

## PLANNING COMMITTEE

**Wednesday, 7 October 2020**

**5.30 pm**

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

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### Virtual Meeting

To join this virtual meeting please visit the following link:

<https://zoom.us/j/91042639555?pwd=SCtBeXIGUjNobWJiaXliNUI4OVRXQT09>

It may be necessary to enter the following meeting ID and passcode:

Meeting ID - **910 4263 9555**

Passcode - **596083**

Alternatively, please join the meeting via telephone by calling 0330 088 5830 using the above Meeting ID and Passcode when instructed.

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

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

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

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# **A G E N D A**

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<b>SECTION A</b>	<b>Page(s)</b>
1. Confirmation of Minutes - 12 August 2020	<b>5 - 12</b>
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Work to Trees in City Council Ownership	<b>13 - 20</b>
4. Applications for Development	
(a) Byron Place, 19 The Colosseum, Lincoln	<b>21 - 32</b>
5. Planning White Paper Consultation	<b>33 - 48</b>

## **THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

### **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 appropriate Planning Information Folder: This is a file with the same reference number as that shown on the Agenda for the Application. It contains 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 Information Folders referred to in the Reports on the Agenda for the particular application or in the Planning Information Folder specified above.
3. City of Lincoln Local Plan: Adopted 26 August 1998.
4. The emerging draft Local Development Framework is now a material consideration.
5. Lincolnshire Structure Plan – Final Modifications 3 January 2006
6. Regional Spatial Strategy – 17 March 2005
7. Applications which have Background Papers additional to those specified in 1 to 6 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 7 above.)

Application No.:	Additional Background Papers
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**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 Naomi Tweddle (*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

**85. Confirmation of Minutes - 15 July 2020**

RESOLVED that the minutes of the meeting held on 15 July 2020 be confirmed.

**86. Declarations of Interest**

No declarations of interest were received.

**87. Work to Trees in City Council Ownership**

Lee George, Open Spaces Officer 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 commended the Arboricultural Officer on his careful choice of replacement trees within the schedule of intended works to trees, in particular that of Spindle trees and Medlar trees which were excellent for wildlife.

Lee George advised that the Arboricultural Officer had done a great deal of homework to enable him to introduce different species of trees. He would pass the members' thanks on when he next saw him.

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

**88. Applications for Development**

**89. 96 High Street, Lincoln**

The Assistant Director for Planning:

- a. reported that planning permission was sought for the erection of a three storey rear extension to facilitate the conversion of 96 High Street to three

Houses in Multiple Occupation (HMOs), one to accommodate 3 bedrooms (Use Class C4), 1 to accommodate 7 bedrooms and 1 to accommodate 12 bedrooms (Sui Generis)

- b. confirmed that the application would retain the existing retail unit fronting the High Street
- c. described the location of the site on the west side of the High Street, on the corner with Princess Street which continued along the south boundary of the site
- d. reported that the ground floor retail unit was currently vacant with the upper floors and a single storey rear off-shoot occupied as a six bedroom HMO, the rear off-shoot would be removed to accommodate the proposal
- e. described further particulars in respect of the site of the proposed development as follows:
  - It was adjoined to 97-98 High Street to the north, to the rear of which was a part two storey, part single storey off-shoot with a first floor balcony accommodating 3A, B, C and D Princess Street.
  - Vehicular access to the site was available to the west adjacent to Princess Street Garage, serving an area of site curtilage to the north.
  - This open portion of the site separated the proposal from 3A-D Princess Street and also other properties to the north, 99 High Street, the rear elevations and yards of 2 and 4 Foster Street as well as flats 1 and 2 St George's Court.
  - The site was located within St Peter at Gowts Conservation Area.
- f. highlighted that the application had been brought to Planning Committee at the request of Councillor Gary Hewson
- g. provided a full site history in relation to the application property as detailed within the officer's report
- h. highlighted that the scheme had been revised during the process of the application to alter the design of the roof at the request of officers and included an additional door to the south elevation and a window to the west
- i. reported that the current re consultation period for the latest revisions was due to expire after this report was finalised, any further representations received in the intervening period would be included in full on the update sheet
- j. provided details of the policies pertaining to the application, as follows:
  - Policy LP25: The Historic Environment
  - Policy LP26: Design and Amenity
  - Policy LP33: Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
  - National Planning Policy Framework

- k. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
- Principle and Policy Context
  - Visual Amenity and Character and Appearance of the Conservation Area
  - Residential and Local Amenity
- l. outlined the responses made to the consultation exercise
- m. referred to the update sheet which contained detailed plan elevations in respect of the proposed development
- n. concluded that :
- The principle of the use was appropriate in this location.
  - The height, scale, mass and design of the extension was considered to be acceptable and would complement the architectural design of the property, also relating well to the surroundings.
  - The character and appearance of the conservation area would accordingly be enhanced.
  - The proposals would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
  - The application was therefore in accordance with the requirements of Central Lincolnshire Local Plan Policies LP25, LP26 and LP33, and guidance within the National Planning Policy Framework.

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

- It was mentioned there were only minor differences to this planning application compared to the previous application for the site, however, the original facility was only entitled to house 15 residents as a House in Multiple Occupation (HMO) although this proposal would add another 7 residents.
- Concern was expressed as to the type of internal facilities the 22 residents would enjoy, being of higher density occupation than previously proposed.
- It was hoped that work would be carried out to refurbish the retail unit at the front of the development on the High Street.
- Lincoln Civic Trust had also expressed concerns regarding the high density occupation of the scheme. If planning permission was granted for this scheme, would the applicant need to apply for a HMO under a separate licence?
- Although there were no issues with the front/south elevational plans, the north elevation was 2.5 metres higher to the eaves level than the previous application. The four flats at the rear of the development would look out onto an oblique blank wall with opaque windows.
- There were issues of overbearing, loss of light and loss of local amenity.
- One of the bedrooms on the first floor measured only 1.6 metres x 3.95 metres inclusive of En suite facilities. Did this meet the minimum requirements for bedroom sizes?
- Some of the bedrooms went below the eaves of the roof onto Princess Street which may impact on usable space.

- There was lack of detail for the scheme in relation to size of skylight windows, refuse facilities, bicycle racks etc.
- What would happen to the two attractive windows at the west elevation to the original building?
- Would replacement windows be subject to a condition to prevent use of UPVC?

The Assistant Director for Planning offered the following points of clarification to members:

- It was clearly evident there was an issue with some of the room sizes proposed for the development.
- All HMO's required a licence to operate which included minimum sizes for the bedrooms, so there was a safety net regarding bedroom sizes which could be taken into consideration although this was under a separate piece of legislation.
- The applicant had an aspiration to refurbish the shop front once the rear element of the development was established.
- There was sufficient detail in the proposals for it to register as a planning application. Officers were always careful in cases with less than generous supply of background information to impose conditions on the grant of planning permission to ensure there were sufficient controls over construction.
- Officers would not be expecting the developer to install UPVC windows, the windows in the High Street frontage would definitely be constructed of timber.
- The scale, size and footprint of the proposed development was the same as that previously submitted. The maximum height was lower, however, the eaves height incorporated at the rear of the development was notable together with the intensity of use. It was within the gift of members to decide whether the increased height had an adverse effect on the amenity of residents.

A motion was proposed, seconded and:

RESOLVED that planning permission be refused.

Reasons:

1. The scale and mass of the proposed extension created an unduly overbearing effect and loss of natural light, harming the residential amenities of the occupants of houses to the north, contrary to policy LP26.
2. The number of bed spaces proposed over-intensified the HMO element of the property and in doing so resulted in an unacceptable level of residential amenity for its future occupants, contrary to Policy LP26.

