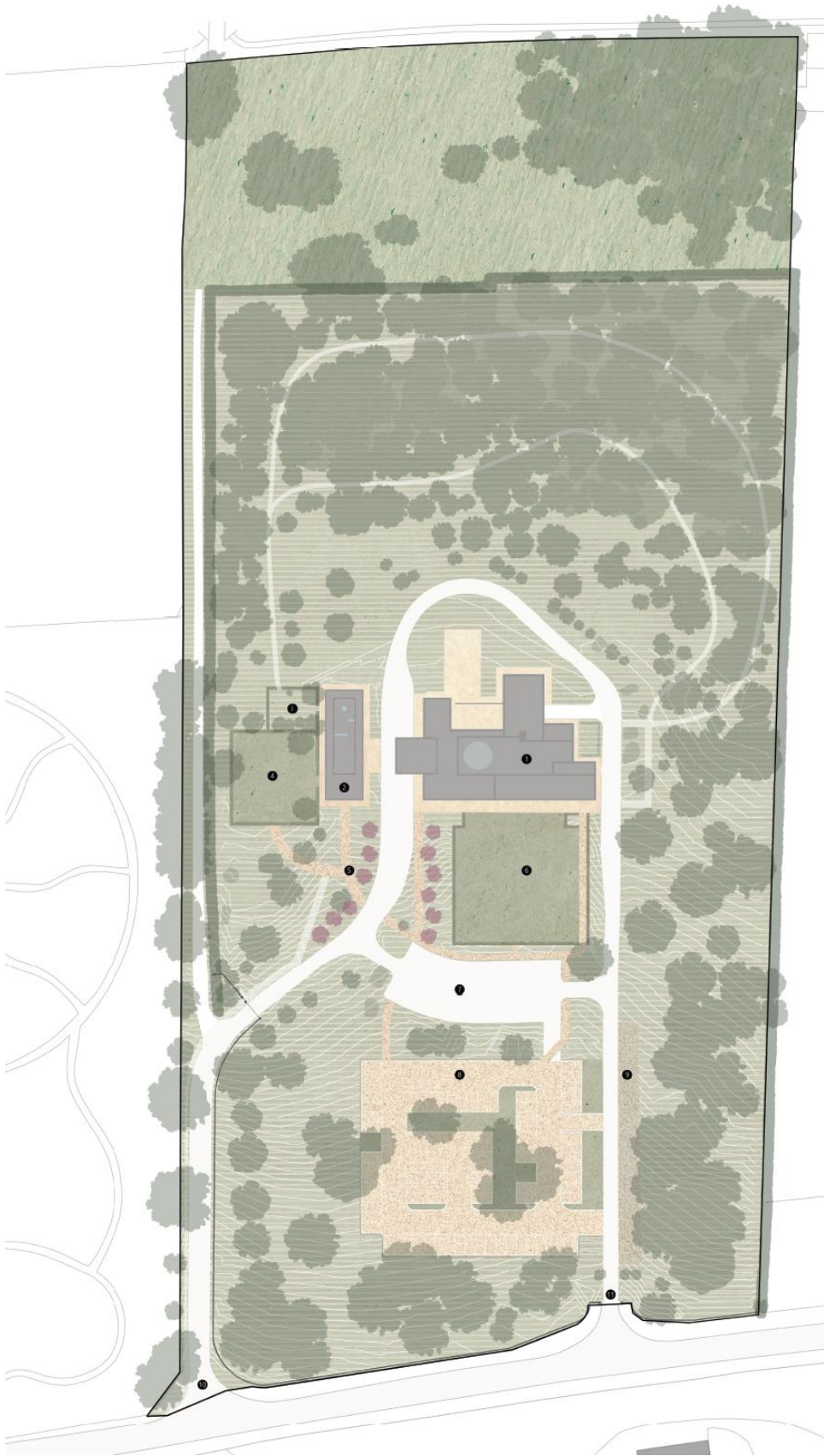
Standard Conditions

1. Development to commence within three years
2. Development in strict accordance with the approved drawings
3. New landscaping undertaken during next available planting season

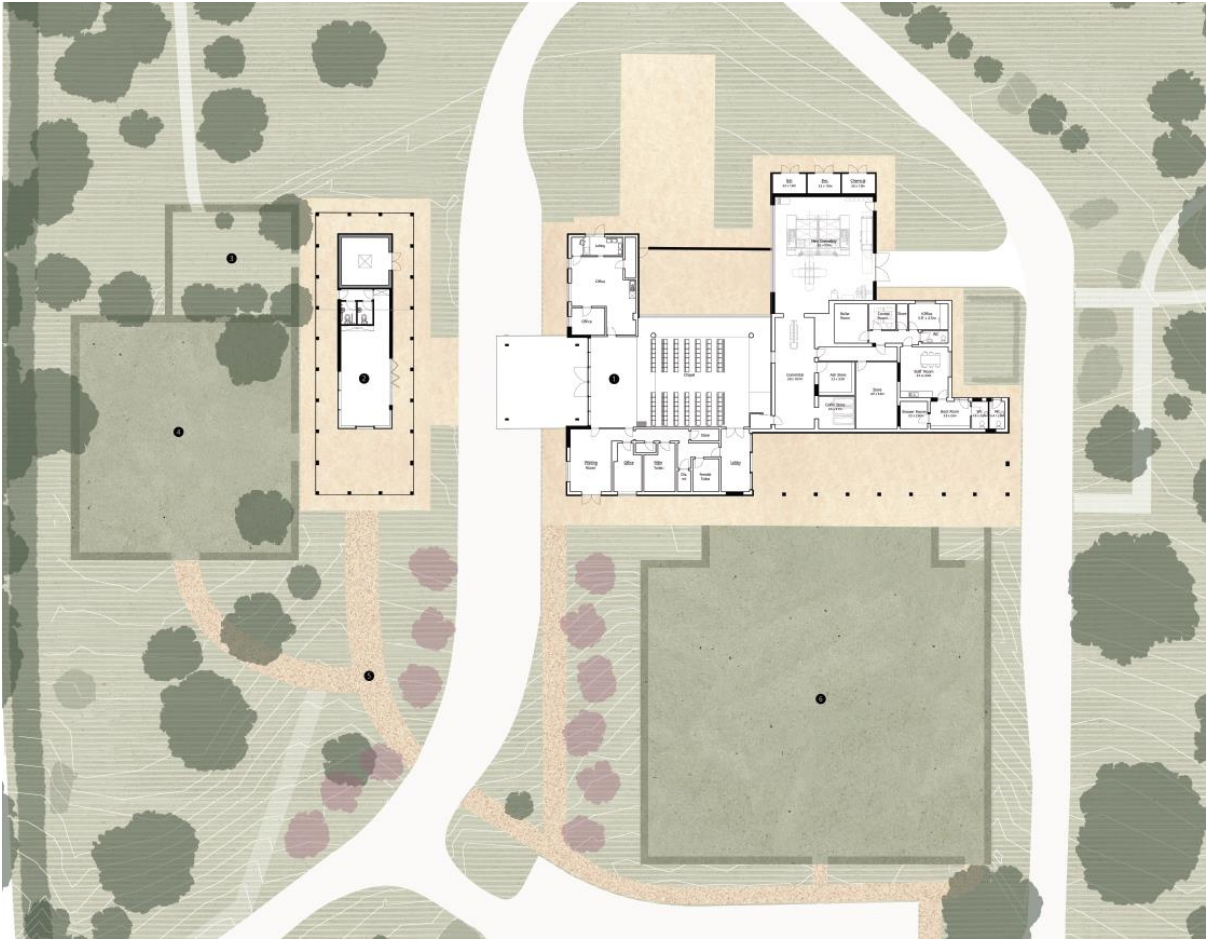
This page is intentionally blank.

2019/0413/RG3 Phase One – Renovation and extension of existing chapel and remembrance building





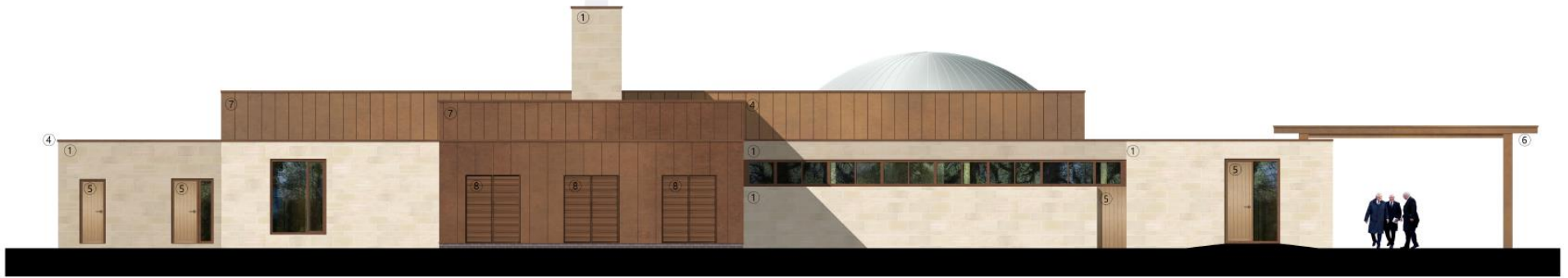
Proposed Block Plan



Proposed Site Layout Plan



Proposed Floor Plan



Proposed North Elevation
1:100



Proposed East Elevation
1:100



Proposed South Elevation
1:100



Proposed West Elevation
1:100



Proposed North Site Section
1:200



Proposed East Site Section
1:200



Proposed South Site Section
1:200



Proposed West Site Section
1:200



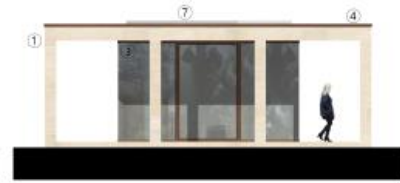
Proposed West Elevation
1:100



Proposed North Elevation
1:100

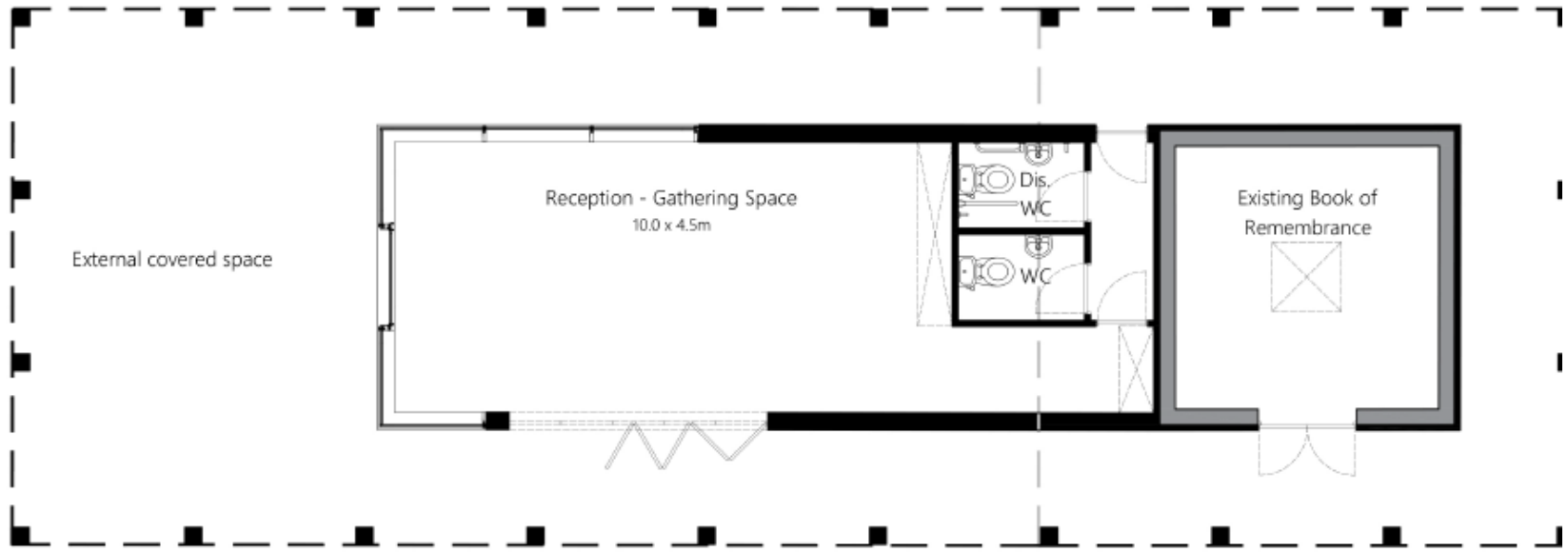


Proposed East Elevation
1:100



Proposed South Elevation
1:100

Proposed Elevations of Book of Remembrance Building



Proposed Ground Floor Plan
1:100

Proposed Floor Plan of Book of Remembrance Building









Application Number:	2019/0414/RG3
Site Address:	Crematorium Building, City Crematorium, Washingborough Road
Target Date:	20th July 2019
Agent Name:	Evans McDowall Architects
Applicant Name:	Mr Simon Walters
Proposal:	Proposed Second Chapel including associated infrastructure and landscaping (phase two).

Background - Site Location and Description

This application is related to but separate from the application that you have considered for the refurbishment and extension of the existing Crematorium building (Application ref. 2019/0413/RG3).

The proposal is to build a second, new, chapel to the east side of the existing building with capacity for up to 50 people and with its own dedicated cremator.

