

PLANNING COMMITTEE

**Wednesday, 6 November
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: Simon Cousins, Democratic Services, Kieron Manning, Becky Scott, Louise Simpson and Dave Walker

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 - 9 October 2019 **5 - 24**

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 **25 - 32**

4. Applications for Development

- | | |
|--|----------------|
| (a) Application for Development: 152-154 Browning Drive, Lincoln | 33 - 40 |
| (b) Application for Development: City Crematorium, Washingborough Road, Lincoln | 41 - 64 |
| (c) Application for Development: Ermine West Methodist Church, Trelawney Crescent, Lincoln | 65 - 70 |
| (d) Application for Development: Garfield View, Garfield Close, Lincoln | 71 - 74 |
| (e) Application for Development: Woodburn View, Woodburn Close, Lincoln | 75 - 80 |

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
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: Boutham Park Lakes-Trees'.

Reason: He had been involved in discussions on the scheme through Boutham 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: Boutham Park Lake, Boutham Park Road, Lincoln'.

Reason: He had been involved in discussions on the scheme through Boutham 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)
- Boutham Park Lake, Boutham Park Road, Lincoln (Item 4a)
- Boutham 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 access 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 189th 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

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 10 / SCHEDULE DATE: 06/11/2019**

Item No	Status e.g. CAC	Specific Location	Tree Species and description / reasons for work / Ward.	Recommendation
1	CAC	High Street – raised planter outside Primark	<u>Abbey ward / Carholme ward</u> 1 x Zelkova <u>Fell</u> The tree has extensive damage to the base of the stem, and is also restricting the effective use of CCTV.	Approve and grant consent for works. Replant with a replacement Zelkova; to be located within a suitable position.
2	CAC	Lincoln Arboretum	<u>Abbey ward</u> 1 x Beech <u>Reduce canopy by 20-30%</u> This tree exhibits attack by decay fungi which increases the risk of wind throw – a reduction is hoped to extend to the trees safe life expectancy.	Approve and grant consent for works.
3		Junction of Woodfield Ave – Regent Avenue	<u>Birchwood ward</u> 1 x Malus 'Red Sentinel' <u>Fell</u> Currently retained as standing dead wood.	Approve and grant consent for works. Replant with a replacement Malus; to be located within a suitable position.
4		84 Birchwood Avenue	<u>Birchwood ward</u> 1 x Silver Birch <u>Fell</u> In close proximity to the property; has the potential to cause considerable structural damage.	Approve and grant consent for works. Replant with a replacement Birch; to be located within a suitable position.
5		Boultham park	<u>Boultham ward</u> 1 x Oak <u>Reduce canopy by utilising coronet and fracture pruning</u>	Approve and grant consent for work

			Significant mature tree which has undergone a partial canopy collapse.	
6		Boultham Park	<u>Boultham ward</u> 1 x Beech <u>Reduce canopy to reduce stress loading on basal union</u> This tree is a significant feature of the park and requires management to reduce the risk of catastrophic failure in the future.	Approve and grant consent for works.
7		62 Willis Close	<u>Carholme ward</u> 2 x Rowan <u>Retrospective notice</u> These trees were felled as they were heavily decayed and posed a hazard to residents.	Replant with two replacement Whitebeams; to be located within a suitable position.
8		O/S 18 Fossbank	<u>Carholme ward</u> 1 x Swedish whitebeam <u>Fell</u> Close proximity to the property; causing structural damage to hard surfacing and boundary wall.	Approve and grant consent for works. Replant with a replacement Whitebeam; to be located within a suitable position.
9		Trelawney Crescent	<u>Castle ward</u> 1 x purple plum <u>Fell</u> This tree has recently suffered a partial collapse and poses a risk of further decline due to basal decay.	Approve and grant consent for works. Replant with a replacement Cherry; to be located within a suitable position.
10		13 Bain Street garages	<u>Castle ward</u> 1 x Cherry <u>Fell</u> This tree is currently retained as standing deadwood.	Approve and grant consent for works. Replant with a replacement Euonymus; to be located within a suitable position.
11	CAC	Westgate – Water Tower	<u>Castle ward</u> 1 x Lime <u>Fell</u>	Approve and grant consent for works. Replant with a

			Excavations to the base of this tree have identified a significant risk of failure due to the absence of structural stability within the root systems north easterly quadrant.	replacement Lime; to be located within a suitable position.
12	TPO	Link path adjacent to 200 Fulmar Road	<u>Hartsholme ward</u> 1 x Oak <u>Carry out a 11-20% canopy reduction</u> This tree is overhanging the adjacent property boundary and is in close proximity to the roof of the main residence.	Approve and grant consent for works.
13	TPO	3 Fulmar Road	<u>Hartsholme ward</u> 1 x Pine <u>Fell</u> A large tree suppressing two trees of better form – the canopy is also heavily weighted towards the property.	Approve and grant consent for works. Replant with a replacement Pine; to be located within a suitable position.
14	TPO	6 Adam Close	<u>Hartsholme ward</u> 1 x Sycamore <u>Carry out a 20% canopy reduction</u> The tree is overhanging the rear property boundary and causing damage to garden infrastructure.	Approve and grant consent for works.
15		Blankney Crescent	<u>Minster ward</u> 4 x Birch <u>Retrospective notice</u> These trees were felled as they were retained as standing deadwood.	Replant with four replacement Birch; to be located within a suitable position.
16		24 Barkston Gardens	<u>Minster ward</u> 1 x Hawthorn <u>Fell</u> 90% of the canopy of this tree is currently retained as deadwood; the tree is also	Approve and grant consent for works. Replant with a replacement Hawthorn; to be located within a suitable position.

			affecting adjacent phone lines.	
17	CAC	51 Chapel Lane	<u>Minster ward</u> 1 x Lime <u>Fell</u> This tree is a lapsed pollard which is located in close proximity to the property; this tree has the potential to cause future instability issues.	Approve and grant consent for works. Replant with a replacement Lime; to be located within a suitable position.
18		13 Usher Green	<u>Moorland ward</u> 1 x Hawthorn <u>Fell</u> The tree is located within close proximity to a driveway and is showing considerable trunk decay and die back.	Approve and grant consent for works. Replant with a replacement Hawthorn; to be located within a suitable position.
19		19 Reynolds Drive	<u>Moorland ward</u> 1 x Silver maple <u>Carry out a 30% canopy reduction</u> This species of tree is extremely vigorous and requires significant work to prevent the canopy encroaching over adjoining property boundaries.	Approve and grant consent for works
20		Lincoln Crematorium	<u>Park ward</u> 1 x Maple <u>Retrospective notice</u> This tree suffered a catastrophic collapse and was removed to avoid creating a hazard to the public.	Replace with a Paperbark maple located within a suitable location.

This page is intentionally blank.

Application Number:	2019/0777/RG3
Site Address:	152-154 Browning Drive, Lincoln, Lincolnshire
Target Date:	19th November 2019
Agent Name:	None
Applicant Name:	City of Lincoln Council
Proposal:	Continued use of property as C3 Dwellinghouse (Application for Certificate of Lawfulness).

Background - Site Location and Description

This is an application under Section 191 of the Town and Country Planning Act (as amended) (the Act), to determine the lawful use of the building. The application site is 152-154 Browning Drive a two storey end-terrace building. The application site is situated on the south east side of Browning Drive within Glebe Ward.

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

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 24th October 2019.