## 90. **Land Adjacent 22 Saville Street, Lincoln.**

The Planning Team Leader:

- a. described the location of the application site at the bottom of Saville Street adjacent to 22 Saville Street, a derelict and overgrown piece of land informally used for storage,<sup>8</sup> bounded by a mixture of timber, hedges and



palisade fencing, accommodating a dilapidated 1½ storey warehouse and some garages, to be removed as part of the proposals

- b. confirmed the current access to the site, via Saville Street, located at the south east corner, which served as an informal turning area for residents of the street
- c. added that beyond the access the remainder of the south boundary of the site stepped out, which narrowed the end of Saville Street where it joined St. Catherines Court, having two bollards, one in the road and one in the footpath, to stop through vehicles
- d. reported that the Highways Authority had now agreed to take on free gift of the land the subject of the informal turning point from the applicant, which would be maintained by the Highways Authority as a turning point also funding the costs of the transfer and imposition of a Traffic Regulation Order at the end of the street
- e. reported further on the location of the site as follows:
  - The side gable of 22 Savile Street was situated on the side, east boundary of the site, the property had a single off-shoot to the rear with the adjacent yard enclosed by an approximately 1.8m high fence.
  - To the rear of this, along and adjacent to the remainder of the east boundary, were outbuildings within the ownership of neighbouring 20 Saville Street.
  - The rear boundary to the north formed the side boundary with 33 St. Catherines Court and the rear boundaries with 23 and 25 Stanley Street.
  - To the west of the site was an area of landscaping on St. Catherines Court.
- f. stated that the wider area was characterised by traditional two storey red brick terraces on Saville Street with two storey semi-detached and terraced properties on St. Catherines Court
- g. advised that planning permission was sought for the erection of a terrace of five, two storey dwellings facing south, the two bedroom properties would have the benefit of six off-street parking spaces to the front and gardens to the rear, and the proposed development would see the existing access from Saville Street closed off and access to the proposed car park taken from St. Catherines Court
- h. reported that the original proposal for five dwellings in sets of two and three units had been revised during the process of application in response to concerns from officers regarding design and impact on neighbouring properties and had also attempted to address objections from neighbours to the loss of the informal turning space at the bottom of Saville Street which current access to the site provided
- i. reported that the expiry of the re consultation process fell the day after this report was finalised and, at the time of writing, no additional objections or comments had been received, although any representations received in the intervening period would be included in full on the update sheet

- j. provided details of the policies pertaining to the application, as follows:
- Policy LP1: A Presumption in Favour of Sustainable Development
  - Policy LP2: The Spatial Strategy and Settlement Hierarchy
  - Policy LP13: Accessibility and Transport
  - Policy LP26: Design and Amenity
  - National Planning Policy Framework
- k. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
- Principle of Use
  - Visual Amenity
  - Residential Amenity
  - Access, Parking and Highways
- l. outlined the responses made to the consultation exercise
- m. referred to the update sheet which contained a revised officer recommendation and an additional comment received from a member of the public
- n. 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.
  - Matters relating to highways, contamination and refuse were to the satisfaction of the relevant consultees and could be dealt with appropriately by condition.
  - The application was therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP13 and LP26, as well as guidance within the National Planning Policy Framework.

Members commented in relation to the proposed scheme as follows:

- There had been initial concerns regarding residents' comments however officers had worked with the applicant and the Highways Authority to alleviate concerns.
- The development would improve a derelict area and provide affordable housing.
- With an assurance of reasonable hours of working and the turning point being maintained at all times there were no other issues with the building.
- This scheme encompassed good use of urban infilling with affordable housing provided on site.
- This was a well worked out scheme. Officers had worked together with the developer and the Highways Authority to address problems along the way to help local residents.

- One of the consultation responses referred to a petition which was not to be seen?

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

- Members of the public submitting objections on line were able to self-identify their observations as a petition, but in this case there wasn't one.
- Officers had worked with the County Council and the applicant to enable land to be gifted to the Highways Authority to help local residents.

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

- Time limit of the permission
- Development in accordance with approved plans
- Contamination assessment and remediation
- Material samples, including hard surfacing
- Landscaping scheme
- Electric vehicle recharge points
- Development in accordance with approved Construction Management Plan
- Development in accordance with boundary details
- Development in accordance with submitted finished floor levels
- Kerbs to St. Catherine's Court replaced with flush kerbs/blocks
- Obscure glazing to first floor, east facing windows
- Land adjacent to Saville Street to remain open and clear of obstructions
- Construction of the development (delivery times and working hours)
- All windows and doors set in reveal
- Construction of site – turning head not restricted during construction of site.

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

## **1. Purpose of Report**

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

## **2. Background**

- 2.1 In accordance with 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: 07/10/2020**

<b>Item No</b>	<b>Status e.g. CAC</b>	<b>Specific Location</b>	<b>Tree Species and description / reasons for work / Ward.</b>	<b>Recommendation</b>
1	CAC	Lincoln arboretum	<b><u>Abbey Ward</u></b> 1 x Tree of heaven <b><u>Fell</u></b> This tree leans heavily over Monks Road, its exposed root system also exhibits signs of considerable heave which could lead to possible destabilisation and collapse.	Approve works and replant with a cut leaved beech, to be located at a suitable position within the arboretum.
2	N/A	Wragby Road allotments – to the rear of Greetwell Close	<b><u>Abbey Ward</u></b> 1 x Sycamore <b><u>Fell</u></b> This is a self-set tree, approximately 12 metres tall which severely overhangs the property boundary to the rear; the current form of the tree prevents effective future management.	Replace with a Hazel, to be located at a suitable position within the ward.
3	N/A	Boultham Park - located close to the spinney to the south west of the bandstand	<b><u>Boultham Ward</u></b> 1 x Oak <b><u>Fell</u></b> This tree has previously suffered from a partial canopy collapse, as a result a large crack has formed at the base of the main branch union which increases the risk of catastrophic collapse.	Approve works and replant with a replacement Oak within the immediate vicinity.



4	N/A	Derek Miller Court - adjacent to Newland	<p><b><u>Carholme Ward</u></b>  1 x Apple  <u>Fell</u>  This tree is located in close vicinity to an electrical substation and is also shrouding a lamp column; the current form of the tree prevents effective future management.</p>	Approve works and replace with a service berry, to be sited within the grounds of the property.
5	N/A	Tangshan court	<p><b><u>Castle Ward</u></b>  1 x Rowan  <u>Retrospective removal notice</u>  This tree was removed in the interest of health and safety, its removal also facilitated the repair of the adjacent wall that the tree had damaged.</p>	Replace with a bird cherry, to be located at a suitable position within the ward.
6	N/A	72 Goldsmith Walk	<p><b><u>Glebe Ward</u></b>  18 x Leyland cypress  <u>Fell</u>  These trees form a hedgerow which is in close proximity to a privately owned property to the rear of the address– all trees exhibit poor branch architecture which places them at a risk of future failure.</p>	Approve works and replace with native tree species, to be located at suitable positions within the ward.
7	N/A	8 Thornton Close	<p><b><u>Hartsholme Ward</u></b>  1 x Poplar  <u>Retrospective removal notice</u>  This tree was blown down on the evening of the 24<sup>th</sup> of August as a result of a recent storm event.</p>	Replace with a Crab apple, to be located at a suitable position within the ward.

8	TPO	53 Abingdon Avenue	<b><u>Hartsholme Ward</u></b> (T1) 1 x Oak <u>30% Canopy reduction</u> <u>/ crown lift to 4 metres</u> Located in close proximity to the property significantly overhanging the garage roof; squirrels are currently able to enter the garage roof space.	Approve works
9	TPO	53 Abingdon Avenue	<b><u>Hartsholme Ward</u></b> (T4) 1 x Oak <u>Remove lowest north west facing scaffold branch back to branch bark ridge</u> This branch encroaches over the property boundary, reduction in this case is likely to lead to lions tailing.	Approve works
10	TPO	53 Abingdon Avenue	<b><u>Hartsholme Ward</u></b> (T2 & T3) 2 x Oak <u>30% Canopy reduction</u> <u>/ crown lift to 4 metres</u> The canopy of these trees is encroaching over the property boundary; as these trees form a cohesive canopy they require to be maintained as one unit.	Approve works
11	N/A	25 Thurlby Crescent	<b><u>Minster Ward</u></b> 1 x Cherry 1 x Rowan <u>Retrospective removal notice for work undertaken on an empty City owned property</u> Both trees exhibited stem defects which had the potential to cause unpredictable collapse.	Replace with two Box, to be sited at suitable positions within the ward.

