

## PLANNING COMMITTEE

**Wednesday, 24 February  
2021**

**5.30 pm**

**Virtual Meeting**

- 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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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 ask you to speak at the relevant time.

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### VIRTUAL MEETING

**Join from a PC, Mac, iPad, iPhone or Android device:  
Please click this URL to join.**

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**Passcode: 722718**

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**Webinar ID: 925 3131 4259**

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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 -22 January 2021   | <b>5 - 8</b>     |
| 2. Declarations of Interest   |                  |
| <p>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.</p> |                  |
| 3. Work to Trees in City Council Ownership  | <b>9 - 12</b>    |
| 4. Confirmation of Tree Preservation Order 159  | <b>13 - 16</b>   |
| 5. Applications for Development   |                  |
| (a) 7 The Avenue, Lincoln   | <b>17 - 44</b>   |
| (b) Flat 1, 7 The Avenue, Lincoln   | <b>45 - 56</b>   |
| (c) 2nd Floor Flat, 7 The Avenue, Lincoln   | <b>57 - 68</b>   |
| (d) Garage, Rosebery Avenue, Lincoln  | <b>69 - 114</b>  |
| (e) 238 Nettleham Road, Lincoln   | <b>115 - 132</b> |

## THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (AS AMENDED)

### LIST OF BACKGROUND PAPERS FOR PLANNING, LISTED BUILDING, CONSERVATION AREA AND ADVERTISEMENT APPLICATIONS ON THE AGENDA OF THE PLANNING COMMITTEE

The Background Papers for the Planning, Listed Building, Conservation Area and Advertisement Applications are:

1. The Planning Application File. This is a file with the same reference number as that shown on the Agenda for the Application. Information from the planning application file is available online at <https://development.lincoln.gov.uk/online-applications/>

The application files contain the following documents:

- a. the application forms;
  - b. plans of the proposed development;
  - c. site plans;
  - d. certificate relating to ownership of the site;
  - e. consultation letters and replies to and from statutory consultees and bodies;
  - f. letters and documents from interested parties;
  - g. memoranda of consultation and replies to and from Departments of the Council.
2. Any previous Planning Applications referred to in the Reports on the Agenda for the particular application or in the Planning Application specified above.
  3. Central Lincolnshire Local Plan – Adopted April 2017
  4. National Planning Policy Framework - March 2012
  5. Applications which have Background Papers additional to those specified in 1 to 5 above set out in the following table. These documents may be inspected at the Planning Reception, City Hall, Beaumont Fee, Lincoln.

APPLICATIONS WITH ADDITIONAL BACKGROUND PAPERS (See 5 above.)

Application No.: Additional Background Papers

## **CRITERIA FOR PLANNING COMMITTEE SITE VISITS (AGREED BY DC COMMITTEE ON 21 JUNE 2006 AND APPROVED BY FULL COUNCIL ON 15 AUGUST 2006)**

### **Criteria:**

- Applications which raise issues which are likely to require detailed first hand knowledge of the site and its surroundings to enable a well-informed decision to be taken **and** the presentational material at Committee would not provide the necessary detail or level of information.
- Major proposals which are contrary to Local Plan policies and proposals but which have significant potential benefit such as job creation or retention, environmental enhancement, removal of non-confirming uses, etc.
- Proposals which could significantly affect the city centre or a neighbourhood by reason of economic or environmental impact.
- Proposals which would significantly affect the volume or characteristics of road traffic in the area of a site.
- Significant proposals outside the urban area.
- Proposals which relate to new or novel forms of development.
- Developments which have been undertaken and which, if refused permission, would normally require enforcement action to remedy the breach of planning control.
- Development which could create significant hazards or pollution.

So that the targets for determining planning applications are not adversely affected by the carrying out of site visits by the Committee, the request for a site visit needs to be made as early as possible and site visits should be restricted to those matters where it appears essential.

A proforma is available for all Members. This will need to be completed to request a site visit and will require details of the application reference and the reason for the request for the site visit. It is intended that Members would use the proforma well in advance of the consideration of a planning application at Committee. It should also be used to request further or additional information to be presented to Committee to assist in considering the application.

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

**Apologies for Absence:** Councillor Kathleen Brothwell

**111. Confirmation of Minutes -02 December 2020**

RESOLVED that the minutes of the meeting held on 2 December 2020 be confirmed.

**112. Declarations of Interest**

No declarations of interest were received.

**113. Applications for Development**

**(a) The Moorland Centre, 3 Moorland Way, Lincoln**

The Assistant Director for Planning:

- a. described the location of the application as being to the west of Tritton Road, accessed via Moorland Way with the 'entry only' access off Moorland Way also serving the Elite Fish and Chip Shop restaurant, located to the south east of the application site, as well as the Marks and Spencers Foodhall and Co-operative Travel, located to the south west. The exit from the main car park, which could also be used as an access, was located to the west of the site, adjacent to the Marks and Spencers Foodhall. The exit returned customers onto Moorland Way, which looped around the rear, north west and side, north east and of the application site.
- b. advised that planning permission was sought for the demolition of the existing Moorland Centre to provide a foodstore (Use Class E), two retail units (Use Class E) and a drive-thru restaurant (Use Class E)/ The application also proposed alterations to the existing car park, the creation of a new car park and associated external works, including landscaping.
- c. reported that the existing Moorland Centre building was vacant, formerly occupied by Downtown, and sat at the north corner of the application site with the existing car park to the south. The proposed foodstore, to be occupied by Aldi, and adjoining retail units would also sit towards the north corner of the site but would have a significantly smaller footprint than the existing building. This would allow a new car park to be provided to the front, south east of the building and an additional access point from Moorland Way. The proposed drive-thru restaurant would be located beyond the car park, adjacent to the existing access. It was proposed that the works would be constructed in two phases, with phase one comprising the Aldi foodstore, drive-thru restaurant and associated car park and landscaping works. Phase two, the two retail units, would be constructed at a later date once interest had been confirmed.

- d. reported that along Moorland Way were a number of mixed use industrial and commercial units. To the north east, off Moorland Close, was Lindis Retail Park, which accommodated Sainsburys, Matalan, The Food Warehouse (Iceland) and Bargain Buys, along with McDonalds and Dominos Pizza. To the south of the site were properties on Parksgate Avenue with further residential properties on Middlebrook Road, on the opposite side of Tritton Road.
- e. provided details of the policies pertaining to the application, as follows:
  - Policy LP1 – A Presumption in Favour of Sustainable Development;
  - Policy LP2 – The Spatial Strategy and Settlement Hierarchy;
  - Policy LP6 – Retail and Town Centres in Central Lincolnshire;
  - Policy LP13 – Accessibility and Transport;
  - Policy LP16 – Development on Land Affected by Contamination;
  - Policy LP26 – Design and Amenity;
  - National Planning Policy Framework.
- f. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
  - policy context, principle and sequential test;
  - visual amenity;
  - impact on residential amenity and neighbouring issues;
  - access, parking and highways;
  - flood risk and drainage;
  - contaminated land.
- g. outlined the responses made to the consultation exercise.
- h. concluded that the principle of the uses on this unallocated site were considered to be acceptable and the application had demonstrated that it had met the policy requirements of the sequential and retail impact tests. The layout, scale and design of the development was acceptable, complimenting the architectural style of the local surroundings. It was not considered that the amenities of neighbouring residential properties or neighbouring uses would be unduly harmed by the proposal. Technical matters relating to highways, surface water drainage, foul water drainage and contamination had been appropriately considered by the relevant statutory consultees and could be dealt with as necessary by condition. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP6, LP13, LP16, LP26 as well as guidance within the National Planning Policy Framework.

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

- the proposal consisted of a similar use and similar dwelling, which could have taken the form of the existing structure but instead was seeking to demolish the existing building and re-design the way it worked, incorporating a drive-thru restaurant;
- concerns had been expressed regarding traffic and congestion from local businesses and residents, but no objections on highways matters had been received from the Highways Authority;
- it was reassuring that there were limits on the type and amount of goods that the foodstore would be able to sell in order to protect retail in the city centre;
- Aldi had confirmed that it would undertake a local recruitment drive to ensure that local people were provided with employment opportunities, which was very pleasing to see, particularly given that Birchwood and

Moorland wards were some of the highest areas of multiple deprivation in the country;

- proposals relating to landscaping were welcomed and it was pleasing that this would include, where practical, shrubbery or trees within the car park itself to break up such a large and remote area of tarmac. This would make the site much more attractive;
- it was unclear how the drive-thru restaurant would operate in terms of the entrances used and whether it would consist of a one-way or two way system. The entrances to the site from Tritton Road and off Moorland Way already experienced significant traffic movements at peak times;
- it was important that any decisions in relation to landscaping took into account appropriate conditions for maintenance;
- appropriate conditions should ensure sympathetic signage was erected as part of the development;
- large car parks often attracted anti-social behaviour at night so clarity was sought as to whether the existing barrier would continue to be used.

The Assistant Director provided the following comments in response to the points and questions raised by members of the Committee:

- in terms of employment, Aldi's response and reassurance in that respect regarding opportunities for local people was very positive;
- the drive-thru restaurant would still operate as a one-way system, utilising the north east side entrance onto the site;
- the Highways Authority had undertaken a transport assessment and safety of the scheme from a highways perspective. No objections had been received to the proposed development in that respect;
- the applicant had confirmed their intention to break up the car park with landscaping. Officers would liaise with the applicant as part of the conditions to agree upon species, size and maintenance in respect of any shrubbery and trees included as part of the development;
- local residents had also raised the use of a security barrier to mitigate against potential anti-social behaviour on the car park. It was proposed that the barrier to the car park would be put in place after the units on the site closed each day.

RESOLVED that the application be granted conditionally, subject to the following conditions:

- Time limit of the permission;
- Development in accordance with approved plans;
- Details of materials;
- Site levels and finished floor levels;
- Contamination;
- Surface water drainage scheme;
- Foul water drainage scheme;
- Assessment of off-site impact of lighting;
- Landscaping;
- Tree protection measures;
- Details of an electric vehicle charging scheme;
- Details of any extraction/filtration systems associated with the drive-thru use;
- Restriction on retail use;
- Restriction on opening hours of retail and drive-thru units;

- Restriction on hours for delivery and waste collections;
- Hours of construction/delivery.

**(b) Land to Rear of Rookery Lane and Hainton Road, Lincoln**

RESOLVED that consideration of this application be deferred.



|                       |   |
|-----------------------|---|
| <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 2026. 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 2 / SCHEDULE DATE: 24/02/2021**

| <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              | TPO                    | 139 Boultham Park Road.                      | <b><u>Boultham Ward</u></b><br>1x Oak<br><u>30% Crown reduction</u><br>This tree has recently experienced a branch failure that has led to damage within the retained canopy structure – The reduction is intended to redistribute excessive loading within the crown. | Approve works.  |
| 2              | TPO                    | Finningley Road – Birchwood Avenue junction. | <b><u>Hartsholme Ward</u></b><br>1 x Birch<br><u>Fell</u><br>Several dead trees were recently removed from this location, this has led to the destabilisation of this tree as a result of altered wind flow dynamics.  | Approve works and replace with a standard native tree; to be positioned at a suitable location within the ward. |

**SUBJECT: CONFIRMATION OF TREE PRESERVATION ORDER NO.159**

**DIRECTORATE: COMMUNITIES AND ENVIRONMENT**

**REPORT AUTHOR: KIERON MANNING, ASSISTANT DIRECTOR - PLANNING**

**1. Purpose of Report**

1.1 To have confirmed one (temporary) Tree Preservation Order, made by the Planning Manager under delegated powers. The order currently provides 6 months of temporary protection for the trees, but is required to be confirmed by the Planning Committee to provide long term future protection.

**2. Executive Summary**

2.1 A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality.

2.2 The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.

2.3 The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.

**3. Background**

3.1 Tree Preservation Order 159 was made on 24<sup>th</sup> September 2020 protecting 2no. Lime trees in the front garden (facing Gibraltar Hill) of Lindens, 3 Gibraltar Hill, Lincoln, LN1 3BW

3.2 The trees are considered to contribute to the visual amenity of the area and the unauthorised removal of the trees would be considered to be detrimental to visual amenity.

3.3 The initial 6 months of protection would end for the Tree Preservation Order on 24<sup>th</sup> March 2021.

**4. Consideration**

The reason for making a Tree Preservation Order on this site is as a result of an application submitted on behalf of the occupants to remove the trees. The trees are protected under Conservation Area No.1 - Cathedral And City Centre.

The Arboricultural Officer identified the trees, following a site visit, to be suitable

for protection under a Tree Preservation Order stating that both trees show signs of vigour, with no significant signs of decline and that both trees have a high amenity value and their removal would have a significant effect on the aesthetic appearance of the area.

Furthermore, there has been a history of site slippage in this area and the removal of these trees may lead to land destabilisation.

Following an extended 34 day consultation period no objections have been received to the order.

## **5. Strategic Priorities**

- 5.1 Confirmation of Tree Preservation Order 159 would ensure that the trees would not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the trees would contribute to enhancing our remarkable place.

## **6. Organisational Impacts**

- 6.1 Legal Implications – Anyone who wishes to carry out works to the trees will require consent from the City of Lincoln Council first.

## **7. Recommendation**

- 7.1 It is recommended that Members confirm the Tree Preservation Order without modifications, and that the Officer carries out the requisite procedures for confirmation.

