

Present: Councillor Naomi Twedde (*in the Chair*),
Councillor Bob Bushell, Councillor Biff Bean, Councillor Bill Bilton, Councillor Alan Briggs, Councillor Chris Burke, Councillor Liz Bushell, Councillor Gary Hewson, Councillor Rebecca Longbottom, Councillor Bill Mara and Councillor Edmund Strengiel

Apologies for Absence: Councillor Kathleen Brothwell

91. Confirmation of Minutes - 12 August 2020

RESOLVED that the minutes of the meeting held on 12 August 2020 be confirmed.

92. Declarations of Interest

No declarations of interest were received.

93. Work to Trees in City Council Ownership

Simon Cousins, Planning Team Leader, on behalf of 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 his 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.

Members discussed the content of the report in further detail.

Members requested:

- Further clarification behind the need to fell a Sycamore tree in Abbey Ward described as the current form of the tree preventing effective future management.
- Why the felling of two trees in Minster Ward was a retrospective application.

Simon Cousins, Planning Team Leader, on behalf of the Arboricultural Officer offered the following points of clarification to members:

- The felling of a Sycamore tree in Abbey Ward to the rear of Greetwell Close was necessary as it severely overhung the property boundary to the rear. The tree would need to be taken back to the boundary to make it safe, and in terms of its worth this action would make it unable to regenerate. It was considered appropriate therefore to replace it with a more suitable specimen in a suitable position within the Ward.

- Access to the property at 25 Thurlby Crescent in Minster Ward was through the house only. The property became vacant and it was felt wise to carry out the felling of two trees in the back garden whilst it was empty. Both trees had stem defects with the potential to cause unpredictable collapse. It wasn't practically possible to bring the request to Planning Committee before the works were undertaken, hence a retrospective notice for work undertaken was presented this evening.

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

94. Applications for Development
95. Byron Place, 19 The Colosseum, Lincoln

The Planning Team Leader:

- a. advised that planning permission was sought for two dwellings within a previously developed site at Byron Place, 19 The Colosseum, Lincoln
- b. referred to additional paperwork circulated to members further to the previously issued Planning Committee agenda, containing site location plans, visuals of the proposed dwellings and photographs in relation to this planning application
- c. described the location of the previously built site known as the Colosseum consisting of a crescent of 14 terraced houses with basements and then two full floors of accommodation and a further third floor of accommodation within the roofspace, originally built in 2015 under application (2012/1433/F)
- d. reported that the specific site subject to the current application was granted planning permission for a 'sunken garden' under application 2014/0550/F, the area currently used as garden land by the occupants of No. 19 The Colosseum
- e. confirmed that the two additional dwellings proposed would be attached to the side of No. 19, continuing the crescent shape of the previous development in form and design
- f. described the development accessed from Newport by way of a private road within the ownership of the applicant, following the original scheme of 14 dwellings, a further 4 dwellings and an apartment were constructed directly off the access road and a further 3 dwellings fronting Newport following the demolition of a pair of semi-detached houses under application (2016/0191/CXN)
- g. 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 LP13: Accessibility and Transport
 - Policy LP26: Design and Amenity
 - National Planning Policy Framework

- h. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
- Planning Policy
 - Visual Amenity
 - Residential Amenity
 - Highways, Access and Parking
 - Other Matters
- i. outlined the responses made to the consultation exercise
- j. concluded that :
- The principle of the use of the site for residential purposes was considered to be acceptable in this location.
 - The development would relate well to the site and surroundings, particularly in relation to 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.
 - The application would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies, as well as guidance within the National Planning Policy Framework.

Members highlighted that the current development for two dwellings was clearly linked to the previous scheme for 14 dwellings on site, which had been below the threshold for an element of affordable housing at the time, however over the threshold with the two additional proposed dwellings now applied for. Members referred to the original scheme having been completed for more than 5 years and therefore an affordable housing contribution could not be sought under Policy LP11 of the Central Lincolnshire Plan. They commented on the reality that the two extra dwellings overcame the affordable housing clause

Members further commented as follows:

- There were no planning reasons to refuse the development although there was some element that suggested the sunken garden was to be used as a play area.
- It was important to take note that 10 objections had been received to the proposed scheme out of the 14 residents in total.
- Additional housing stock was badly needed, although pressure should be imposed on Central Government to rethink the nature of planning law in these circumstances.
- It was suggested that planning rules were being manipulated by the developer.
- Objections had been received from local residents in terms of parking issues however, there had been no objection from the Highways Authority in this respect as statutory consultee.

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

- Officers had rigorously checked the completion date for the original development and it was not within the last 5 years.

- The developer had retained ownership of No 19 the Colosseum and rented out the property.
- Open space was provided in the centre of the crescent for local residents use.
- He accepted the views of members of Planning Committee.