12	N/A	The Backies – Moorland Ave	<p><b><u>Moorland Ward</u></b></p> <p>3 x Willow</p> <p><b><u>Pollard</u></b></p> <p>One tree has been damaged as a result of being struck by its partially collapsed companion; pollarding will allow for all three trees to be retained whilst removing the potential of further canopy failures.</p>	Approve works
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<b>Application Number:</b>	2020/0417/FUL
<b>Site Address:</b>	Byron Place, 19 The Colosseum, Lincoln
<b>Target Date:</b>	29th August 2020
<b>Agent Name:</b>	None
<b>Applicant Name:</b>	Mr Howard Roe
<b>Proposal:</b>	Erection of 2no. dwellings.

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

The application proposed two dwellings within a previously developed site. The previously built site consists of a crescent of 14 terraced houses known as the Colosseum. The existing development contains 14 terraced properties with basements and then two full floors of accommodation and a further third floor of accommodation within the roofspace. The original development was built in 2015 under application (2012/1433/F). The specific site subject to the current application was granted planning permission for a 'sunken garden' under application 2014/0550/F. The area is currently used as garden land by the occupants of No. 19 The Colosseum.

The current application proposes two additional dwellings which would be attached to the side of No. 19, continuing the crescent shape of the previous development in form and design.

The development is 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).

Directly to the east of the application site are the rear boundaries of the gardens of No. 187, 189 and 191 Newport.

### **Site History**

Reference:	Description	Status	Decision Date:
2012/1433/F	Erection of 14 terraced dwellings	Granted Conditionally	18th July 2013
2014/0550/F	Creation of a sunken garden. (Revised drawings, Part Retrospective)	Granted Conditionally	27th November 2014

### **Case Officer Site Visit**

Undertaken on 12th August 2020

### **Policies Referred to**

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

### **Issues**

Planning policy  
 Visual Amenity  
 Residential Amenity  
 Highways, access and parking  
 Other Matters

## **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

## **Statutory Consultation Responses**

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received

## **Public Consultation Responses**

Name	Address
Mrs Katherine Sykes-Tobin	1 The Colosseum Lincoln Lincolnshire LN1 3EX
Mr Lee Birkett	Chaucer Place 9 The Colosseum Lincoln Lincolnshire LN1 3EX
Dr John Kevin Teasdale	Keats Place 13 The Colosseum Lincoln Lincolnshire LN1 3EX
Mr Robert Holland	3 The Colosseum Lincoln Lincolnshire LN1 3EX
Mrs joanna Thornton	Miltons Place 6 The Colosseum Lincoln Lincolnshire LN1 3EX
Mr Simon Craddock	Burns Place 7 The Colosseum Lincoln LN1 3EX
Mrs Linda Dick	2 The Colosseum Lincoln Lincolnshire LN1 3EX
Mr Roger Cairns	

Mrs Glenys Cairney	4 The Colosseum Lincoln Lincolnshire LN1 3EX
Mrs Susan Daykin	The Coach House The Colosseum Lincoln

## **Consideration**

### **Neighbour Comments**

Ten objections have been received to the proposed development. These comments mainly relate to: parking and access issues with the current site, loss of sunken garden/play area, maintenance issues within the estate, sewage issues, over development and out of character with the existing development. These issues will be discussed throughout the report and the letters are copied in full with your agenda.

### **Principle of Use in Relation to Planning Policy**

Central Lincolnshire Local Plan (CLLP) Policy LP2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire, including housing. Officers are therefore satisfied that the principle of the residential use is wholly appropriate in this location. Supporting the application would also be in accordance with CLLP Policy LP1 which states that there should be a presumption in favour of sustainable development and planning applications that accord with the policies in the Local Plan will be approved without delay. This presumption in favour of sustainable development reflects the key aim of the National Planning Policy Framework (NPPF).

The proposal is located within a predominately residential area within a previously developed site. Development of the plot would be acceptable in principle subject to other material planning considerations which will be discussed throughout this report.

### **Affordable Housing**

The current development for two dwellings is clearly linked to a previous scheme for 14 dwellings. Policy LP11 states that "If a development scheme comes forward which is below these thresholds and thus does not require the provision of affordable housing, but the scheme is followed by an obviously linked subsequent development scheme at any point where the original permission remains extant, or up to 5 years following completion of the first scheme, then, if the combined total of dwellings (or floorspace) provided by the first scheme and the subsequent scheme/s provide 11 or more dwellings (or 1,000 sqm or more floorspace), then Policy LP11 as a whole will be applied, with the precise level of affordable housing to be provided being 'back dated' to include the earlier scheme(s)." The original scheme has been complete for more than 5 years and therefore an affordable housing contribution cannot be sought under Policy LP11 of the Central Lincolnshire Local Plan.

### **Impact on Visual Amenity**

The site is accessed via a private road approximately 70m from Newport. In terms of impact on visual amenity, the houses, which are four storeys in total, have a basement which sits predominantly below the existing and proposed ground level, with a slightly raised ground floor accessed by three steps from the front. There are then two main floors of residential accommodation with a further floor accommodated within the roofspace with traditional dormers each having a lead clad, barrel vaulted roof. The roof of the houses is of a conventional pitch and is defined at its verge by a parapet and then there are further parapets defining the extent of each dwelling running up to shared chimney stacks. Elevationally, the proposed dwellings are of a traditional design matching those previously developed on the site. The materials would be the same as those used in the original scheme, consisting of Kellaway yellow facing brickwork with a natural slate roof with sliding sash UPVC windows. The two proposed plots would form smaller units than the majority of those previously built, however, given that the development is made up of

a variety of 4 - 7 bedroomed properties it is not considered that two 4 bedroomed properties would appear unduly out of context.

Subject to a condition to ensure the detailing and materials reflect those of the original scheme, officers are satisfied that the proposals reflect the original architectural style of the development and contribute positively to local character, in accordance with Central Lincolnshire Local Plan (CLLP) Policy LP26 and the National Planning Policy Framework.

#### Impact on Residential Amenity

In terms of impact on residential amenity, the main properties that could be affected by the new buildings themselves would be those on Newport to the east, with their rear gardens backing onto the site. The new properties would be positioned behind the rear boundary of No's 187- 191 Newport. The window-to-window distance from the proposed dwellings to the rear of the properties on Newport would be over 55 metres; this relationship is far greater than the minimum distances that are generally recognised as being acceptable (21 metres). It is therefore considered that the development would be sufficiently distanced from these properties in terms of privacy and amenity. Furthermore, there is some vegetation within the gardens on the rear boundary of some of the properties on Newport which will further ensure current levels of amenity are not harmed to an unacceptable degree.

Some of the neighbour objections have raised concern with the loss of the sunken garden on which the proposed development would be positioned. The sunken garden is currently used by No. 19 The Colosseum as additional garden space; however, the occupants of the property are aware of the planning application, have not raised objections and have a dedicated garden which will remain to the rear of the property occupied by them, in common with the other existing houses. It is not considered the loss of the garden space would be detrimental to their residential amenity or to the occupants within the rest of the development.

Officers would therefore conclude that the amenities which neighbouring occupants may reasonably expect to enjoy would not be unduly harmed by or as a result of the development through overlooking, loss of light or appearing as an overbearing structure. It is also considered that the level of amenity for future occupants of the development would be acceptable. The proposal would therefore be in accordance with the requirements of CLLP Policy LP26.

