

**Present:** Councillor Bob Bushell (*in the Chair*),  
Councillor Biff Bean, Councillor Bill Bilton, Councillor Alan Briggs, Councillor Kathleen Brothwell, Councillor Liz Bushell, Councillor Gary Hewson, Councillor Ronald Hills, Councillor Rebecca Longbottom and Councillor Edmund Strengiel

**Apologies for Absence:** Councillor Naomi Tweddle and Councillor Chris Burke

**26. Confirmation of Minutes - 11 September 2019**

RESOLVED that the minutes of the meeting held on 11 September 2019 be confirmed.

**27. Declarations of Interest**

Councillor Gary Hewson declared a Declaration of Predetermination with regard to the agenda item titled 'Application for Development: Boultham Park Lakes-Trees'.

Reason: He had been involved in discussions on the scheme through Boultham Park Advisory Group. He left the room during the discussions on this item and took no part in the vote on the matter to be determined.

Councillor Gary Hewson declared a Declaration of Predetermination with regard to the agenda item titled 'Application for Development: Boultham Park Lake, Boultham Park Road, Lincoln'.

Reason: He had been involved in discussions on the scheme through Boultham Park Advisory Group. He left the room during the discussions on this item and took no part in the vote on the matter to be determined.

Councillor Rebecca Longbottom declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Application for Development: 38B Willis Close, Lincoln'.

Reason: She knew one of the objectors as more than a casual acquaintance. She left the room during the discussion of this agenda item and took no part in the vote on the matter to be determined.

**28. Change to Order of Business**

RESOLVED that the order of business be amended to run as follows:

- Work to Trees in City Council Ownership (Item 3)
- NCP Car Park, Motherby Lane, Lincoln (Item 4e)
- NCP Car Park, Motherby Lane, Lincoln Signage (Item 4f)
- Boultham Park Lake, Boultham Park Road, Lincoln (Item 4a)
- Boultham Park Lakes-Trees (Item 3a supplementary)
- 38B Willis Close, Lincoln (Item 4c)
- 18-20 Kingsway, Lincoln (Item 4d)

- Phase 4, LN6 Development, Westbrooke Road (Item 4b)

## 29. **Work to Trees in City Council Ownership**

The Arboricultural Officer:

- a. advised members of the reasons for proposed works to trees in the City Council's ownership and sought consent to progress the works identified, as detailed at Appendix A of the report
- b. highlighted that the list did not represent all the work undertaken to Council trees, it represented all the instances where a tree was either identified for removal, or where a tree enjoyed some element of protection under planning legislation, and thus formal consent was required
- c. explained that Ward Councillors had been notified of the proposed works.

RESOLVED that tree works set out in the schedules appended to the report be approved.

## 30. **Member Statements**

In the interest of transparency:

- Councillors Hewson and Longbottom requested it be noted that they knew one of the objectors to the planning permission being sought in respect of the two applications for NCP Car Park, Motherby Lane, Lincoln as a passing acquaintance only.
- Councillor Longbottom requested it be noted that she knew the applicant for the Phase 4, LN6 Development, Westbrooke Road, Lincoln in her capacity as school teacher of a former pupil.

## 31. **Application for Development: NCP Car Park, Motherby Lane, Lincoln**

The Planning Team Leader:

- a. reported that planning permission was sought retrospectively for two pole mounted ANPR cameras, sited within a car park operated by NCP located on the south side of Motherby Lane
- b. highlighted that an accompanying application had been received for advertisements at the site being considered under the next application on tonight's agenda No:2019/0609/ADV
- c. advised on the location of the site within Cathedral and City Centre Conservation Area No.1
- d. stated that the application was brought before Planning Committee as the application had received 5 objections including one from Councillor Lucinda Preston, and also a petition
- e. provided details of the policies pertaining to the application, as follows:
  - Policy LP25: The Historic Environment
  - Policy LP26: Design and Amenity