The application is before Planning Committee as the applicant is the Council.

Site History

Reference:	Description	Status	Decision Date:
2019/0413/RG3	Proposed renovation and extension of the existing chapel and book of remembrance building, including over cladding the existing building and replacement of existing windows and doors with associated additional 81 car parking and landscaping (phase one).	Pending Decision	

Case Officer Site Visit

Undertaken on 7th June 2019.

Policies Referred to

- National Planning Policy Framework
- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP12 Infrastructure to Support Growth
- Policy LP15 Community Facilities
- Policy LP17 Landscape, Townscape and Views
- Policy LP22 Green Wedges
- Policy LP23 Local Green Space and other Important Open Space
- Policy LP26 Design and Amenity

Issues

To assess the proposals with regard to:

1. Accordance with National and Local Planning Policy
2. Impact on amenity of neighbouring uses
3. Impact on visual amenity
4. Highway safety, access, parking and surface water drainage
5. Impact on trees, landscaping and ecology

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
Environmental Health	Comments Received
Shane Harrison	No Response Received
Lee George	No Response Received
Lincolnshire Wildlife Trust	No Response Received
Paul Carrick	No Response Received
Environment Agency	Comments Received
Paul Clifton	No Response Received

Public Consultation Responses

Name	Address
Mr Guy Hird	J1 The Point Weaver Road Lincoln LN6 3QN

Consideration

1. Accordance with National and Local Planning Policy

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

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

Paragraph 127 states that planning decisions should ensure that developments:

- a. will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d. establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e. optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f. create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The application is for the enhancement of existing facilities at the City Crematorium therefore the following policies within the Central Lincolnshire Local Plan are entirely relevant.

Policy LP1: A Presumption in Favour of Sustainable Development

When considering development proposals, the Central Lincolnshire districts will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the policies within the Local Plan should be approved without delay, unless material considerations indicate otherwise.

Policy LP12: Infrastructure to Support Growth

The proposals would improve the overall level of service and would be supported by an increased provision of car parking to remediate the existing lack of car parking. The movement of traffic would not therefore be considered to have a harmful impact upon the existing infrastructure capacity.

Policy LP15: Community Facilities

All development proposals should recognise that community facilities are an integral component in achieving and maintaining sustainable, well integrated and inclusive development. The redevelopment or expansion of the existing facility to extend or diversify the level of service provided will be supported by the policy.

Policy LP17: Landscape, Townscape & Views

Policy LP17 states that proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area. All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

As set out within the design and access statement the proposals have been developed to enhance the architectural quality of the existing building and complement the existing mature landscape. Where possible existing tree planting has been retained, with significant new landscaping proposals planned across the site to enhance the existing natural environment.

Careful consideration has been taken to respect views into the site and also views from within the site boundary to enhance the setting of the existing building and the visitor experience.

Policy LP22: Green Wedges

Policy LP22 states that planning permission will not be granted for any form of development, including changes of use, unless:

- a. it can be demonstrated that the development is not contrary or detrimental to the above functions and aims; or
- b. it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.

Development proposals within a Green Wedge will be expected to have regard to:

- c. the need to retain the open and undeveloped character of the Green Wedge, physical separation between settlements, historic environment character and green infrastructure value;
- d. the maintenance and enhancement of the network of footpaths, cycleways and

bridleways, and their links to the countryside, to retain and enhance public access, where appropriate to the role and function of the Green Wedge;

- e. opportunities to improve the quality and function of green infrastructure within the Green Wedge with regard to the Central Lincolnshire Green Infrastructure network and Biodiversity Opportunity Mapping.

The proposed renovation and extension of the crematorium is designed to preserve the life of an existing facility that is already located within the green wedge. It will enhance the existing offering, through physical intervention, which will have a minimal physical impact on their area.

Policy LP26: Design and Amenity

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

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

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

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

The proposals should therefore be considered on these points and as you will see below the development is in accordance with planning policy.

2) Impact on Amenity of Neighbouring Uses

The location of the site is such that development as proposed will have a negligible effect on surrounding uses. To the east of the application site is the bowling alley whilst to the west is the main crematorium building. The new chapel would be single storey and surrounded by significant landscaping and as a consequence the impact on the amenity of neighbouring uses is quite acceptable.

3) Impact on Visual Amenity

The new chapel has been designed in the same architectural style as the refurbishment of the main building providing a consistency of materials, scale and massing - limestone, bronze and vertical oak cladding reflecting the local palette, being employed in a contemporary manner to provide a building of interest in its own right. The site will have very limited views from Washingborough Road to the south and will complement existing development within the site and consequently will cause no harm to the visual amenity of the area.

4) Highway Safety, Access, Parking and Surface Water Drainage

The applicants have submitted a detailed Transport Assessment following discussions with the Highway Authority at the pre-application stage, formally scoping out the requirements of the assessment. A detailed surface water assessment has also been submitted which is satisfactory. The Highway Authority has no objections to the proposed extension.

5) Impact on Trees, Landscaping and Ecology

The submitted ecological appraisal report also demonstrates the proposals are to have minimal impact on local wildlife. A number of landscape measures are also proposed as part of the development which will enhance the ecological value of the site. The extension of the car park will result in the removal of a select number of trees and a detailed landscaping report that accompanies the application proposes new tree planting as well as extensive new shrub and associated planting.

Conclusion

The proposal is of the same high quality as the proposal for the refurbishment of the existing building and is capable of being undertaken without causing harm to amenity, neighbours or other material planning considerations.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted with the conditions set out below:

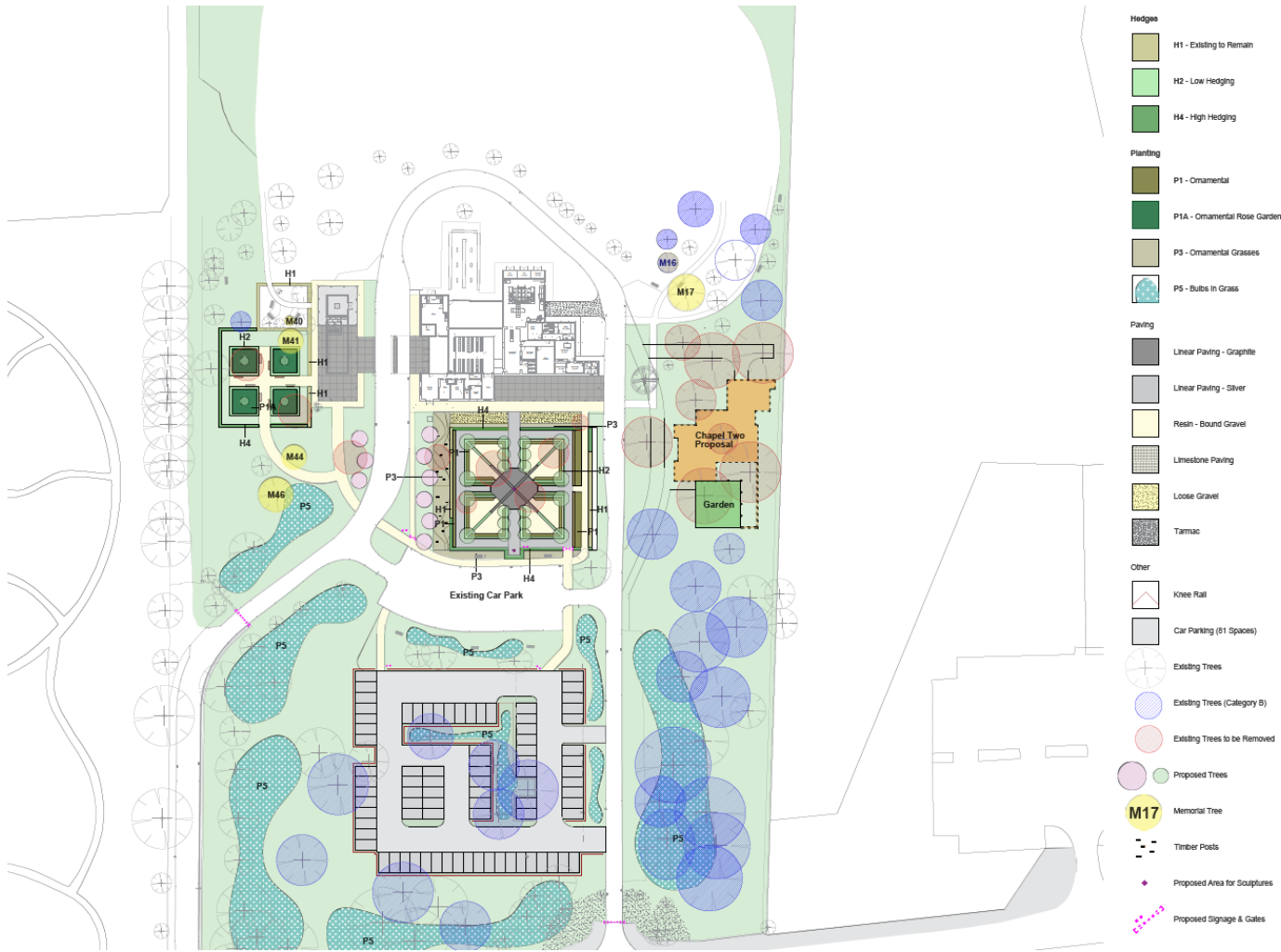
Standard Conditions

1. Development to commence within three years
2. Development in strict accordance with the approved drawings
3. New landscaping undertaken during next available planting season

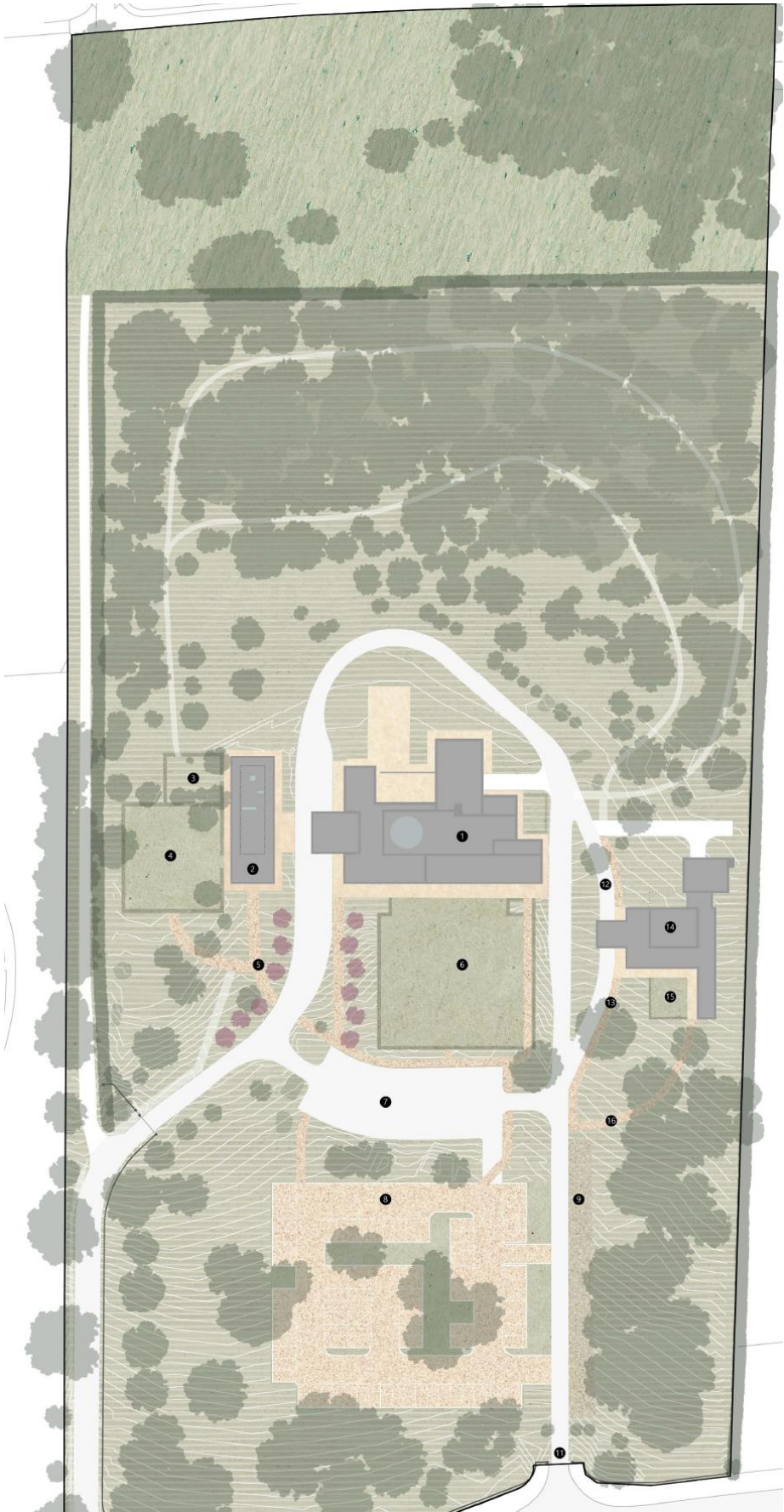
This page is intentionally blank.