Policies Referred to

National Planning Policy Framework

Issues

The only issue that can be considered with this application is the consideration as to whether the applicant has provided sufficient evidence to demonstrate that, on the balance of probabilities, the property has been in use as a dwelling for at least four years prior to the date of this application.

Consultations

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

Public Consultation Responses

No responses received.

Consideration

Sections 191 and 192 of the 1990 Town and Country Planning Act allow for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a Certificate of Lawfulness. A certificate is a statutory document certifying, in the case of an application under section 191, the lawfulness, for planning purposes, of existing

operations on, or use of land, or some activity being carried out in breach of a planning condition.

By virtue of section 191 (2), uses and operations are "lawful" if no enforcement action may be taken against them and they are not in contravention of any enforcement notice which is in force. In this case, for the use to be lawful it needs to be proven, on the balance of probabilities that the property has been used as a dwellinghouse for at least four years prior to the submission of the application.

In determining an application for a Certificate of Lawful Use, the burden of proof is borne by the applicant and the appropriate test is on the balance of probability. For the Council to issue a Certificate of Lawful Use (Existing), it is necessary for the applicant to demonstrate that on the balance of probability the property has been used as a single dwelling (Use Class C3) for at least four years prior to the submission of the application.

The evidence provided is a tenancy agreement, for the property to be occupied as a dwelling, dated December 1996 and a Deed of Assignment dated 2012. Council Tax records also indicate a historic residential use of the property. Prior to 1996 the property was used as a "residential institution" The evidence therefore demonstrates that the property has been occupied as a dwelling for at least four years prior to the submission of the application – the evidence is clear that it has been in this use since 1996. We are satisfied that the evidence submitted that the application meets the tests for a Certificate of Lawfulness in that it has demonstrated that on the balance of probability the property was in use as a dwelling house at least four years prior to the submission of the application.

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

No.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The building was lawfully used as a residential dwellinghouse at least four years prior to the submission of the application and there has been no material change in circumstances that would suggest that a different conclusion should be reached. It is therefore recommended that the certificate be granted upon this basis.

Application Determined within Target Date

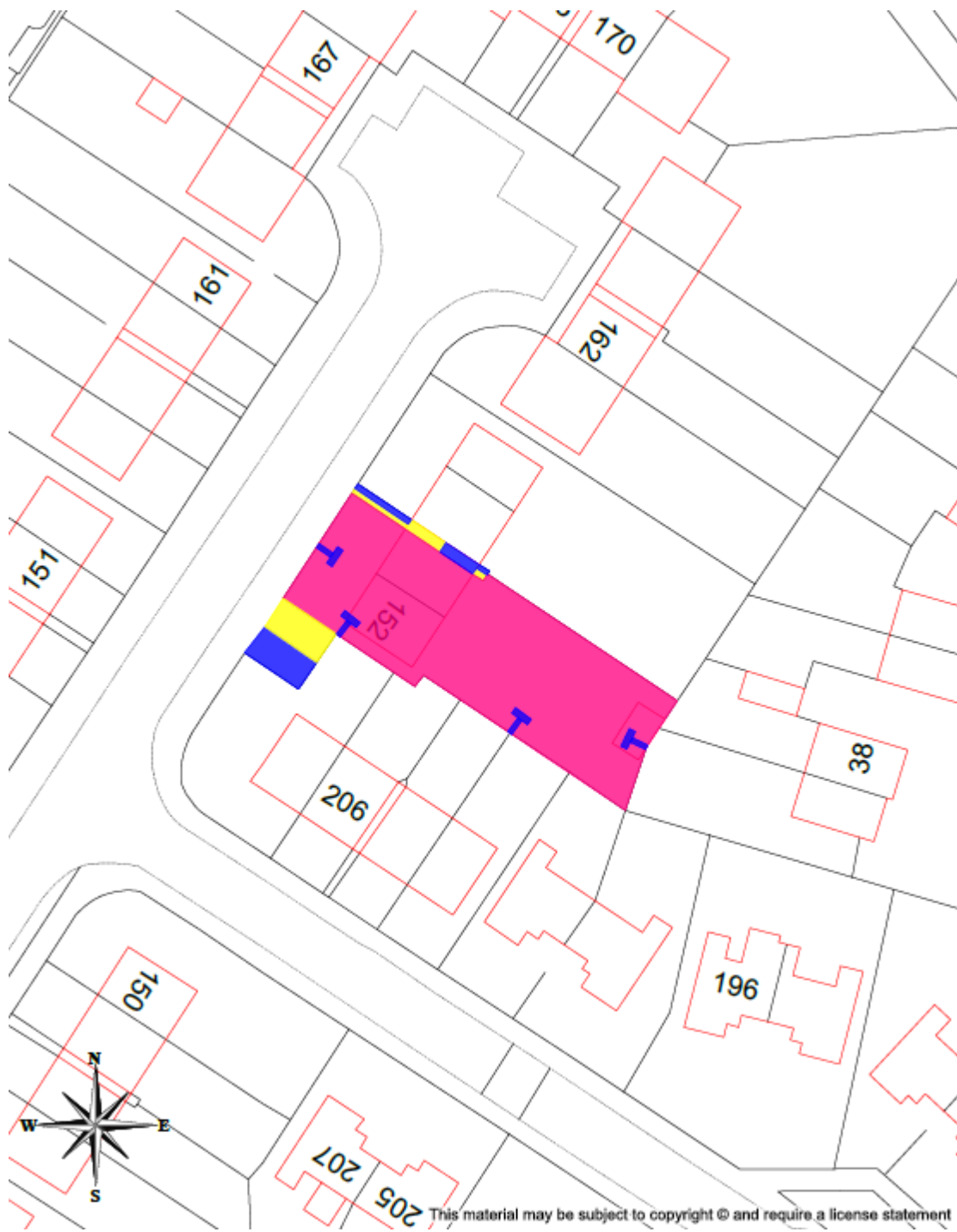
Yes.