- f. outlined the responses made to the consultation exercise which included a petition received from local residents
- g. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
  - Impact on Visual Amenity
  - Character and Appearance of the Conservation Area
- h. concluded that the pole mounted ANPR cameras were minor additions within the car park and did not unduly impact on the overall character and appearance of the Conservation Area in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Jacqui Richardson, local resident, addressed Planning Committee in objection to the retrospective planning application, covering the following main points:

- This was not a typical city centre car park site.
- The site was surrounded by domestic houses and gardens.
- The cameras were not suitable for a conservation area.
- The cameras were sited just a few metres from people's front doors.
- The applicant had shown no respect to local residents.
- Residents had tried to contact the owner but had received no response.
- She thought the owner wanted to sell the land and that was the reason he had instigated this action.
- It took six months to apply for retrospective planning permission.
- The owners would not have applied for planning permission if this had not been flagged up to them.

Vaso Vaina, representing the applicant, addressed Planning Committee in support of the application, covering the following main points:

- She represented the agent for the planning application as architects.
- The cameras had been upgraded on site from the technology previously used at the car park.
- She had no knowledge that the land was being sold.
- NCP had been informed that they needed to apply for planning permission by the planning authority and had asked her company to deal with this process.
- The new cameras recognised car number plates at entry and exit points to the car park at number plate height and did not view neighbouring properties.
- The cameras were mounted on poles due to fear of vandalism.

Members raised questions in relation to the proposed scheme as follows:

- Question: Were the cameras stand-alone features or linked to the ticketing system at the car park?
- Response: Officers were not sure. Customers could pay for parking at the machine. The remit of members here was to assess whether the physical appearance of the cameras was visually acceptable.
- Question: What were the hours of operation for the car park? The officer's report referred to little effect on the houses in the area.

- Response: Hours of operation were 24/7. The site had been a car park for 25-30 years.

One member suggested that similar cameras were normally at number plate height. These were too obtrusive being 8-9 feet up in the air.

Another member commented that the cameras were angled downwards simply to recognise car number plates. This seemed to be a good system in terms of technology and he couldn't see that it affected neighbours.

RESOLVED that:

1. The petition from local residents be received.
2. Planning permission be granted.

### **32. Application for Development: Car Park, Motherby Lane, Lincoln (Signage)**

The Planning Team Leader:

- a. reported that planning permission was sought part retrospectively for various signs within a car park operated by NCP, located on the south side of Motherby Lane
- b. reported that an advertisement application had been invited for advertisements within the car park following an enforcement investigation, given their unauthorised nature and advice given by a Planning Officer to remove/amalgamate some of the signs before an application was made
- c. highlighted that an accompanying application had been received for ANPR cameras on the site considered under the previous agenda item, application no:2019/0609/FUL
- d. advised on the location of the site within Cathedral and City Centre Conservation Area No.1
- e. stated that the application was brought before Planning Committee given the objections received including one from Councillor Lucinda Preston
- f. provided details of the policies pertaining to the application, as follows:
  - Policy LP27: Main Town Centre Uses: Frontages and Advertisements
  - National Planning Policy Framework
- g. outlined the responses made to the consultation exercise
- h. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
  - Impact on Visual Amenity and Character and Appearance of the Conservation Area
  - Impact on Public Safety

- i. concluded that the proposed signage scheme would respect the character and appearance of the surrounding area, not cause a hazard to pedestrians or road users, nor impede any surveillance equipment or affect public perceptions of security, in accordance with Policy LP27: 'Main Town Centre Uses-Frontages and Advertisements' of the Central Lincolnshire Local Plan (2017) and relevant guidance contained within the National Planning Policy Framework (2019).