**How many appendices does the report contain?**

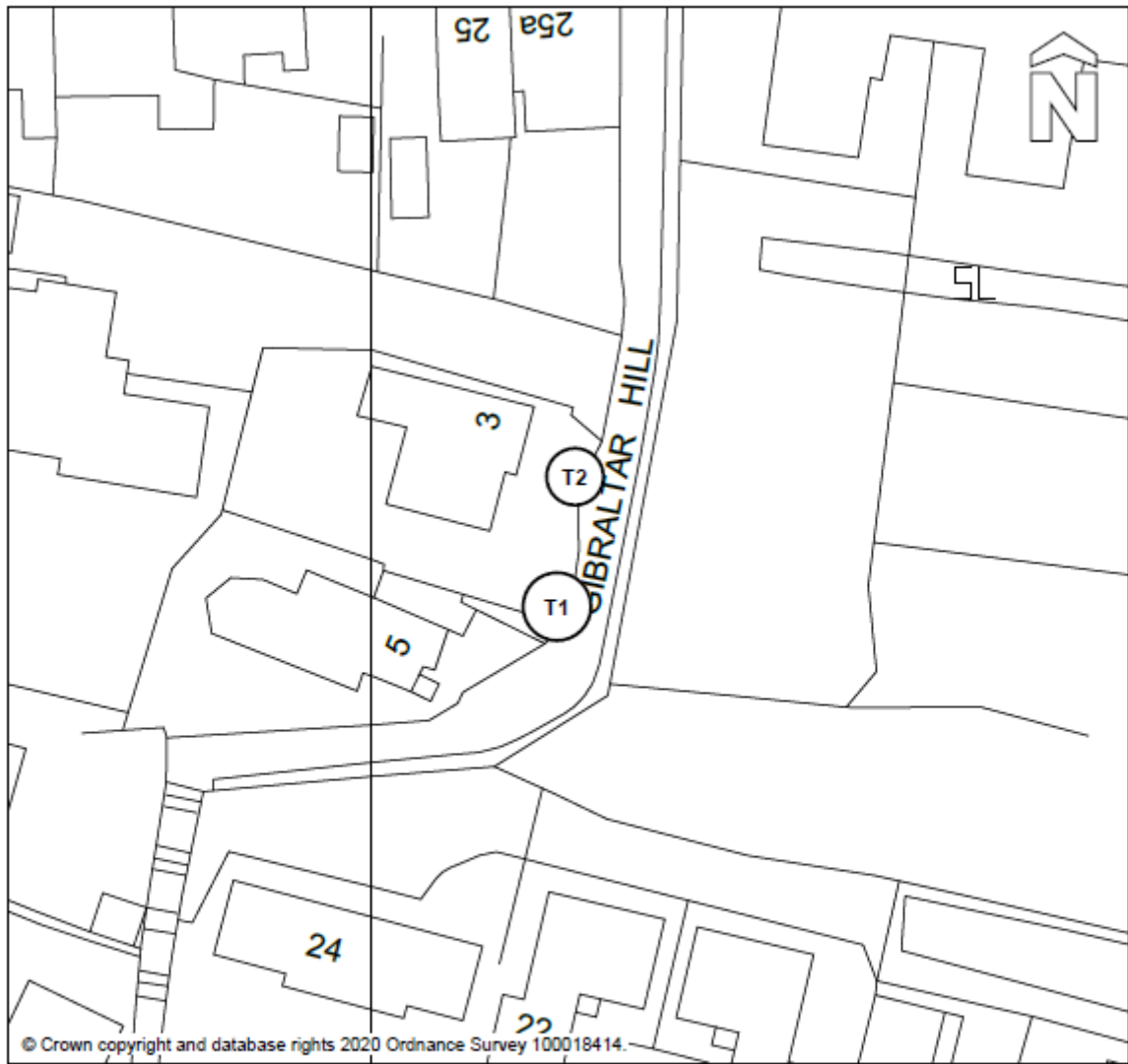
None

**List of Background Papers:**

None

**Lead Officer:**

Kieron Manning, Assistant Director - Planning  
Telephone (01522) 873551



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

### Gibraltar Hill No.1 Tree Preservation Order 2020

T1 - Lime

T2 - Lime



Image 01. T1 - Lime Tree



Image 02. T2 - Lime Tree



|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | 2020/0937/C4   |
| <b>Site Address:</b>       | 7 The Avenue, Lincoln  |
| <b>Target Date:</b>        | 17th February 2021   |
| <b>Agent Name:</b>         | Martyn Shepherd  |
| <b>Applicant Name:</b>     | Scarlett Blakey  |
| <b>Proposal:</b>           | Change of use of Ground Floor Flat (Use Class C3) to HMO (Use Class C4). |

**Background - Site Location and Description**

The application proposes a change of use from a ground floor flat (C3) to a House in Multiple Occupation (HMO) at No. 7 The Avenue, a 3 storey property located on the east side of road. The application site is situated between a three storey property to the south which has been converted into 6 flats, including 1 HMO and a commercial property to the north previously granted consent to be used as offices by Lincolnshire County Council. Parking for staff of County Council is located to the rear of the site.

The property is divided horizontally into 3 flats and three separate applications have been submitted to convert each one into a HMO.

- 2020/0937/C4 – 4 bedroom Ground Floor Flat
- 2020/0952/C4 - 3 bedroom First Floor Flat
- 2020/0953/C4 - 3 bedroom Second Floor Flat

Planning data shows the permission was originally granted for the subdivision of the property into 3 flats in 1951.

A previous application was granted for the conversion of the garage into a 1 bedroom flat under application 2020/0271/FUL, this application also approved some internal alterations to the existing property including removal of an internal staircase and addition of a bedroom at ground floor.

The application and the other two submitted applications at the property have been brought before Planning Committee given the number of objections they have received.

**Policies Referred to**

- Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed-Use Area
- Supplementary Planning Document: Central Lincolnshire Developer Contributions
- Policy LP37 Sub-Division and Multi-Occupation of Dwellings within Lincoln
- National Planning Policy Framework

**Issues**

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

**Consultations**

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

A number of objections have been received to the proposed change of use. They are listed below and attached to the end of the report in full or can be found on the website:

<https://development.lincoln.gov.uk/online-applications/applicationDetails.do?activeTab=makeComment&keyVal=QLQE9BJFJED00>

The main concerns raised as part of the consultation process include: over concentration of existing HMOs in the area, increased noise, untidy bins, lack of garden maintenance, parking issues, loss of potential conversion back to family home.

### **Site Visit Note**

There has been no site visit undertaken in person due to the restrictions in place as a result of the Covid 19 pandemic. The proposals have instead been assessed using various online tools together with photographs taken by the applicant or their agent. I am satisfied that there is sufficient information consequently available to assess any potential impact and to make a robust decision on the proposals.

### **Statutory Consultation Responses**

| Consultee                  | Comment           |
|----------------------------|-------------------|
| Highways & Planning        | Comments Received |
| Lincolnshire Police        | Comments Received |
| Councillor Lucinda Preston | Comments Received |
| Lincoln Civic Trust        | Comments Received |

### **Public Consultation Responses**

| Name               | Address  |
|--------------------|--|
| Miss Sarah Jenkins | 15 Queens Crescent<br>Lincoln<br>Lincolnshire<br>LN1 1LR |
| Mrs Helena Mair    | 290 West Parade<br>Lincoln<br>Lincolnshire<br>LN1 1NB    |
| Mr Paul Headland   | 6 Bedford Street<br>Lincoln<br>LN11NA                    |
| Mrs Jayne Arnold   | 1 Tennyson street  |

| Name               | Address  |
|--------------------|--|
| Miss Sarah Jenkins | 15 Queens Crescent<br>Lincoln<br>Lincolnshire<br>LN1 1LR |
| Mrs Helena Mair    | 290 West Parade<br>Lincoln<br>Lincolnshire<br>LN1 1NB    |
| Mr Paul Headland   | 6 Bedford Street<br>Lincoln<br>LN11NA                    |
|                    | Lincoln<br>Lincolnshire<br>LN1 1LZ                       |

## **Consideration**

### Policy Context

Paragraph 8 of the National Planning Policy Framework (NPPF) outlines the three overarching objectives of sustainable development and, as part of the social objective, it should be ensured that there is a sufficient number and range of homes that meet the needs of present and future generations.

The property is located within the Central Mixed-Use Area as defined by the Central Lincoln Local Plan (CLLP). Policy LP33 is therefore relevant and advises a number of uses in this area are supported in principle including residential uses subject to the development not resulting in the area in which it is located losing its mixed-use character; causing harm to the local environment or neighbouring amenity; or impacting upon levels of traffic and on-street parking.

Specifically relating to conversions to HMOs, Policy LP37 advises that the conversion or change of use of existing dwellings and buildings in other uses will be supported where:

- the existing dwelling is capable of conversion without causing harm to the amenities of future occupants, neighbours and the wider area;
- it can be demonstrated that there is an established lack of demand for the single family use of the property;
- the development will not lead to or increase an existing over-concentration of such uses in the area; and
- adequate provision is made for external communal areas, bin storage and collection and on-site parking and cycle storage. On-site parking and cycle storage may not be necessary if it can be demonstrated that the site is sustainably located on a regular bus route or within walking distance of the City Centre.

Members will be aware that from 1st March 2016 a City wide Article 4 Direction removed permitted development comprising the change of use from Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation occupied by between three to six occupants). Any application for change of use to a HMO is therefore considered

against the Supplementary Planning Document (SPD) which outlines the criteria that will be used to determine planning applications for the development of HMOs in the city.

The SPD sets out the assessment criteria when dealing with applications for change of use to HMOs. These include taking account of the existing concentration of HMOs within 100 metre radius, the impact from the loss of a dwelling and the impact on immediate neighbouring properties and wider community. The purpose of the SPD, and the Article 4 direction, is not to restrict the supply of HMOs nor to apply a blanket refusal to all future HMO applications, rather they are intended to manage their future development. Each application for additional HMOs should be assessed on its own merits taking account of all material planning considerations.

### Consideration of the Use

The SPD requires that the concentration of HMOs should be assessed as part of any planning application for change of use to a HMO. The SPD applies a 10% concentration threshold within 100 metres of the application site and states that any further proposed HMOs over this threshold will generally be considered inappropriate. The purpose of this is to prevent high concentrations of HMOs which can lead to an imbalance in residential communities.

Many previous applications for additional HMOs within the City which have been refused based on high concentration of HMOs in that particular area. These are often located within the heart of the 'West End' or streets located off the High Street of the City, characterised by being predominately residential in character, lined with terraced or semi-detached properties where the impact of a concentration of such uses would be significant and cause or add to a community imbalance. In this case, officers consider the location and specific characteristics of the application property are key considerations in determining whether the change of use causes harm, despite being in an area defined as having a high concentration of HMOs.

Firstly, the property is located within the Central Mixed-Use Area as defined by the CLLP. By definition this area is mixed in character rather than being a neighbourhood of residential properties which the Article 4 was brought in to protect. The application site is located within an area of mixed uses including office, care home and some residential. The concentration of HMOs within the 100 metre radius of this property is high but this is because the calculation has taken in those properties on Whitehall Terrace and Newland Street West. Both of these streets sit within the neighbourhood of the 'West End' of the City. Officers consider that the context in which the application property sits is distinctly different to that of the characteristically residential West End.

Secondly, the characteristics of the property and location are relevant in considering whether the change of use is acceptable. The property is a large, detached property, not in single residential use and is bounded by car parking/ offices to the north and east and flats/an existing HMO to the south which means that it can be converted without causing harm to its immediate neighbours. Being located on the edge of the Central Mixed Use Area and on the east side of The Avenue, close to the City Centre would also mean that the general noise and disturbance the West End has received in the past from students returning to their homes late at night is unlikely to be an issue here. The property also benefits from on site parking as well as a rear garden including space for cycle and bin storage.

The SPD also considers harm caused from the loss of family homes to HMOs. The property is larger than the average family home and has been previously subdivided. In this case, the change of use would not result in the loss of the single-family use of the property as it has been in multiple occupation as flats. Evidence to demonstrate that the property has been marketed as a single family home is therefore not required in this case.

#### External Communal Space, Cycle and Bin Storage and Parking

There is private external space to the rear of the property. An area for bin and cycle storage is identified on the proposed plans.

A parking space has been provided for each HMO. In any case, given the centrally located site, parking is not required as the property has good access to the City Centre and public transport. The Lincolnshire County Council as the Local Highway Authority has raised no objections to the application. The provision of parking and the sustainable location would therefore meet the requirements of CLLP Policies LP33 and LP37, and accordingly officers have no objection in this regard.

#### Visual Amenity and the Conservation Area

No external alterations are required for the change of use therefore officers consider the character and appearance of the conservation area would accordingly be preserved by the proposal.

#### Planning Balance

Officers consider the property's location within the Central Mixed Use Area rather than a predominately residential area is a key factor in considering this application.

While the concentration threshold is a material consideration, it should not result in an automatic refusal on such applications where harm through community imbalance is not present. Such a high concentration of HMOs would be considered harmful in other areas where residential properties are more predominant. However, officers consider that in this particular case, given the surrounding uses, the property's characteristics and the location mean that such a change of use would not cause harm to the community balance within the area.

The SPD also requires that the proposal should not result in a smaller concentration of HMO uses, specifically from three adjacent HMOs. This does not occur in the case of the application property as the neighbouring properties are occupied as flats and offices.

The use of a flexible planning condition to allow the lawful use of the property to change between C4 and C3 is proposed. This allows the property owner the ability to respond to changing local housing market circumstances by letting the flat as either C3 or a C4 HMOs, without the need to apply for planning permission. It should also be noted that allowing a flexible use of the property is likely to reduce the chance of the property sitting vacant; as some landlords may otherwise choose to leave the property empty rather than rent it to a family and lose the C4 status, which would be of benefit to the visual amenity and character of the area

Furthermore, whilst the layout of the ground floor would remain as previously approved with 4 bedrooms, it is considered appropriate to impose a condition on an approved

application to restrict the number of occupants of this HMO to 4 unrelated people. Whilst this is not a condition ordinarily used on changes of use to HMOs, in this particular case it is considered to be necessary when taking account of the other pending applications for the first and second floor within the property with a potential occupation of 6 occupants per HMO should the rooms be occupied by more than one resident.