Recommendation

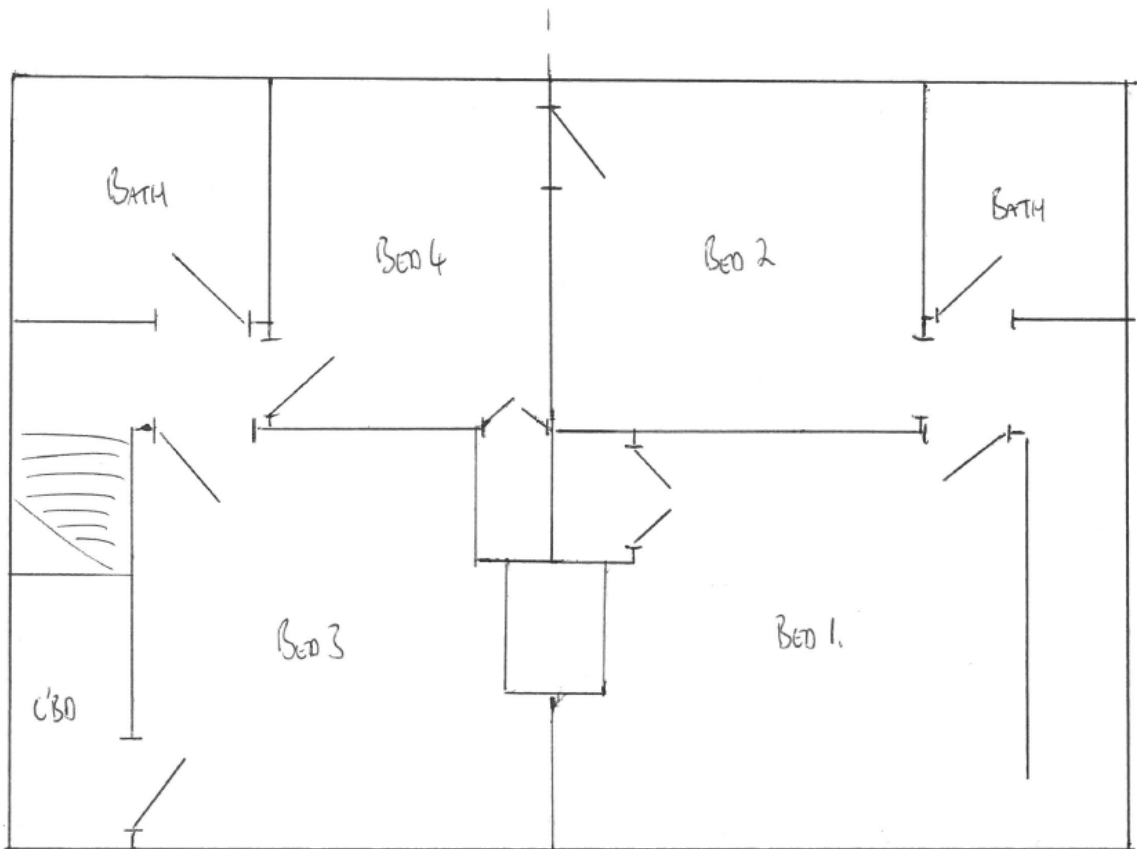
That the application is granted.

This page is intentionally blank.

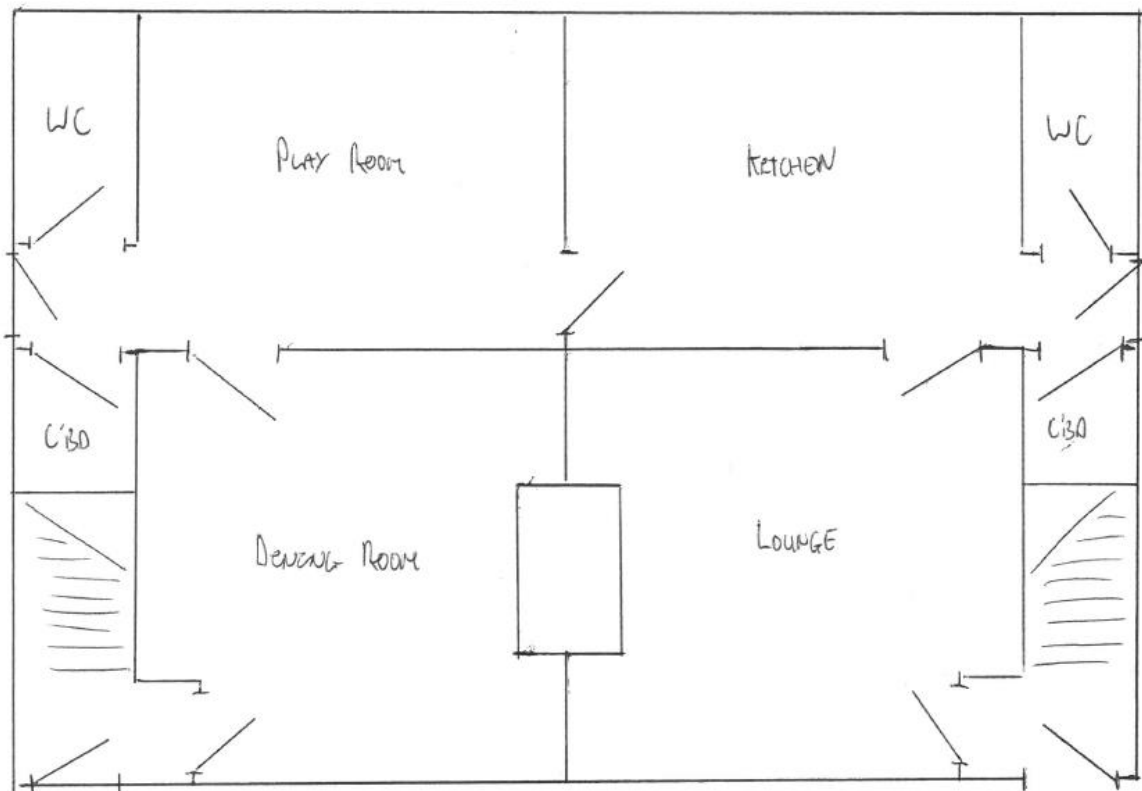
152-154 Browning Drive: plans and site photographs



First floor layout



Ground floor layout





This page is intentionally blank.

Application Number:	2019/0783/RG3
Site Address:	City Crematorium, Washingborough Road, Lincoln
Target Date:	23rd November 2019
Agent Name:	Evans McDowall Architects
Applicant Name:	City of Lincoln Council
Proposal:	Erection of a temporary chapel with associated facilities, vehicular and pedestrian access.

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 has been submitted as part of the ongoing project to enhance the existing services and aesthetics of the original crematorium building. Following the approval of planning permission in July 2019 this application seeks permission for the erection of a temporary chapel and associated facilities and access to replace the services of the crematorium whilst the works take place. The temporary chapel and associated facilities would additionally reduce overall costs and allow the most expeditious programme for the renovation works to the existing building.

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

Site History

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).

2019/0414/RG3 - Proposed Second Chapel including associated infrastructure and landscaping (phase two).

Case Officer Site Visit

Undertaken on 1st October 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	No Objections
Environmental Health	No Objections
Environment Agency	No Comments

Public Consultation Responses

No responses received.

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 erection of a temporary chapel whilst works to enhance the existing facilities take place. The following policies within the Central Lincolnshire Local Plan are therefore 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 facilitate the improvements to the existing building and overall level of service and would have use of the existing car parking facilities without change to the frequency of service. 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 discussed within the Design and Access Statement the location of the temporary chapel has been carefully considered to ensure minimal additional groundworks and removal of trees, the majority of which have previously been granted consent within the application for a second chapel (2019/0414/RG3).

Consideration has been taken in the location of the temporary chapel to respect views into the site and also views from within the site boundary whilst works take place to renovate the existing crematorium building

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 chapel would be a temporary solution to cover the existing level of service whilst works take place to renovate the existing chapel and grounds. Whilst located within the green wedge, the use is temporary, is within the existing site and will have a minimal physical impact on the 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 temporary chapel consisting of a large service hall, waiting, coffin, vestry and music rooms. A further outdoor and floral tribute area is proposed to the south, integral to the main building and gaining access from the front elevation and from the main service area. To the north side of the chapel an ambulance waiting area is proposed for transportation of the coffin to the existing crematory which would remain functional throughout the construction phase.

An additional section of portable cabin buildings would be located to the south side of the chapel, consisting of a reception, office, storage and toilets, with the book of remembrance room accessed from the principle elevation.

The chapel would be located in a similar position to that of the previously approved secondary chapel and would be of a modest size, with a substantial setback offering limited views from the front of the site on Washingborough Road. The proposal would not be considered to have any harmful impact upon the neighbouring uses of the site and would not result in an overall increase in activity, allowing the existing services to continue whilst construction works take place and having no additional impact in terms of noise and disturbance.