Jacqui Richardson, local resident, addressed Planning Committee in objection to the part retrospective planning application, covering the following main points:

- She was satisfied with the proposed changes to be made to the signage at the car park which was currently excessive.
- The signage had been erected without warning with little consideration to the environment or area.
- One resident had moved out whilst work to her house wall was affected.
- She hoped there would be a time scale for removal of the signage.
- Residents had been astonished that the lighting could not be considered.
- The council should be considering light pollution due to issues of climate change having made a City of Lincoln Council Climate and Environment Emergency Declaration.
- The applicant had shown no sensitivity to local residents.
- The car park looked like Alcatraz. It was very bright.
- Previously the car park had managed without lights, now it had 13. Some had been faulty from Day 1 and some were on all day long.
- Residents had made suggestions to NCP but they would not listen.
- There was hardly ever a car parked there at night time.
- Residents lived there 24/7, but were not consulted.
- NCP didn't know what it was like at night time living there.
- The residents were the people suffering and not NCP.

Vaso Vaina, representing the applicant, addressed Planning Committee in support of the application, covering the following main points:

- The display of car parking signage was mandatory by law.
- NCP had approached us and we accepted the invite to talk to the local planning authority.
- NCP were open to design improvements/changes to the number of signs.
- NCP had accepted the cost of resizing the signage.
- Working alongside NCP was easy, the company cared about its operators/neighbours.
- If the planning application was approved, the surplus signage would be moved within 2-3 weeks.
- It would take 6 weeks for the new signage to be ordered, delivered and installed.
- NCP operated nine car parks across the city.
- NCP worked closely with the police to share any CCTV evidence at entrance/exit to their car parks in the event of any incidents.
- Their car parks were illuminated for safety reasons.
- NCP had taken legal advice and thought it could change the signage without need for a planning application.
- NCP acknowledged now they had made a mistake and were trying to put things right.

Members made comments in relation to the proposed scheme as follows:

- These signs were extra and potentially not needed.
- It was disturbing to see a retrospective planning application from such a large company.
- The Council Environmental Officer was currently liaising with the car park operator separately regarding reduction in glare from the lights into neighbouring gardens.
- There was a happy medium to be struck here involving engagement between all parties.

Members asked whether it would be possible to impose a time limit on the required works.

The Planning Team Leader offered the following points of clarification:

- A suggested time limit by the applicant for the required works of 6 weeks seemed reasonable.
- Reductions in signage had been achieved as a direct consequence of negotiations with the car park operator as to the amount considered necessary by the Planning Authority.

It was proposed, seconded, put to the vote, and carried that a time limit of 6 weeks be imposed for the car park operator to complete the necessary signage work required.

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

- Standard advertisement conditions
- Six months' time limit to complete work.

**33. Application for Development: Boultham Park Lake, Boultham Park Road, Lincoln**

*(Councillor Hewson left the room for the discussion of this item and the following related agenda item, having made a declaration of predetermination in respect of the items to be considered. He took no part in the vote on the matters to be determined).*

The Planning Team Leader:

- a. reported that planning permission was sought for the following improvement works to Boultham Park as part of the Lake Restoration Project, which was subject to National Lottery Heritage Funding:
  - Realignment of part of footpath
  - Restoration of stone edges to the lake and installation of water aeration equipment and bank side cabinets (3no. compressors each at two locations on the lake edge)
  - Installation of platform for access for boating
  - Viewing deck
  - 2no. fishing pegs
  - 5no. pieces of art

- 5no. associated interpretation boards
- b. reported that this was a regulation 3 application made by the City of Lincoln Council and was therefore before Planning Committee this evening
  - c. stated that the project focussed on improving biodiversity, centred on restoration of the lake in terms of water quality, edge works, access, planting, habitat interpretations, seating and the reintroduction of heritage lake activities including boating and fishing
  - d. advised that Boutham Park was designated as a Grade 2 Listed Historic Park and Garden
  - e. provided details of the policies pertaining to the application, as follows:
    - 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 illustrations of artwork and information boards for the park and a revised proposed officer recommendation requesting delegated authority be given to the Planning Manager to grant planning permission conditionally subject to the expiration of the site notices on 18 October 2019 (should no objections be received)
  - h. advised members of the main issues to be considered as part of the application as to whether there was any harm caused to the character or setting of the designated heritage asset - the historic Park and Garden
  - i. reported that the application was accompanied by a tree report requesting removal of 41 trees within the park which were either in poor health/condition or which were eroding the lake edges, together with details of work required to another 58 trees
  - j. added that none of the trees within the Park were protected by Tree Preservation Orders
  - k. highlighted that the scheme concentrated on improving the water quality of the lake, enhancing its ecology, habitats, biodiversity, immediate setting and enhancing the park for its users
  - l. concluded that:
    - The works proposed would restore and maintain the water quality of the lake, improve access around the lake, and enhance the setting through planting and promoting biodiversity.
    - It was considered the proposals would preserve and enhance the setting of the Historic Park and Garden and would enhance the public realm for visitors in accordance with Policy LP 29 of the Central Lincolnshire Local Plan and the National Planning Policy Statement.