2019/0414/RG3 - Phase Two – Second Chapel

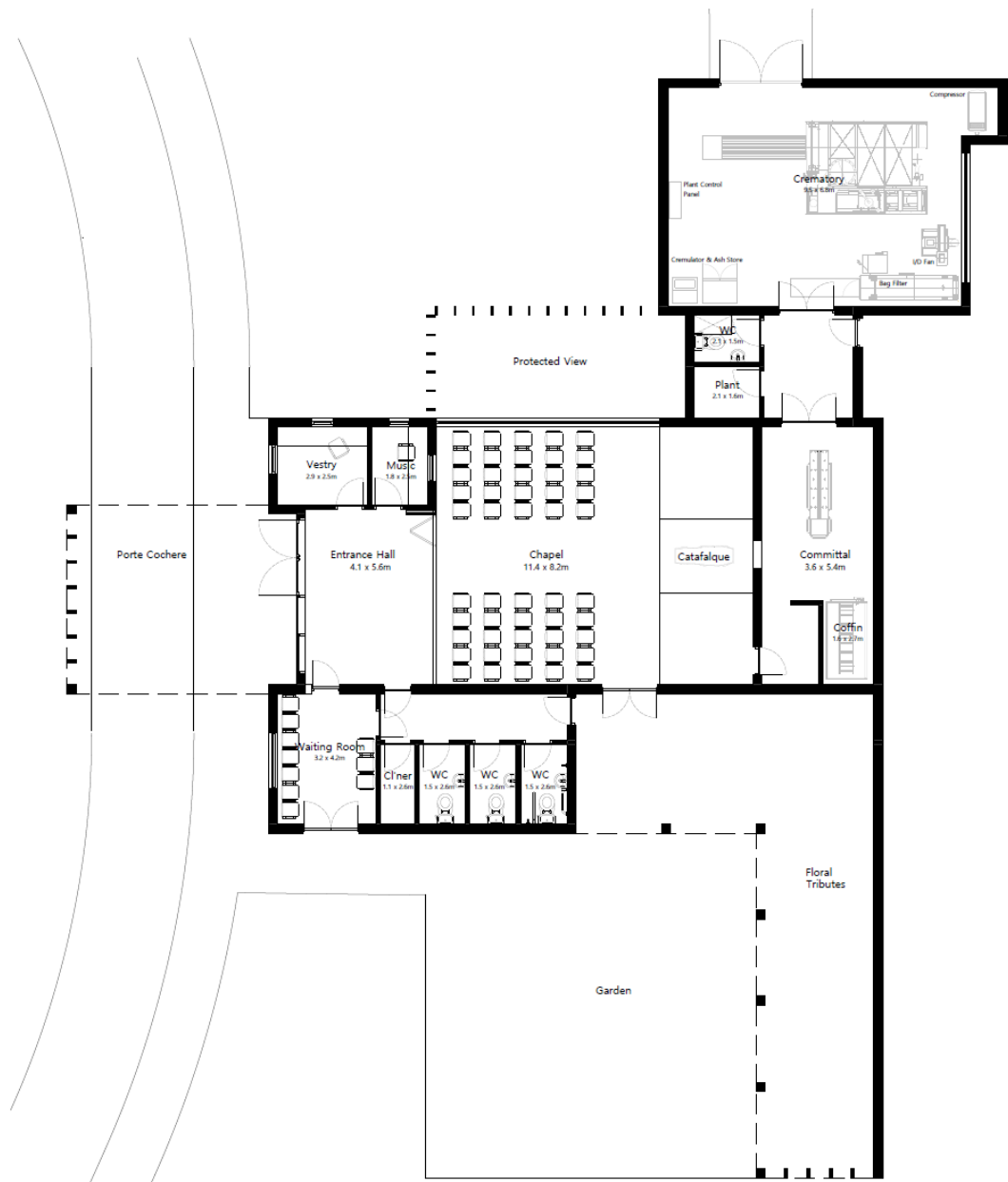
57



Proposed Landscaping Plan



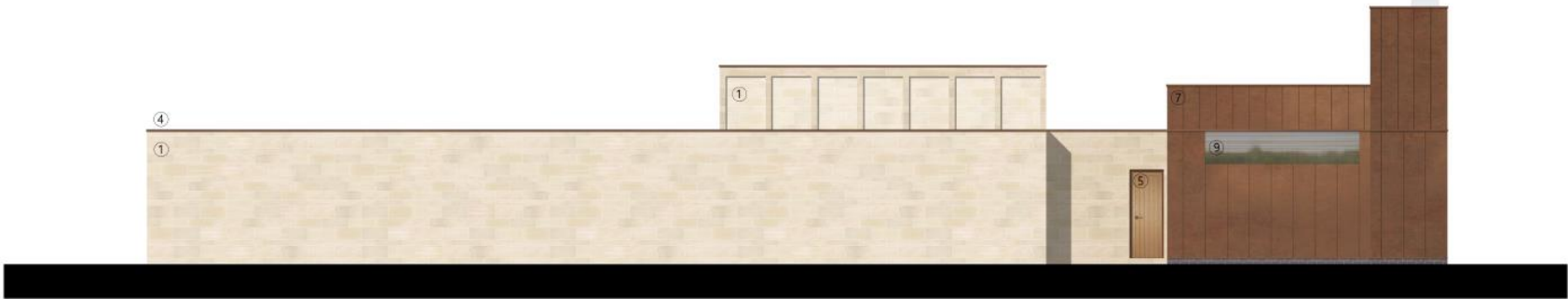
Site Layout Plan Chapel



Proposed Floor Plan Chapel



Proposed North Elevation
1:100



Proposed East Elevation
1:100



Proposed South Elevation
1:100



Proposed West Elevation
1:100



Proposed North Site Section
1:200



Proposed South Site Section
1:200











Application Number:	2019/0373/FUL
Site Address:	16 St Martins Lane, Lincoln, Lincolnshire
Target Date:	12th July 2019
Agent Name:	None
Applicant Name:	Mr Sath Vaddaram
Proposal:	Change of use from Use Class C3 (Dwellinghouse) to a House in Multiple Occupation (Use Class C4) for up to 6 people (Revised description).

Background - Site Location and Description

The application relates to a two storey property located on the south side of St Martins Lane.

The applicant originally applied for a change of use from a C3 residential property to a house in multiple occupation (HMO)/ self-serviced accommodation for up to 14 occupants although following officer negotiations with the applicant, the proposal has been revised to a change of use from C3 to C4 HMO for up to 6 occupants.

The applicant has defined 'self-serviced accommodation' as rooms which are rented out in a similar manner to a guest house although without a host living at the property. Guests would book a room online then be given a code to access the property and their room. They would have access to use communal facilities within the property during their stay and would be expected to stay from 1 day to a few months. The Planning Authority consider this definition of self-serviced accommodation to fall within the same use class as a HMO (C4) as it would be occupied in the same way albeit guests may stay for shorter periods of time. The description of the development is therefore "Change of use from Use Class C3 (Dwellinghouse) to a House in Multiple Occupation (Use Class C4) for up to 6 people".

Planning permission is required for the proposed development because of a city-wide Article 4 direction that removes permitted development rights for development comprising the change of use from a use falling within Class C3 (dwelling houses) of the Town and Country Planning (Use Classes) Order 1987, as amended; to a use falling within Class C4 (houses in multiple occupation) of that Order.

The property was previously used as an office from 1970s until late 2016 when a prior approval was approved for its use as a C3 residential property.

The property is located within the Cathedral and City Centre Conservation Area No. 1.

Site History

Reference:	Description	Status	Decision Date:
TP391/68	Change of use of existing dwellinghouse f.t.p.o. offices.	Granted	25th November 1968
TP621/73A	Change of use from residential to office use.	Granted	8th December 1973
2016/0825/PAC	Determination as to whether prior approval is required for the	Prior Approval Req and Approved	21st September 2016

	change of use from existing office (Use Class B1 (a)) to Residential (Use Class C3).		
--	--	--	--

Case Officer Site Visit

Undertaken on 1st July 2019.

Policies Referred to

- Policy LP26 Design and Amenity
- Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- Policy LP37 Sub-division and multi-occupation of dwellings within Lincoln 86
- Supplementary Planning Guidance Houses in Multiple Occupation
- Houses in Multiple Occupation
- National Planning Policy Framework

Issues

- National and local planning policy
- Impact on residential amenity
- Impact on visual amenity
- Parking provision and cycle storage
- Bin storage and collection
- Crime

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received
Highways & Planning	Comments Received

Public Consultation Responses

Name	Address
------	---------

Mr Martin Parker	10 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER
Mrs Jane Goulden	12 Michaelgate Lincoln Lincolnshire LN1 3BT
Ms Kate O'Meara	23 Cherry Tree Lane Nettleham Lincoln LN2 2PR
Mrs Rochelle Porter	4 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER
Lucie Nock	The Cheese Society 1 St Martins Lane Lincoln Lincolnshire
Mr Stephen Layton	20 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER
Mrs Renate Birch	34 And A Half Hungate Lincoln Lincolnshire LN1 1ET
Mr Nicholas Hilleard	6 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER
Mrs Sue Storey	5 Michaelgate Lincoln Lincolnshire

Consideration

National and Local Planning Policy

Paragraph 61 of the National Planning Policy Framework (2019) refers to policy text relevant to the need for differing types of housing:

"Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."

Specifically, the Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) outlines the relevant local planning policies and assessment criteria for applications for this type of development. The purpose of the Article 4 direction relating to HMOs and this document is not to restrict the supply of HMOs, rather they are intended to manage the future development of HMOs to ensure such developments will not lead to or increase existing over-concentrations of HMOs which are considered harmful to local communities.

Policy LP37 'Sub-division and multi-occupation of dwellings within Lincoln' of the Central Lincolnshire Local Plan (2017) supports the conversion of existing dwellings to houses in multiple occupation where;

- a. the existing dwelling or building is capable of conversion without causing harm to the amenities of future occupants, neighbours and the wider area;
- b. in the case of an existing dwelling, it can be demonstrated there is an established lack of demand for the 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 is made for external communal areas; bin storage and collection; and on-site parking and cycle storage unless it can be demonstrated that the site is sustainably located on a regular bus route or within walking distance of the City Centre "

The application site is within the Central Mixed Use area as defined within the Local Plan. LP33 sets out acceptable uses within the Central Mixed Use Area. This is a permissive policy and does not preclude C4 uses within the Central Area. The main focus of this policy is to ensure development does not have a negative impact on the vitality and viability of the City Centre and that development does not result in the area losing its mixed use character.

Neighbour Comments

There have been various comments on the proposal submitted by the local community including concern regarding the number of occupants who may live in the property, parking concerns, concerns regarding refuse storage, concern regarding lack of outdoor space for residents and increased crime. These issues are discussed throughout this report.

Policy Consideration

Lack of Demand for a Family Home

Applications for this type of development are required to demonstrate there is an established lack of demand for the single family use of the property based on current local housing market circumstances. However, the SPD was introduced to control the supply of HMOs given the imbalance they can have when there is a high concentration within residential areas. The property is located within the Central Area as defined in the Local Plan and the neighbouring properties either side are within commercial use. The applicant has submitted information with the application stating that property's position within a commercial area makes it less desirable as a large 4-5 bedroom family home and also submitted general information with regard to other properties for sale in the area. Whilst 6 months marketing of property as a family home has not been undertaken in this case, it is considered that it would be unreasonable to require this given its position on a non-residential street. Furthermore, the property was only in residential use for a short period of time and had been used as an office from the 1970s until September 2016.

The property is not located within a predominantly residential area and given its history as an office, it is not considered a 6 months marketing period would be reasonable in this case. Notwithstanding this, it is considered reasonable to include a condition to allow the flexible use of the property as either a C4 house in multiple occupation or a C3 dwelling house should permission be granted. This gives the applicant the ability to respond to changing local housing market circumstances by letting their properties as either a HMO or a single family dwelling without needing to apply for planning permission. It should also be noted that allowing a flexible use of the property is likely to reduce the chance of the property sitting vacant; as some landlords may otherwise choose to leave the property empty rather than rent it to a family and lose the C4 status, which would be of benefit to the visual amenity and character of the area.

Concentration

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

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

Information held by the City Council records shows that the threshold of HMOs has not been reached in this area, meaning that within a 100m radius of the application property less than 10% of properties are HMOs. It is therefore considered that the proposal would not lead to an imbalance in the community from the overconcentration of HMOs in this area.

Impact on Residential Amenity

The application site has commercial properties on both sides. It is therefore considered that residential amenity would not be harmed to direct neighbours and given it has been established that there is not an overconcentration of HMOs within the area, the impact to

wider neighbours from this development is unlikely to be harmful.

With regard to the amenity of future occupants, the proposal has been reduced in No's of occupants from 14 to a maximum of 6. The property is sizeable and previously used as a 4 bedrooed residential property. The proposed layout would utilise the 4 first floor bedrooms and create two bedrooms downstairs. All of the bedrooms would be double rooms although a condition would be attached to the application to ensure occupation would be no more than 6 people at one time. The applicant has stated that, by the nature of the use, some bedrooms would be unoccupied at certain times and if this is the case, some of the rooms could be occupied by couples providing the total number of occupants within the whole doesn't exceed 6.

It is considered that the property is capable of conversion without harming neighbouring properties and would have sufficient space inside and out to accommodate up to 6 residents in accordance with Policies LP26 and LP37 of the Central Lincolnshire Local Plan.