#### Highways, access and parking

The development is accessed via a private driveway from Newport. The Highway Authority have not raised any objections to the proposal for two additional dwellings in this location. Negotiations were undertaken with the Highway Authority during the original application for the 14 dwellings to ensure the access road was built to an appropriate standard for a shared surface and to allow sufficient width of the loop road around the central green for a refuse vehicle to safely enter the site. The common areas within the development site including the access road remain in the ownership of the applicant and it is within his remit to ensure maintenance of these areas. The onus is on the residents to park within their allocated parking space to ensure the estate road remains clear of parked vehicles and accessible to those entering and leaving the site.

The applicant has submitted a drawing showing the allocated parking for both of the proposed properties. This shows an allocated space in the south east parking court as well as a space outside the property for Plot 15 and a garage with a space in front of the garage within the north east parking court for Plot 16. This is in line with the rest of the development and I have no objection to this arrangement, particularly as this is a sustainably located site.

Should any damage be caused to the private road, driveways or entrance gates throughout the construction process, it will be the responsibility of the applicant to ensure this is dealt with; it would, however, not be within the remit of the Local Planning Authority to enforce this and therefore no planning conditions would be appropriate with regard to controlling this issue. Similarly, whilst the applicant has shown there are parking spaces available within the site, it is not



within the remit of the Planning Authority to control or enforce the parking arrangements.

Overall, officers are of the opinion that the proposed additional dwellings would not have an unacceptable impact on traffic capacity or highway safety and would be in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

### **Other Matters**

#### **Contaminated Land**

The City Council's Pollution Control Officer has advised that, due to past uses on the site, there is the potential for significant contamination to be present. The applicant has advised officers that groundworks were undertaken on the proposal site at the same time as the previously constructed scheme although given these reports are now a number of years old it has been suggested that the applicant should undertake an updated investigation. Conditions have been requested which will be attached to the grant of any permission.

#### **Drainage**

The surface water management of the garden will be the same as the existing surface water management approved under the previous planning application, to ensure surface water runoff is disposed of appropriately. The central green effectively acts as a large soakaway to deal with all of the surface water from the dwellings. Officers consider these arrangements are appropriate.

#### **Construction**

The City Council's Pollution Control Officer has also advised that while this is a relatively small development, due to the proximity to neighbouring sensitive uses, there is potential for disturbance due to noise from the construction phase of the development, particularly during the noise sensitive hours. While issues relating to the construction phase are not a material planning consideration a condition restricting the construction and delivery hours will be applied to any grant of permission to help limit any potential impact.

### **Application negotiated either at pre-application or during process of application**

No

### **Financial Implications**

None

### **Legal Implications**

None

### **Equality Implications**

None

### **Conclusion**

The principle of the use of the site for residential purposes is 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 is therefore in accordance with the requirements of Central Lincolnshire Local Plan Policies, as well as guidance within the National Planning Policy Framework.

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

Yes –extension of time

**Recommendation**

That the application is Granted Conditionally subject to the following conditions:

- 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

**Mr Simon Craddock Burns Place 7 The Colosseum Lincoln LN1 3EX (Objects)**

Comment submitted date: Wed 05 Aug 2020

I must agree with several comments on this development. The parking is poor for residents as it stands. I would accept one more house as Tennyson Homes explained to me was the plan when we bought but two is too many.

The foundations and drains were already put in under the "sunken garden" for one house when I looked round the site as the structure neared completion. I was under the impression the sunken garden was to avoid an additional 106 contribution but was to be developed when that had lapsed. I assume this must now be the case....

Any development should be in keeping with the existing properties in the Colosseum circle with only one house similar to the existing development built in the sunken garden. The parking, traffic and additional deliveries would make the development even busier than it is and unsafe for the children who play in the development.

**Mr Roger Cairns Not Available (Objects)**

Comment submitted date: Tue 04 Aug 2020

I OBJECT TO THIS DEVELOPMENT. THE ORIGINAL PLANNING PERMISSION FOR THIS SITE WAS FOR THE CREATION OF A SUNKEN GARDEN.

APPLICATION NO 2014/0550/F. THE INTENTION WAS FOR THIS FACILITY TO BE A BENEFIT TO THE HOMEOWNERS OF THE COLOSSEUM AND AS SUCH WOULD HAVE BEEN TAKEN OVER BY THE MAINTENANCE COMPANY THAT THE DEVELOPER HAS PROMISED TO TAKE OVER THE RUNNING OF THE SITE.

AS SUCH THE DEVELOPER IS IN BREACH OF CONTRACT AND IF PLANNING IS GRANTED THIS LAND IS GOING TO BE SUBJECT TO A LEGAL DISPUTE. AS THE INTENTION WAS TO GRANT THE SITE TO THE MAINTENANCE COMPANY.

THE DEVELOPER DOES NOT MAINTAIN THE SITE. GARDENS ARE UNKEMPT AND GRASS AREAS ARE BEING CUT BY INDIVIDUAL RESIDENTS. PAVING SLABS ARE IN NEED OF RENEWING AND ARE BEING OVERTAKEN BY WEED GROWTH WITHOUT THE INTERVENTION OF RESIDENTS CLEARING THE SITE. THE MAIN GATE IS NOT FIT FOR THE PURPOSE AND IS CONSTANTLY BROKEN AND NEVER REPAIRED FOR MONTHS ON END. THE ACCESS ROAD IS INADEQUATE FOR THE EXISTING 19 PROPERTIES AND THERE HAVE BEEN SEVERAL NEAR MISSES EXITING ON THE BUSY NEWPORT ROAD. THERE HAS ALREADY BEEN A SERIOUS

ACCIDENT WHEN A CONTRACTOR WORKING FOR THE DEVELOPER IN AN UNINSURED VEHICLE SERIOUSLY INJURED A LADY WALKING PASSED THE ENTRANCE.

MANY PROPERTIES HAVE EXPERIENCED SEWAGE PROBLEMS AS THE PUMPING SYSTEM IS INADEQUATE. AN ADDITIONAL 2 PROPERTIES WOULD OVERLOAD THE EXISTING SYSTEM WITH UNDOUBTED CONTAMINATION.

**Mr Robert Holland 3 The Colosseum Lincoln Lincolnshire LN1 3EX (Objects)**

Comment submitted date: Sat 01 Aug 2020

2 additional houses on the Colloseum would reduce the playing area for children by 50% and will have a huge impact on road safety. There is already a problem with access, egress and parking spaces within the Colloseum 2 additional houses will certainly impact on this problem. Due to parking restrictions most of the walkways around the Colloseum have cars parked on them therefore all residents have to walk on the road to get in and out which is not safe particularly for the children.

**Mrs Joanna Thornton Miltons Place 6 The Colosseum Lincoln Lincolnshire LN1 3EX (Objects)**

Comment submitted date: Tue 28 Jul 2020

I object to the proposed development of two dwellings

@ 19 Byron Place, The Colosseum LN1 3EX, on the grounds that the area has already been overdeveloped, with resultant over congestion of vehicles. There is at present often insufficient safe access/turning space for delivery vans and lorries.

**Mrs Katherine Sykes-Tobin 1 The Colosseum Lincoln Lincolnshire LN1 3EX (Objects)**

Comment submitted date: Mon 27 Jul 2020

I object to the proposed planning application for the following reasons : -

- \* Density and over-development of the site, involving loss of garden land or the open aspect of the neighbourhood - 'garden grabbing'.
- \* Adverse effect which the proposed development will have on the residential amenity of neighbours.
- \* Increased traffic generation and Inadequacy of Parking, Loading and Turning space.
- \* The development would adversely affect highway safety and the convenience of road users.
- \* Adverse impact of the development on the character of the neighbourhood.
- \* The proposed development is over-bearing and out-of-scale in terms of its appearance compared with existing development in the vicinity.
- \* Visual impact of the development.

There are only two ' garden spaces ' presently for residents to enjoy an open space area here, one of which is a sunken garden, presently ideally purposed and being enjoyed in the main by the resident children where they can play safely together away from the busy, fast and dangerous thoroughfare that The Colosseum has become. The straight roadway with its 2 small badly spaced speed humps, has become a rat run of speeding vehicles, entering and exiting.