### Unilateral Agreements

New student accommodation in certain areas of the City, namely the 'West End' have been subject to Section 106 agreements preventing properties being occupied by students. These were in the interests of maintaining a balance and mix of tenure types within that ward, which has previously been identified as having a large proportion of a certain type of property. Notwithstanding this, S106 have not been applied to other properties on The Avenue given its mixed-use character. It is not considered to be justified to apply this restriction in this case.

On balance officers are satisfied that the change of use of the ground floor of the property from a flat to a HMO would not therefore have an unduly harmful impact on the overall balance of the community or the mixed use character of the area, in accordance with the CLLP Policy LP33, LP37 or the SPD.

### **Application Negotiated either at Pre-Application or during Process of Application**

No.

### **Financial Implications**

None.

### **Legal Implications**

None.

### **Equality Implications**

None.

### **Conclusion**

The change of use of the ground floor flat from C3 to C4 is acceptable and would not harm the residential amenities of neighbouring properties, would not have an unduly harmful impact on the overall balance of the community or the mixed-use character of the area, in accordance with the CLLP Policy LP33, LP37 or the SPD.

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

Yes.

### **Recommendation**

That the application is granted subject to the following conditions:

## Standard Conditions

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

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

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

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

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

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

- 04) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 4 residents shall at any time occupy the House in Multiple Occupation hereby approved whilst it is in use as a C4 (whereby the premises is occupied by unrelated individuals who share basic amenities).

Reason: In the interests of protecting residential amenity.

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**PLANS AND PHOTOGRAPHS FOR ALL THREE PLANNING APPLICATIONS AT THE AVENUE**



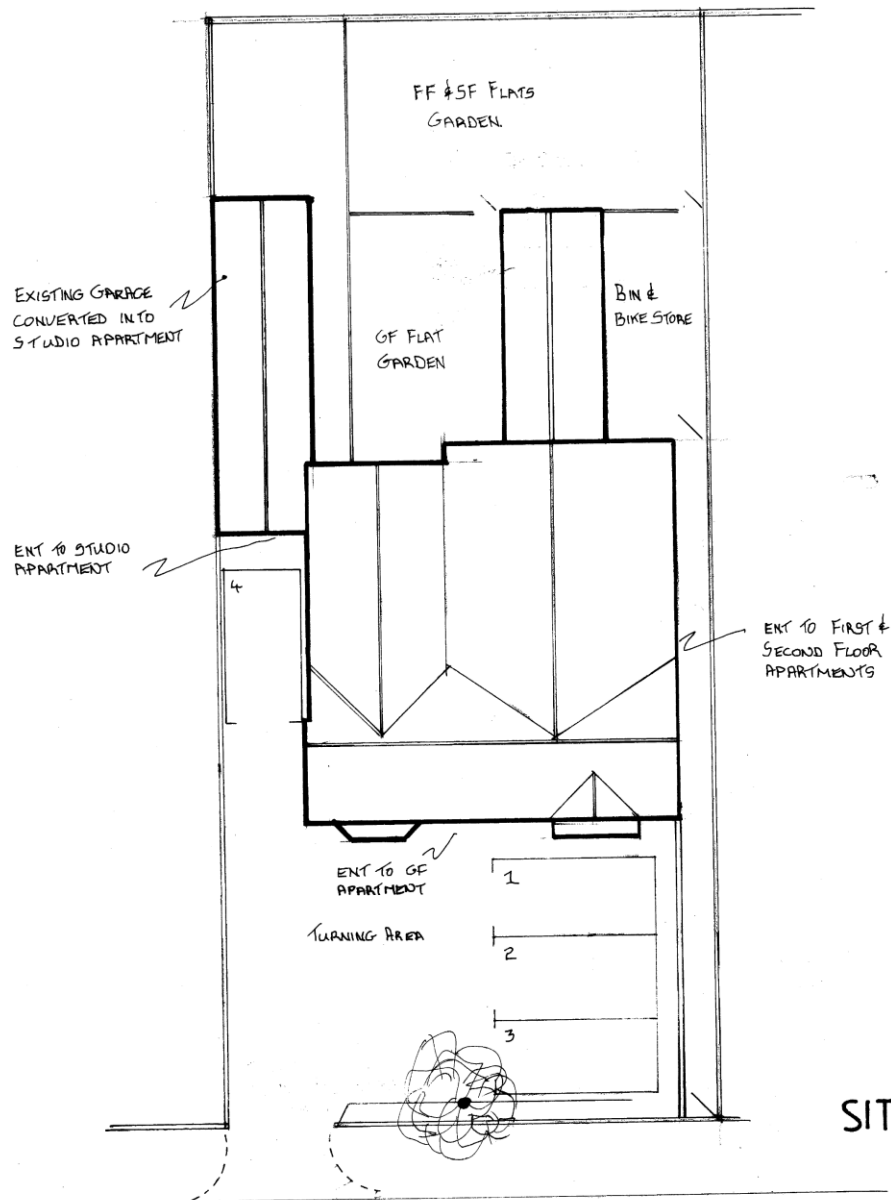
Site Plan

**PLANS AND PHOTOGRAPHS FOR ALL THREE PLANNING APPLICATIONS AT THE AVENUE**



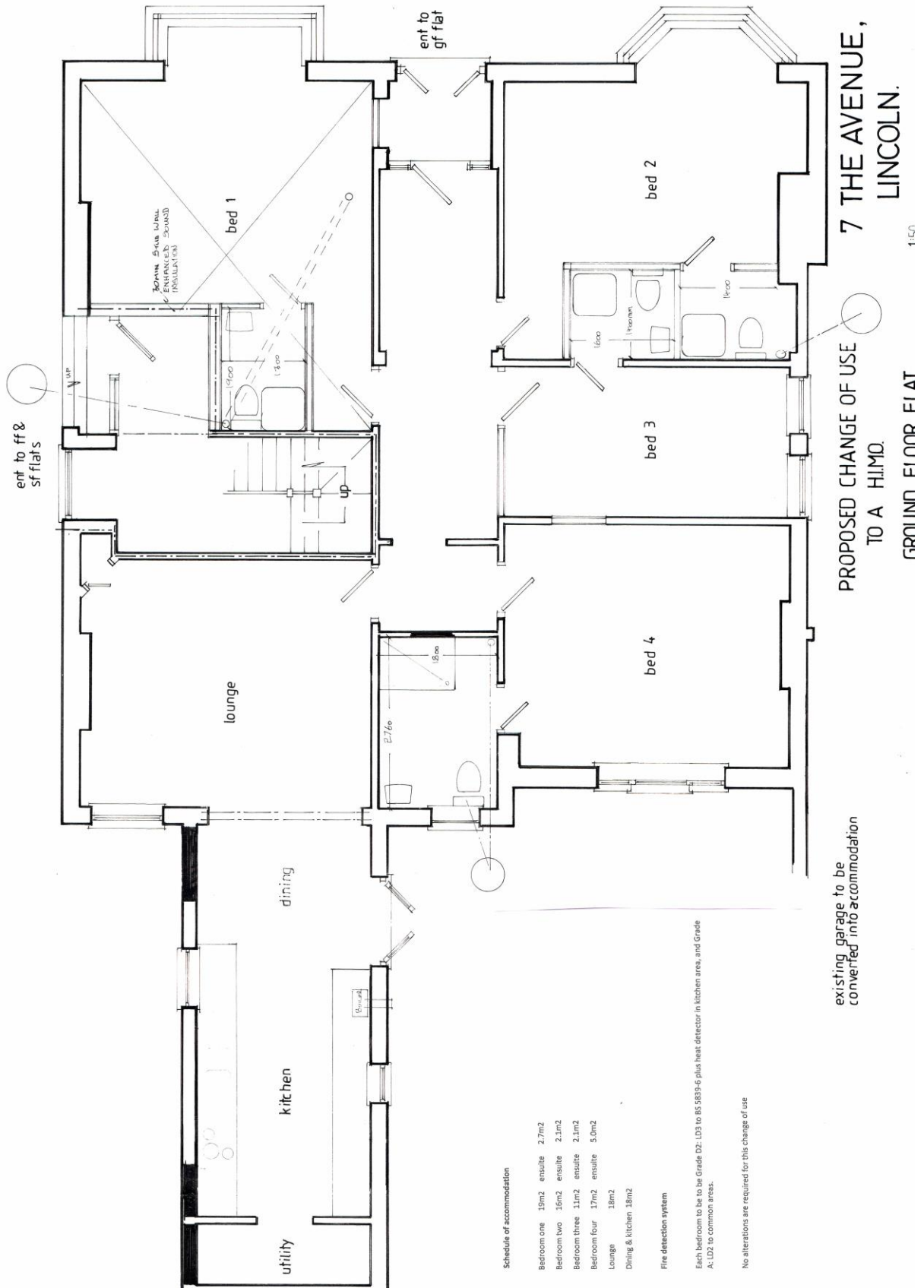
Application Context

**PLANS AND PHOTOGRAPHS FOR ALL THREE PLANNING APPLICATIONS AT THE AVENUE**

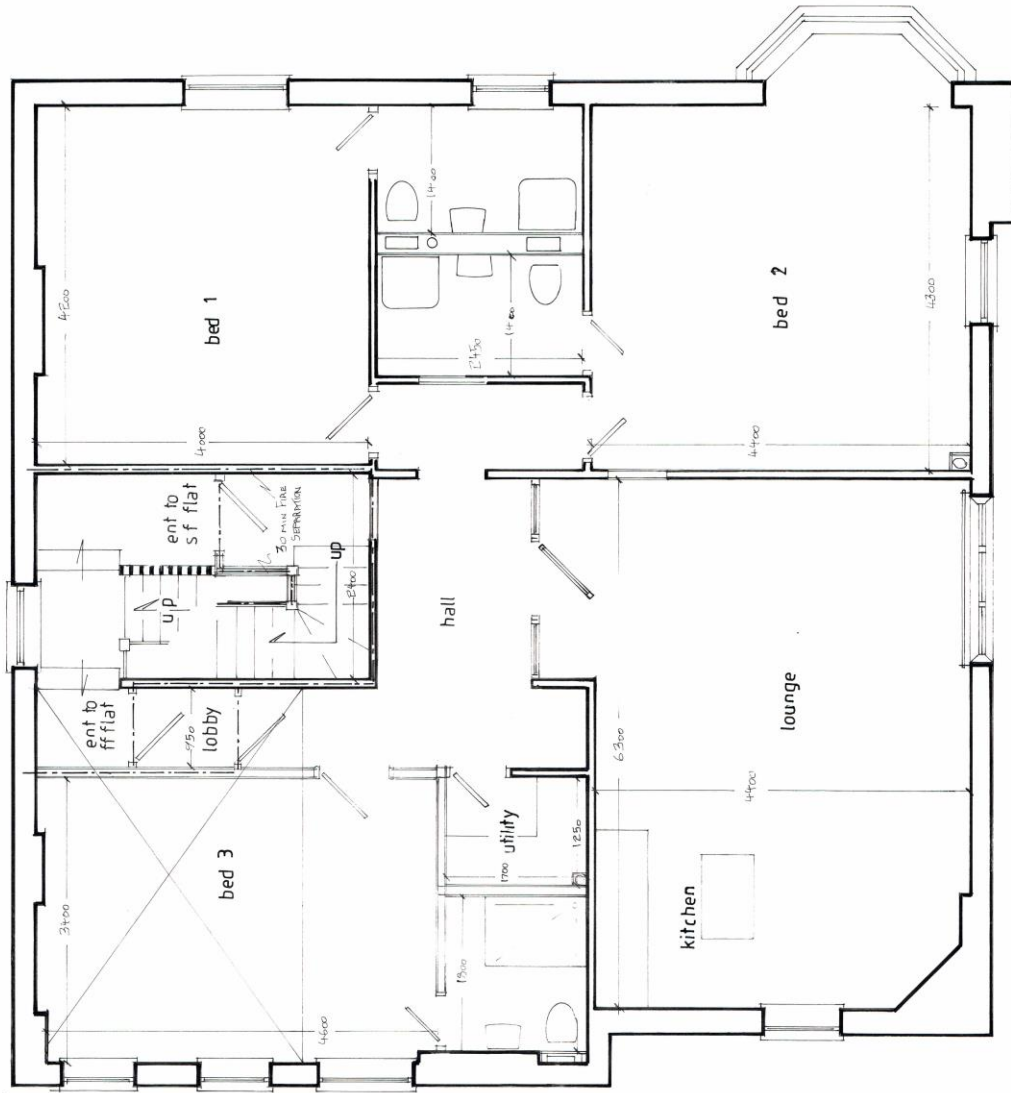


**SITE PLAN 1:200**

**PLANS AND PHOTOGRAPHS FOR ALL THREE PLANNING APPLICATIONS AT THE AVENUE**



Ground Floor Layout (2020/0937/C4)