Impact on Visual Amenity

Negotiations have been undertaken with the applicant to ensure that the downstairs bedrooms would not be located within rooms within the front ground floor bay windows. These would instead be used as two communal kitchens to be used by all the occupants, which would maintain activity within the ground floor rooms fronting the street. The applicant has not proposed any external alterations to the property to facilitate the proposed change of use. It is, therefore, considered the proposed development would not alter the character and appearance of the Conservation Area nor the application property. In order to preserve the character and appearance of the property in the future, it would be prudent to remove permitted development via condition to ensure the Planning Authority have control over future alterations such as window replacements.

Parking Provision and Cycle Storage

LP37 states that adequate on-site parking and cycle storage should be provided unless it can be demonstrated that the site is sustainably located on a regular bus route or within walking distance of the City Centre with good access to public transport. The application property is located within the Central Mixed Use Area and within a short walk from the High Street. Occupiers staying temporarily will have access to local car parks and good access to public transport. The applicant has stated that secure cycle storage will be available to the rear of the property. The City Council's Parking Services have confirmed that the property is not located within a residents parking zone and therefore occupants of this property would not have access to permits for any residents parking areas. There are double yellow lines on both sides of the road directly outside the application property restricting parking. There is no available on street parking within the vicinity of this site that is not either subject to limited waiting or within a Residents Parking Zone. Lincolnshire County Council, as Highways Authority, have considered the application and concluded that the proposed use is acceptable in terms of impact on Highway Safety and Traffic Capacity. The application complies with Policy LP37 in terms of parking and cycle provision.

Bin Storage and Collection

Consultation with the Cleansing Services Team within the City Council have confirmed that

the type of occupation of the property would produce waste classed as trade waste and therefore not dealt with by the domestic waste collection service offered by the Council. The applicant has set out the arrangements for waste collection at the property which would include collecting the waste daily which would be taken to an industrial unit elsewhere in the City where it would be collected via a skip.

The applicant has set out appropriate arrangements for refuse collection and no objections have been received via the Council's Cleansing Services Team. This arrangement would mean that there would not be wheelie bins in the front yard of the property which would also in turn preserve the character and appearance of the Conservation Area.

Crime

Some of the comments submitted by the local community have raised concerns regarding increased crime following the comments from Lincolnshire Police. The comments from the Police do not suggest that the change of use would increase crime, only that HMOs can become vulnerable to crime and anti-social behaviour without the appropriate security arrangements. They have raised no objections to the proposal although provided guidance and information for the applicant to ensure that security arrangements and provisions are properly planned for the premises.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposed change of use would not cause harm to the amenities of future occupants, neighbours and the wider area nor lead to or increase an existing over-concentration of HMOs, in accordance with Policy LP37 of the Central Lincolnshire Local Plan (2017) and relevant guidance within the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally.

Standard Conditions

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

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

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

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

Conditions to be discharged before commencement of works

None.

Conditions to be discharged before use is implemented

None.

Conditions to be adhered to at all times

- 03) No more than 6 residents shall at any time occupy the property whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the premises is occupied by unrelated individuals who share basic amenities).

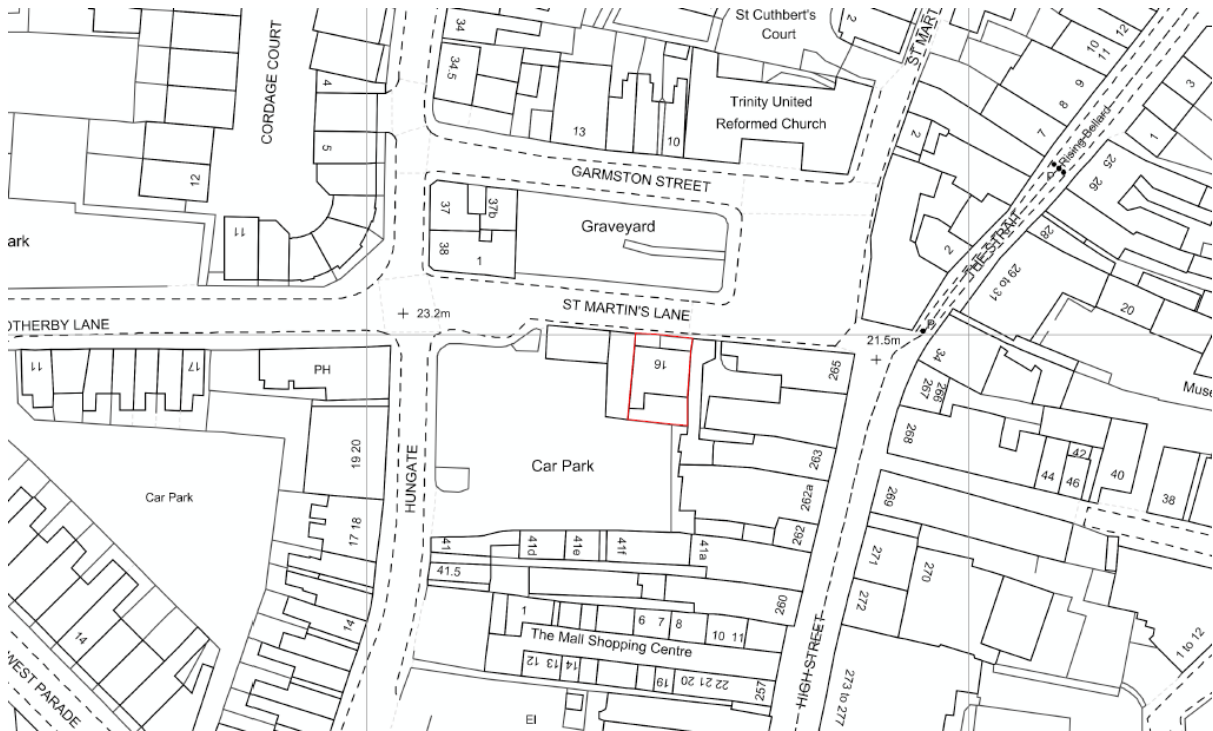
Reason: The occupancy of the property by more than three residents could be harmful to amenity.

- 04) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent re-enactment or revocation thereof) the property subject to this change of use shall not be enlarged, improved or otherwise altered without the prior consent of the City Council as Local Planning Authority.

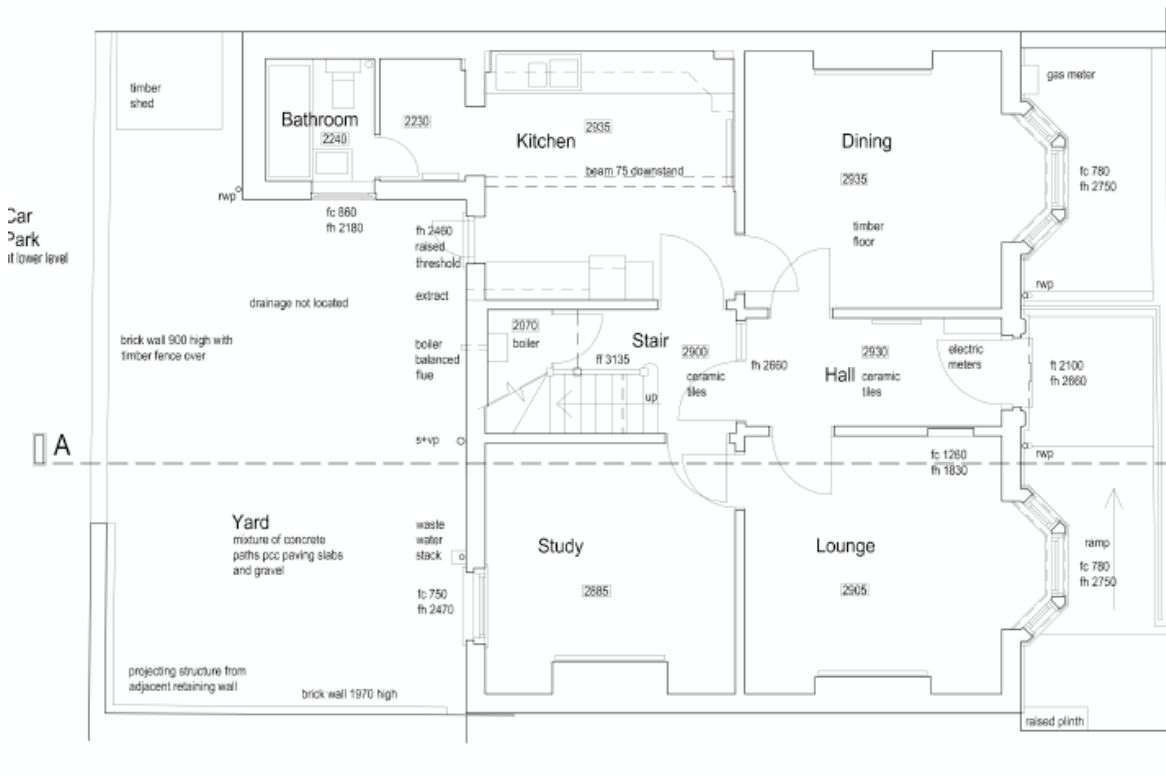
Reason: In the interests of the privacy and amenity of neighbouring residents.

- 05) The C4 (Houses in Multiple Occupation) use is permitted to change from C4 to C3 (Dwellinghouses) and back again to C4 without the need for a further application for planning permission for an unlimited number of times for a period limited to ten years hence from the date of this permission.

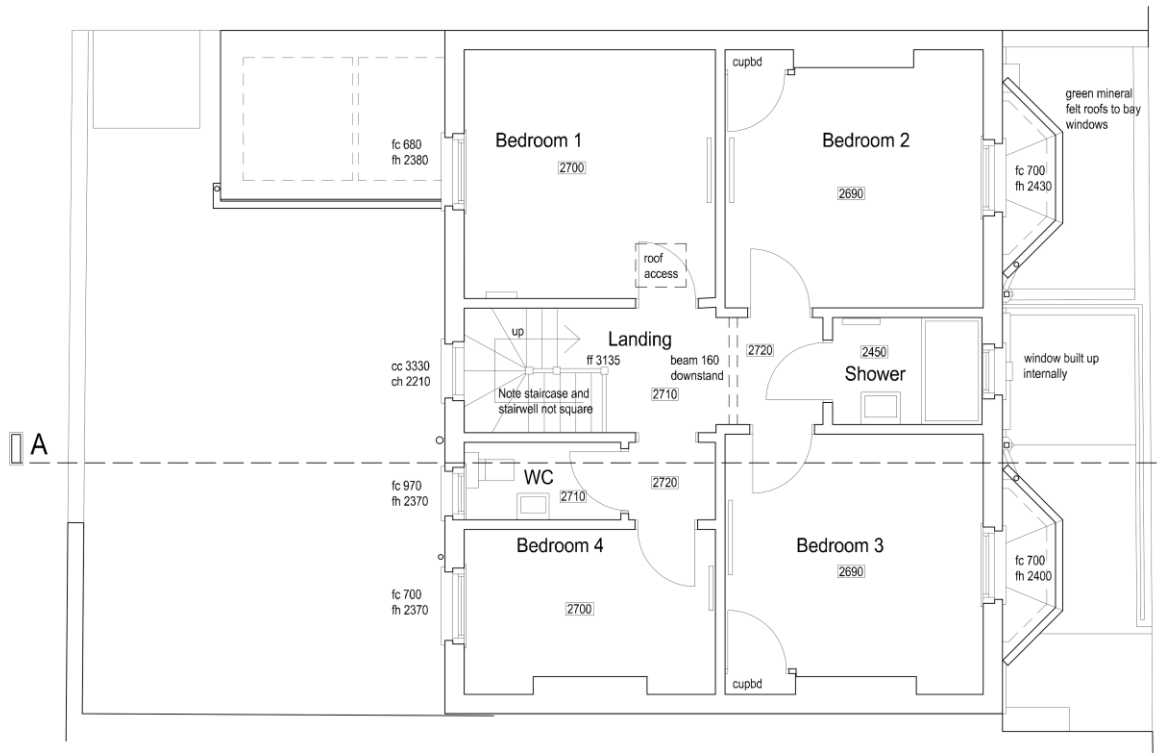
Reason: In order that the owner can reasonably respond to local housing market circumstances for a period of ten years.