The Colosseum, with the existing number of homes and their vehicles, is already congested with cars that have nowhere to park, and so sadly for pedestrians this frequently means pavements walkways and indeed any visible space is/are being used.... this often even includes the end of driveways blocking other residents from the freedom of leaving in their vehicles. On refuse collection days, many wheelie bins have to be left on the roadway or blocking any pavement space (if it has not already been snapped by an eagle eyed resident wanting somewhere to park), again leaving more pedestrians to walk on the busy narrow roadway, which is not sufficiently wide for two cars to pass. As a wheelchair user, having no choice but to traverse the area in which I live, on the road, I find totally unacceptable. Vehicularly ,turning round within the development is often impossible, even for residents cars but when you add vans and lorries attempting to navigate The Colosseum to unload deliveries etc. and then leave afterwards, it becomes downright dangerous, with cars, vans and lorries frequently having to reverse out on to the main road (This is now even more dangerous with the positioning of the white lined drive entrance areas to the 3 new townhouses, and more importantly their resulting ' advertised open ' parking spaces to the left of the gates on exit.... This has worsened an already accident prone blind spot, both left and right on to Newport) A university lecturer was badly injured a couple of years ago when a vehicle exited The Colosseum, inching out in to the traffic as they couldn't see past vehicles parked on both sides. Several more less serious collisions have happened in the 4.5 years I have lived here, involving both vehicles and pedestrians, both having now increased in number due to the success of our newest University, Bishop Grosseteste. Entering and/or exiting The Colosseum is a feat not to be taken lightly, indeed it often feels almost akin to ' Roadway Russian Roulette ' .

The sunken garden area represents the size of one of the already constructed medium size homes, yet the proposal is for two properties to be agreed. Looking at the appearance of this bold and grand scaled development, these new plans look totally out of character size wise, appearing almost as a ' crammed in ' afterthought to the crescent of houses which we feel is an elegant architectural statement which we value and want to retain.

Thank you for your consideration

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**Mrs Glenys Cairney 4 The Colosseum Lincoln Lincolnshire LN1 3EX (Objects)**

Comment submitted date: Sun 26 Jul 2020

The original planning was for a sunken garden but seems to have been signed off with grit and weeds instead now it is for 2 houses which in my opinion will completely unbalance the site surely it should be an even number to finish the semi circle

Parking already a nightmare at weekends especially cars and vans parked on the pathways and also on the proposed site so where are the extra vehicles to park.

Getting out of the Colosseum (when the gates are working) onto Newport is at times quite dangerous as on a normal working day it is impossible to see cars coming on the right hand side

Finally as residents we have been trying to get the builder to sign over the site to a management committee as agreed in our deeds and replace the faulty gates for over 2 years and he now refuses to do this until his planning is passed I have concerns of how the site will be left on completion

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**Mrs Linda Dick 2 The Colosseum Lincoln Lincolnshire LN1 3EX (Objects)**

Comment submitted date: Thu 23 Jul 2020

My concerns about the proposed construction of two further properties within this development are as follows:

The Colosseum is overdeveloped in a compact site which I feel is out of character with the surrounding properties and any additional houses will compound this.

Parking is already a problem with not enough spaces for the number of people living here or for visitors. The development of two new houses with potentially four additional cars will compound what is already a problem with residents having to park cars all around the development, often blocking in other cars. This is a danger to residents and children who play in the area. It also concerns me that emergency vehicles would not be able to access all properties.

I am also concerned about compounding the problem of access to The Colosseum. Access is narrow, and exiting onto Newport or entering the Colosseum from Newport can be very challenging as there are usually lots of cars near the entrance making it very difficult to see oncoming traffic. Because of the narrow entrance, cars often need to reverse onto Newport which is very dangerous and more vehicles associated with the additional houses will make this problem worse.

Maintenance of the site has by the developer has not been adequate, particularly in relation to the gates at the entrance which were out of order for many weeks earlier this year. The gates are not fit for purpose and regularly do not work properly. I am not confident that this will improve with the addition of further houses.

Thank you

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**Dr John Kevin Teasdale Keats Place 13 The Colosseum Lincoln Lincolnshire LN1 3EX (Objects)**

Comment submitted date: Wed 22 Jul 2020

We would like to raise an objection to the proposed development on the grounds of highway safety and congestion.

Parking at the Colosseum is already crowded and the addition of potentially four more residents' cars, plus the need for visitor parking, and delivery parking, would only exacerbate the problems. When householders have visitors it sometimes leads to cars being blocked-in or else to overspill onto an already congested Newport, particularly when the University opposite is in session. Further pressure on parking could also make the area around the new development more dangerous for pedestrians and for children playing in the area.

On a point of detail, the plans appeared to show two parking spaces outside the two new proposed houses, but I could not see where the other two parking spaces would be. If they were in one of the parking lots at the back it would be important to know which parking lot and how the spaces were divided up to allow access without blocking.

I hope you will give this representation your careful consideration.

Thank you

Kevin Teasdale and Brenda Rush

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**Mrs Susan Daykin The Coach House The Colosseum Lincoln (Objects)**

Comment submitted date: Wed 22 Jul 2020

I feel that this is overdevelopment of an already compact site and the size of the properties is out of character with the surrounding residences.

The application states " there will be adequate parking"

I would dispute this statement.

Currently parking is a problem, in part because allocated spaces are too tight for the size of modern vehicles. There is lack of parking for visitors or delivery vehicles. I was told that visitors would have to park on Newport, not a solution in term time when students at BGU park here or when houses along the road move their vehicle onto the road during daylight.

Two further properties would increase this problem.

Access to The Colosseum is narrow, two vehicles are unable to pass and one has to reverse out of the way. Exiting onto Newport is difficult when cars are parked either side of the entrance. There is lack of visibility from the eastern side until you are well into the road. There has already been an accident when a lady was seriously injured and there have been several near misses that I have witnessed.

When deliveries are being made within the development it is impossible for another vehicle to pass and this would be exacerbated by two more households.

Planning permission was granted in 2014 to create a sunken garden adjacent to No 19. This could have been a very pleasant social space for all residents to enjoy . Full work has never been implemented to create this garden - no steps down from the road, no trees nor grass, just slabs. Until recently it was used as a dumping ground by the builders but was cleared last year for children of No's 18 & 19 to have play area.

No consideration had previously been made to the need for other children on site to have a play area.

I understand that foundations and drainage were put in place for a property to be erected in the sunken garden area at the time of construction of the main site. Were these inspected and passed by building control although there was then no planning permission for them? This indicates intention to build.

As a tenant of The Colosseum I feel that we are being held to ransom over this proposed development.

Maintenance of the site has been sadly lacking on the part of the developer. Lack of mowing of the grassed areas, attention to weeds in the Block Paving road, and repairs to the gates at the entrance to The Colosseum. There have been weeks that the gates have been propped open when they are out of order.

We have been informed that the gates will be replaced by a more open construction that will alleviate the problems of westerly winds hindering operation of the gates, once building works are carried out.

Residents have taken it upon themselves to remove an extremely weeded strip of grass on the e-reader side and area at the main entrance and replaces it with crushed slate. We were ashamed of the unkempt appearance of the entrance to what is an attractive development.

Finally, in fairness to Tennyson homes I would accept the construction of one house of a similar size to current properties.

On purchase of my home it was indicated that this would happen although there was no mention of it on the legal plans within my deeds

**Customer Details**

Name: Mr Lee Birkett

Address: Chaucer Place 9 The Colosseum Lincoln

**Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir

The Colosseum is a gated community with very limited parking. It would be difficult enough with 1 additional dwelling in this enclosed area, but 2 houses with parking for 4 cars would make day to day living intolerable.

Please reject the application for 2 dwellings, and have consideration for the home owners who live here.