**PROPOSED CHANGE OF USE TO A  
 H.I.M.O.  
 FIRST FLOOR FLAT**

**7 THE AVENUE,  
 LINCOLN.**

20-12-20  
 150

**Schedule of accommodation**

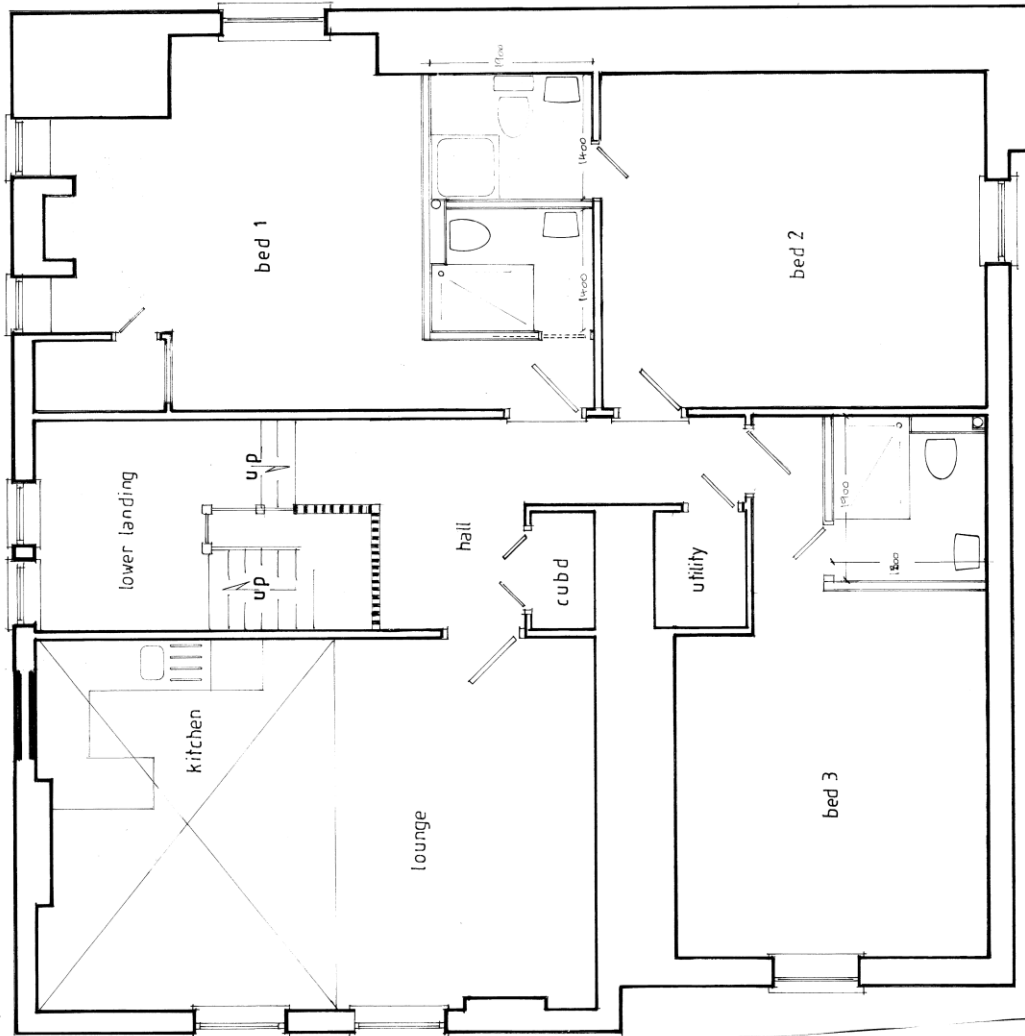
|                  |                  |         |                    |
|------------------|------------------|---------|--------------------|
| Bedroom one      | 17m <sup>2</sup> | ensuite | 3.5m <sup>2</sup>  |
| Bedroom two      | 21m <sup>2</sup> | ensuite | 3.5m <sup>2</sup>  |
| Bedroom three    | 16m <sup>2</sup> | ensuite | 3.0 m <sup>2</sup> |
| Lounge           | 15m <sup>2</sup> |         |                    |
| Dining & kitchen | 13m <sup>2</sup> |         |                    |

**Fire detection system**

Each bedroom to be to be Grade D2; LD3 to BS 5839-6 plus heat detector in kitchen area, and Grade A; LD2 to common areas.

No alterations are required for this change of use

First Floor Layout (2020/0953/C4)



**PROPOSED CHANGE OF USE TO A HMO.  
SECOND FLOOR FLAT  
7 THE AVENUE, LINCOLN.**

**Schedule of accommodation**

|                  |                  |         |                    |
|------------------|------------------|---------|--------------------|
| Bedroom one      | 19m <sup>2</sup> | ensuite | 2.7m <sup>2</sup>  |
| Bedroom two      | 18m <sup>2</sup> | ensuite | 2.7m <sup>2</sup>  |
| Bedroom three    | 15m <sup>2</sup> | ensuite | 3.1 m <sup>2</sup> |
| Lounge           | 13m <sup>2</sup> |         |                    |
| Dining & kitchen | 15m <sup>2</sup> |         |                    |

**Fire detection system**

Each bedroom to be to be Grade D2; D3 to BS 5839-6 plus heat detector in kitchen area, and Grade A; D2; to common areas.

No alterations are required for this change of use

**PLANS AND PHOTOGRAPHS FOR ALL THREE PLANNING APPLICATIONS AT THE AVENUE**



**PLANS AND PHOTOGRAPHS FOR ALL THREE PLANNING APPLICATIONS AT THE AVENUE**





**Statement from the Owners – 7 The Avenue, Lincoln.**

Thankyou for allowing this statement to be expressed.

We, the owners of 7 The Avenue, have established The Dog House Living after realising there is a distinct lack of carefully considered luxury student accommodation in our market. 7 The Avenue, was specifically selected due to its existing layout and surrounding attributes.

At the point of purchase, 7 The Avenue consisted of three apartments, one to the ground floor, another on the middle and a final apartment on the top floor. In addition, there was an attached garage down the side of the building.

Our business model had us in search of a property which we could convert into 4 apartments. It became quickly apparent that 7 The Avenue was the perfect fit, not only did we have the ability to keep the same internal structure, with an apartment to each floor, consisting of; Apartment one, ground floor, 4-bedroom, apartment two, first floor, 3 bedroom and Apartment three, second floor, 3 bedroom. We could accommodate our 4<sup>th</sup> apartment by renovating the garage space into a one-bedroom apartment.

Location was a carefully considered factor in the selection process of where to establish the first Dog House. We considered all factors to including; security and accessibility for the students, limited disturbance for neighbouring properties, external storage capability for bins, bikes and car parking to ensure the front of the property remains in a visually presentable and practical fashion. Whilst we have read the neighbouring concerns, we feel the exact position of our property on the main street, a good and fair distance from other residential properties, keeps any potential disturbance away from the houses of concern.

We would like to take this opportunity to provide the members of the committee with a brief insight into The Dog House and what we stand for, we feel this may provide those concerned neighbours with some re-assurance.

As mentioned above, The Dog House Living has been established to combat the challenges which are faced today in the student market sector, typically, low quality housing with a high rentable value. Having experience in construction and engaged Ophelia Blake Interior Design, to complete the interior design work, we felt we are creating a new strand of student accommodation which sets an example for those smaller housing providers.

Each and everyone of our properties is hand selected to ensure our key considerations are available, to mention a few, en-suite bathrooms, secure location with CCTV to the front of the properties for added reassurance, frequent maintience checks to keep the apartments in full working order, a cleaner and gardening service provided as part of the inclusive price, allocated provisions for bins, bikes and parking keeping the visual appearance of the properties presentable, a direct point of contact to a member of The Dog House team for any last minute concerns, private garden space where location allows. In addition to all of the above each Dog House will be individually interior designed throughout to cater for the needs of todays students. I have attached some visuals below for reference.

As you will no doubt understand, it is in our best interest as a company to ensure the students we accommodate are respectful of their properties and their neighbouring apartments. We do have an introduction pack which clearly lays out 'house rules' for the safety and convenience of each other and our company, with a zero tolerance on anti-social

**PLANS AND PHOTOGRAPHS FOR ALL THREE PLANNING APPLICATIONS AT THE AVENUE**

behaviour – this will of course be closely monitored. With all above being said, we feel strongly the category of student who will be more attracted to our offering will be second and third year and mature students.

Thankyou for listening to our statement of position.

**PLANS AND PHOTOGRAPHS FOR ALL THREE PLANNING APPLICATIONS AT THE AVENUE**



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**PLANS AND PHOTOGRAPHS FOR ALL THREE PLANNING APPLICATIONS AT THE AVENUE**





**Mrs Helena Mair 290 West Parade Lincoln Lincolnshire LN1  
1NB (Objects)**

**Comment submitted date: Wed 03 Feb 2021**

I object to the creation of more HMOs in the West End - an area where there already far too many. Under Lincoln's Article 4 on HMOs the planning officers should carry out an assessment based on whether there is more than 10% concentration of HMOs within a 100m distance of the site. If the concentration is above that the application should be rejected. I would be very surprised if there were not more than 10% so I expect that this application will be rejected

**Mr Paul Headland 6 Bedford Street Lincoln LN11NA (Objects)**

**Comment submitted date: Wed 27 Jan 2021**

Article 4 was adopted by the city council in order to prevent family homes being converted into HMO's and the loss of community which this causes.

This conversion application from flats to HMO causes the same problem and will cause in all likelihood cause the same issues that many other student HMO's cause, things such as:

Late night noise nuisance.

Untidy bins and rubbish.

Lack of garden maintenance/removal of trees.

Further parking problems in the area.

It also severely effects the character of the building and makes conversion back to a family home difficult and cost prohibitive.

In in short i propose that this application should be rejected.

**Mrs Jayne Arnold 1 Tennyson street Lincoln Lincolnshire LN1  
1LZ (Objects)**

**Comment submitted date: Sun 17 Jan 2021**

The granting of this application would directly contravene Article 4, which applies to the West End in its entirety, of which The Avenue forms the eastern boundary. Our historic area is already saturated with properties that accommodate students, and we can see no reason to have any more. The three floors of this property are perfectly suited to being three self-contained flats that could house people starting on the property ladder or young families. We are seeking to maintain the balance of our area, in order to maintain its strong cohesive community.

The location of this property is across the road from a care home. We doubt very much that its elderly residents would appreciate being woken in the small hours by the noise which almost inevitably accompanies HMOs.

It is indicative of the ruthless and presumptive manner in which homes in our area are treated, that there are already advertising boards outside this property advertising student lets available in the building, before planning permission has been decided. Incidentally these boards also contravene Direction 7, which prohibits 'To Let' boards in our area as well.

WEST END RESIDENTS ASSOCIATION.

## **Miss Sarah Jenkins 15 Queens Crescent Lincoln Lincolnshire LN1 1LR (Objects)**

**Comment submitted date: Wed 13 Jan 2021**

I wish to object to this application.

The property formally a residential house sits opposite a care home and close by other residential properties, including a property recently converted back into a residential family home. I feel it is highly inappropriate to allow a HMO opposite a care home where residents will not wish to be disturbed all hours of the day and night by students living in a HMO.

Affordable accommodation (flats) for professional people is required in the city as well as larger family accommodation. To agree a HMO would go against Article 4 and I find it offensive that the owner of the property is already advertising for students to occupy the property before planning is agreed and in an area (or across the road from) where to let signage is prohibited (Regulation 7).

## **Councillor Lucinda Preston**

**Comment Date: Thu 04 Feb 2021**

I would like to make the following objection to the above planning application on behalf of residents. I am aware of the anxiety this application is causing people in the locality. The change of use of the property from a C3 to a C4 category would not be appropriate for the area and is in contravention of Article 4.

Post-pandemic, this change of use would result not only in more people living in this property but in greater noise and disruption. Every additional HMO adds to noise and disruption in the area. Although the property has some limited parking, it would of course add pressure on parking spaces in the locality due to the inevitable increase in visitors to the property.

There is plenty of other multiple occupancy accommodation elsewhere in the ward as well as across the city and this change is unnecessary and damaging to the community. It is also a very 'back door' way of a developer creating a new HMO.

Carholme is a friendly, mixed community which welcomes new residents. But Article 4 recognises the importance of a balance community too. Once again I find myself asking the planning committee to consider the impact on Carholme residents of yet another proposed HMO.

Yours sincerely,

Cllr Lucinda Preston  
Carholme ward, Lincoln City Council

## **Lincoln Civic Trust**

**Comment Date: Wed 27 Jan 2021**

**OBJECTION**

We consider this to be overdevelopment of the site and that this area is surely saturated with this type of accommodation. We feel it is time to make a stand in the area and to refuse more development of this type and start to provide more family based residential properties. The effects of the Pandemic are going to lead to a decline in the demand for student dwellings.

## **Highways & Planning**

**Comment Date: Wed 06 Jan 2021**

No objections.

**Lincolnshire Police**

Comment Date: Tue 22 Dec 2020

No Objections.

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|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | 2020/0952/C4   |
| <b>Site Address:</b>       | Flat 1, 7 The Avenue, Lincoln  |
| <b>Target Date:</b>        | 25th February 2021   |
| <b>Agent Name:</b>         | Martyn Shepherd  |
| <b>Applicant Name:</b>     | Scarlett Blakey  |
| <b>Proposal:</b>           | Change of Use of First Floor Flat (Class C3) to a House in Multiple Occupation (Class C4). |

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

The application proposes a change of use from a first floor flat (C3) to a House in Multiple Occupation (HMO) at No. 7 The Avenue, a 3 storey property located on the east side of road. The application site is situated between a three storey property to the south which has been converted into 6 flats, including 1 HMO and a commercial property to the north previously granted consent to be used as offices by Lincolnshire County Council. Parking for staff of County Council is located to the rear of the site.

The property is divided horizontally into 3 flats and three separate applications have been submitted to convert each one into a HMO.

2020/0937/C4 - 4 bedroom Ground Floor Flat

2020/0952/C4 - 3 bedroom First Floor Flat

2020/0953/C4 - 3 bedroom Second Floor Flat

Planning data shows the permission was originally granted for the subdivision of the property into 3 flats in 1951.

A previous application was granted for the conversion of the garage into a 1 bedroom flat under application 2020/0271/FUL, this application also approved some internal alterations to the existing property including removal of an internal staircase and addition of a bedroom at ground floor.