3) Impact on Visual Amenity

The chapel would consist of a main marquee constructed from waterproof white fabric with white PVC panel walls to the frontage that can be reconfigured as required. The additional back office and other facilities would make use of portable cabins over clad with external timber with an opaque black membrane positioned behind. Whilst the materials used are of a lesser quality than that granted for the renovations to the main chapel, they are appropriate to its temporary use and would not have any significant impacts upon the visual amenity of the wider area, with limited views from Washingborough Road. The addition of timber cladding to the frontage and main service routes creates a softened appearance against the background of the wider grassed and landscaped area.

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

The proposed location will allow chapel services to continue undisturbed while the work takes place on the main crematorium building. The current access and parking will remain as existing, with the only addition being a layby to bring vehicles into the porte cochere of the temporary chapel. The scheme will not generate any additional car movements, or have any additional impact on the wider highway system.

The new layby will have a tarmac surface to merge with the existing road and areas of additional permeable paths and paving will be created as part of the overall scheme for pedestrian access, allowing for surface water runoff.

Highways and Planning at Lincolnshire County Council have confirmed to have no objections to the proposals in terms of highway access, parking or safety.

5) Impact on Trees, Landscaping and Ecology

A number of trees will be removed in order to carry out the construction of this temporary chapel. The majority of these are already marked for replacement ahead of construction

works beginning for the approved second chapel (phase two). A section of other (low value) landscaping would also be removed to facilitate the access to the new chapel.

As stated within the design and access statement, and in accordance with Council policy, each removed tree will be replaced with two new trees. The location and species of these trees can be conditioned accordingly

The previously submitted ecological appraisal report demonstrates the proposals are to have minimal impact on local wildlife and with no additional parking proposed there would be no further impacts to consider.

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 discuss the requirements of a temporary chapel.

Conclusion

The proposal is required to ensure the essential services are uninterrupted whilst the main renovation and construction works take place. The scheme would reduce construction timescales, allow the site to remain in active use throughout and save costs that can then be used to create further benefit on site.

The proposal would not have any detrimental impact on the amenity of the nearby uses or the visual amenity of the crematorium grounds and wider area, in accordance with the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That planning permission is granted with the conditions set out below

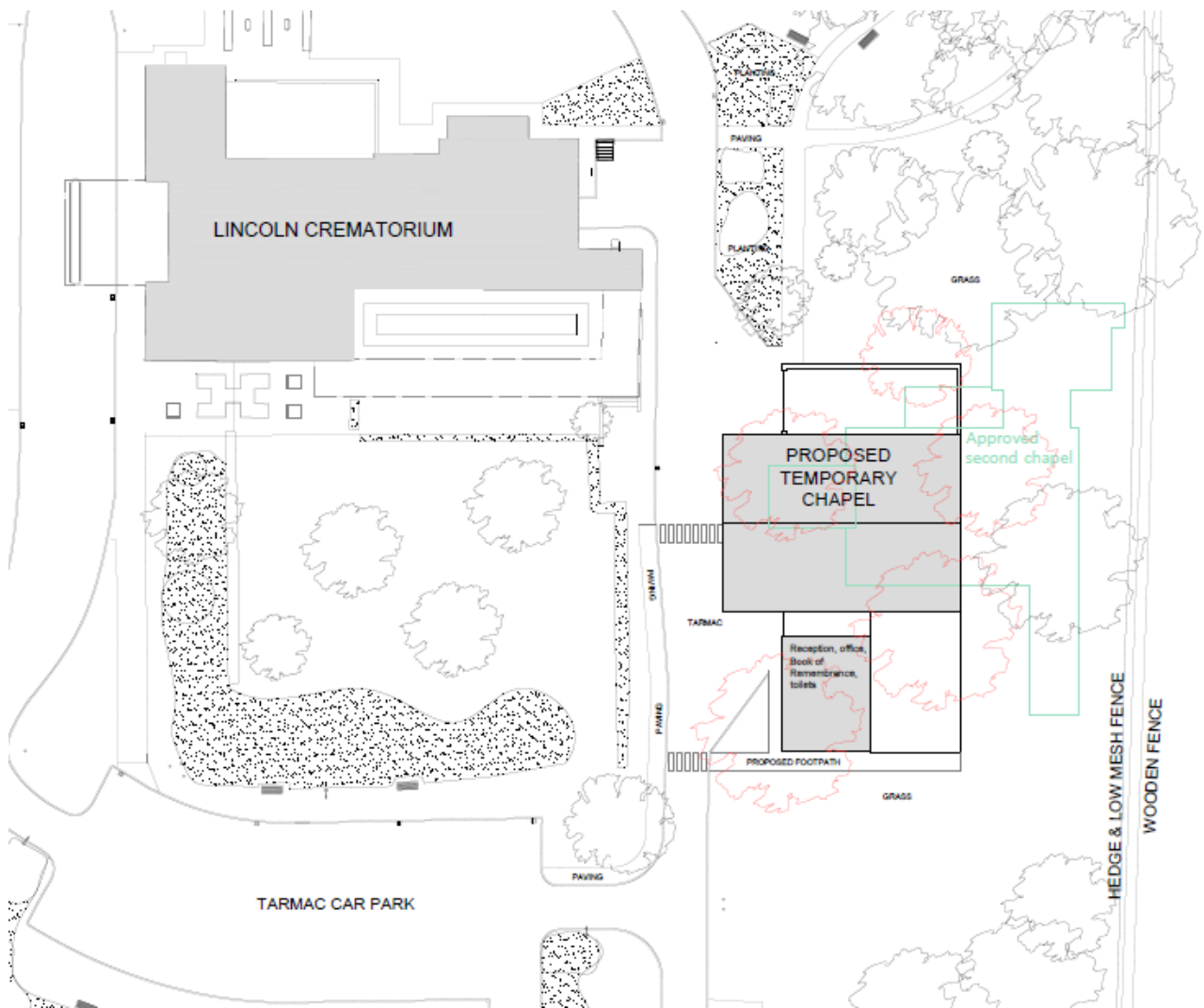
Standard Conditions

1. Development to commence within three years
2. Development in strict accordance with the approved drawings
3. Prior to the commencement of work details of a scheme for the replacement of trees shall be submitted to and approved by the Local Planning Authority.
4. The chapel hereby approved shall be removed from the site on or before 3 years from the date of the commencement of its use. The Local Planning Authority shall be notified of this date in writing.