Thank you

Lee Birkett

## **Highways & Planning**

Comment Date: Thu 23 Jul 2020

No Objections

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**SUBJECT: PLANNING WHITE PAPER CONSULTATION**

**DIRECTORATE: COMMUNITIES AND ENVIRONMENT**

**REPORT AUTHOR: KIERON MANNING (ASSISTANT DIRECTOR – PLANNING)**

## **1. Purpose of Report**

- 1.1 To update Planning Committee on the content of the recent White Paper consultation from Central Government on reforming the planning system.
- 1.2 To seek agreement to the proposed response to the consultation put forward as part of this report, and to recommend such to the Council's Executive.

## **2. Executive Summary**

- 2.1 The Government published two consultations on 6 August 2020 relating to the planning system. One was a fairly straight forward consultation on proposed changes to the current planning system, the second proposed major changes to the planning system as part of an overhaul of our what the Government are calling our "outdated and ineffective planning system".
- 2.2 The 'Planning for the future' White Paper was published in early August and sees significant changes at both Policy and Development Management stages. The Government have stated it has the potential to alter the planning system more than any previous reforms since the inception of the planning system in 1947.
- 2.3 In the forward to the White Paper, the Prime Minister states that the government's ambition is to create a planning system which is "simpler, clearer and quicker to navigate, delivering results in weeks and months rather than years and decades". When launching the consultation, Housing Secretary Robert Jenrick MP said:

*"Our complex planning system has been a barrier to building the homes people need; it takes 7 years to agree local housing plans and 5 years just to get a spade in the ground... We will cut red tape, but not standards, placing a higher regard on quality, design and the environment than ever before. Planning decisions will be simple and transparent, with local democracy at the heart of the process."*

Since 1947 planning applications in England have been assessed on a case-by-case basis against a long-term local plan, with permission ultimately decided by committee. The new system proposes to diminish this. Land will instead be classified into three zones within a new local Plan, with outline planning permission awarded automatically if proposals meet specific criteria within specific zones.

### 3. Background

- 3.1 The focus of the White paper centres on increasing the availability of new homes. It is widely accepted that there is a shortage of available housing in the UK and there have been a number of attempts in recent years to firstly cite the planning system as the main reason for this shortage, and then to make numerous alterations to both the policy framework and Development Management procedures in an attempt to fix the perceived problem. Despite this context of almost perpetual alteration to the system, authorities across the country approve the overwhelming majority of planning applications and in most cases can do little more to assist in the delivery of more housing.
- 3.2 There are currently between 800,000 and 1m houses that have been granted planning permission across the country but have not been built out, yet the White Paper consultation proposes radical change to the land use planning system as the means to address what is largely an economic problem.

### 4. Summary of the key proposals

- 4.1 The White Paper outlines that broadly speaking the planning system should move to one of zoning as happens in some other countries. To this end it proposes the following three categories would apply to all land within a district boundary as part of the local plan allocation process:

**Growth:** Applications for new homes, hospitals, schools, shops and offices in areas “suitable for substantial development” in Growth zones will be given automatic outline planning permission. Developers will, however, still need to secure reserved matters permission in accordance with locally developed design codes and “site-specific technical issues”

**Renewal:** Proposals in urban areas (i.e. densification and infill), on brownfield sites and relating to “small sites within or on the edge of villages” will be given “permission in principle”

**Protection:** Development will not be permitted in protected areas such as the Green Belt and areas of outstanding natural beauty

#### 4.2 Local Plan proposals

- The government envisages “an altered role” for local plans, and local authorities will be given 30 months to produce new and intentionally stripped back plans. Failure to meet this deadline will result in some form of sanction.
- All Development Management policy in future will be set nationally with the proposals explicitly stating “the National Planning Policy Framework would become the primary source of policies for development management” if the White Paper was enacted.
- New local plans will be restricted to zonal allocation of the three categories and the specific codes and standards to be applied to projects in the development zones need to be detailed at this stage.
- Local planning authorities and neighbourhoods (through Neighbourhood Plans) are seen however as having “a crucial role” in producing design

guides and codes to “provide certainty and reflect local character and preferences about the form and appearance of development”.

- Local Plans would be subject to a single statutory “Sustainable Development test” replacing the existing tests of soundness.
- As the housing targets will be set nationally they propose to remove the 5 year housing land supply requirement but retain the presumption in favour of sustainable development.
- The White Paper also suggests that Local Plans could be adopted by the authority themselves instead of by the Planning Inspectorate via a public enquiry as happens now.
- The length of documentation should be drastically reduced with the focus being web based maps, and all data should be machine readable to a set national standard.

#### 4.3 **The role of Councillors and Development Management**

The proposals represent a fundamental change to the planning system officers and members are familiar with by seeking to:

*“Democratise the planning process by putting a new emphasis on engagement at the plan-making stage. At the same time, we will streamline the opportunity for consultation at the planning application stage, because this adds delay to the process and allows a small minority of voices, some from the local area and often some not, to shape outcomes”*

- Determination deadlines to be firm deadlines of 8 and 13 weeks and no use of extensions of time as happens now. Automatic refunds of the planning fee if not met. In addition, if applications are refused but then subsequently approved at appeal stage then applicants would also receive an automatic refund of the planning fee.
- Requirement for new, more modular software to enable machine readability of data set to national standard to automate routine processes and speed up the process.
- Restriction of volume of supporting data for major applications to just 50 pages and standard nationally set conditions to be used.
- Delegation of detailed planning decisions to planning officers where the principle of development has been established.
- Mandatory net gain for biodiversity set as a condition of most new development and all new streets will be tree-lined.
- NPPF updated to allow a degree of permitted development for Listed buildings and conservation areas for energy efficiency measures and autonomy for suitably experienced architects so that no Listed Building Consent is required.
- The paper also proposes a “quicker and simpler framework for assessing environmental impacts”.

#### 4.4 **Public engagement**

The White Paper promises “world class civic engagement” at the local plan-making stage, with a focus on digitisation facilitating easier public access to planning documents. These will be published online in standardised formats with

“digitally consumable rules and data”, allowing people to respond to consultations on their smartphones. Engagement of the public at planning application stage however, will be significantly reduced as a consequence.

#### **4.5 Section 106 agreements and Community Infrastructure Levy (CIL)**

- Both Section 106 agreements and the CIL would be scrapped and replaced with a new infrastructure levy calculated as a fixed proportion of the value of developments, above a set threshold.
- Allow Local Authorities to borrow against Infrastructure levy revenues so that they can forward fund infrastructure.
- In the short term, the government has proposed that First Homes should make up a minimum of 25% of affordable housing secured through Section 106, up to the introduction of the new levy.

#### **4.6 Housing targets**

- Local Authorities will be bound by targets set using a new “standard method” for calculating local housing need at a national level instead of the locally calculated need at present.
- This new methodology will be based on how many existing homes there are in an area, the projected rise in households, and changes in affordability.
- The new standard method will also be the vehicle for the distribution of the national housebuilding target of 300,000 new homes a year.
- As a result of this change councils will no longer have a “duty to co-operate” with neighbouring authorities when developing local plans.

#### **4.7 Design**

- A new body will be established to oversee creation of local design codes, and each local authority will be expected to employ a chief officer for design and place-making to oversee quality. Local design codes must have community input to be valid, using empirical evidence of what is popular and characteristic in the local area.
- The government has also promised the imminent publication of a National Model Design Code “setting out more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision”.
- In allocated Growth Areas individual site masterplans and codes will be drawn up by the Local Authority at local plan stage. Schemes that comply will be “fast-tracked”. In Renewal areas “pattern books” should be revived by allowing pre-approval of popular and replicable designs through permitted development.

## 4.8 Enforcement

- As local planning authorities are “freed from many planning requirements” the government foresees that they will instead be able to focus more on enforcement across the planning system.
- As such the consultation promises to “review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system” and “introduce more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity”.