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

- The proposals involved installation of water aeration equipment to restore the water quality of the lake over a minimum number of ten years before realising any effect. Was there any mileage in dredging the lake at the same time to accelerate the process?
- How was the boating platform to be secured?
- Would the re-introduction of boats have any impact on wildlife on the lake?

The Planning Team Leader offered the following points of clarification:

- Dredging had been the original proposal for the lake, however, matters of scale and the vast cost of removing the material made this option too expensive.
- The aeration proposal had been used successfully elsewhere.
- The boating platform would be fixed as described within the officer's report.
- The proposals had been developed in consultation with the Lincolnshire Wildlife Trust.
- Further information on wildlife opportunities was included within the next associated agenda item.

RESOLVED that authority be delegated to the Planning Manager to grant planning permission subject to expiration of the site notices on 18 October 2019 (should no objections be received) and subject to the following condition:

- 3 year commencement and plans condition.

#### **34. Boultham Park Lakes- Trees**

The Assistant Director, Communities and Street Scene:

- a. presented a report to make Planning Committee aware of the general programme of biodiversity enhancing works proposed for Boultham Park lake and its surrounds and to seek permission for the proposed programme of tree works
- b. reported that in 2013 the City Council, working in Partnership with Linkage Community Trust, was successful in obtaining a grant from the National Lottery for both the restoration of key infrastructure and the building of important new features in Boultham Park
- c. advised that as the bid developed, funding for the restoration of the lake had not proved affordable, however the exploratory work undertaken initially had left the council in a good place to make another National Lottery bid for a targeted scheme based on biodiversity improvements for the lake and its surrounds, allowing the overall park scheme to be completed as a continuation of the original scheme
- d. described the background to the proposed scheme for the lake in terms of environment and biodiversity, engaging the support of Lincolnshire Wildlife Trust as a member of the project board



- e. reported that based on scientific analysis, the expert hydrologist had suggested the solution to the existing sediment problem, also being used in the Serpentine Lake, Hyde Park, was for careful and well-designed aeration of the water to slowly increase the activity of bacteria in the lake and breakdown the sediment, such that it became so soluble it would be washed away in the course of the natural movement of the water
- f. highlighted that the lake edge trees were also a key contributor to the problem, and that some action was required to remove a level of this tree cover
- g. reported that a survey and assessment of all the trees had suggested a need for tree removal of those based around the lake and near boundaries only, based on four criteria as detailed at paragraph 3.16 of his report
- h. referred to the plan attached to his report showing tree locations and those proposed for removal
- i. circulated illustrations of trees meeting the criteria for removal for clarification of members
- j. reported the council's policy of replanting for any tree removed on a one-for-one basis which would be actioned as quickly as possible as a part of the overall biodiversity improvement plan for the park, subject to National Lottery Heritage funding (NLHF)
- k. requested members approval subject to a successful National Lottery bid being secured:
  - for the removal of 37 trees as listed, and
  - to give delegated authority to the Portfolio Holder for Remarkable Place for the removal of up to nine further trees, should a tree require removal where it had been hoped it could be retained, in the interests of the park and project

Tammy Smalley, representing Lincolnshire Wildlife Trust, addressed Planning Committee in support of the planning application, covering the following main points:

- She held the position of Head of Conservation at Lincolnshire Wildlife Trust.
- She was born and bred in the city.
- In 2014 the UK was graded 189<sup>th</sup> worst country for biodiversity.
- The 2019 State of Nature report by the National Trust declared 41% of wildlife species in mass decline since 1970 and 14% on the verge of extinction in the U.K.
- We are mammals. 25% of mammals were in decline due to the actions of mankind.
- LWT was happy to offer its expertise to the City of Lincoln Council as it felt the council was doing the right thing to deliver nature recovery in the city.
- LWT would offer its time/expertise alongside organisations such as the Environment Agency and Natural England.
- The Steering Group had examined all the plans for the park.
- The biodiversity and wildlife of Boutham Park would be improved by the felling of these trees.