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

- To begin within 3 years
- In accordance with drawings
- Contaminated land conditions
- Materials to be those specified on the application, to match existing development
- Boundary treatments to be those specified on the application, to match existing development
- Construction and delivery hours restrictions

96. **Planning White Paper Consultation**

Kieron Manning, Assistant Director – Planning:

- a. presented a report to update Planning Committee on the content of the recent White Paper consultation from Central Government on reforming the planning system
- b. referred to paragraph 2 of the report and outlined the two consultations published by the Government on 6 August 2020 relating to the Planning System, one being a fairly straightforward consultation on proposed changes to the current planning system, the second proposing major changes to the planning system as part of an overhaul by the Government calling our 'outdated and ineffective planning system'
- c. advised that the 'Planning for the Future' White Paper published in early August saw significant changes at both Policy and Development Management stages, the Government had stated that it had the potential to alter the planning system more than any previous reforms since the inception of the planning system in 1947
- d. advised that in the forward to the White Paper, the Prime Minister stated that the government's ambition was to create a planning system which was "simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades"
- e. advised that since 1947 planning applications in England had been assessed on a case-by-case basis against a long-term local plan, with permission ultimately decided by committee
- f. reported that the new system proposed to diminish this, with land instead classified into three zones within a new Local Plan, with outline planning permission awarded automatically if proposals met specific criteria within specific zones

- g. explained that the White paper proposed that the following three categories would apply to all land within a district boundary as part of the local plan allocation process:
- i. Growth
 - ii. Renewal
 - iii. Protection
- h. referred to paragraph 4 of the report and summarised the key proposals covering the following main areas:
- Local Plan Proposals
 - The Role of Councillors and Development Management
 - Public Engagement
 - Section 106 Agreements and Community Infrastructure Levy (CIL)
 - Housing Targets
 - Design
 - Enforcement
 - Delivering Changes
- i. explained the implications of the proposed changes at paragraph 5 of the report
- j. advised that the consultation was open until 29 October 2020 and that subject to the outcome of the consultation, the government “would seek to bring forward legislation and policy changes” to implement its reforms acknowledging that “we have not comprehensively covered every aspect of the system, and the detail of the proposals would need further development pending the outcome of the consultation”
- k. highlighted that the proposals would require primary legislation followed by secondary legislation and an updating of the National Planning Policy Framework
- l. reported that at the time of drafting this report none of the key organisations within the sector had issued their formal response to the White Paper but the Assistant Director – Planning had been part of a number of webinar discussions attended by LGA, DCN,CCN, POS, MHCLG and a range of Council representatives from across the country where many of his concerns had been echoed
- m. added that members of the Central Lincolnshire Joint Strategic Planning Committee had endorsed an officer report highlighting the same planning policy concerns of the White Paper and whilst as a Planning Policy body they would be submitting a formal response to the consultation it had also been agreed that each district would also submit their own response
- n. requested that Members endorse the conclusions of the report together with the suggested response to each question as detailed at Appendix A to the report, and to further recommend to Executive for approval.

Members discussed the content of the report in further detail. The following comments emerged:

Comment: Planning Committee was not seen as a scrutiny body although it scrutinised the reasons why there was agreement or disagreement in relation to particular developments. These new proposals would lose sight of a great deal of this deliberation which was of great concern. Planning Inspectors should have a role to play in new development. There were a lot of concerns should the reforms go ahead

Comment: The proposed reforms would require local people to take a much greater part in the local plan consultation process if they didn't want development in 'their own back yard' as once the Local Plan was decided this would form the basis of what type of houses would be built.

Comment/Question: There was much talk about three zones including a zone of protection. A lot of these areas were already protected. Would these protected areas be extended and how? Would the idea of green protective areas through cities also be extended?

Comment by Chair: The Central Lincolnshire Joint Strategic Planning Committee had voted unanimously not to support the proposed reforms within the Government White Paper as it agreed that local residents should be involved in consultations on local plans. Once that opportunity was gone it would not be available again.

The proposed reforms removed the safety net provided by Planning Committee and development authorities. Residents would lose the ability to have their say. People would feel powerless in their communities'. The Planning Manager had stated that should applications be refused but approved at appeal stage then applicants would also receive an automatic refund of the planning fee which could be quite substantial she believed.

Comment/Question: In terms of street design and facilities for cars, cyclists and pedestrians, how would the proposed reforms affect our relationship with our current statutory consultees e.g. The Highways Authority, Environment Agency Anglian Water Authority?

The Planning Manager offered the following points of clarification:

- Planning fees were calculated on an 'area per dwelling' basis. Significant developments attracted much bigger fees involving thousands of pounds and would make Planning Committee nervous to reflect over potential loss of fees if won at appeal.
- The role of the Planning Inspectorate would still exist under the proposed reforms. One of the ideas was that local planning authorities may be able to adopt their own local plans using inspectors as 'mystery shoppers' to check the plans were being operated correctly.
- In terms of protection zones, the proposed reforms appeared open ended and vague in respect of the 3 proposed zones. All zoning would appear at Local Plan stage with bearing/weight given as to whether or not areas were rolled forward as protection zones.
- The virtue of direction of proposed developments would be a significant requirement for consultees to be involved in at the local plan stage more than they had ever previously been before. Local plan allocation sites were at a high level at the moment subject to finer detail at the time of planning consent. The local authority would have to rely on consultees engaging as part of the local planning process instead of at development stage. Once in

the Local Plan proposed developments would in effect have draft planning permission.

(Councillor B Bushell left the meeting early during the discussion of this item at 6.25pm having a prior engagement to attend.)

RESOLVED that the conclusions of the report be endorsed by Planning Committee together with the suggested response to each question and be recommended to Executive for approval.