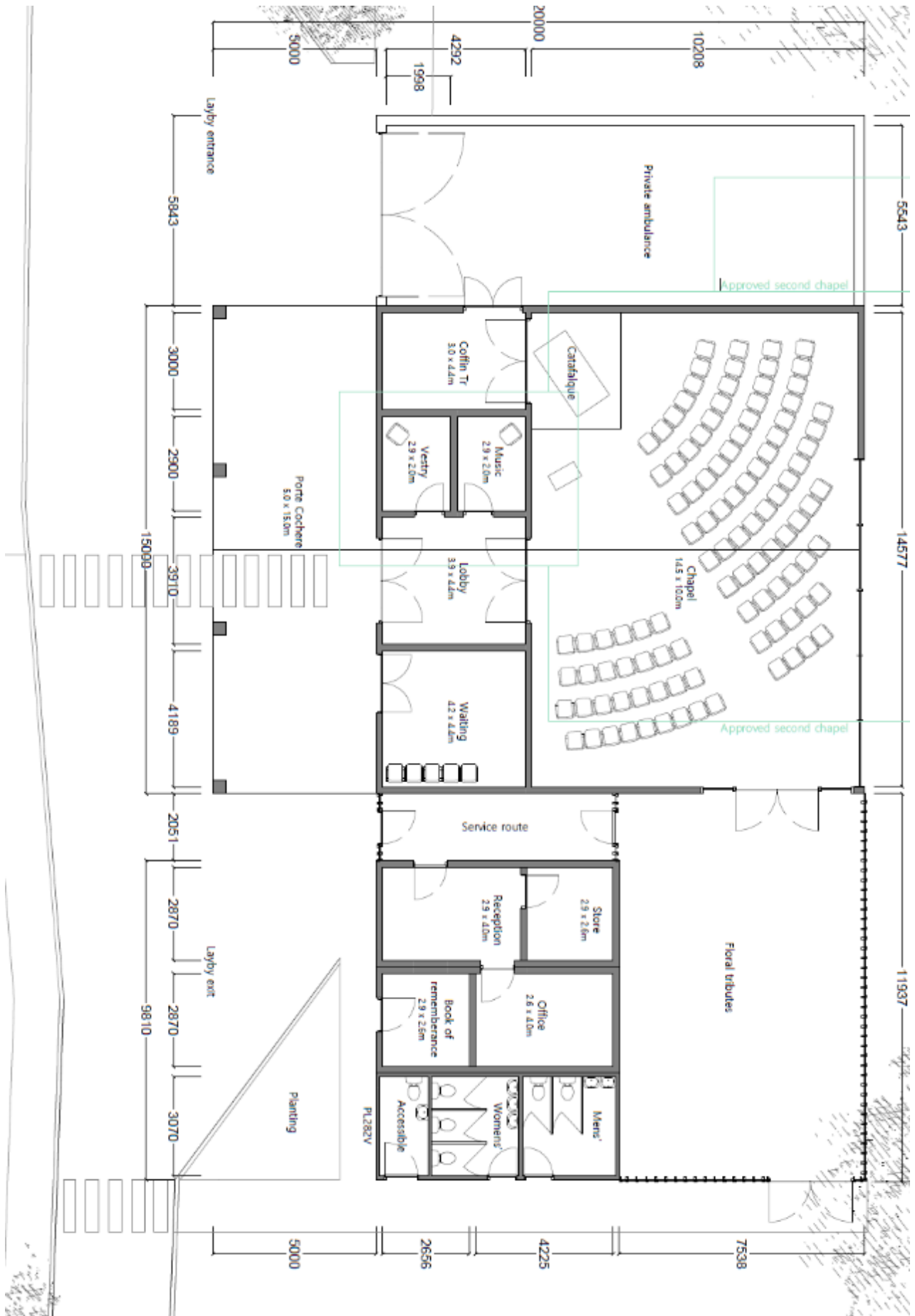
Site location



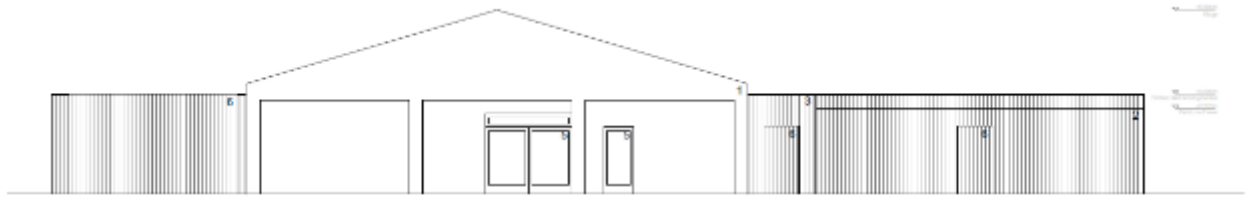
Proposed Site Layout



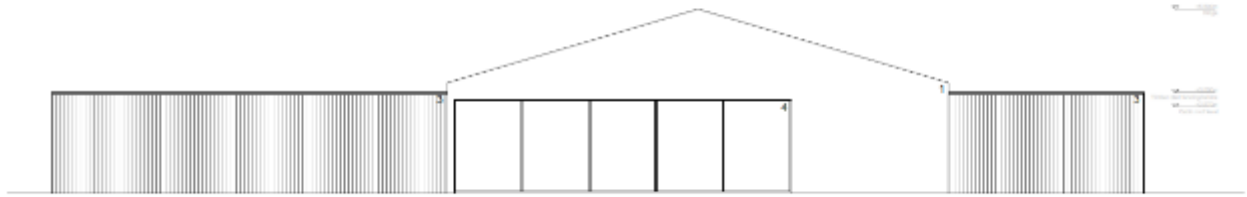
Chapel Block Plan



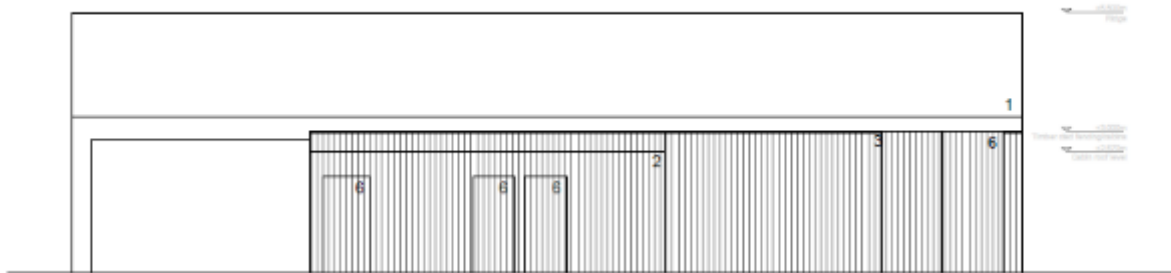
Proposed Elevations



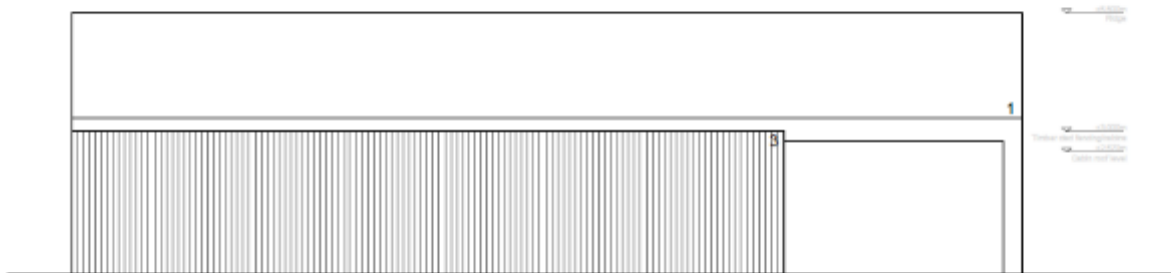
Proposed west elevation



Proposed east elevation



Proposed south elevation



Proposed north elevation

Visuals from Guildford







Site Photographs













Representations

Place Directorate
Lancaster House
36 Orchard Street
Lincoln LN1 1XX
Tel: (01522) 782070



To: Lincoln City Council

Application Ref: 2019/0783/RG3

Description of development

Erection of a temporary chapel with associated facilities, vehicular and pedestrian access.

Address or location

City Crematorium, Washingborough Road, Lincoln, Lincolnshire, LN4 1EF

With reference to the above application received 1 October 2019

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: 17 October 2019

Becky Melhuish
for Warren Peppard
Head of Development

Hello Tom,

Due to the temporary nature of the proposed structure and its design, I confirm that I have no objections to the application as it stands.