- The health of the lake would be improved.
- Insects in the lake were in mass decline.
- The proposals would deliver potential improvements through the wider environment providing wildflowers to encourage insects to return.
- The trees proposed for removal were sited in the wrong place.
- The scheme would deliver benefits to nature and wildlife.
- The city was developing well in terms of enhancing Biodiversity and she hoped it would be one of the cities that would consider applying for National Park Status.

Councillor Bilton suggested that the additional photographs of the trees circulated at this evenings meeting should have been included on the update sheet in terms of transparency for all.

The Chair advised that he had allowed the illustrations to be tabled at his own discretion on this occasion.

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

- Would the trees to be removed be replaced 1 for 1 by the same species?
- Would the trees be replaced in Boutham Park itself rather than the area?
- Would the cost of the timber to be removed be recovered?
- Were there any plans available showing how many trees were originally planted in the park?
- Was it possible instead to use maintenance on an ongoing basis rather than felling of trees?
- Had lessons learnt from previous flood alleviation works been used here?

The Assistant Director for Communities and Street Scene offered the following points of clarification:

- There were 37 trees identified for removal and delegated power requested for up to a further 9 to be removed only if proved necessary.
- Trees would be replaced in the park itself.
- Advice would be sought from Lincolnshire Wildlife Trust as to the type of species to be replaced which would be predominantly indigenous.
- The council would not benefit financially from the removal of the timber as it was part of the undertaking with the contractor carrying out the work.
- All the trees were currently included within a maintenance plan.
- There were no archived plans available detailing the original planting of the trees.
- Some of the trees to be removed would be utilised as sculpture work to add interest in the park if this provided possible.

RESOLVED that:

1. The removal of 37 trees listed at Appendix A to the officer's report be supported by Planning Committee, should the bid to the National Lottery be successful.
2. Authority be delegated to the Portfolio Holder for Remarkable Place for the removal of up to a further 9 trees should the need arise where he was satisfied that it was in the interests of the park and the project.

**35. Application for Development: 38B Willis Close, Lincoln**

*(Councillor Hewson re-joined his seat for the remainder of the meeting).*

*(Councillor Longbottom left the room for the discussion of this item having declared a personal and prejudicial interest in respect of the planning application to be considered. She took no part in the vote on the matter to be determined).*

The Planning Manager:

- a. reported that the application sought outline planning permission for a single dwelling and detached garage with only the details of access being considered along with the principle of development, all other matters to be considered through a subsequent application for Reserved Matters
- b. confirmed that the proposed dwelling would be sited within garden land at 38B Willis Close
- c. reported on amendments made to the layout of the site during the process of the application and additional structural reports submitted in response to legitimate reasons raised by neighbours, who had been re-consulted on these revised plans and structural changes
- d. stated that the application was brought before Planning Committee given the objections received and at the request of Councillor Lucinda Preston
- e. provided details of the policies pertaining to the application, as follows:
  - Policy LP26: Design and Amenity
  - National Planning Policy Framework
- f. outlined the responses made to the consultation exercise
- g. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
  - Principle of the Development
  - Design and Visual Impact
  - Impact on Residential Amenity
  - Highway Safety and Access
  - Land Stability and Retaining Wall
  - Air Quality
  - Archaeology
  - Drainage
- h. concluded that it was considered that the principle of the development of this land for a dwelling would be in keeping with the principles set out in both national and local planning policies and a dormer bungalow designed dwelling on this plot would be acceptable in principle with all matters being reserved for future determination.