The application and the other two submitted applications at the property have been brought before Planning Committee given the number of objections they have received.

### **Policies Referred to**

- Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- Supplementary Planning Document: Central Lincolnshire Developer Contributions
- Policy LP37 Sub-Division and Multi-Occupation of Dwellings within Lincoln 86
- National Planning Policy Framework

### **Issues**

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

### **Consultations**

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

A number of objections have been received to the proposed change of use. They are listed below and attached to the end of the report in full or can be found on the website: <https://development.lincoln.gov.uk/online-applications/applicationDetails.do?activeTab=makeComment&keyVal=QM729FJFJGD00>

The main concerns raised as part of the consultation process include: over concentration of existing HMOs in the area, increased noise, untidy bins, lack of garden maintenance, parking issues, loss of potential conversion back to family home.

### **Site Visit Note**

There has been no site visit undertaken in person due to the restrictions in place as a result of the Covid 19 pandemic. The proposals have instead been assessed using various online tools together with photographs taken by the applicant or their agent. I am satisfied that there is sufficient information consequently available to assess any potential impact and to make a robust decision on the proposals

### **Statutory Consultation Responses**

| Consultee                      | Comment           |
|--------------------------------|-------------------|
| West End Residents Association | Comments Received |
| Lincolnshire Police            | Comments Received |
| Highways & Planning            | Comments Received |
| Lincoln Civic Trust            | Comments Received |
| Councillor Lucinda Preston     | Comments Received |

### **Public Consultation Responses**

| Name            | Address   |
|-----------------|---|
| Mrs Shona Smith | 204 West Parade<br>Lincoln<br>LN1 1LY                 |
| Mrs Helena Mair | 290 West Parade<br>Lincoln<br>Lincolnshire<br>LN1 1NB |

|                        |  |
|------------------------|--|
| Miss Mary-ann Phillips | 79 Carholme Road<br>Lincoln<br>Lincolnshire<br>LN1 1RT   |
| Mr Robin Lewis         | 22 York Avenue<br>Lincoln<br>LN1 1LL                     |
| Ms Sharon Clark        | 15 Albert Crescent<br>Lincoln<br>Lincolnshire<br>LN1 1LX |
| Miss Kathryn Holbrook  | 41 Victoria Street<br>Lincoln<br>Lincolnshire<br>LN1 1HY |
| Miss Sarah Jenkins     | 15 Queens Crescent<br>Lincoln<br>LN1 1LR                 |
| Mrs Marie Phillips     | 2 Chapel House<br>Hampton Street<br>Lincoln<br>LN11NE    |
| Mr Paul Headland       | 6 Bedford Street<br>Lincoln<br>LN11NA                    |

## **Consideration**

### **Policy Context**

Paragraph 8 of the National Planning Policy Framework (NPPF) outlines the three overarching objectives of sustainable development and, as part of the social objective, it should be ensured that there is a sufficient number and range of homes that meet the needs of present and future generations.

The property is located within the Central Mixed-Use Area as defined by the Central Lincoln Local Plan (CLLP). Policy LP33 is therefore relevant and advises a number of uses in this area are supported in principle including residential uses subject to the development not resulting in the area in which it is located losing its mixed-use character; causing harm to the local environment or neighbouring amenity; or impacting upon levels of traffic and on-street parking.

Specifically relating to conversions to HMOs, Policy LP37 advises that the conversion or change of use of existing dwellings and buildings in other uses will be supported where:

- the existing dwelling is capable of conversion without causing harm to the amenities of future occupants, neighbours and the wider area;
- it can be demonstrated that there is an established lack of demand for the single family use of the property;

- the development will not lead to or increase an existing over-concentration of such uses in the area; and
- adequate provision is made for external communal areas, bin storage and collection and on-site parking and cycle storage. On-site parking and cycle storage may not be necessary if it can be demonstrated that the site is sustainably located on a regular bus route or within walking distance of the City Centre.

Members will be aware that from 1st March 2016 a City wide Article 4 Direction removed permitted development comprising the change of use from Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation occupied by between three to six occupants). Any application for change of use to a HMO is therefore considered against the Supplementary Planning Document (SPD) which outlines the criteria that will be used to determine planning applications for the development of HMOs in the city.

The SPD sets out the assessment criteria when dealing with applications for change of use to HMOs. These include taking account of the existing concentration of HMOs within 100 metre radius, the impact from the loss of a dwelling and the impact on immediate neighbouring properties and wider community. The purpose of the SPD, and the Article 4 direction, is not to restrict the supply of HMOs nor to apply a blanket refusal to all future HMO applications, rather they are intended to manage their future development. Each application for additional HMOs should be assessed on its own merits taking account of all material planning considerations.

### Consideration of the Use

The SPD requires that the concentration of HMOs should be assessed as part of any planning application for change of use to a HMO. The SPD applies a 10% concentration threshold within 100 metres of the application site and states that any further proposed HMOs over this threshold will generally be considered inappropriate. The purpose of this is to prevent high concentrations of HMOs which can lead to an imbalance in residential communities.

Many previous applications for additional HMOs within the City which have been refused based on high concentration of HMOs in that particular area. These are often located within the heart of the 'West End' or streets located off the High Street of the City, characterised by being predominately residential in character, lined with terraced or semi-detached properties where the impact of a concentration of such uses would be significant and cause or add to a community imbalance. In this case, officers consider the location and specific characteristics of the application property are key considerations in determining whether the change of use causes harm, despite being in an area defined as having a high concentration of HMOs.

Firstly, the property is located within the Central Mixed-Use Area as defined by the CLLP. By definition this area is mixed in character rather than being a neighbourhood of residential properties which the Article 4 was brought in to protect. The application site is located within an area of mixed uses including office, care home and some residential. The concentration of HMOs within the 100 metre radius of this property is high but this is because the calculation has taken in those properties on Whitehall Terrace and Newland Street West. Both of these streets sit within the neighbourhood of the 'West End' of the City. Officers consider that the context in which the application property sits is distinctly different to that of the characteristically residential West End.



Secondly, the characteristics of the property and location are relevant in considering whether the change of use is acceptable. The property is a large, detached property, not in single residential use and is bounded by car parking/ offices to the north and east and flats/an existing HMO to the south which means that it can be converted without causing harm to its immediate neighbours. Being located on the edge of the Central Mixed Use Area and on the east side of The Avenue, close to the City Centre would also mean that the general noise and disturbance the West End has received in the past from students returning to their homes late at night is unlikely to be an issue here. The property also benefits from on site parking as well as a rear garden including space for cycle and bin storage.

The SPD also considers harm caused from the loss of family homes to HMOs. The property is larger than the average family home and has been previously subdivided. In this case, the change of use would not result in the loss of the single-family use of the property as it has been in multiple occupation as flats. Evidence to demonstrate that the property has been marketed as a single family home is therefore not required in this case.

#### External Communal Space, Cycle and Bin Storage and Parking

There is private external space to the rear of the property. An area for bin and cycle storage is identified on the proposed plans.

A parking space has been provided for each HMO. In any case, given the centrally located site, parking is not required as the property has good access to the City Centre and public transport. The Lincolnshire County Council as the Local Highway Authority has raised no objections to the application. The provision of parking and the sustainable location would therefore meet the requirements of CLLP Policies LP33 and LP37, and accordingly officers have no objection in this regard.

#### Visual Amenity and the Conservation Area

No external alterations are required for the change of use therefore officers consider the character and appearance of the conservation area would accordingly be preserved by the proposal.

#### Planning Balance

Officers consider the property's location within the Central Mixed Use Area rather than a predominately residential area is a key factor in considering this application.

While the concentration threshold is a material consideration, it should not result in an automatic refusal on such applications where harm through community imbalance is not present. Such a high concentration of HMOs would be considered harmful in other areas where residential properties are more predominant. However, officers consider that in this particular case, given the surrounding uses, the property's characteristics and the location mean that such a change of use would not cause harm to the community balance within the area.

The SPD also requires that the proposal should not result in a smaller concentration of HMO uses, specifically from three adjacent HMOs. This does not occur in the case of the application property as the neighbouring properties are occupied as flats and offices.

The use of a flexible planning condition to allow the lawful use of the property to change between C4 and C3 is proposed. This allows the property owner the ability to respond to changing local housing market circumstances by letting the flat as either C3 or a C4 HMOs, without the need to apply for planning permission. It should also be noted that allowing a flexible use of the property is likely to reduce the chance of the property sitting vacant; as some landlords may otherwise choose to leave the property empty rather than rent it to a family and lose the C4 status, which would be of benefit to the visual amenity and character of the area

Furthermore, whilst the layout of the first floor would remain unchanged with 3 bedrooms, it is considered appropriate to impose a condition on an approved application to restrict the number of occupants of this HMO to 3 unrelated people. Whilst this is not a condition ordinarily used on changes of use to HMOs, in this particular case it is considered to be necessary when taking account of the other pending applications for the ground and second floor within the property with a potential occupation of 6 occupants per HMO should the rooms be occupied by more than one resident.

### Unilateral Agreements

New student accommodation in certain areas of the City, namely the 'West End' have been subject to Section 106 agreements preventing properties being occupied by students. These were in the interests of maintaining a balance and mix of tenure types within that ward, which has previously been identified as having a large proportion of a certain type of property. Notwithstanding this, S106 have not been applied to other properties on The Avenue given its mixed-use character. It is not considered to be justified to apply this restriction in this case.

On balance officers are satisfied that the change of use of the first floor of the property from a flat to a HMO would not therefore have an unduly harmful impact on the overall balance of the community or the mixed use character of the area, in accordance with the CLLP Policy LP33, LP37 or the SPD.

### **Application Negotiated either at Pre-Application or during Process of Application**

No.

### **Financial Implications**

None.

### **Legal Implications**

None.

### **Equality Implications**

None.

### **Conclusion**

The change of use of the first floor flat from C3 to C4 is acceptable and would not harm the residential amenities of neighbouring properties, would not have an unduly harmful impact

on the overall balance of the community or the mixed-use character of the area, in accordance with the CLLP Policy LP33, LP37 or the SPD.

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

Yes.

### **Recommendation**

That the application is granted subject to the following conditions:

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

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

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

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

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

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

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

- 04) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 3 residents shall at any time occupy the House in Multiple Occupation hereby approved whilst it is in use as a C4 (whereby the premises is occupied by unrelated individuals who share basic amenities).

Reason: In the interests of protecting residential amenity.

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**Mrs Helena Mair 290 West Parade Lincoln Lincolnshire LN1  
1NB (Objects)**

**Comment submitted date: Wed 03 Feb 2021**

I object to the creation of more HMOs in the West End - an area where there already far too many. Under Lincoln's Article 4 on HMOs the planning officers should carry out an assessment based on whether there is more than 10% concentration of HMOs within a 100m distance of the site. If the concentration is above that the application should be rejected. I would be very surprised if there were not more than 10% so I expect that this application will be rejected

**Ms Sharon Clark 15 Albert Crescent Lincoln Lincolnshire LN1  
1LX (Objects)**

**Comment submitted date: Sun 31 Jan 2021**

I wish to object to these proposed plans. The City Council policy is to stop the development of any further A4 buildings but to concentrate on the development of family homes.

The West End has enough HMO's. This is temporary accommodation and does not give the community the stability it requires to survive.

The City Council needs to honour and respect it's own policies and reject this proposal for a change of use to an HMO.

**Mr Paul Headland 6 Bedford Street Lincoln LN11NA (Objects)**

**Comment submitted date: Wed 27 Jan 2021**

Article 4 was adopted by the city council in order to prevent family homes being converted into HMO's and the loss of community which this causes.

This conversion application from flats to HMO causes the same problem and will cause in all likelihood cause the same issues that many other student HMO's cause, things such as:

Late night noise nuisance.

Untidy bins and rubbish.

Lack of garden maintenance/removal of trees.

Further parking problems in the area.

It also severely effects the character of the building and makes conversion back to a family home difficult and cost prohibitive.

In in short i propose that this application should be rejected.

**Mrs Marie Phillips 2 Chapel House Hampton Street Lincoln  
LN11NE (Objects)**

**Comment submitted date: Thu 21 Jan 2021**

I'm objecting , as we have been through the same process trying to gain HMO on our GuestHouse in the same area.

We have been turned down and told we should change the Guest House into flats which we have just payed a lot of money to

get planning for , we're hoping we can sell to a developer as we are not in a financial position to convert ourselves ,and the covid pandemic has had a massive impact on our business .

I can't support other properties receiving the planning that we were turned down for , even though

I have no issues myself with HMOs and but this property already has planning for

residential flats so it seems extremely unnecessary for there to be any change on the planning and definitely not to a HMO .

**Miss Mary-ann Phillips 79 Carholme Road Lincoln Lincolnshire LN1 1RT (Objects)**

**Comment submitted date: Thu 21 Jan 2021**

Strongly object to the planning for this and the other 2 associated planning applications at the same address. Under no circumstances should the council or our local councillors approve this application given that every other property that has put in for similar planning permission in the area has been refused and been told to convert into flats. Whilst I don't support the introduction of Article 4 in our area the council have made examples of all other planning applications by refusing permission and this should now continue.

**Mrs Shona Smith 204 West Parade Lincoln LN1 1LY (Objects)**

**Comment submitted date: Tue 19 Jan 2021**

We moved to the area a year ago under the impression that HMOs would no longer be allowed. Parking is already strained, firstly cos no one can park and secondly the multi house occupancy means at least 4-5 vehicles plus their friends and relatives. The parties especially in the summer months go on till 6am, noise is unacceptable, dealing with no sleep and then 12 hour shifts at work to come home and repeat the process because a letter telling them the noise is unacceptable goes in the bin. Surely there is a limit percentage wise to what is acceptable and judging by living here the balance is not equal and in favour of multi occupancy.  
Totally object.