Kind regards,

Ian

Ian Wicks
Pollution Control Officer
T 01522 873794



CITY OF
Lincoln
COUNCIL

Together, let's deliver
Lincoln's ambitious future



City of Lincoln Council

City Hall, Beaumont Fee, Lincoln, LN1 1DF

<http://www.lincoln.gov.uk/doitonline>

Read more about **our vision** ►

Coucom, Milly (City of Lincoln Council)

From: LN Planning <LNplanning@environment-agency.gov.uk>
Sent: 02 October 2019 15:03
To: Technical Team (City of Lincoln Council)
Subject: RE: Consultation on Planning Application 2019/0783/RG3

Categories: Milly Coucom

Dear Sir/Madam

The Environment Agency does not wish to make any comments on this application. It does not appear to fit any of the criteria on our consultation checklist, 'When to consult the Environment Agency'. However, if you believe you do need our advice, please call me on the number below.

Kind regards

Rob Edmunds
Planning Advisor
Available Monday – Friday
Lincolnshire and Northamptonshire Area
Environment Agency | Ceres House, Searby Road, LN2 4DW

rob.edmunds@environment-agency.gov.uk
External 02077140585

This page is intentionally blank.

Application Number:	2019/0846/PAD
Site Address:	Ermine West Methodist Church, Trelawney Crescent, Lincoln
Target Date:	16th November 2019
Agent Name:	None
Applicant Name:	City of Lincoln Council
Proposal:	Determination as to whether or not Prior Approval is required for the demolition of disused church building

Background - Site Location and Description

The application site is that of the former Ermine West Methodist Church on Trelawney Crescent. The building has been unused for some time and the application before us proposes the demolition of the building pending the redevelopment of the site for residential purposes.

The application is made by the Council and this is the reason that it is being reported to Planning Committee.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 24th October 2019.

Policies Referred to

There are no relevant policies that address the specifics of this application for demolition – the site is however situated in a predominantly residential area.

Issues

The Local Planning Authority, in considering applications for demolition such as this, is only able to take account of the method of demolition and the manner in which the site will be left after demolition.

Consultations

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

Public Consultation Responses

No responses received.

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, those buildings which are either a dwellinghouse, or adjoining a dwellinghouse are excluded and can benefit from 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 all of the buildings on the site. As the regulations deal with demolition of whole buildings, it is considered that the demolition should be classed as development and therefore 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.

The demolition of the buildings has the potential to impact upon the amenity of nearby residents and as such should be subject to the usual hours of work condition that would be applied to other building operations in the vicinity of residential properties.

The building would be demolished by an approved demolition contractor and following the completion of the works the site is proposed to be laid to grass pending redevelopment.

Conclusion

The means of demolition will be via a conventional contractor – this is not a large building and then the site will be laid to grass.

Application Determined within Target Date

Yes.

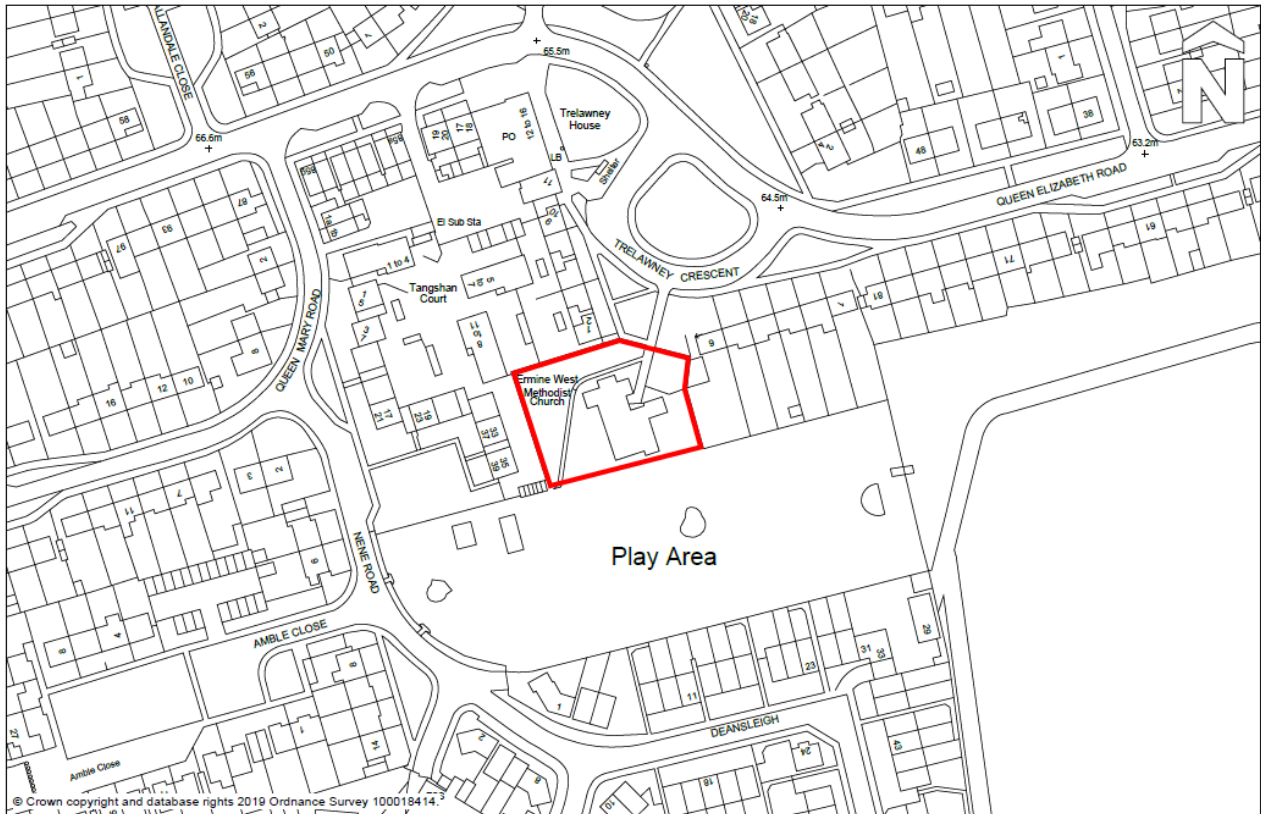
Recommendation

That prior approval is needed for the works and that it is GRANTED.

Standard Conditions

1. The works hereby approved shall only be undertaken between the hours of 7.30am

and 6.00pm Monday to Friday, 7.30am to 1.00pm on Saturday and not at all on a Sunday or Bank Holiday.