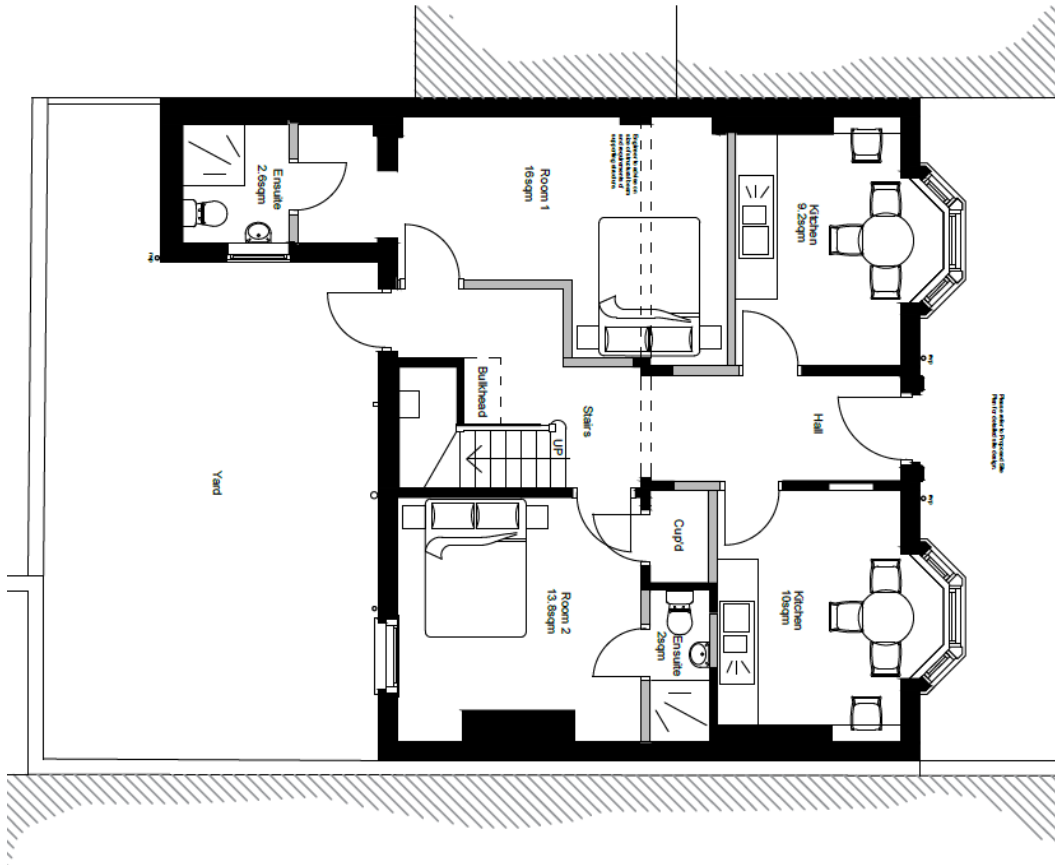
Site Location Plan



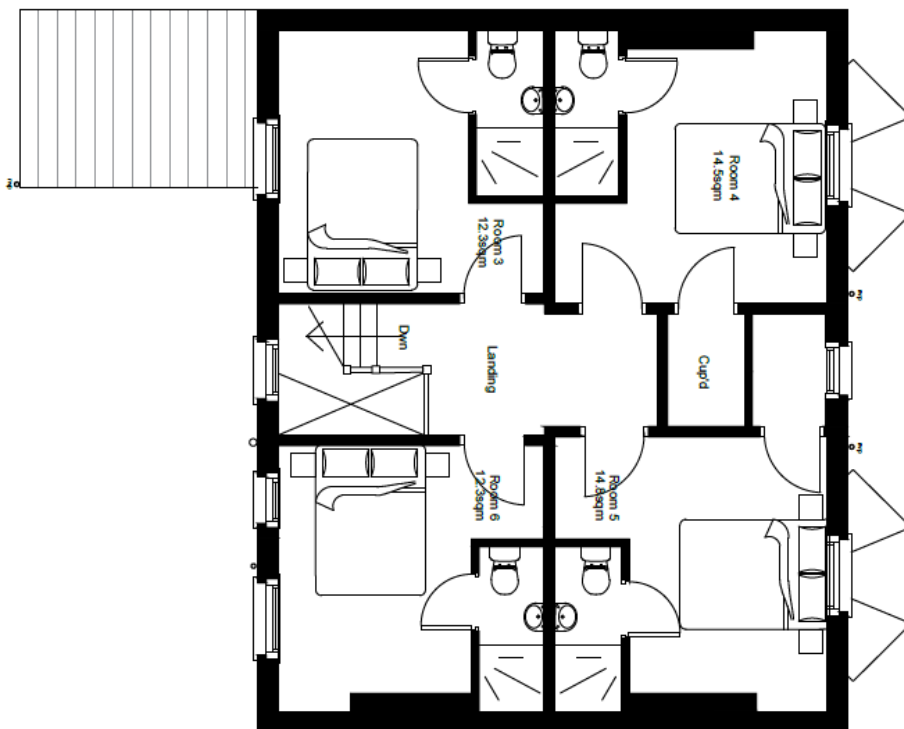
Existing Ground Floor Plan



Existing First Floor Plan



Proposed Ground Floor Plan



Proposed First Floor Plan





Comments

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

OBJECTION The Committee feel that, firstly, this is an inappropriate usage of a building in this part of the City. It is situated on the edge of the main commercial area and is surrounded by retail and leisure businesses including evening activity. Secondly, the building is certainly not suitable for 14 persons to occupy given the size of the building and the resultant effects generated by occupation.

Highways & Planning

Comment Date: Tue 04 Jun 2019

Does not wish to restrict the grant of permission



LINCOLNSHIRE POLICE

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

Your Ref: App. 2019/0373/FUL

17th May 2019

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

Re – 16 St Martins Lane, Lincoln, Lincolnshire (HMO – Sui Generis)

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

Lincolnshire Police has no objections to the planning application.

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 1st 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 2019* which can be located on www.securedbydesign.com New Homes 2019.

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

Yours sincerely,

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

Force Designing Out Crime Officer (DOCO)

5th June 2019

Mr Kieron Manning,
Planning Department,
City of Lincoln Council,
City Hall,
LINCOLN LN1 1LA

Re: Proposed development at 16, St. Martin's Lane, Lincoln LN2 1HY

Dear Mr Manning,

As one of the city councillors for Carholme ward, I am formally putting on record my concerns regarding the change of use of 16, St. Martin's Lane to a Sui Generis House of Multiple Occupation for up to 14 people.

Whilst Carholme has been a mixed community for a long while, great efforts have been made in recent years, to ensure that there is a proper balance of families and more transient residents in houses of multiple occupation. These efforts have included the introduction of Article 4. I was therefore disappointed to learn of the applicant's desire to turn this Victorian property into a house of multiple occupation for up to 14 people. Below I outline my concerns.

Firstly, having looked at the application I do not feel that the house is substantial enough to house 14 residents. The property would be severely compromised by attempting to divide it up in a way that would house so many individuals plus it would have a negative impact on the local area, which includes a popular shopping thoroughfare.

More importantly however, I feel that given that there would be potentially 14 people living in the property there would almost certainly be a number of car-owning occupants: it is highly unlikely that no one in the house would be owning a car and quite likely that many of the occupants would do so. As you know, the options for parking in this part of Carholme ward are extremely limited and would therefore mean that the occupants would be looking to park in other parts of the ward, putting a strain on the parking for other Carholme residents.

This property is not suitable for a house of multiple occupation for up to 14 people and we should not be encouraging this kind of thoughtless development. I therefore hope that the planning committee will consider this letter and turn down the application.

Yours sincerely,

Cllr Lucinda Preston, Carholme ward

Mrs Sue Storey 5 Michaelgate Lincoln Lincolnshire (Objects)

Comment submitted date: Fri 14 Jun 2019

I think this property is unsuitable for residential multiple occupancy.
The square is occupied on a daily basis by unfortunate homeless people in tents and on benches.
They need accommodation but this building is not appropriate.
This is not a case of not NIMBY since I live some distance away.

Mrs Renate Birch 34 And A Half Hungate Lincoln Lincolnshire LN1 1ET (Objects)

Comment submitted date: Wed 12 Jun 2019

My comments relating to this application are as follows:

Concerns with regard to the significant refuse which would be created by 14 occupants and how it would be dealt with.

No sizeable outside space with the property for personal use by any of the occupants.

Any extra vehicles relating to the occupants will create parking issues.

Living nearby I see visitors to Lincoln regularly walk through the square in order to use the local businesses which should be encouraged unfortunately the above concerns may turn the square in to a very dismal space only to be avoided and that would be a great shame.

Ms Kate O'Meara 23 Cherry Tree Lane Nettleham Lincoln LN2 2PR (Objects)

Comment submitted date: Thu 06 Jun 2019

I completely understand the plight of the homeless, but this proposed change of use to HMO should definitely not be approved. Lincoln is working hard to improve its image and St Martins Lane is an attractive road with lots of people using it to access the High Street and uphill Lincoln. I am owner of a business on St Martins Lane, and we constantly have issues with numerous HMO, camping out on the green space, we call the cemetery, opposite the proposed property change of use. This is starting to make this a no go area for people that would like to use the space. I have spoken to people who say that they are starting to avoid using St Martins Lane as they feel threatened, particularly later at night. This situation escalated as soon as the CCTV camera was removed from the building overlooking the square. Giving the go-ahead to use the property for the occupation of 14 individuals will make this situation worse. Currently, who ever owns the property has allowed it to become very shabby and downtrodden, and the situation is only likely to become worse, with excess rubbish and bins. It has a tiny outside space that is not useable for 14 people. I also note from the submitted plans that most of the rooms are occupied by double-beds - is this the norm for housing HMO? I urge the planning department not to allow this proposal to go ahead, and indeed possibly enforce a clean up operation on the property as it currently stands as it is a disgrace to the area.

Mrs Jane Goulden 12 Michaelgate Lincoln Lincolnshire LN1 3BT (Objects)

Comment submitted date: Thu 06 Jun 2019

I wish to comment on this application as a member of the public although I also live fairly close to the property in question. Lincoln has changed greatly over the last few years to become a more attractive city and a more caring city. I feel this application does not support either of those objectives.

There are a large number of HMOs in the city and it has been recognised that these tend to reduce community identity and cohesion, lessen community facilities and a lack of interest in the care and maintenance of the buildings often leads to an area being less attractive visually to the other residents and visitors. Therefore, I feel further increasing their numbers is a detrimental step.

I am also very concerned about the suitability of the property for the suggested maximum 14 occupants. While I can see from the plans that bedroom sizes show they slightly exceed the prescribed minimum size for HMO occupation, I question whether the shower rooms are (or are allowed to be) included in that measurement. Moreover, I understand the kitchen/dining room provision (19.4 square metres) for residents who will be making their own meals is only considered to be adequate for about 6 people.

16 St Martin's Lane has no off road parking and so longstanding residents in that area will find it even more difficult to park their vehicles if any residents also have cars. There are already new apartments on Hungate which I believe will also put strain on this provision when they are eventually occupied.

I cannot see that there is any plan to store waste bins at the property so that they are hidden from view and/or protected from passers-by knocking them over or emptying them for fun.

Finally, our small open green spaces in the city are very important to residents and visitors alike. Several agencies are working hard to make St Martin's Square a pleasant place to sit or to walk through and several businesses in the square are working to create an interesting diversion from the High Street.

I hope you will take my points into consideration when making your decision on this planning application.

Mr Stephen Layton 20 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER (Objects)

Comment submitted date: Wed 05 Jun 2019

As well as concerns about the issues raised by the police and likely impact on the green space opposite it, this development would increase the number of people living in the "square" disproportionately to its size with obvious implications not least increased traffic and parked cars.

Mr Nicholas Hilleard 6 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER (Objects)

Comment submitted date: Wed 05 Jun 2019

I live not 100 yards from this property.

Having looked at all the plans it concerns me that although the police comments were of no objection they clearly know historically that this will be vulnerable in crime and antisocial behaviour. Also the extra and quite high level security that they have given in some detail they clearly expect an increase of crime.

I feel that the impact of potentially 14 cars on an already crowded and seriously lacking parking area will potentially impact all residents.

The little green area off St Martins Square could possibly become their garden area in hot weather given the lack of social space.

The additional 14 self contained rooms is likely impact and a strain on the utility infrastructure i.e sewage, waste and services also creating an eyesore.

Mrs Rochelle Porter 4 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER (Objects)

Comment submitted date: Wed 05 Jun 2019

This building is roughly 100 meters from my address.

I have three concerns:

Parking - up to 14 additional residents in the area would put pressure on the already limited supply of parking in the area.

Refuse - a property of this nature would create a significant amount of refuse and recycling - is there appropriate provision for this so be stored and will it impact on the street?

The police comments on crime and ASB suggest a high expectation of increases in these behaviours if the change in use is agreed.

Mr Martin Parker 10 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER (Objects)

Comment submitted date: Wed 05 Jun 2019

Although not an immediate neighbour, this building is roughly 100 meters from the development on which I live.

I have various concerns about this proposed planning change, not least the impact on the amenity of the local area of up to 14 new residents but also the lack of parking facilities.

The current arrangement for refuse seems to be that three grey bins are stored in front of the premises. On the basis that this is currently for the existing resident/s and that, if they recycle, there must be a brown bin/bins, the continued storage of what must surely be many more bins to cope with fourteen people in this area would create an eyesore.

Parking is already at a premium in the area, any increase in the number of residents with vehicles would put enormous pressure on the already short supply of parking places.

Also, I note that the police, in their comments, state "Historically HMOs can become vulnerable to crime and anti social behaviour...", they go on to be quite detailed about the high level of security measures that ought to be implemented should this change go ahead. It seems to me that they clearly expect there could be a risk of increased crime.

Also, given the lack of social space as shown in the plans, I am concerned that the green space of St Martins Sq. opposite could, in fine weather, become the de facto garden for this building.

From: Lucie Nock [REDACTED]
Sent: 05 June 2019 11:52
To: Technical Team (City of Lincoln Council)
Subject: Objection to Planning Permission 20190373/FUL

Hello,

I would like to issue an objection to the notice of application for planning permission at 16 St Martins Lane, Lincoln LN2 1HY. Application reference number: 20190373/FUL

We are a business located further down the street from this site, we currently have a large number of issues with individuals both on St Martins Lane and on the cemetery located next to us. This change of use will not only increase the volume of individuals in this area, it will also further impact on our business and level of trade.

Only last week we had two people camping in tents on the cemetery, an individual shooting up in the middle of the day on the cemetery, various individuals urinating etc...on the cemetery and in front of our shop next to the car park, people shouting and hoarding in groups outside our shop and on the cemetery and large volumes of drunk or drinking groups of people.