**Mr Robin Lewis 22 York Avenue Lincoln LN1 1LL (Objects)**

**Comment submitted date: Tue 19 Jan 2021**

This application (and the two additional applications at the same property) is a clear breach of Article 4. Since March 2016 this legislation has successfully prevented the further spread of HMOs in the West End of Lincoln which were presenting a real threat to the demographics of that area. As the Council is well aware there is significant established history of anti-social behaviour in the West End associated with HMOs and this property is immediately across the road from a Care Home. I believe a development of that type in that situation would be entirely inappropriate.

I would also mention that question 16 on the application asking whether any change of residential use is involved has been answered negatively. However the application is clearly for change of use from C3 to C4 class. I am therefore surprised that the application has been accepted.

In any event I wish to register my objection.

**Miss Kathryn Holbrook 41 Victoria Street Lincoln Lincolnshire LN1 1HY (Objects)**

**Comment submitted date: Mon 18 Jan 2021**

Under article 4 Direction this planning application should be rejected. For the exact reasons it was implemented for in the first place. This area is already over whelmed by multiple occupy housing, which will impact on the already struggling amenities and traffic. It also prevents locals from being able to live within the city, when there are already too many multi occupancy properties ...what about the professionals and families? These HMOs are also ruining the appearance and character of the area. Not forgetting the huge issue with parking within the area which already can't cope. For a flat

to have at least three people in it from different households is not acceptable. There is still profit with the property to rent out as a standard flat and this change is regarding increased profit and not what's best for the area.

### **Miss Sarah Jenkins 15 Queens Crescent Lincoln LN1 1LR (Objects)**

**Comment submitted date: Wed 13 Jan 2021**

I wish to object to this application.

The property formally a residential house sits opposite a care home and close by other residential properties, including a property recently converted back into a residential family home. I feel it is highly inappropriate to allow a HMO opposite a care home where residents will not wish to be disturbed all hours of the day and night by students living in a HMO.

Affordable accommodation (flats) for professional people is required in the city as well as larger family accommodation. To agree a HMO would go against Article 4 and I find it offensive that the owner of the property is already advertising for students to occupy the property before planning is agreed and in an area (or across the road from) where to let signage is prohibited (Regulation 7).

### **Councillor Lucinda Preston**

**Comment Date: Thu 04 Feb 2021**

I would like to make the following objection to the above planning application on behalf of residents. I am aware of the anxiety this application is causing people in the locality. The change of use of the property from a C3 to a C4 category would not be appropriate for the area and is in contravention of Article 4.

Post-pandemic, this change of use would result not only in more people living in this property but in greater noise and disruption. Every additional HMO adds to noise and disruption in the area. Although the property has some limited parking, it would of course add pressure on parking spaces in the locality due to the inevitable increase in visitors to the property.

There is plenty of other multiple occupancy accommodation elsewhere in the ward as well as across the city and this change is unnecessary and damaging to the community. It is also a very 'back door' way of a developer creating a new HMO.

Carholme is a friendly, mixed community which welcomes new residents. But Article 4 recognises the importance of a balance community too. Once again I find myself asking the planning committee to consider the impact on Carholme residents of yet another proposed HMO.

Yours sincerely,

Cllr Lucinda Preston  
Carholme ward, Lincoln City Council

### **Lincoln Civic Trust**

**Comment Date: Wed 27 Jan 2021**

#### **OBJECTION**

We consider this to be overdevelopment of the site and that this area is surely saturated with this type of accommodation. We feel it is time to make a stand in the area and to refuse more development of this type and start to provide more family based residential properties. The effects of the Pandemic are going to lead to a decline in the demand for student dwellings.

## **West End Residents Association**

**Comment Date: Mon 18 Jan 2021**

The granting of this application would directly contravene Article 4, which applies to the West End in its entirety, of which The Avenue forms the eastern boundary. Our historic area is already saturated with properties that accommodate students, and we can see no reason to have any more. The three floors of this property are perfectly suited to being three self-contained flats that could house people starting on the property ladder or young families. We are seeking to maintain the balance of our area, in order to maintain its strong cohesive community.

The location of this property is across the road from a care home. We doubt very much that its elderly residents would appreciate being woken in the small hours by the noise which almost inevitably accompanies HMOs.

It is indicative of the ruthless and presumptive manner in which homes in our area are treated, that there are already advertising boards outside this property advertising student lets available in the building, before planning permission has been decided. Incidentally these boards also contravene Direction 7, which prohibits 'To Let' boards in our area as well.

WEST END RESIDENTS ASSOCIATION.

## **Highways & Planning**

**Comment Date: Fri 08 Jan 2021**

Does not wish to restrict the grant of permission.

## **Lincolnshire Police**

**Comment Date: Mon 04 Jan 2021**

Lincolnshire Police do not have any objections to this application.

Please do not hesitate to contact me should you need further information or clarification. Please refer to Homes 2019 which can be located on [www.securedbydesign.com](http://www.securedbydesign.com) Homes 2019.

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

Yours sincerely,

John Manuel



|                            |   |
|----------------------------|---|
| <b>Application Number:</b> | 2020/0953/C4  |
| <b>Site Address:</b>       | 2 <sup>nd</sup> Floor Flat, 7 The Avenue, Lincoln   |
| <b>Target Date:</b>        | 25th February 2021  |
| <b>Agent Name:</b>         | Martyn Shepherd   |
| <b>Applicant Name:</b>     | Scarlett Blakey   |
| <b>Proposal:</b>           | Change of use of the second floor Flat (Class C3) to a House in Multiple Occupation (Class C4). |

**Background - Site Location and Description**

The application proposes a change of use from a second floor flat (C3) to a House in Multiple Occupation (HMO) at No. 7 The Avenue, a 3 storey property located on the east side of road. The application site is situated between a three storey property to the south which has been converted into 6 flats, including 1 HMO and a commercial property to the north previously granted consent to be used as offices by Lincolnshire County Council. Parking for staff of County Council is located to the rear of the site.

The property is divided horizontally into 3 flats and three separate applications have been submitted to convert each one into a HMO.

- 2020/0937/C4 - 4 bedroom Ground Floor Flat
- 2020/0952/C4 - 3 bedroom First Floor Flat
- 2020/0953/C4 - 3 bedroom Second Floor Flat

Planning data shows the permission was originally granted for the subdivision of the property into 3 flats in 1951.

A previous application was granted for the conversion of the garage into a 1 bedroom flat under application 2020/0271/FUL, this application also approved some internal alterations to the existing property including removal of an internal staircase and addition of a bedroom at ground floor.

The application and the other two submitted applications at the property have been brought before Planning Committee given the number of objections they have received.

**Policies Referred to**

- Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- Policy LP37 Sub-Division and Multi-Occupation of Dwellings within Lincoln 86
- Supplementary Planning Document: Central Lincolnshire Developer Contributions
- National Planning Policy Framework

**Issues**

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

**Consultations**

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

A number of objections have been received to the proposed change of use. They are listed below and attached to the end of the report in full or can be found on the website: <https://development.lincoln.gov.uk/online-applications/applicationDetails.do?activeTab=nei&ghbourComments&keyVal=QM729KJFJGF00>

The main concerns raised as part of the consultation process include: over concentration of existing HMOs in the area, increased noise, untidy bins, lack of garden maintenance, parking issues, loss of potential conversion back to family home.

### **Site Visit Note**

There has been no site visit undertaken in person due to the restrictions in place as a result of the Covid 19 pandemic. The proposals have instead been assessed using various online tools together with photographs taken by the applicant or their agent. I am satisfied that there is sufficient information consequently available to assess any potential impact and to make a robust decision on the proposals.

### **Statutory Consultation Responses**

| Consultee                      | Comment           |
|--------------------------------|-------------------|
| Highways & Planning            | Comments Received |
| West End Residents Association | Comments Received |
| Lincolnshire Police            | Comments Received |
| Councillor Lucinda Preston     | Comments Received |
| Lincoln Civic Trust            | Comments Received |

### **Public Consultation Responses**

| Name               | Address  |
|--------------------|--|
| Mrs Sandra Lewis   | 22 York Avenue<br>Lincoln<br>Lincolnshire<br>LN1 1LL   |
| Mrs Marie Phillips | 2 Chapel House<br>Hampton street<br>Lincoln<br>LN1 1NE |

|                    |  |
|--------------------|--|
| Mrs Helena Mair    | 290 West Parade<br>Lincoln<br>Lincolnshire<br>LN1 1NB    |
| Mr Paul Headland   | 6 Bedford Street<br>Lincoln<br>Lincolnshire<br>LN1 1NA   |
| Mrs Linda Hall     | 2 North Parade<br>Lincoln<br>Lincolnshire<br>LN1 1LB     |
| Miss Sarah Jenkins | 15 Queens Crescent<br>Lincoln<br>Lincolnshire<br>LN1 1LR |
| Mrs Helen Blakey   | 15 Steep Hill<br>Lincoln<br>Lincolnshire<br>LN2 1LT      |

## **Consideration**

### **Policy Context**

Paragraph 8 of the National Planning Policy Framework (NPPF) outlines the three overarching objectives of sustainable development and, as part of the social objective, it should be ensured that there is a sufficient number and range of homes that meet the needs of present and future generations.

The property is located within the Central Mixed-Use Area as defined by the Central Lincoln Local Plan (CLLP). Policy LP33 is therefore relevant and advises a number of uses in this area are supported in principle including residential uses subject to the development not resulting in the area in which it is located losing its mixed-use character; causing harm to the local environment or neighbouring amenity; or impacting upon levels of traffic and on-street parking.

Specifically relating to conversions to HMOs, Policy LP37 advises that the conversion or change of use of existing dwellings and buildings in other uses will be supported where:

- the existing dwelling is capable of conversion without causing harm to the amenities of future occupants, neighbours and the wider area;
- it can be demonstrated that there is an established lack of demand for the single family use of the property;
- the development will not lead to or increase an existing over-concentration of such uses in the area; and
- adequate provision is made for external communal areas, bin storage and collection and on-site parking and cycle storage. On-site parking and cycle storage may not

be necessary if it can be demonstrated that the site is sustainably located on a regular bus route or within walking distance of the City Centre.

Members will be aware that from 1st March 2016 a City wide Article 4 Direction removed permitted development comprising the change of use from Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation occupied by between three to six occupants). Any application for change of use to a HMO is therefore considered against the Supplementary Planning Document (SPD) which outlines the criteria that will be used to determine planning applications for the development of HMOs in the city.

The SPD sets out the assessment criteria when dealing with applications for change of use to HMOs. These include taking account of the existing concentration of HMOs within 100 metre radius, the impact from the loss of a dwelling and the impact on immediate neighbouring properties and wider community. The purpose of the SPD, and the Article 4 direction, is not to restrict the supply of HMOs nor to apply a blanket refusal to all future HMO applications, rather they are intended to manage their future development. Each application for additional HMOs should be assessed on its own merits taking account of all material planning considerations.

### Consideration of the Use

The SPD requires that the concentration of HMOs should be assessed as part of any planning application for change of use to a HMO. The SPD applies a 10% concentration threshold within 100 metres of the application site and states that any further proposed HMOs over this threshold will generally be considered inappropriate. The purpose of this is to prevent high concentrations of HMOs which can lead to an imbalance in residential communities.

Many previous applications for additional HMOs within the City which have been refused based on high concentration of HMOs in that particular area. These are often located within the heart of the 'West End' or streets located off the High Street of the City, characterised by being predominately residential in character, lined with terraced or semi-detached properties where the impact of a concentration of such uses would be significant and cause or add to a community imbalance. In this case, officers consider the location and specific characteristics of the application property are key considerations in determining whether the change of use causes harm, despite being in an area defined as having a high concentration of HMOs.

Firstly, the property is located within the Central Mixed-Use Area as defined by the CLLP. By definition this area is mixed in character rather than being a neighbourhood of residential properties which the Article 4 was brought in to protect. The application site is located within an area of mixed uses including office, care home and some residential. The concentration of HMOs within the 100 metre radius of this property is high but this is because the calculation has taken in those properties on Whitehall Terrace and Newland Street West. Both of these streets sit within the neighbourhood of the 'West End' of the City. Officers consider that the context in which the application property sits is distinctly different to that of the characteristically residential West End.

Secondly, the characteristics of the property and location are relevant in considering whether the change of use is acceptable. The property is a large, detached property, not in single residential use and is bounded by car parking/ offices to the north and east and flats/an existing HMO to the south which means that it can be converted without causing

harm to its immediate neighbours. Being located on the edge of the Central Mixed Use Area and on the east side of The Avenue, close to the City Centre would also mean that the general noise and disturbance the West End has received in the past from students returning to their homes late at night is unlikely to be an issue here. The property also benefits from on site parking as well as a rear garden including space for cycle and bin storage.

The SPD also considers harm caused from the loss of family homes to HMOs. The property is larger than the average family home and has been previously subdivided. In this case, the change of use would not result in the loss of the single-family use of the property as it has been in multiple occupation as flats. Evidence to demonstrate that the property has been marketed as a single family home is therefore not required in this case.

#### External Communal Space, Cycle and Bin Storage and Parking

There is private external space to the rear of the property. An area for bin and cycle storage is identified on the proposed plans.

A parking space has been provided for each HMO. In any case, given the centrally located site, parking is not required as the property has good access to the City Centre and public transport. The Lincolnshire County Council as the Local Highway Authority has raised no objections to the application. The provision of parking and the sustainable location would therefore meet the requirements of CLLP Policies LP33 and LP37, and accordingly officers have no objection in this regard.

#### Visual Amenity and the Conservation Area

No external alterations are required for the change of use therefore officers consider the character and appearance of the conservation area would accordingly be preserved by the proposal.