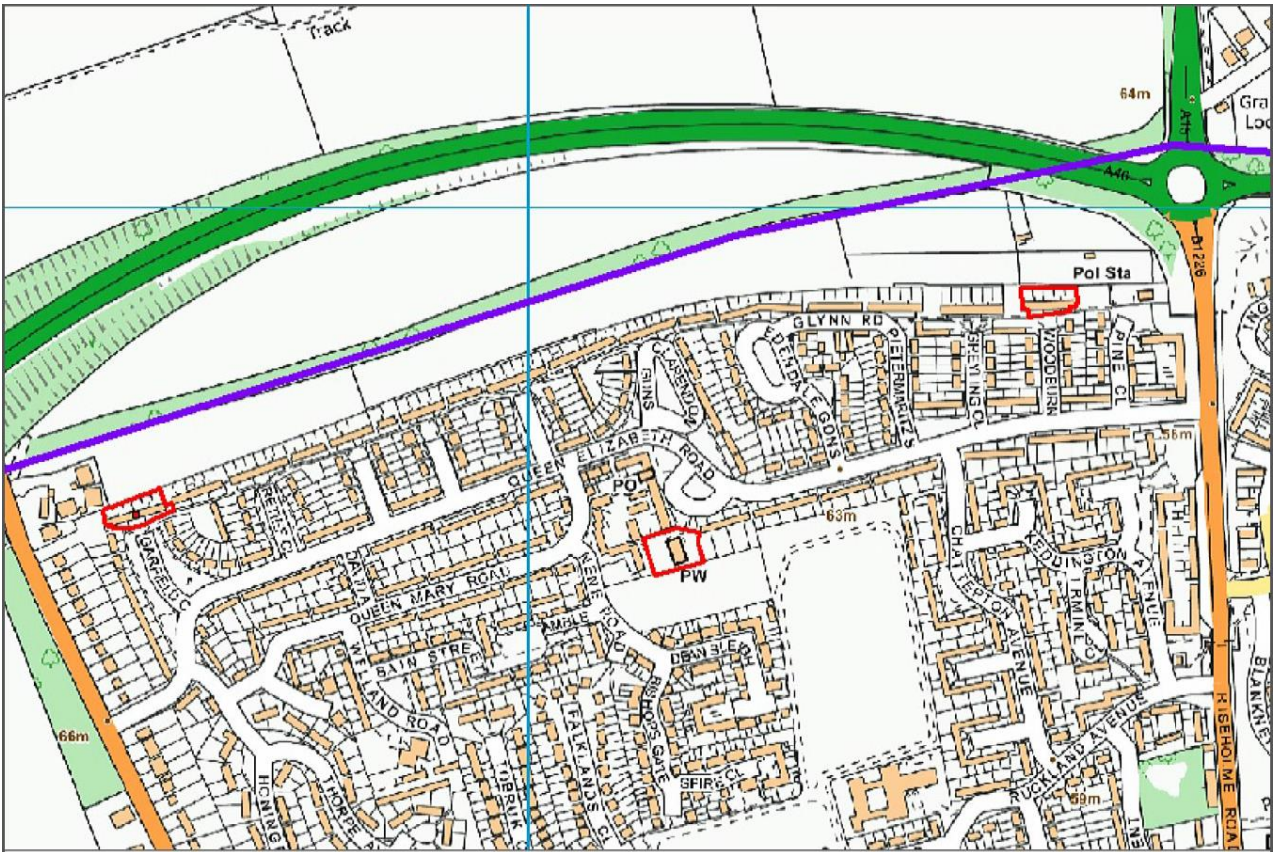


Site Location Plan

Scale: 1:1250 at A4

Version 1: 03-Oct-2019







This page is intentionally blank.

Application Number:	2019/0848/PAD
Site Address:	Garfield View, Garfield Close, Lincoln
Target Date:	16th November 2019
Agent Name:	None
Applicant Name:	City of Lincoln Council
Proposal:	Determination as to whether or not Prior Approval is required for the demolition of block of 12no. flats

Background - Site Location and Description

The application site is the three storey flats known as Woodburn View, which sits at the northern end on Woodburn Close off Queen Elizabeth Road on Ermine West. The application proposes to demolish the block as preparatory works for the development of the site to the north for housing. The site already has planning permission for 325 houses and Garfield Close has been identified as one of at least two points of access. Work is progressing on bringing forward the housing development but in the meantime it is proposed to demolish both this block and also a separate block at the eastern end of the site on Woodburn Close. The latter proposal is the subject of a separate application for demolition.

Site History

2017/1393/RG3 - Erection of 325no. dwellinghouses, including 8no. flats, facilitated by the demolition of existing flats known as Garfield View and Woodburn View. Associated infrastructure and external works including new footpath link to Clarendon Gardens, the provision of new parking bays to Garfield Close and Woodburn Close and hard and soft landscaping and children's play area

Case Officer Site Visit

Undertaken on 24th October 2019.

Policies Referred to

There are no relevant policies that address the specifics of this application for demolition – the site is however situated in a predominantly residential area.

Issues

The Local Planning Authority, in considering applications for demolition such as this, is only able to take account of the method of demolition and the manner in which the site will be left after demolition.

Consultations

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

Public Consultation Responses

No responses received.

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, those buildings which are either a dwellinghouse, or adjoining a dwellinghouse are excluded and can benefit from 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 whole block on the site. As the regulations deal with demolition of whole buildings, it is considered that the demolition should be classed as development and therefore 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.

The demolition of the buildings has the potential to impact upon the amenity of nearby residents and as such should be subject to the usual hours of work condition that would be applied to other building operations in the vicinity of residential properties.

The building would be demolished by an approved demolition contractor and following the completion of the works the site is proposed to be laid to grass pending redevelopment.

Conclusion

The means of demolition will be that of a registered contractor and the conventional nature of the building means that the demolition is not expected to be either complicated or lengthy. There are no objections to the demolition of the block.

Application Determined within Target Date

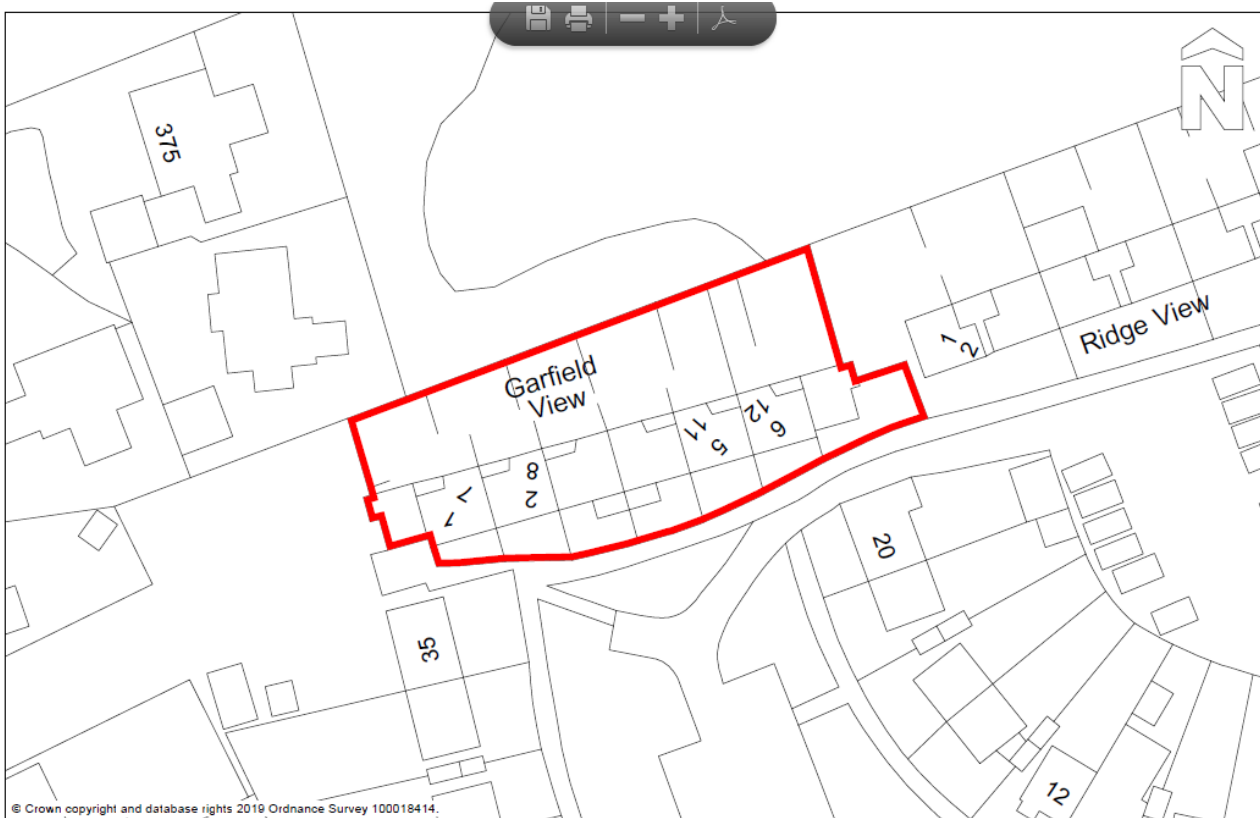
Yes.