Kevin Copeland, agent representing the applicant, addressed Planning Committee in support of the application, covering the following main points:

- The detail of the planning application had been covered in full within the Planning Manager's presentation this evening.
- Pre application advice had been sought by the applicant from the Planning Authority.
- The scheme sat comfortably in terms of planning form and elevation.
- There would be no impact on residential amenity.
- The plans for the garage had been repositioned to alleviate residents' concerns.
- Concerns regarding land stability had been addressed through the structural survey.
- Prior to commencement of work he would expect a photographic survey of the party wall to be conducted to protect the parties involved.
- He welcomed support for the application from Planning Committee members.

Members made comments in relation to the proposed scheme as follows:

- It was unusual to request planning permission for a property in the garden of another garden.
- Were there any issues in relation to the roadway access between the original building and the garage/parking on the roadside?

The Planning Manager offered the following points of clarification:

- Access to the property would be from Willis Close via the existing private gravel drive. The Highways Authority was happy that the layout proposed would enable parking for at least two vehicles with turning space for vehicles to exit in forward gear.
- There was no reason to believe there would be on-street car parking as the property had its own spaces within the site.
- It would be reasonable if members were so minded to impose a condition on the grant of planning permission requiring a survey of the party wall.

It was proposed, seconded, put to the vote, and carried that an additional condition be imposed on the grant of planning permission requiring a survey of the party wall.

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

**Additional Condition:**

- Survey of Party Wall

**Standard Conditions**

01) Application for the approval of the reserved matters shall be made to the local planning authority within three years of the date of this permission.

Reason: Imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

02) The development to which this permission relates shall not be commenced until details of the following (hereinafter referred to as the "reserved

matters") have been submitted to and approved by the Local Planning Authority.

(a) The layout of the Building(s)

(b) The scale of the building(s), including the height, massing and internal planning.

(c) The external appearance of the building(s), to include details of all external materials to be used, their colours and textures.

(d) Means of access to, and service roads for the development, including road widths, radii and sight lines, space for the loading, unloading and manoeuvring and turning of service vehicles and their parking; space for car parking and manoeuvring.

(e) A scheme of landscaping for those parts of the site not covered by buildings to include surface treatments, walls, fences, or other means of enclosure, including materials, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: Imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

- 03) The development hereby permitted shall be begun either within three years of the date of this permission or within two years of the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: Imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

- 04) 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**

- 05) Prior to the commencement of the development, details of a scheme for the provision of an electric vehicle recharge point for the dedicated off-street parking shall be submitted to the planning authority for approval. The approved scheme shall be implemented prior to the development first being brought into use and shall be maintained thereafter.

Reason: In order to encourage sustainable travel in accordance with the National Planning Policy Framework.

- 06) Prior to the submission of the application(s) for Reserved Matters, an archaeological Desk-Based Assessment shall be undertaken, the details of which shall first be submitted to and approved in writing by the Local Planning Authority. The programme shall include any further evaluation work that is necessary to understand the nature, extent and significance of archaeological remains that may be present on the site, and the impact of

development upon them.

Reason: To ensure compliance with paragraph 128 of the NPPF, and to enable sufficient information to be gathered to inform an appropriate mitigation strategy to enable the developer to record and advance understanding of archaeological remains on the site, in accordance with paragraph 141 of the NPPF.

- 07) Prior to the commencement of the construction of the dwelling within the site, details of the proposed foul and surface water drainage proposed to serve the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure a satisfactory standard of drainage within the development in the interests of the amenities of the occupants of the proposed dwelling and neighbouring occupiers.

### **Conditions to be Discharged before use is Implemented**

None.

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

- 08) The development shall be constructed in accordance with recommendations made within the structural Survey by Sheppard Consulting Engineers LTD dated September 2019. These approved details shall not be changed or altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the slope stability of the site and prevent any impact to the existing retaining wall.