We really enjoy being located on St Martins Lane but we seriously fear what sort of implications a property of this nature will have to this area. The St Martins Lane cemetery could and should be a serene and attractive part of Lincolns town centre, it could be nurtured into a really interesting place for locals and visitors. Instead it is abused, has constant litter and drug remnants left around and is unfortunately often very unpleasant!

if there is another formal/official channel I need to complete to take this further then please advise how I do this?

Kind regards,
Lucie

This page is intentionally blank.

Application Number:	2019/0369/C4
Site Address:	88 Yarborough Crescent, Lincoln, Lincolnshire
Target Date:	6th July 2019
Agent Name:	None
Applicant Name:	Mr Tim Clark
Proposal:	Change of use from existing HMO (Class C4) to a flexible use as a dwelling (Class C3) and/or a HMO (Class C4)

Background - Site Location and Description

The application premises is 88 Yarborough Crescent, a two storey semi-detached dwelling. The property is flanked by residential properties to the north, east and east, to the south is Yarborough Crescent allotments. The property is located within Castle Ward.

The property is subject to the city wide Article 4 Direction. From the 1st March 2016 the Article 4 removed permitted development comprising the change of use from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (HMO).

The application is for the change of use from an existing House in Multiple Occupation (HMO) (C4) to a flexible use as a dwellinghouse (C3) and/or a HMO (C4). The property accommodates six bedrooms, a kitchen, living room, down stairs toilet and bathroom. The application advises that the property has been used as a HMO prior to the implementation of the Article 4 Direction and is accompanied by evidence to support this

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 03/07/019.

Policies Referred to

- Policy LP37 Sub-division and multi-occupation of dwellings within Lincoln 86
- National Planning Policy Framework

Issues

To consider whether the application meets the requirements of the Houses in Multiple Occupation Supplementary Planning Document and Local Plan Policy.

Consultations

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

Statutory Consultation Responses

Consultee	Comment
-----------	---------

Environmental Health	Comments Received
Highways & Planning	Comments Received
Shane Harrison	No Response Received
Lee George	No Response Received
Enforcement	No Response Received
Lincolnshire Police	Comments Received
Kate Bell	No Response Received
Councillor Donald Nannestad	No Response Received
Councillor Jim Hanrahan	No Response Received
Councillor Loraine Woolley	No Response Received

Public Consultation Responses

Name	Address
Mrs Bernice Simpson	90 Yarborough Crescent Lincoln LN1 3LX
Elisabeth Hoggard	
Glenis Pearson	86 Yarborough Crescent Lincoln Lincolnshire LN1 3LX
Mrs Sally Hope-Hawkins	92 Yarborough Crescent Lincoln LN1 3LX
Eddy O'Dwyer	
Mrs Beverley Bolton	71 Yarborough Crescent Lincoln Lincolnshire LN1 3NE

Consideration

Policy Context

Central Lincolnshire Local Plan (CLLP) Policy LP37 (2017) advises that the change of use of existing dwellings to houses in multiple occupation will be supported where the existing dwelling is capable of conversion without causing harm to the amenities of future occupants, neighbours and the wider area; it can be demonstrated that there is an established lack of demand for the single family use of the property; the development will not lead to or increase an existing over-concentration of such uses in the area; and adequate provision is made for external communal areas, bin storage and collection and on-site parking and cycle storage. On-site parking and cycle storage may not be necessary if it can be demonstrated that the site is sustainably located on a regular bus route or within walking distance of the City Centre. Applications for student accommodation should have university/college facilities accessible by walking, cycling and public transport.

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

Paragraph 72 of the NPPF advises that there should be a variety of homes to meet the needs of different groups in the community.

In this case the application property is currently in use as a HMO and the Council Tax records and tenancy agreements dated 2015-2018 provide evidence that the property was occupied before and after the introduction of the Article 4 direction, and that the use continues to the present day. The submitted floor plans show the tenants share basic amenities including a lounge, bathroom and kitchen. This would meet the tests used for the consideration of a Certificate of Lawful Use application. It is therefore considered that it has been demonstrated, on the balance of probability, that the property was lawfully a house in multiple occupation prior to the Article 4 Direction being implemented on the 1st March 2016 and that there has been no material change in circumstances that would suggest that a different conclusion should be reached.

Accordingly the policy tests that would usually be applied are not strictly relevant in this case. Firstly, it would be unreasonable to require evidence of marketing to demonstrate that there is an established lack of demand for the property as a family home due to the fact that the property has a historic use as a HMO. The SPD also requires that the concentration of HMOs should not be over a 10% maximum concentration within a defined 100 metre radius. A high concentration or percentage of HMOs can lead to an imbalance in the community. It is considered it would not be reasonable to strictly apply this test or refuse the application on these grounds given the established use. Furthermore, granting permission for a flexible use so the property can transfer between a HMO and a dwellinghouse means the property's potential use as a dwelling would be of benefit to this concentration.

There is also a requirement that the proposal should not result in a smaller concentration of HMOs, resulting from three adjacent HMOs. However, as outlined above, the

established use of the property as a HMO means that it would not be reasonable to strictly apply this test or refuse the application on these grounds.

Effect on the Amenities of the Wider Area

There have been several letters of objections from neighbours to the application in relation to the use of the property as a HMO and anti - social behaviour taking place at the dwelling whilst being occupied as a HMO (C4). It should be noted by members, the property is an established HMO and this application seeks only for a flexible use between a HMO (C4) to/and or as a dwelling house (C3). In terms of anti - social behaviour taking place at the dwelling this would be a matter for the Councils Public Protection and Anti-social Team to investigate.

The City Council's Pollution Control (PC) Officer has confirmed that he has no observations to make regarding noise or other environmental impact over and above those contained in the Council's Article 4 Direction for HMOs and associated Supplementary Planning Document. The PC Officer (Force Designing out Crime Officer) has also not raised any concerns to the application.

Therefore, given the established use of the property, officers are satisfied that allowing a flexible use would not be unduly harmful to the amenities of neighbouring properties or those in the wider area. The amenities for occupants is also considered acceptable as they have the benefit of reasonably sized bedrooms, a communal area and external amenity space.

There is no objection in terms of the use having an unacceptable impact the appearance of the property or the character of the wider area.

External Communal Space, Cycle and Bin Storage and Parking

There is private external space to the front and a reasonable sized garden to the property. There is no indication that an area for cycle storage is provided within this, however, it is reasonable to assume that this could be accommodated here. Bin storage could also be accommodated within the rear garden.

The applicant has stated there is space for off street parking for three vehicles. The property has good access to services, facilities and public transport. It is also within walking distance of the University (BG).

The Lincolnshire County Council as the Highway Authority (HA) has raised no objection to the application. The HA's general advice in relation to HMOs is that they would not usually object to an application for an HMO as the number of bedrooms does not necessarily mean that there will be the same number of cars associated with the property. The potential number of cars is also likely to be reduced in fairly central locations with pedestrian and bus facilities in the area, as is the case with the application property.

Conclusion

The evidence provided of the existing use of the property as an HMO would meet the tests for the granting of a Certificate of Lawful Use, and therefore it is considered that the HMO use of the property is established. Accordingly a number of the tests of CLLP Policy LP37 and the SPD are not strictly relevant, necessary or reasonable in this case. Therefore

there is no objection in principle to the proposal for a flexible use of the property, and the option for the use as a dwellinghouse has the potential to have a positive effect on the area. There will not be a harmful effect on visual amenity and the property provides adequate provision for external communal areas for amenity, cycle storage and bin storage for either the use as a dwelling or a HMO. It is therefore considered that the flexible use of the property is acceptable and, considering the established use, would be in accordance with the requirements of Local Plan Policy LP37, the SPD and guidance contained within the NPPF.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally.

Standard Conditions

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

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

Conditions to be discharged before commencement of works

None.

Conditions to be discharged before use is implemented

None.

Conditions to be adhered to at all times

- 02) The C4 (Houses in Multiple Occupation) use is permitted to change from C4 to C3 (Dwellinghouses) and back again to C4 without the need for a further application for planning permission for an unlimited number of times for a period limited to ten years hence from the date of this permission.

Reason: In order that the owner can reasonably respond to local housing market circumstances for a period of ten years.

Table A

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

Drawing No.	Version	Drawing Type	Date Received
-------------	---------	--------------	---------------

This page is intentionally blank.

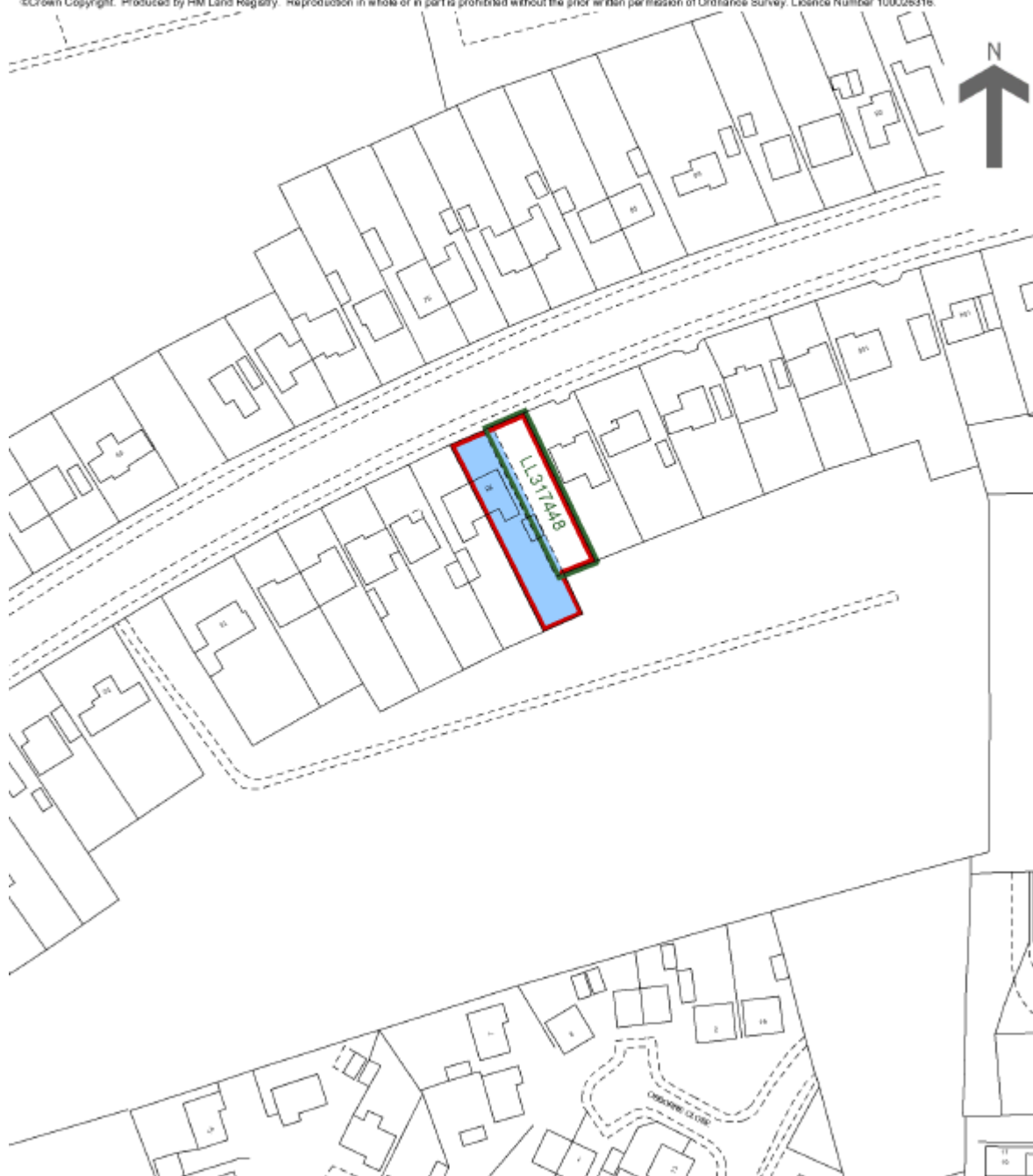
Drawings

HM Land Registry Current title plan

Title number **LL291724**
Ordnance Survey map reference **SK9772NW**
Scale **1:1250**
Administrative area **Lincolnshire : Lincoln**