## 4.9 Delivering Change

- In order to minimise disruption recently approved plans and existing permissions can continue as planned and they have already introduced new permitted development rights making it easier for businesses to change use and for new homes to be built on top of buildings as well as demolition and rebuild without the need for planning permission.
- In addition they are also consulting on short term measures to:
  - Change the standard method for assessing local housing need
  - Securing First Homes through S.106
  - Lifting the affordable housing threshold from 11 to 40 or 50 units
  - Extending current Permission in Principle to major developments for housing sites
- They will ensure that investment in new public buildings supports renewal and regeneration of town and city centres and explore how disposal of publicly owned land can support the SME and self-build sectors.
- They will develop a comprehensive resources and skills strategy for the planning sector to support implementation.

## 5. Implications of the proposed changes

- 5.1 The notion of streamlining the local plan process in principle is welcomed but the proposals do not provide the detail to assess whether it will deliver positive outcomes, nor do they adequately explain how such streamlining can take place whilst simultaneously expanding public engagement at this stage and increasing the level of work by Local Planning Authorities to create masterplans and design codes as part of the plan. Removing the duty to co-operate will also remove the ability for infrastructure to be considered across boundary in a strategic way.
- 5.2 It is concerning that beyond the local plan stage community and member engagement does not form a prominent role which seems to run counter to the idea that the system will improve such engagement. Local planning Authorities should be empowered and adequately resourced to act as master developers ensuring local plans deliver real change but the extension of Permitted Development rights recently introduced and other measures will firmly erode this role. Recent changes to Permitted Development rights have prevented councils from being able to protect local residents against poor housing standards and poor quality places so it is disappointing to see such rights extended further. In addition the short term plan to increase the affordable housing threshold from 11 to 40 or even 50 will mean that there will be a significant drop in the number of

affordable houses secured in Lincoln as many of our housing sites are below this number.

- 5.3 Whilst having a single charge instead of S.106 and CIL is a good idea in theory the suggested mechanism (setting a minimum threshold below which it won't be charged) could see lower value areas where viability is often an issue such as Lincoln securing very little if any funding. This will be a problem for all forms of necessary infrastructure but in particular will severely hinder our ability to deliver affordable housing. Local Authority borrowing against projected receipts is high risk as the sum collected for one scheme rarely pays for a whole piece of infrastructure, so it would require a financial leap of faith based on a series of assumptions and could lead to significant debt. There is also no mention of how non-financial requirements would be secured as they are currently under S.106 such as the developer providing a school or other community facility in kind.
- 5.4 It is disappointing that with the exception of seeking to introduce a Biodiversity Net Gain as part of development the proposals do not go far enough to meet ambitious targets to reduce carbon emissions and affect climate change.
- 5.5 As councils would be forced to take account of every conceivable eventuality over a 10-year period while developing the new local plans and legally-binding long-term zoning allocations likely to lead to an increase in legal claims from landowners and developers who might see sites zoned unfavourably or undesirably– there is certainly scope within the proposals that rather than simplifying and accelerating the planning process, the White Paper may inadvertently create logjams where currently there are none.
- 5.6 Whilst additional engagement with residents at local plan stage is welcomed it will be very difficult to secure any form of consensus regarding good design as part of any design code work. The paper suggests looking at what is popular and what the area currently has as queues to influence the codes but in many instances neither of these things will lead to good quality design as popularity cannot be relied upon when the country is suffering a housing shortage, nor should reference be taken from many established areas in design terms if those areas are poor quality. It also fails to explain who arbitrates and has the final say on design. In addition using such a formulaic method will hamper innovation, variety and exemplars which are all needed to create high quality places.
- 5.7 Due to the position of our current local plan and the suggested transition arrangements Central Lincolnshire would be in the position where the current local plan review would run its course with implementation in early 2022, and almost immediately after that the new local plan creation would need to commence.
- 5.8 Setting the determination targets of 8 and 13 weeks as hard deadlines and reducing the ability of authorities to use extensions of time will result in more applications being refused as in almost every case the extensions are required to allow for further information from the applicants to be submitted and not because the LPA simply wants more time. As the proposal also includes an automatic fee rebate if refusals are then overturned at appeal this could also significantly increase the financial exposure to the council.

- 5.9 The paper fails to acknowledge the considerable time, expertise and resource required for LPAs to effectively masterplan sites at Local Plan stage and relying on a proportion of the Infrastructure Levy to cover such costs as suggested is unlikely to cover this cost. As submissions will not be allowed to exceed 50 pages to cover all aspects this will need to be front loaded by the LPA at significant cost and time. Archaeology, contaminated land, flood risk assessments, biodiversity statements etc. will all need to be carried out at this stage before sites can be allocated.
- 5.10 Allowing qualified professionals the scope to carry out works to listed buildings is risky as work that is found to be inappropriate or not complying with the rules cannot simply be undone, any features damaged or removed would be lost forever. It is also impossible to create a set of rules for this as every building is different and the value of certain features differs also. Unscrupulous individuals could employ such professionals to achieve the outcome they desire.
- 5.11 There is no detail as to how the new enforcement powers would work in practice. The White Paper is silent on the use of expediency if the rules have been broken, and on whose interpretation of the rules count. Equally it does not explain how the LPA determines whether any breaches have been intentional.

## **6. Next stages**

- 6.1 The consultation is open until October 29 2020. Subject to the outcome of the consultation, the government “will seek to bring forward legislation and policy changes” to implement its reforms acknowledging “we have not comprehensively covered every aspect of the system, and the detail of the proposals will need further development pending the outcome of this consultation”. The proposals will require primary legislation followed by secondary legislation and an updating of the National Planning Policy Framework.
- 6.2 At the time of drafting this report none of the key organisations within the sector have issued their formal response to the White Paper but the Assistant Director – Planning has 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 these concerns have been echoed. Likewise members of the Central Lincolnshire Joint Strategic Planning Committee have endorsed an officer report highlighting the same planning policy concerns of the White Paper and whilst as a Planning Policy body they will be submitting a formal response to the consultation it has also been agreed that each district will also submit their own response.
- 6.3 Appended to this report is the list of questions posed within the White Paper and the response to each question as suggested by officers.

## **7. Organisational impacts**

### **7.1 Finance**

The potential financial implications for the authority are primarily impact on receipts and in-kind provision of infrastructure through section 106 and CIL if the

White Paper becomes national policy. There are however no financial implications in making the response to this consultation.

7.2 Legal implications including procurement rules

There are no legal or procurement issues to consider.

**8. Recommendation**

- 8.1 Members are asked to endorse the conclusions of the report and the suggested response to each question, and to recommend such to the Council's Executive.

**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

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1. What three words do you associate most with the planning system in England?

**Managing sustainable development**

2. Do you get involved with planning decisions in your local area?

**Yes – as the Local Planning Authority we are at the heart of the planning process**

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

**Improved online access in a simpler format is welcome, however as an LPA we have serious concerns over how this data can be made machine readable in a nationally standardised format, and how this will be funded**

4. What are your top three priorities for planning in your local area?

**As an LPA all of the above issues are priority areas for us as ensuring balance between all of these requirements is essentially what the planning system is for. Undue focus on one particular area or issue can result in unintended and negative consequences**

5. Do you agree that Local Plans should be simplified in line with our proposals?

**The principle of speeding up the plan preparation process is supported, but there is concern as to how the expectations for developing a robust evidence base and the meaningful engagement with communities, particularly with the heightened importance of getting design and detailed matters determined for areas and sites being identified for Growth or Renewal. The additional emphasis on design codes and implication of consent for certain allocations means that more detailed work will be required as part of the local plan process which will take more time and cost more money to achieve. The White Paper does not adequately explain at what scale such codes and allocations should apply and how LPAs are meant to resource this costly work that is usually dealt with by planning consultancies working on behalf of an applicant and using a range of specialist consultants (Highway specialists, archaeologists, flood risk experts, ecologists, urban designers etc.) the majority of whom are not part of LPA teams partly due to the continual reduction to Local Authority resources in recent memory, and partly because this has rightly always been the responsibility of applicants and not a cost to the tax payer.**