- 09) The construction of the development hereby permitted shall only be undertaken between the hours of 07:30 to 18:00 Monday to Friday (inclusive) and 07:30 to 13:00 on Saturdays and shall not be permitted at any other time, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms.

Reason: To protect the residential amenities of properties in the vicinity.

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

Reason: To protect the residential amenities of properties in the vicinity.

### **Table A**

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

Drawing No.	Version	Drawing Type	Date Received
1627C/19/11B		Plans - Proposed	20th August 2019

**36. Application for Development: 18-20 Kingsway, Lincoln**

*(Councillor Longbottom re-joined her seat for the remainder of the meeting).*

The Planning Manager:

- a. described the application site 18-20 Kingsway, located to the north side of the road next to an existing two storey brick warehouse to the left of the site with extensions to the side and rear, and a single storey steel clad building located more centrally with a fenced enclosure to the right, housing a number of shipping containers operated by Cathedral Self Storage Ltd
- b. reported that the application sought planning permission for the erection of 6no. two bedroom dwellinghouses and a 3-storey building to provide 8no. two bedroom apartments and 4no. one bedroom apartments with associated external works including provision of 18no car parking spaces, a communal garden and a wall with railings to the front boundary
- c. reported that the wider area was predominantly characterised by a mix of two storey semis and terraces with the rear of the Ducati Showroom directly opposite the site
- d. highlighted that Kingsway also provided access to Bishop King Primary School, located at the end of the street to the west
- e. advised on the location of the site within Flood Zone 2
- f. provided details of the policies pertaining to the application, as follows:
  - Policy LP1: A Presumption in Favour of Sustainable Development
  - Policy LP2: The Spatial Strategy and Settlement Hierarchy
  - Policy LP11: Affordable Housing
  - Policy LP12: Infrastructure to Support Growth
  - Policy LP14: Managing Water Resources and Flood Risk
  - Policy LP16: Development on Land affected by Contamination
  - Policy LP25: The Historic Environment
  - Policy LP26: Design and Amenity
  - Central Lincolnshire Developer Contributions Supplementary Planning Document
  - National Planning Policy Framework
- g. outlined the responses made to the consultation exercise
- h. referred to the update sheet which provided a revised proposed officer recommendation without the requirement for the applicant to sign an S106 legal agreement following a viability appraisal submitted and further advice taken
- i. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
  - Principle of Use

- Developer Contributions
- Visual Amenity
- Residential Amenity
- Access and Highways
- Flood Risk and Drainage
- Trees

j. concluded that:

- The principle of the use of the site for residential purposes was considered to be acceptable and the development would relate well to the site and surroundings in respect of siting, height, scale, massing and design.
- The proposals would also not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
- An independently assessed viability appraisal had concluded that the development would not be viable if it were to provide affordable housing and contributions towards playing fields and local green infrastructure.
- Subject to the signing of an overage S106 officers were satisfied that this could be managed with a requirement for such payments should the profitability position of the development change at the time of completion (requirement now amended as detailed on the update sheet).
- Technical matters relating to access and parking, contamination, flood risk and trees were to the satisfaction of the relevant consultees and could be dealt with appropriately by condition.
- The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP14, LP16, LP25 and LP26, as well as guidance within the SPD and National Planning Policy Framework.

Adam Titley addressed Planning Committee in objection to the planning application, covering the following main points:

- He lived at No 9 Kingsway
- At a minimum, car parking availability would be affected by the proposed development.
- 18 car parking spaces within the scheme would not be sufficient.
- There was a potential for 32 new cars on the street with most properties these days owning more than one vehicle.
- There would be friction between current/new occupiers regarding car parking spaces.
- Parking was not an issue when I purchased my property.
- If planning permission was granted here myself and other residents would no longer have the luxury to park outside their properties, which would reduce the value of his house with no available parking for him personally returning home after a 12 hour shift.
- Kingsway was already dangerously busy with an entrance to the school/local businesses.
- Accidents/incidents occurred monthly on the access into Kingsway.
- My car had been damaged whilst parked.
- There would be a danger to school children/users/pedestrians.



- The scheme would have a negative impact on the residents of Kingsway.