Recommendation

That prior approval is required and that it is GRANTED.

Standard Conditions

1. The works hereby approved shall only be undertaken between the hours of 7.30am and 6.00pm Monday to Friday, 7.30am to 1.00pm on Saturday and not at all on a Sunday or Bank Holiday.



Garfield View

Scale: 1:500 at A4

Version 1: 21-Aug-2019



Application Number:	2019/0847/PAD
Site Address:	Woodburn View, Woodburn Close, Lincoln
Target Date:	16th November 2019
Agent Name:	None
Applicant Name:	City of Lincoln Council
Proposal:	Determination as to whether or not Prior Approval is required for the demolition of block of 10no. flats

Background - Site Location and Description

The application site is a block of three storey flats known as Woodburn View, which sits at the northern end on Woodburn Close off Queen Elizabeth Road on Ermine West. The application proposes to demolish the block as preparatory works for the development of the site to the north for housing. The site already has planning permission for 325 houses and Woodburn Close has been identified as one of at least two points of access. Work is progressing on bringing forward the housing development but in the meantime it is proposed to demolish both this block and also a separate block at the western end of the site on Garfield Close. The latter proposal is the subject of a separate application for demolition.

Site History

2017/1393/RG3 - Erection of 325no. dwellinghouses, including 8no. flats, facilitated by the demolition of existing flats known as Garfield View and Woodburn View. Associated infrastructure and external works including new footpath link to Clarendon Gardens, the provision of new parking bays to Garfield Close and Woodburn Close and hard and soft landscaping and children's play area

Case Officer Site Visit

Undertaken on 24th October 2019.

Policies Referred to

There are no relevant policies that address the specifics of this application for demolition – the site is however situated in a predominantly residential area.

Issues

The Local Planning Authority, in considering applications for demolition such as this, is only able to take account of the method of demolition and the manner in which the site will be left after demolition

Consultations

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

Public Consultation Responses

No responses received.

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, those buildings which are either a dwellinghouse, or adjoining a dwellinghouse are excluded and can benefit from 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 whole block on the site. As the regulations deal with demolition of whole buildings, it is considered that the demolition should be classed as development and therefore 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.

The demolition of the buildings has the potential to impact upon the amenity of nearby residents and as such should be subject to the usual hours of work condition that would be applied to other building operations in the vicinity of residential properties.

The building would be demolished by an approved demolition contractor and following the completion of the works the site is proposed to be laid to grass pending redevelopment.

Conclusion

The means of demolition will be that of a registered contractor and the conventional nature of the building means that the demolition is not expected to be either complicated or lengthy. There are no objections to the demolition of the block.

Application Determined within Target Date

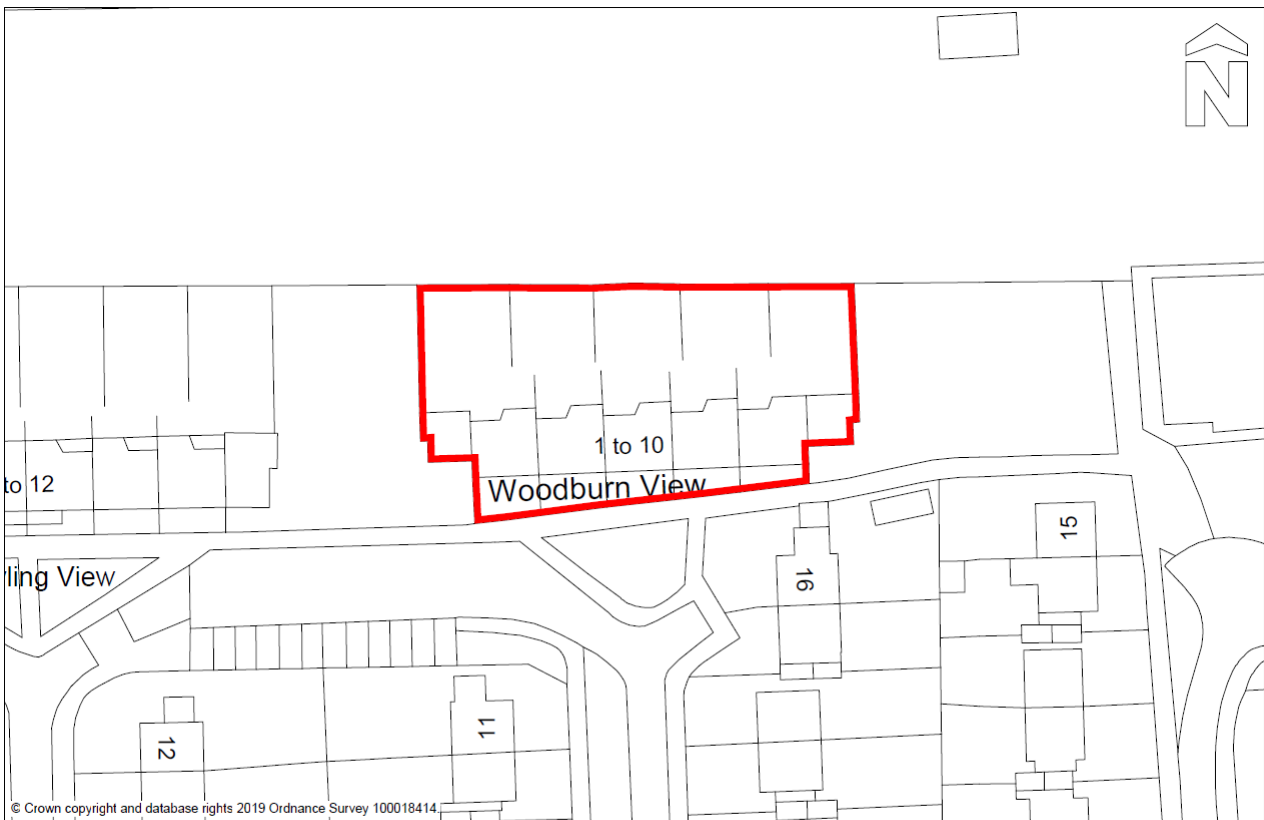
Yes.

Recommendation

That prior approval is required and that it is GRANTED.

Standard Conditions

1. The works hereby approved shall only be undertaken between the hours of 7.30am and 6.00pm Monday to Friday, 7.30am to 1.00pm on Saturday and not at all on a Sunday or Bank Holiday.



© Crown copyright and database rights 2019 Ordnance Survey 100018414.

Woodburn View

Scale: 1:500 at A4

Version 1: 21-Aug-2019