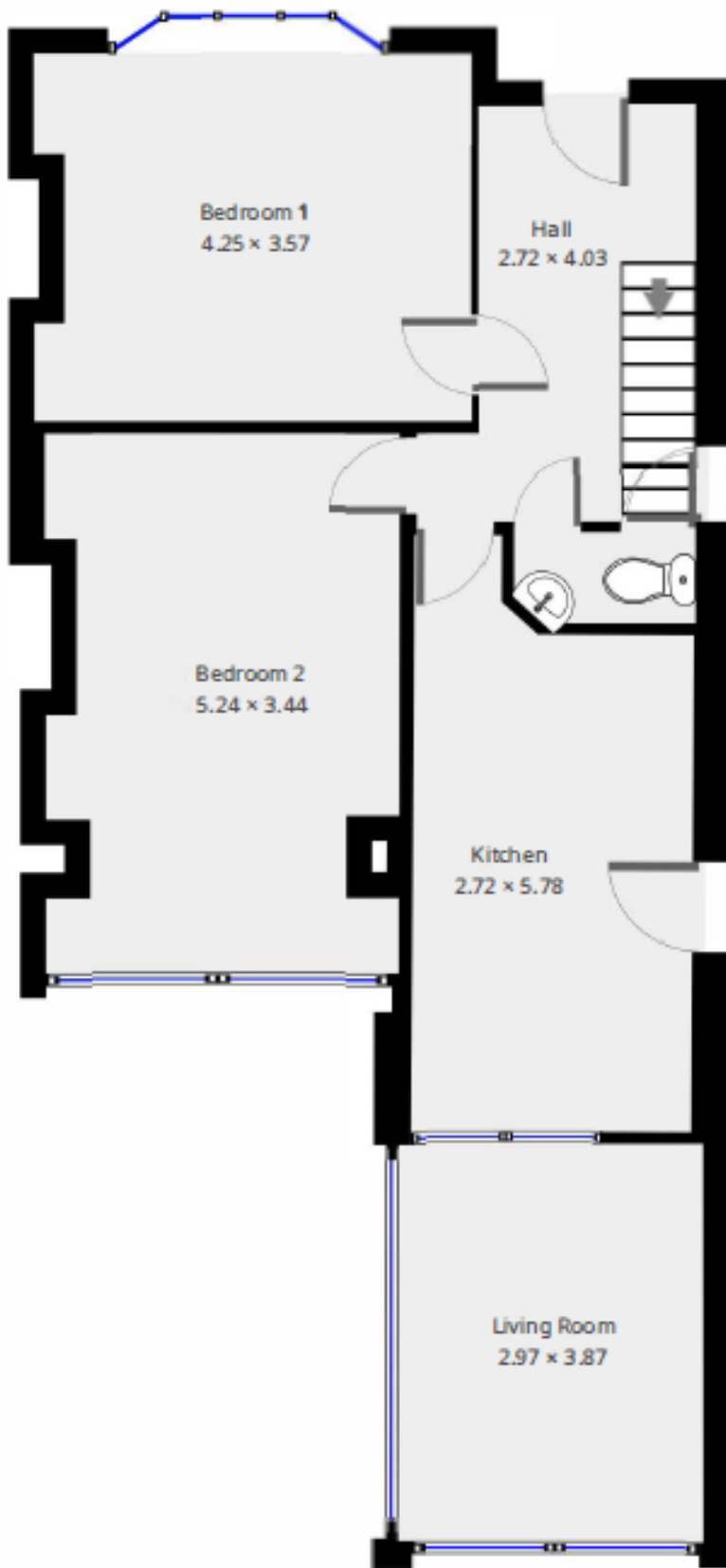


© Crown Copyright. Produced by HM Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.

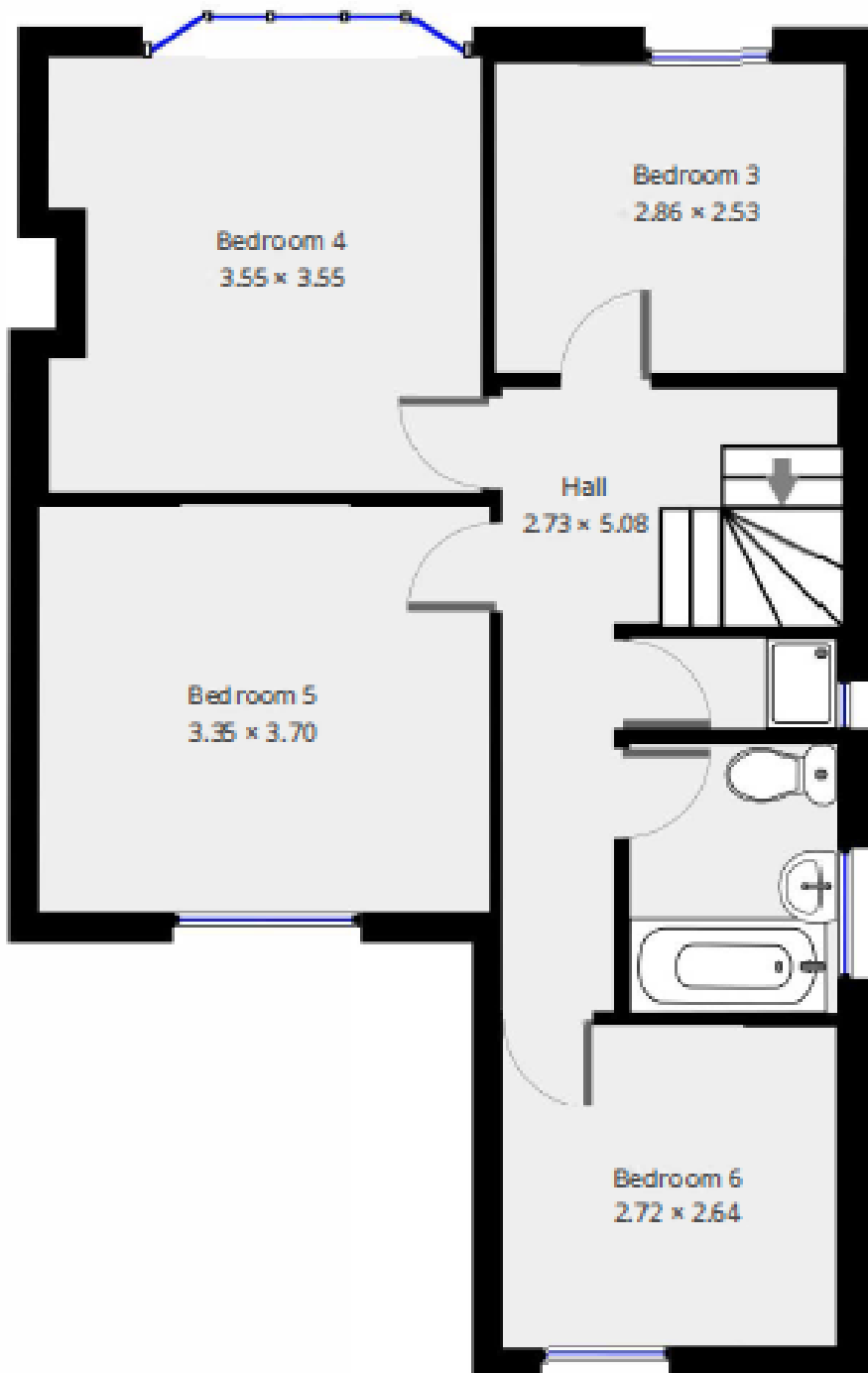


Site photos





Ground floor layout drawing



First floor layout

Reponses

**CITY OF LINCOLN COUNCIL
DIRECTORATE OF DEVELOPMENT & ENVIRONMENTAL
SERVICES**

M E M O R A N D U M

TO: Development Team Development Control	FROM: Ian Wicks Pollution Control Officer
---	--

Planning Ref: 2019/0369/C4

Date: 14 June 2019

Change of use from existing HMO (Class C4) to a flexible use as a dwelling (Class C3) and/or a HMO (Class C4) at 88 Yarborough Crescent, Lincoln

It is noted that the premises to which this application relates is already permitted to operate as an HMO and that this application is simply to introduce flexibility into the use to enable the property to either continued to be used in its existing manner (Class C4) or to be used as a standard dwelling (C3).

The application in itself, therefore, is unlikely to lead to an intensification of use of the premises but could potentially enable a reduction if the C3 use is taken up.

On this basis, I can confirm that I have no objections to this application.

Regards

**Ian Wicks
Pollution Control Officer
(Extn. 3794)**



LINCOLNSHIRE POLICE

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

Your Ref: App. 2019/0369/FUL

17th May 2019

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

Re – 88 Yarborough Crescent, Lincoln, Lincolnshire, LN1 3LX

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

Lincolnshire Police has no objections to the planning application.

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 1st 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 compliant 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 2019* which can be located on www.securedbydesign.com New Homes 2019.

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

Yours sincerely,

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

Force Designing Out Crime Officer (DOCO)

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



To: Lincoln City Council

Application Ref: 2019/0369/C4

With reference to this application dated 10 May 2019 relating to the following proposed development:

Address or location

88 Yarborough Crescent, Lincoln, Lincolnshire, LN1 3LX

Date application referred by the LPA
15 May 2019

Type of application:
Outline/Full/RM/
FUL

Description of development

Change of use from existing HMO (Class C4) to a flexible use as a dwelling (Class C3) and/or a HMO (Class C4)

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

Does not wish to restrict the grant of permission.

CONDITIONS (INCLUDING REASONS)

NO OBS

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

Case Officer:

Date: 03 June 2019

Martin Nash
for Warren Peppard
Flood Risk & Development Manager

Application Summary

Application Number: 2019/0369/C4

Address: 88 Yarborough Crescent Lincoln Lincolnshire LN1 3LX

Proposal: Change of use from existing HMO (Class C4) to a flexible use as a dwelling (Class C3) and/or a HMO (Class C4)

Case Officer: null

Customer Details

Name: Mrs Beverley Bolton

Address: 71 Yarborough Crescent Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have lived at my property for the past 12 years and am not in support of the proposed change of use from Class 4 to a flexible dwelling where I think the applicant can house up to 6 people. Yarborough Crescent is a residential road which has flats at both ends and Church a petrol station. I think this is sufficient for this area. There have been parties going on into the late hours over the years I have lived opposite which has caused congestion with multiple cars parking on verges (disallowed by the council). I am surprised the plan is to create further accommodation than is already present and given the noise and parties and the congestion this has caused to all of our close by residents. There has been an expansion of student accommodation locally with developments on the Bishop Grosseteste site so I am not in support of this application and would rather this be a family residence. The frontage is not in keeping with the neighbouring properties when curtains are drawn daily and there is a great deal of noise and congestion.

Taylor, Louise (City of Lincoln Council)

From: Eddy O'Dwyer [REDACTED]
Sent: 05 June 2019 11:52
To: Technical Team (City of Lincoln Council)
Subject: Objection to Planning Application 2019/0369/C4 at 88 Yarborough Crescent, LN1 3LX
Attachments: received_2105570946401892.jpeg

I wish to object to the application to classify 88 Yarborough Crescent as a C3 Dwelling.

The house is being currently occupied by a new group of students every year, and I gather this application is in place to legitimise that usage, prior to advertising the property for sale as a potential student rental. Since the property is already being used in that way I should like to use my experiences of the current and previous students living there on which to base my objections.

The street is largely occupied by the elderly and families with young children. The students at number 88 have never (in any of the academic years since I've been living opposite) shown any amount of respect or consideration for the neighbour's needs, eg. keeping noise to respectable levels at night, refraining from using foul language, and I have been told anecdotally by one of the house's immediate neighbours that drug use in the garden of the property is relatively regular (I cannot confirm or deny this having no first hand experience but as a father of two very young children, intending to remain in our house at the very least until they leave home, this concerns me greatly).

Due to the number of bedrooms (and therefore inhabitants) and large garden, I understand the house is used somewhat as a 'party house' for the students and their friends, and the number of people I see coming and going goes a long way towards confirming this is the case. I have lost count of the number of people I have seen entering/leaving the house this year and have yet to determine which of them are the actual tenants as I rarely see the same person twice.

Cars leave the property at all hours of night, often keeping their horns all the way down the road, revving engines excessively, and even with triple glazed pretty well soundproofed windows in my house, I have been woken up by this many times in the small hours of the morning.

Twice in the last 3 months have I seen the front door of the property wide open with nobody around seeming to have noticed (it remained that way for over an hour the first time), and both times I have closed it for them. I worry that with this sort of lackadaisical approach to security, (not to mention not being able to keep track of who ones neighbours actually are), they could be encouraging crime in the area.

The front window of the house has been smashed lately and is currently boarded up (see photo below), spoiling the otherwise pleasant view in the street. Once again this seems to be a symptom of the student tenants simply not caring about the condition of property in the way a family surely would. Another example of this attitude can be seen in the attached photo; how curtains are hanging from the windows (usually the broken window has a similarly tatty looking display too).

Legitimising the use of the property in this way will, to my mind, undoubtedly drive down the desire to own houses in the street, and give more people the precedent upon which to base similar applications, finally resulting in the street being predominantly student lets. That, I believe would be detrimental to the area in general. The street is close to the historic Bailgate, is part of the route for the annual 10k road race, and also part of the route for the extremely well respected Cycling Grand Prix, which receives annual TV coverage. It seems to me that Lincoln Council should want to maintain such streets to a high standard of cleanliness, and maintenance if we wish for them to be seen as flag bearers for our city.

Finally I should like to correct some of the erroneous/incomplete points made on the application form:

Section 7 states 'Wheelie bins stored to the rear of the property' My attached photo shows this is not the case, the occupants always store their bins at the front of the property, and said bins are regularly seen to be overflowing. Not particularly pleasant for onlookers, and I expect less so for the neighbours who share a driveway/access and have young children.

Section 8 has been answered N/A. It is not an N/A sort of question. The answer (as far as my own experience goes) is that the applicant has NOT consulted neighbours or the community, and I am confident that the reason for this is he knows how strongly each of us would object.

Section 11. The applicant may state there is parking for 3 cars, but offering accommodation for 6 students (who all seem to own cars these days) and offering 3 parking spaces leaves people parking on the grass verge, or overcrowding the shared driveway, potentially impeding access for other residents.

Section 15. Existing use of the site is that for which he is now applying for permission. I would be interested to know whether, if such a change of use were granted, there would be any recourse should any of the above points continue to cause a nuisance to neighbours?