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

**The standardisation of such generic policies is generally supported, but it is essential that they have adequate coverage for the entire country and that it provides enough flexibility for LPAs to take a local approach to locations where a different approach is needed, with green wedges or Areas of Landscape Value for example in the Central Lincolnshire context, with a strong likelihood of success at examination. Caution is also needed to ensure that the Government does not subsequently amend these generic policies changing the protection that they offer as this could undermine location-specific policies and could leave areas without adequate protection.**

- 7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

**In principle, the idea of streamlining Local Plan procedures including tests of soundness and Sustainability Appraisal are welcomed. However the importance and thoroughness in particular of SA must not be effectively ‘watered down’ through any streamlining as SA sits at the heart of good decision and plan making.**

- 7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

**It is difficult to see a method for achieving this in the absence of a duty to co-operate**

- 8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

**The principle of setting housing requirements nationally is supported as it will remove the lengthy and time consuming debate locally, but there has to be a reality check on the outcomes of this otherwise the national targets will not be achieved.**

- 8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

**Yes-the principle of taking into account local affordability and the size of existing urban areas is a sensible one. However in areas where joint plans are produced this needs to be carefully considered to ensure sufficient**

**levels of sustainable development take place to support communities and to support growth and regeneration especially in areas of deprivation.**

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

**In theory this is a good idea but there is serious concern that there is an absence of understanding around the amount, complexity and cost of work required at the local plan stage to accommodate this goal as many technical constraints could prevent allocation even in principle. This process will also take more time which runs counter to the other clear goal of speeding up the process**

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

**See response to 9a as this is also largely the case for Renewal allocations**

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

**Possibly, although large sites and whole new settlements by their very nature are complex developments to bring forward and therefore require significant lead-in time and careful infrastructure planning to be delivered alongside.**

10. Do you agree with our proposals to make decision-making faster and more certain?

**No. Applications are already dealt with as quickly as Local Authority resources allow and the use of extensions of time are invariably at the request of the applicants and so they are happy to follow this route. By eliminating Extensions of time it will result in more applications being refused and/or due to the proposed sanctions around refunds at appeal could see poor development approved due to the consequent financial risk to the authority. By delegating decision making down to planning officers it also runs a risk of lack of consistency in decision making. Planning is a complex process and cannot be over-simplified to attempt to increase certainty in the same way that the law is complex and needs detailed bespoke interpretation, nuanced decisions and therefore also cannot be over-simplified to increase certainty.**

11. Do you agree with our proposals for accessible, web-based Local Plans?

**In theory yes although there is no detail in terms of how this will work, how long it takes, will it be retrospective and how is it funded? LPA's will need**

**to be provided with substantial additional resources including staff, IT support, training and IT equipment in order for this to be delivered successfully.**

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

**No. Whilst the ambition of shortening the process as far as is practicable is welcomed, the required work to enable allocations to effectively benefit from outline permission, the creation of design codes etc. is likely to take longer than the current process unless significant resourcing is given to each authority.**

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

**Yes**

13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

**Similar to the response to Q11, in order for NP's to move towards a more digital basis, significant levels of training, support and IT knowledge will be required especially supporting local groups, Town & Parish Councils undertaking NP's.**

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

**Yes, although the evidence is clear that across the country planning authorities have already and continue to play their part by issuing timely planning permissions so there is little more that can be done to ensure delivery. Instead of seeking to impose sanctions on a sector that already delivers, measures that apply to land agents and major house builders should be implemented if we are to see increased delivery. Measures such as charging council tax per property if not constructed after a prescribed period beyond the consent and based on standardised delivery rates for the area should seriously be considered as they are more likely to be effective**

15. What do you think about the design of new development that has happened recently in your area?

**At Lincoln we pride ourselves on achieving the best design outcome possible for each site, taking into account all planning constraints. Design**

however is subjective so it is not possible to achieve collective unity of opinion on the built environment. It is important that we consider context, separate taste preferences from good design and use both creativity and pragmatism in securing a solution

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees - **all of the above as we cannot achieve sustainable growth without each area**

17. Do you agree with our proposals for improving the production and use of design guides and codes?

**No. Whilst the use of design codes in certain limited circumstances – such as part of urban extension planning can be a useful tool, considering the built environment in this way is far too simplistic. Codes won't work for huge parts of the country. Areas which are rightly characterised by their significant variety in terms of design, materials, streetscape would be impossible to deal with in this manner. It also creates undue uniformity and lack of variety as well as stifling innovative and clever bespoke design solutions. The answer is to upskill planning authorities specifically in relation to urban design and then increase the weight given to design in decision making within the policy framework nationally and locally. In addition as design is subjective it will be impossible to secure a consensus with the local community and whilst increased input should be welcomed at local plan stage we express a note of caution about allowing the local community to direct the design approach of an area – particularly when as suggested we use local popularity as any form of measure. In the context of a national housing crisis where demand is far outstripping supply how can 'what is popular locally' be relied upon as a measure of design quality that should be replicated? Furthermore who arbitrates on a solution where the community either disagree with each other or disagree with the trained, experienced professionals**

18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

**Yes. Having a Chief Officer responsible for design and place-making is a positive step and a new body to support this approach is also welcomed. However, the focus should be about upskilling local authorities to secure good design on a site by site basis as opposed to guidance on creating design codes**

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

**Yes**

20. Do you agree with our proposals for implementing a fast-track for beauty?

**No. Good design should be an absolute pre-requisite on all sites and focus should be about equipping local authorities to confidently refuse poor or even mediocre design every time. The legislation needs to be couched to support 'is it good enough to approve' instead of 'is it bad enough to refuse'.**

21. When new development happens in your area, what is your priority for what comes with it?

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

**Planning is about delivering all of the above in a balanced way. Focusing on one area to the detriment of others will result in a poor place**

22(a). Should the government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

**Whilst having a single tariff is a sensible approach in theory the idea falls apart for huge parts of the country which will be caught in the consequent viability gap. In these locations there may be little if any infrastructure levy secured and so the ability to secure any infrastructure would be lost. Furthermore there is no mention as to how non-financial contributions would be secured as they are currently under S.106**

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

**Locally**

22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

**If authorities have a sound local plan then it shouldn't be possible to secure more, nor less than the current system as this has been calculated locally as part of the local plan process and based on localised evidence**

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

**There is no objection to allowing this flexibility but we would object if this became an expectation or even requirement due to the significant risks around pay back as it is based on presumed delivery. This again is more of an issue in areas of lower slower growth and/or areas with marginal viability**

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

**Yes but unsure how this would be achieved in practice**

24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

**Yes**

24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

**Either. However, in the context of a place like Lincoln this is largely academic because by attempting to secure affordable housing through an Infrastructure levy that is set at a threshold that allows for viability of the most challenging sites will mean that very little affordable housing is delivered at all**

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

**Yes. See response to 24(b)**

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

**No. If the system is to work as suggested then the quality of the affordable units should be assured in the same way as the market houses**



25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

**Given that this is the proposed method for securing all infrastructure requirements associated with new development, the more flexibility given to Local Authorities the better**

25(a). If yes, should an affordable housing 'ring-fence' be developed?

**This would be a good method for prioritising affordable housing delivery but given the concerns expressed under 24b this is then likely to be to the detriment of all other necessary infrastructure**

26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

**The principle of wider and greater engagement by local communities from diverse backgrounds in the planning system is inherently a 'good' thing. The reality of delivering it is entirely different. Arguably the Town & Country planning system is already the most publicly consulted process delivered by Local Authorities. The general public mainly get involved in planning when it directly effects them e.g. a development taking place where they live as opposed to commenting on a Local Plan which appears somewhat more abstract and remote to them. This consultation is light on the detail on the practicalities and realities around greater and more meaningful public engagement from more marginalised sections of the community at the local plan stage, and why it is deemed to be positive to significantly curtail this engagement at the Development Management**