#### Planning Balance

Officers consider the property's location within the Central Mixed-Use Area rather than a predominately residential area is a key factor in considering this application.

While the concentration threshold is a material consideration, it should not result in an automatic refusal on such applications where harm through community imbalance is not present. Such a high concentration of HMOs would be considered harmful in other areas where residential properties are more predominant. However, officers consider that in this particular case, given the surrounding uses, the property's characteristics and the location mean that such a change of use would not cause harm to the community balance within the area.

The SPD also requires that the proposal should not result in a smaller concentration of HMO uses, specifically from three adjacent HMOs. This does not occur in the case of the application property as the neighbouring properties are occupied as flats and offices.

The use of a flexible planning condition to allow the lawful use of the property to change between C4 and C3 is proposed. This allows the property owner the ability to respond to changing local housing market circumstances by letting the flat as either C3 or a C4 HMOs, without the need to apply for planning permission. It should also be noted that

allowing a flexible use of the property is likely to reduce the chance of the property sitting vacant; as some landlords may otherwise choose to leave the property empty rather than rent it to a family and lose the C4 status, which would be of benefit to the visual amenity and character of the area

Furthermore, whilst the layout of the second floor would remain unchanged with 3 bedrooms, it is considered appropriate to impose a condition on an approved application to restrict the number of occupants of this HMO to 3 unrelated people. Whilst this is not a condition ordinarily used on changes of use to HMOs, in this particular case it is considered to be necessary when taking account of the other pending applications for the ground and first floor within the property with a potential occupation of 6 occupants per HMO should the rooms be occupied by more than one resident.

### Unilateral Agreements

New student accommodation in certain areas of the City, namely the 'West End' have been subject to Section 106 agreements preventing properties being occupied by students. These were in the interests of maintaining a balance and mix of tenure types within that ward, which has previously been identified as having a large proportion of a certain type of property. Notwithstanding this, S106 have not been applied to other properties on The Avenue given its mixed-use character. It is not considered to be justified to apply this restriction in this case.

On balance officers are satisfied that the change of use of the second floor of the property from a flat to a HMO would not therefore have an unduly harmful impact on the overall balance of the community or the mixed use character of the area, in accordance with the CLLP Policy LP33, LP37 or the SPD.

### **Application Negotiated either at Pre-Application or during Process of Application**

No.

### **Financial Implications**

None.

### **Legal Implications**

None.

### **Equality Implications**

None.

### **Conclusion**

The change of use of the second floor flat from C3 to C4 is acceptable and would not harm the residential amenities of neighbouring properties, would not have an unduly harmful impact on the overall balance of the community or the mixed-use character of the area, in accordance with the CLLP Policy LP33, LP37 or the SPD.

## **Application Determined within Target Date**

Yes.

### **Recommendation**

That the application is granted subject to the following conditions

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

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

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

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

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

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

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

- 04) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 3 residents shall at any time occupy the House in Multiple Occupation hereby approved whilst it is in use as a C4 (whereby the premises is occupied by unrelated individuals who share basic amenities).

Reason: In the interests of protecting residential amenity.

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**Mrs Sandra Lewis 22 York Avenue Lincoln Lincolnshire LN1  
1LL (Objects)**

**Comment submitted date: Thu 04 Feb 2021**

I wish to register my objection to this planning application. The City Council has taken a firm stance on allowing more HMO conversions in the West End since Article 4 was introduced almost 5 years ago and this has largely stabilised a balanced community in the area. I am concerned that if one similar application to this is granted then a precedent may be set for others to follow.

The SPD that the Council set alongside Article 4 whereby an application is unlikely to be successful if there are currently more than 10% of HMOs within a 100 metre radius of the relevant property has so far resulted in total refusal of this type of application. I believe the 10% criterion applies in this case and therefore refusal should follow.

I would also make the point that there is a Care Home directly opposite this property. Regrettably there is history of anti-social problems from some student properties in the West End and this is not therefore an appropriate development in that location.

**Mrs Helena Mair 290 West Parade Lincoln Lincolnshire LN1  
1NB (Objects)**

**Comment submitted date: Wed 03 Feb 2021**

I object to the creation of more HMOs in the West End - an area where there already far too many. Under Lincoln's Article 4 on HMOs the planning officers should carry out an assessment based on whether there is more than 10% concentration of HMOs within a 100m distance of the site. If the concentration is above that the application should be rejected. I would be very surprised if there were not more than 10% so I expect that this application will be rejected

**Mrs Marie Phillips 2 Chapel House Hampton street Lincoln LN1  
1NE (Objects)**

**Comment submitted date: Thu 28 Jan 2021**

Whilst I am sympathetic towards the owners of the building having gone through the same process over the last 2 years, unfortunately I have to object. Regardless of what the owner says regarding the property she thought she had bought and the standard it will be refurbished to, this is still planning for a HMO which time and time again has been refused in our area and I believe this should be the case for this application. Should the council grant planning for this property this it will only prove that the planning department have inconsistencies with the decisions they make as it ultimately contravenes Article 4 and the SPD. This property already has residential planning and should in no way then be granted C4 use with an open ticket to let to undergraduate students which we ourselves and other property owners in the area have all been turned down for. I do not support the introduction of Article 4 however the council have now set a precedent by refusing all other planning and this should now continue. This property doesn't need to be used for students, given the size of the individual flats they could house families.

**Mr Paul Headland 6 Bedford Street Lincoln Lincolnshire LN1  
1NA (Objects)**

**Comment submitted date: Wed 27 Jan 2021**

Article 4 was adopted by the city council in order to prevent family homes being converted into HMO's and the loss of community which this causes.

This conversion application from flats to HMO causes the same problem and will cause in all likelihood cause the same issues that many other student HMO's cause, things such as:

Late night noise nuisance.  
Untidy bins and rubbish.  
Lack of garden maintenance/removal of trees.  
Further parking problems in the area.  
It also severely effects the character of the building and makes conversion back to a family home difficult and cost prohibitive.  
In in short i propose that this application should be rejected.

**Mrs Helen Blakey 15 Steep Hill Lincoln Lincolnshire LN2  
1LT (Supports)**

**Comment submitted date: Tue 26 Jan 2021**

Dear Sirs

As the owners of this property we would like to clarify a few issues;

When we purchased this property, the building already comprised of 3 separate, 3 bedroom apartments, an apartment to each floor.

As part of our property development, we are currently working on refurbishing, making good and modernising the original apartments into the below configurations;

Ground floor 4 bedroom apartment

First Floor 3 bedroom apartment

Second floor 3 bedroom apartment

Our purpose of conversion is to occupy these apartments as 'luxury student living'. We are working with an interior design company who have sympathetically designed the apartments and priced the weekly charge rate to reflect this.

Whilst we cannot guarantee, we feel this may in-fact result in less people residing within the overall building, as the student bedrooms available are for individual occupancy, thus meaning a maximum of 10 people will be living across the three apartments at one time, as opposed to an unlimited number within a standard residential dwelling as before.

At the time of purchase, we applied for planning to change the garage into a 1-bedroom apartment which was approved. This work is ongoing.

We were unaware at the time of our previous submission that a C4 approval was required. As soon as this was brought to our attention, we immediately submitted the required application.

We thank you for considering the application and we hope we can move forward to bring a new type of luxury accommodation to the area.

Many Thanks,

**Miss Sarah Jenkins 15 Queens Crescent Lincoln Lincolnshire LN1  
1LR (Objects)**

**Comment submitted date: Wed 13 Jan 2021**

I wish to object to this application.

The property formally a residential house sits opposite a care home and close by other residential properties, including a property recently converted back into a residential family home. I feel it is highly inappropriate to allow a HMO opposite a care home where

residents will not wish to be disturbed all hours of the day and night by students living in a HMO.

Affordable accommodation (flats) for professional people is required in the city as well as larger family accommodation. To agree a HMO would go against Article 4 and I find it offensive that the owner of the property is already advertising for students to occupy the property before planning is agreed and in an area (or across the road from) where to let signage is prohibited (Regulation 7).

## **Mrs Linda Hall 2 North Parade Lincoln Lincolnshire LN1 1LB (Objects)**

**Comment submitted date: Fri 08 Jan 2021**

As I understand it the initial planning application which received approval was for flats and it seems to me that these applications for HMOs are once again trying to get in through the back door. As we know the concentration of HMOs in the Carholme area is way above the recommended level and therefore I believe this application should be refused.

## **Councillor Lucinda Preston**

**Comment Date: Wed 03 Feb 2021**

I would like to make the following objection to the above planning application on behalf of residents. I am aware of the anxiety this application is causing people in the locality. The change of use of the property from a C3 to a C4 category would not be appropriate for the area and is in contravention of Article 4.

Post-pandemic, this change of use would result not only in more people living in this property but in greater noise and disruption. Every additional HMO adds to noise and disruption in the area. Although the property has some limited parking, it would of course add pressure on parking spaces in the locality due to the inevitable increase in visitors to the property.

There is plenty of other multiple occupancy accommodation elsewhere in the ward as well as across the city and this change is unnecessary and damaging to the community. It is also a very 'back door' way of a developer creating a new HMO.

Carholme is a friendly, mixed community which welcomes new residents. But Article 4 recognises the importance of a balance community too. Once again I find myself asking the planning committee to consider the impact on Carholme residents of yet another proposed HMO.

## **Lincoln Civic Trust**

**Comment Date: Wed 27 Jan 2021**

**OBJECTION**

We consider this to be overdevelopment of the site and that this area is surely saturated with this type of accommodation. We feel it is time to make a stand in the area and to refuse more development of this type and start to provide more family based residential properties. The effects of the Pandemic are going to lead to a decline in the demand for student dwellings.

## **West End Residents Association**

**Comment Date: Mon 18 Jan 2021**

The granting of this application would directly contravene Article 4, which applies to the West End in its entirety, of which The Avenue forms the eastern boundary. Our historic area is already saturated with properties that accommodate students, and we can see no reason to have any more. The three floors of this property are perfectly suited to

being three self-contained flats that could house people starting on the property ladder or young families. We are seeking to maintain the balance of our area, in order to maintain its strong cohesive community.

The location of this property is across the road from a care home. We doubt very much that its elderly residents would appreciate being woken in the small hours by the noise which almost inevitably accompanies HMOs.

It is indicative of the ruthless and presumptive manner in which homes in our area are treated, that there are already advertising boards outside this property advertising student lets available in the building, before planning permission has been decided. Incidentally these boards also contravene Direction 7, which prohibits 'To Let' boards in our area as well.

WEST END RESIDENTS ASSOCIATION.

### **Highways & Planning**

**Comment Date: Fri 08 Jan 2021**

Does not wish to restrict the grant of permission.

### **Lincolnshire Police**

**Comment Date: Mon 04 Jan 2021**

Lincolnshire Police do not have any objections to this application.

Please do not hesitate to contact me should you need further information or clarification. Please refer to Homes 2019 which can be located on [www.securedbydesign.com](http://www.securedbydesign.com) Homes 2019.

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

Yours sincerely,

John Manuel

|                            |  |
|----------------------------|--|
| <b>Application Number:</b> | 2020/0756/FUL  |
| <b>Site Address:</b>       | Garage, Rosebery Avenue, Lincoln   |
| <b>Target Date:</b>        | 19th December 2020   |
| <b>Agent Name:</b>         | None   |
| <b>Applicant Name:</b>     | Miss Elly Krisson  |
| <b>Proposal:</b>           | Demolition of existing garage and erection of a 3no. bed dwelling (Use Class C3) (Revised Drawings). |

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

The application property is a long standing garage building located to the east side of Rosebery Avenue. The property is located within the West Parade and Brayford No. 6 Conservation Area

Although there is no known date of the construction of the garage, it has been established that a building was originally constructed between 1880 and 1900 with a later addition between approximately 1930 and 1960 to form the outline that remains to the present date. The structure as currently stands has been present in its form or similar for in a significant period and as such is lawful.

An application for conversion of the existing garage was granted planning permission in 2018. Following further investigation by the owners of the existing structure it was established that the walls to be previously retained are of poor condition and are, in places severely bowed. Subsequently, a revised application has been submitted for consideration.

The application proposes the demolition of the existing building and the rebuilding of a new dwelling to form a three bedroom property within Use Class C3 – which is as a single dwelling. The proposal remains almost identical in footprint, scale and massing to that previously approved.

### **Site History**

| Reference:    | Description   | Status                   | Decision Date: |
|---------------|---|--------------------------|----------------|
| 2018/0266/FUL | Conversion of existing single storey garage to 3 bed dwelling (Use Class C3). (Revised Drawing) | Granted<br>Conditionally | 13th July 2018 |

### **Case Officer Site Visit**

Undertaken on 26th November 202.