Sincerely

Eddy O'Dwyer



From: [REDACTED]
Sent: 20 May 2019 13:49
To: Technical Team (City of Lincoln Council)
Subject: 88 Yarborough crescent

To whom it may concern.

I am against the planning permission for the house next to me 88 Yarborough crescent to continue being student accomadation. This is a residential area and the students have caused afew problems.

smoking cannabis
The property isn't kept tidy on the outside.
noise
foul Langaage.

I can't open my children's windows as the smell on cannabis.
The property on the outside is not kept clean or tidy.
The noise from party's are very loud and all night.
The foul language means I have to bring my children inside when they are playing in the garden.

I am not the only one who feels this way.

Kind regards

Elisabeth Hoggard

Application Summary

Application Number: 2019/0369/C4

Address: 88 Yarborough Crescent Lincoln Lincolnshire LN1 3LX

Proposal: Change of use from existing HMO (Class C4) to a flexible use as a dwelling (Class C3) and/or a HMO (Class C4)

Case Officer: null

Customer Details

Name: Mrs Bernice Simpson

Address: 90 Yarborough Crescent Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In the time 88 Yarborough Crescent has been an HMO, we have experienced the following perennial problems.

Excessive noise at all times of the day and night

Swearing

Drinking in the street

Broken glass in the street

Parties that are agin, very loud and lairy

Unemptied bins

We have had cause to complain on several occasions.

Renewing the planning permission for this house to continue to be an HMO (Class 4) would be condoning this type of behaviour in a predominantly residential area.

We therefore object to the continued use of this property as an HMO (Class 4) on grounds of noise and disturbance and appearance.

From: Glenis Pearson [REDACTED]
Sent: 27 May 2019 17:51
To: Technical Team (City of Lincoln Council)
Subject: Your planning Ref 2019/0369/C4. Ref 88 Yarborough Crescent

Dear Sirs

With reference to the above planning I strongly object to it being HMO and request it is reverted back to a family dwelling in keeping with all the surrounding properties This is a semi detached property. I purchased the adjoining property number 86 In 2006 and in approximately 2009 the property was purchased by Mr Tim Clark and the 4 bedroom House was converted to a 6 bedroom student property I bought my house in what should be a quiet residential area instead I have been disturbed continuously day and night by loud music bad language both inside and outside have also on requesting they be more thoughtful have even at some point suffered verbal abuse I am sure you will appreciate after 10 years my health is suffering due to the continuous stress both day and night Also the planning is for the parking of 3 cars - I point out that there are 6 students in that house often having a vehicle each and visitors that stay over especially on "party nights " when the noise is unbearable and also as they tend to park partially using the grass verge makes getting out of my drive very difficult This planning is already being abused I have previously contacted yourselves, Councillor Lee MP, Tim Clark the owner and his company Cloud Letting Agency this is all documented with yourselves I have requested Mr Clark sound proof the walls adjoining my property but he has declined I cannot think of any other solution other than this property is reverted back to it's original use
Yours faithfully Mrs Glenys Pearson

Sent from my iPad

Mrs Sally Hope-Hawkins

I wish to object on the following points as follows:

Noise and disturbance.

This is a road of private family residences. The party noise that regularly emanates from this house from both inside and outside are against our rights to quiet enjoyment of our own properties.

I feel so sorry for the neighbours either side of this property.

I can clearly hear the foul language and loud music in my own back garden and I am 2 doors away.

I support the adjoining properties request to soundproof her home. her quality of life has been greatly affected.

I am aware of nearby residents who on occasion have not been able to allow their children to play outside in their own garden due to inappropriate and foul language.

Antisocial Behaviour.

I have smelt very strong cannabis several times coming out of open windows when I walk passed with my dog at night.

I have seen police in attendance over the months. There has been someone pushed through a glass window. There has been cars screeching away from the house at all hours. It is very unpleasant.

Appearance

The curtains are always closed and hang badly and broken. the bins overflow. there are cans and often broken glass. There has been rubbish in the front garden for months. It is an eyesore. it is not a property in keeping with all others on Yarborough Crescent.

Parking

6 people are allowed to live there. there is not parking for 6 cars. I have seen occupants/visitors parking over the boundary line of the property onto the drive owned by the adjoining house in order to fit.

Licensing regime

one aim of the regime is to make sure the property is well managed and meets set standards. it is certainly not well managed.

ref item 7 on the application. it states the bins are stored at the rear of the property. they are not and never have been. the tenants also have little consideration as to what waste goes in what bin.

ref item 8 on the application. no consultation has taken place.

ref item 11 on the application. there are often more than 3 vehicles . they are forced to park on the verge .

I understand and accept that not all occupants of HMO's are as bad as we have experienced this year. My fear is for the future. I understand that to grant the permission gives the current owner or any new owner, freedom and flexibility to do what they want with this property for a period of 10 years. This is a great concern and hangs over us. there is also a great fear that if granted , this will set a precedence and there will be nothing to stop other houses on this very pleasant road filling up with temporary residents who may have little respect for family living.]

This page is intentionally blank.

Application Number:	2019/0473/PAD
Site Address:	Kiosk 1, Kiosk 2, Tourist Information Centre, Cornhill, Lincoln
Target Date:	24th July 2019
Agent Name:	None
Applicant Name:	Mrs Michelle Smith
Proposal:	Determination of whether or not Prior Approval is required for the demolition of all existing buildings on the site.

Background - Site Location and Description

The application seeks to confirm whether prior approval is required for the demolition of Kiosks 1 and 2 on the Cornhill.

The existing Kiosk buildings are modern, dating from 1999. In terms of the character and appearance of the Cathedral and City Centre Conservation area and the setting of the Corn Exchange, listed grade II, the area in which the kiosk is constructed was originally designed to be an open square, a designed piece which set off to good effect the Corn Exchange, a high status civic building, as the primary focal point.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 4th July 2019.

Policies Referred to

- National Planning Policy Framework

Issues

To determine whether prior approval is required and should be granted for the method of demolition and the restoration of the site.

Consultations

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

Consideration

The Town and County Planning General Development Order grants permitted development rights for the demolition of all buildings but by a direction from the Secretary of State buildings which are either a dwellinghouse, or adjoining a dwellinghouse are excluded and can avail of these rights only following a prior approval procedure in respect of the method of demolition and subsequent restoration of the application site.

Such a determination will not be necessary in some circumstances, for example in case of urgent necessity in the interests of health or safety, or where planning permission has been granted for redevelopment.

Part 11, Class B of the 'The Town and Country Planning (General Permitted Development) (England) Order 2015' requires applicants to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site. Under this procedure the developer must post a site notice. The Local Planning Authority will then have 28 days to consider whether they wish to their prior approval to the method and restoration. If the Local Planning Authority do not notify the developer within the 28 day period that prior approval of these details is required, demolition may proceed according to the details submitted to the authority in the application for determination or to those otherwise agreed.

This process gives Local Planning Authorities the means of regulating the details of demolition in order to minimise its impact on local amenity. Demolition should be carried out in accordance with the details agreed by the authority; demolition undertaken in breach of those details may be the subject of enforcement action.

In this case the applicant seeks to demolish the Cornhill Kiosks 1 and 2. As the regulations deal with demolition of whole buildings, it is considered that the demolition should be classed as development. Given the possible public realm enhancement opportunities for this area in the future, it is considered that prior approval is required for the demolition with regard to the method of demolition and the restoration of the site.

There is no requirement as part of this application process for the applicant to demonstrate why retention is not possible and there is no requirement to retain any elements of the existing building.

Method of Demolition

The applicants have submitted a statement with the application confirming the Kiosks will be manually dismantled using a small excavator and loaded into skip lorries to be taken away from the site. This will take place during times which have been agreed by Lincolnshire County Council as the Highway Authority.

The applicant has therefore demonstrated that the method of demolition is appropriate and other consents/ licenses will be in place before demolition commences.

Restoration of the Site

The application states that the site will be covered with temporary concrete paving slabs to match the existing paving and in the future as a minimum the paving slabs will be reinstated.

The opportunity to return the townscape to its original composition is welcomed by officers as it will preserve and enhance the conservation area and enhance the setting of the listed Corn Exchange building and its architectural and historic significance.

It is therefore considered that the applicant's submission shows that the site will be cleared and left to a suitable standard following the demolition of the buildings. There is no ability on the part of the local planning authority to prevent the demolition in circumstances such as these.

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

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The method of the proposed demolition of the kiosks and the proposed restoration of the site is considered to be satisfactory, given the scale of these works it is considered that prior approval is required for the works and recommended prior approval is granted conditionally.

Application Determined within Target Date

Yes.

Recommendation

That prior approval is required and Approved with the following Conditions

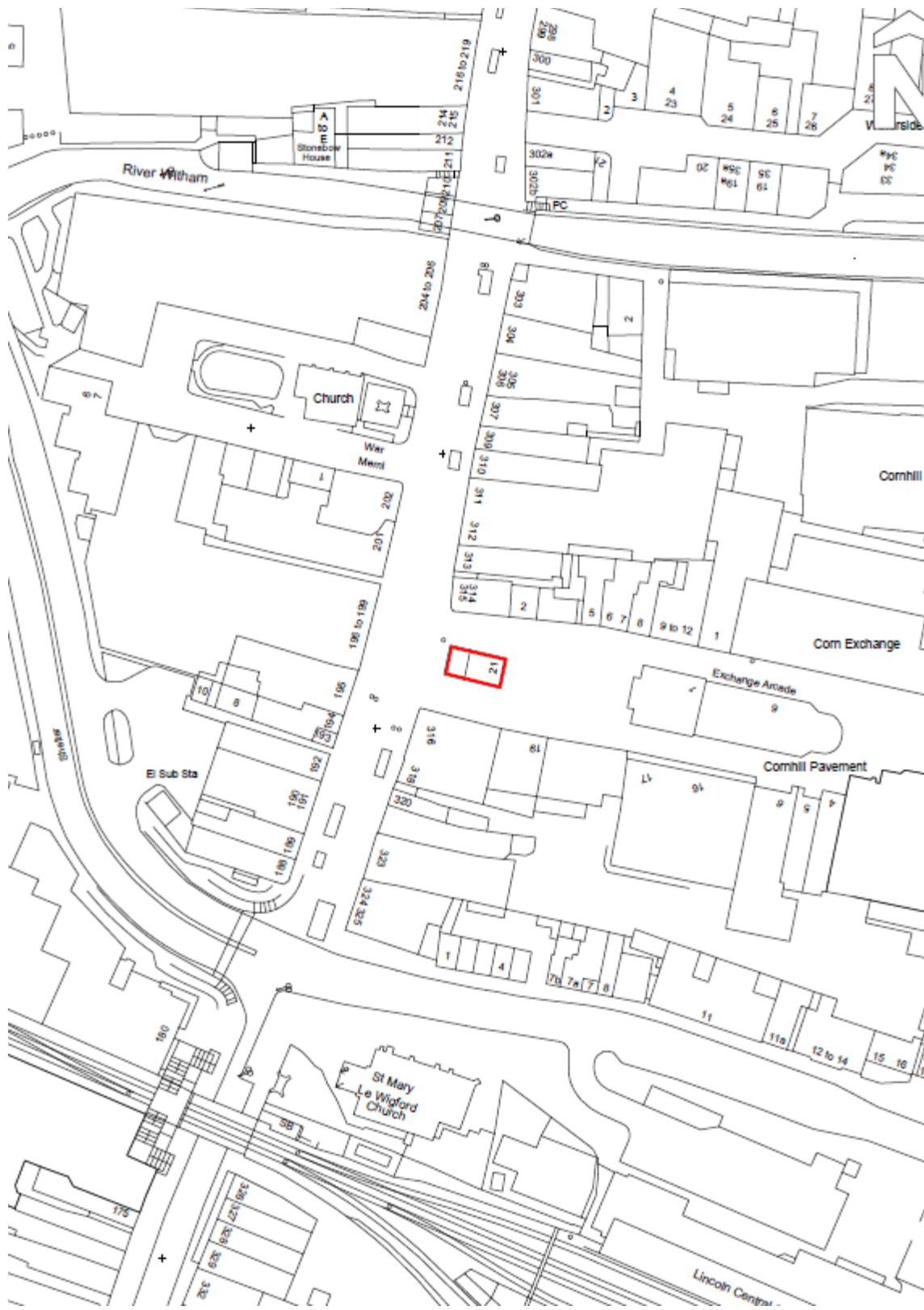
Conditions

- The development must be begun not later than the expiration of five years
- The development hereby approved shall be carried out in accordance with the details submitted in the application

This page is intentionally blank.

2019/0473/PAD – Kiosk 1 and Kiosk 2, Tourist Information Centre, Cornhill, Lincoln

Site Plan



This page is intentionally blank.

SUBJECT:	EXCLUSION OF THE PRESS & PUBLIC
DIRECTORATE:	CHIEF EXECUTIVE & TOWN CLERK
REPORT AUTHOR:	CAROLYN WHEATER, MONITORING OFFICER

1. Purpose of Report

- 1.1 To advise members that any agenda items following this report are considered to contain exempt or confidential information for the reasons specified on the front page of the agenda for this meeting.

2. Recommendation

- 2.1 It is recommended that the press and public be excluded from the meeting at this point as it is likely that if members of the press or public were present there would be disclosure to them of exempt or confidential information.

This page is intentionally blank.

Document is Restricted

This page is intentionally blank.

Document is Restricted

This page is intentionally blank.