Members raised concerns in relation to the proposed scheme as follows:

- Without an S106 agreement there would be no element of affordable housing within the scheme.
- It was disappointing that the NHS had not requested a contribution towards health provision.
- Should this application be allowed it would set a precedent for future developments.
- Concerns regarding adequate car parking.
- Concerns regarding over development of the site.
- Concerns regarding traffic implications on a busy road junction with South Park.
- The proposed development was close to a primary school.
- Viability concerns.

One member suggested it may be possible to introduce a hardstanding with dropped kerbs to allow additional car parking spaces along the street.

The Planning Manager offered the following points of clarification:

- In relation to S106 payments, both the NHS and the Education Authority had been consulted. Following an independent assessment both organisations had determined that a financial contribution was not warranted.
- A Community Infrastructure Levy (CIL) payment had been made, this was not negotiable.
- Parking provision was an emotive subject on most development schemes. The Highways Authority as statutory consultee had not raised any objections regarding highway safety.
- A 'one for one' car parking facility was considered to be a good level of provision in this sort of area.
- In relation to the suggestion made for extra car parking spaces, he was doubtful this would be possible due to the viability of the site and the amount of car parking provision already proposed, although he could not confirm this.

RESOLVED that planning permission be refused.

Reasons:

- Lack of provision of affordable housing contrary to policy LP1 and LP11.
- Impact on the amenity of local residents and lack of parking contrary to Policy LP26.

**37. Application for Development: Phase 4, LN6 Development, Westbrooke Road**

The Planning Manager:

- a. reported that the application sought full planning permissions for revisions to the approved development at Phase 4, Westbrooke Road, Lincoln

- b. highlighted that the original application, 2018/0458/FUL had approved 23 dwellings, the current application proposed an additional dwelling to bring the total on this phase to 24, together with the minor repositioning of the dwellings at plots 77-79
- c. reported that the site was previously under the ownership of Lincolnshire County Council having been the site of the former Usher school, now demolished
- d. advised that the site was allocated for residential use in the Local Plan CL4652
- e. confirmed that the application related to Phase 4 of the Westbrooke Road development, with phases 1 and 2 completed and phase 3 currently under construction
- f. provided details of the policies pertaining to the application, as follows:
  - Policy LP1: A Presumption in Favour of Sustainable Development
  - Policy LP11: Affordable Housing
  - Policy LP12: Infrastructure to Support Growth
  - Policy LP26: Design and Amenity
- g. outlined the responses made to the consultation exercise
- h. referred to the update sheet which provided a revised site layout plan to show the amended key for the house type schedule
- i. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
  - National Planning Policy Framework
  - Highway Safety
  - Effect on Visual Amenity
  - Effect on Residential Amenity
  - Landscaping
- j. concluded that:
  - The proposed revisions to the layout and inclusion of 1 additional dwelling on the site would not be detrimental to either residential or visual amenity.
  - No objections had been raised by the Highway Authority.
  - The proposal was therefore in accordance with local and national planning policy.

Members considered the content of the report in further detail.

RESOLVED that authority be delegated to the Planning Manager to grant planning permission further to the signing of the revised section 106 and CIL liability and subject to the following conditions.

#### Conditions

1. 3 years
2. Drawings no's
3. Materials
4. Landscaping
5. Land Contamination Remediation Scheme
6. Estate Street Phasing and Completion Plan (Highways)
7. Future Management and Maintenance of Proposed Streets (Highways)
8. Engineering, Drainage, Street Lighting and Constructional details of streets for adoption (Highways)
9. Boundary treatment to pumping station
10. Electric vehicle charging points
11. Maintenance of non-adopted areas
12. Roads/ footpath adoption specification (Highways)
13. Estate Streets Development Plan(Highways)
14. Removal of pd for plots 64 and 65
15. Archaeology (WSI)
16. Hours of construction works on site
17. Removal of scrub or hedgerows during nesting season to be appropriately supervised
18. No hardstanding areas to be constructed until the works have been carried out in accordance with the surface water strategy