### **Policies Referred to**

- National Planning Policy Framework
- Central Lincolnshire Local Plan
- Policy LP1: A Presumption in Favour of Sustainable Development
- Policy LP21: Biodiversity and Geodiversity
- Policy LP25: The Historic Environment.
- Policy LP26: Design and Amenity

## **Issues**

To assess the proposal with regard to:

- 1) Accordance with national and local planning policy
- 2) Impact on residential amenity
- 3) Impact on visual amenity and the character and appearance of the conservation area
- 4) Highway safety, access and parking
- 5) Communal Space, Bin storage and other factors
- 6) Ecology and the protection of habitats and species
- 7) Other matters

## **Consultations**

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

## **Statutory Consultation Responses**

| Consultee            | Comment           |
|----------------------|-------------------|
| Lincoln Civic Trust  | Comments Received |
| Highways & Planning  | Comments Received |
| Environmental Health | Comments Received |
| Lincs Bat Group      | Comments Received |

## **Public Consultation Responses**

| Name   | Address  |
|--|--|
| Barbara Woolfenden -<br>Lincoln Commons Horse<br>Association | 183 Carholme Road<br>Lincoln<br>Lincolnshire<br>LN1 1RU  |
| Mr Paul Headland   | 6 Bedford Street<br>Lincoln<br>LN1 1NA                   |
| Richard & Helena Mair  | 290 West Parade<br>Lincoln<br>Lincolnshire<br>LN1 1NB    |
| Barbara Wheeler Comber                                       | 292 West Parade<br>Lincoln<br>Lincolnshire<br>LN1 1NB    |
| Heather Umpleby And Holly<br>Dingwall                        | 1A Rosebery Avenue<br>Lincoln<br>Lincolnshire<br>LN1 1ND |
| David & Kathryn O'Donnell                                    | Email  |

|                   |   |
|-------------------|---|
| Tara Kellie       | Email   |
| Ms Emma Krasinska | 294 West Parade<br>Lincoln<br>Lincolnshire<br>LN1 1NB   |
| Mrs Tara Bond     | 1 Rosebery Avenue<br>Lincoln<br>Lincolnshire<br>LN1 1ND |

## **Consideration**

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

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

Paragraph 114 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

Paragraph 118 puts further emphasis on the development of brownfield land stating that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Moreover, the planning process should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively, in this case making use of a long-standing, unused premises that is in a state of dis-repair.

Paragraph 127 states that planning decisions should ensure that developments:

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

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

The application is for the demolition and of an existing garage building and erection of a residential dwelling and therefore Policy LP26 - Design and Amenity of the Central Lincolnshire Local Plan is entirely relevant.

The following design principles within Policy LP26 of the Central Lincolnshire Local Plan



would be pertinent with the development.

- a. Make effective and efficient use of land;
- c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;
- d. Not result in the visual or physical coalescence with any neighbouring settlement;
- f. Incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;
- i. Protect any important local views into, out of or through the site;
- j. Duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style;
- k. Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability.

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

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

The application property is located within a Conservation Area and therefore subject to the requirements of Policy LP25: The Historic Environment.

Policy LP25 of the Central Lincolnshire Local Plan states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Development proposals will be supported where they:

- d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset;
- e. Promote opportunities to better reveal significance of heritage assets, where possible;
- f. Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

### Conservation Areas

Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

- j. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;

- k. Retain architectural details that contribute to the character and appearance of the area;
- l. Where relevant and practical, remove features which are incompatible with the Conservation Area;
- m. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and lot widths of the existing built environment;
- n. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
- o. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.

### Principle of the Development

The application submitted is for the erection of a residential property (Use Class C3) and would be conditioned as such to ensure that it would remain within that use class. Moreover, it has been confirmed by the applicant that they would be willing to sign a section 106 agreement to ensure that no students would occupy the property.

National Planning Policy and the Central Lincolnshire Plan state that the development should deliver a wide range of homes, making efficient use of land and therefore the Council considers that the construction of a residential property would create a sustainable and suitable use within an existing residential area.

The application has attracted a number of written representations objecting the proposal. The officer's report will cover all of the material planning considerations raised throughout the application process. All representations are copied in full as part of your agenda.

A number of other concerns have also been raised which are not within the remit of the planning process. Nonetheless, these points have been discussed to provide clarity for the members of the Planning Committee.

### Impact on Residential Amenity

The application proposes a scheme which is almost identical in footprint, dimensions and design to that previously approved, with the exception of new external brick walls to the northeast and southwest walls to replace those previously retained. The northeast wall includes a new parapet to ensure rainwater and the rainwater goods drain and sit within the boundary of the site.

The footprint of the dwelling is slightly reduced in length from the existing garage to provide a small outdoor area measuring 2.7m in length and running the width of the site, creating a new boundary wall at a height of 2m surrounding the area. The width of the dwelling would also increase by approximately the width of an additional brick to form the new boundary parapet wall to the northeast.

The overall ridge height would match that of the existing garage with a maximum height of 4.65m and the eaves height would remain at 2.76m with the new parapet wall to the northeast measuring slightly higher at 3.1m to accommodate the drainage of rainwater.

The new roof includes the installation of four roof windows to the south and two to the north, placed to minimise the impact on the neighbouring properties, whilst allowing for natural light into the proposed property. These rooflights were also a feature of the previous planning permission for the conversion of the existing building. The addition of an approximately

660mm overhang of the roof would add a canopy to the front elevation with a large amount of glazing to maximise light into the property and to take advantage of the views onto the Common. The rear elevation would contain two sets of doors from the rear bedrooms with additional glazing above. There are no windows to be installed within the side elevations. The building as now proposed is practically identical to the building that would have been created by the conversion.

The proposal would have minimal alterations to the existing footprint and overall size and massing and the placement of windows would minimise the potential for any overlooking from and to the three storey properties on West Parade as indicated on the submitted visual splays. It is not therefore considered that there would be any harmful relations created through placement of new windows. As the existing structure size would be largely maintained and to an extent reduced, it would also not be considered to have an unduly harmful impact on the residential amenity of neighbouring properties. The use of the brownfield site and premises as a residential dwelling and new home would be appropriate within the residential area as emphasised within the National Planning Policy. The impact from the additional occupation of the new dwelling would not create an additional harmful relationship beyond that experienced between the existing neighbouring properties.

It is not therefore considered that the proposal would have an unduly harmful impact on the residential amenity of the neighbouring properties or wider area.

To further protect the amenity of the neighbouring properties it would be reasonable to condition the removal of permitted development from the proposed dwelling to ensure that any potential for future development is considered by the local authority through the submission of a further application.

#### Impact on Visual Amenity and the Character and Appearance of the Conservation Area

The dwelling has been revised throughout the application process to replace the previously proposed render with a red facing brick to provide a more appropriate facing material to the northeast and southwest elevations.

The proposal makes effective use of the brownfield site to create a new dwelling, whilst replicating much of the existing footprint, ensuring that the eaves and overall ridge heights are replicated. The dwelling adds some elements of a more modern design, mixing larger glazing sections with small elements of render to the front and rear elevations that sympathetically complement the more traditional red brickwork and slate roof tile.

The property would not be considered to look out of place alongside the neighbouring dwellings using a selection of materials that would ultimately enhance the character and appearance of the conservation area, bringing a vacant site back into use and improving the overall street scene.

It is recommended that a condition should be applied to ensure that samples of materials are submitted to the local planning authority prior to the commencement of the development to ensure that they are of a suitable quality, appropriate to the area.

#### Highway Safety, Access and Parking

Following consultation with the County Council as Highway Authority no objection has been made in respect of the issues of parking, capacity or safety in the wider area. As the property

is within proximity to the city centre and has access to local transport routes it is considered that parking would not necessarily be required for the property. Nevertheless, the submitted plans identify an area to the front of the dwelling with the potential for up to three car parking spaces located off the highway, the likes of which is considered wholly acceptable by the Highways Authority and would ensure the current parking issues locally are not exacerbated.

### Communal Space, Bin Storage and other Factors

A number of representations have cited the potential for noise, disturbance and smells associated with the occupation of the property, the use of the proposed rear yard and storage of bins.

The dwelling incorporates a small rear garden/yard and such a use is not considered to be unlike the existing adjoining gardens that are currently used by the neighbouring properties. Furthermore, Environmental Health have confirmed that they have no concerns with regard to the potential for noise or disturbance, smell or odour as a result of the use of the property or the use or location of the bin storage

A condition in respect of working hours would adhere to strict guidelines to ensure that there is no unreasonable disturbance to the neighbouring properties during construction. The hours recommended would be 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms; and

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

### Contamination

Discussions with Environmental Health have resulted in a request for a full set of contaminated land conditions to be added to any consent. Whilst a screening form was considered adequate for the previously granted proposal, it has been established that this would not be sufficient for the revised proposal. Officers have confirmed that this is due to the need for more intrusive groundworks and the consequent exposure routes that this would create.

### Ecology and the Protection of Habitats and Species

Policy LP 21 requires that any development that could have an adverse effect on sites with designated features and / or protected species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.

Following consultation with the local bat protection group a response has been received which confirms no objection to the proposed works. The response advises that the works to demolish the existing structure are subject to separate legal requirements under the Conservation of Species and Habitats Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Should any bat dropping be found during the demolition works then those carrying out the works should contact the Bat Conservation Trust for further guidance.

## Other Matters

Residents have raised objections to the applicants' proposals to access the passageway that runs to the rear of their houses and alongside the application site. The applicant, in response has sought legal advice and is satisfied that they do have a right to use the passageway and that it would only be used in case of an emergency. Notwithstanding this, officers would clarify that this dispute is not material to the planning process and should not prevent the determination of the application.

In addition, for the benefit of the members of the committee, the case officer has approached colleagues in building control to confirm that in the event that the emergency access is excluded from the proposal then other internal alterations could be made to achieve compliance with both fire safety and building regulations as a whole, the likes of which would not necessarily require planning permission. In the event where material changes are required then a separate application for planning permission shall be required and considered. The same issue was raised at the time of the consideration of the previous application for the conversion and the conclusion reached was that it was not a matter that could be controlled under the planning legislation but nonetheless a solution was achievable.

A letter has been received in relation to the use of heavy machinery and building material storage and delivery in an area of proximity to the designated feeding and West Common horse access area on Roseberry Avenue. The impact of the construction works can be the subject of control through the inclusion of the hours and work and delivery condition on a grant of planning permission as well as the relevant environmental regulations and controls by the Highway Authority that would be dealt with accordingly outside of the planning process.

## Conclusion

The proposed conversion to a residential dwelling would not have a harmful impact on the amenities of neighbouring properties and would enhance the character and appearance of the conservation area. The application facilitates the redevelopment of brownfield land into a more sustainable use through the addition of a new dwelling, in accordance with policies LP1 A, LP21, LP25 & LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework. The application before Committee proposes a building of the same height, scale and design to the conversion of the existing building that was granted planning permission in 2018. The proposal would result in a dwelling which has an almost identical appearance.

## Recommendation

That the authority to grant permission is delegated to the Planning Manager subject to:

- The signing of a section 106 agreement to ensure no student occupation of the property
- The conditions listed below.

## **Standard Conditions**

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

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

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

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

### **Conditions to be Discharged before Commencement of Works**

- 03) Samples of all external materials to be used in the development shall be submitted to and approved by the Local Planning Authority before the development commences. The approved materials shall not be substituted without the written consent of the City Council as Local Planning Authority.

Reason: In the interests of visual amenity.

- 04) No development shall take place until an investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's 'Land Contamination: Risk Management (LCRM) Guidance' (available on [www.GOV.UK](http://www.GOV.UK)).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- 05) No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning

Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 06) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.  
Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

None.

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

- 07) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 4 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5, which is to be submitted to and be approved in writing by the Local Planning Authority.  
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.  
Where no unexpected contamination is found written confirmation of this must be provided to the Local Planning Authority prior to any occupation of the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out.

- 08) The dwelling hereby granted shall be used as a residential dwelling (Use Class C3) and for no other purpose within the Schedule of the Town and Country Planning (Use Classes) Order 2015 or any subsequent amendment or re-enactment thereof).

Reason: In order to protect amenity.

- 09) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent re-enactment or revocation thereof) the dwelling hereby approved shall not be enlarged, improved or otherwise altered without the prior consent of the City Council as Local Planning Authority.

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

**Table A**

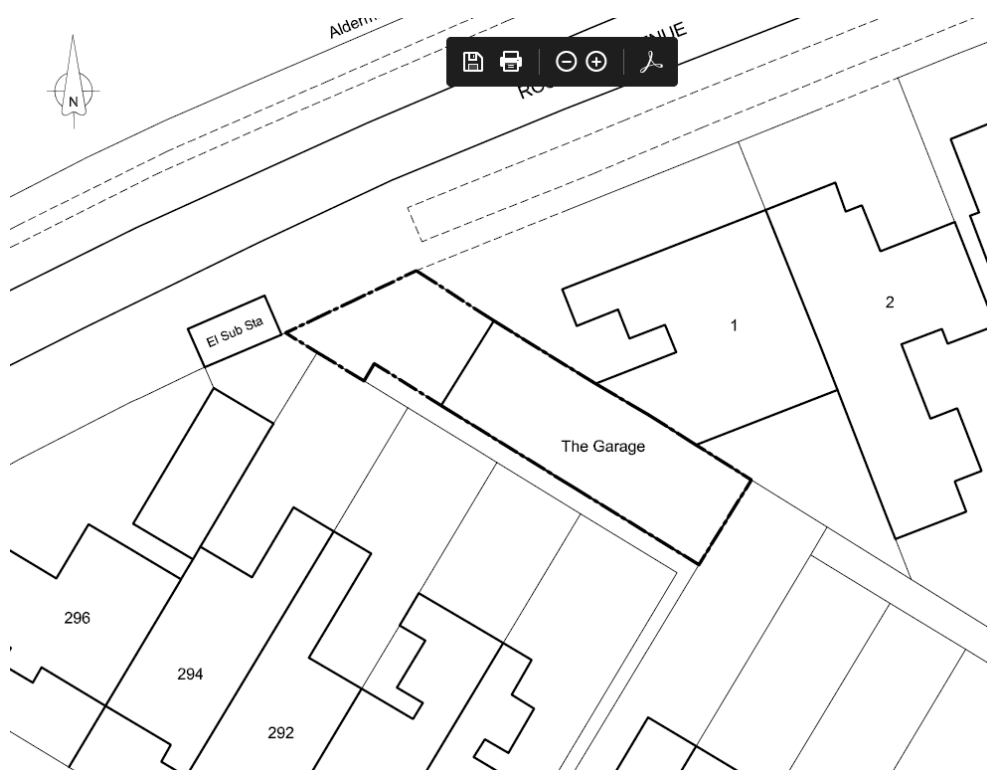
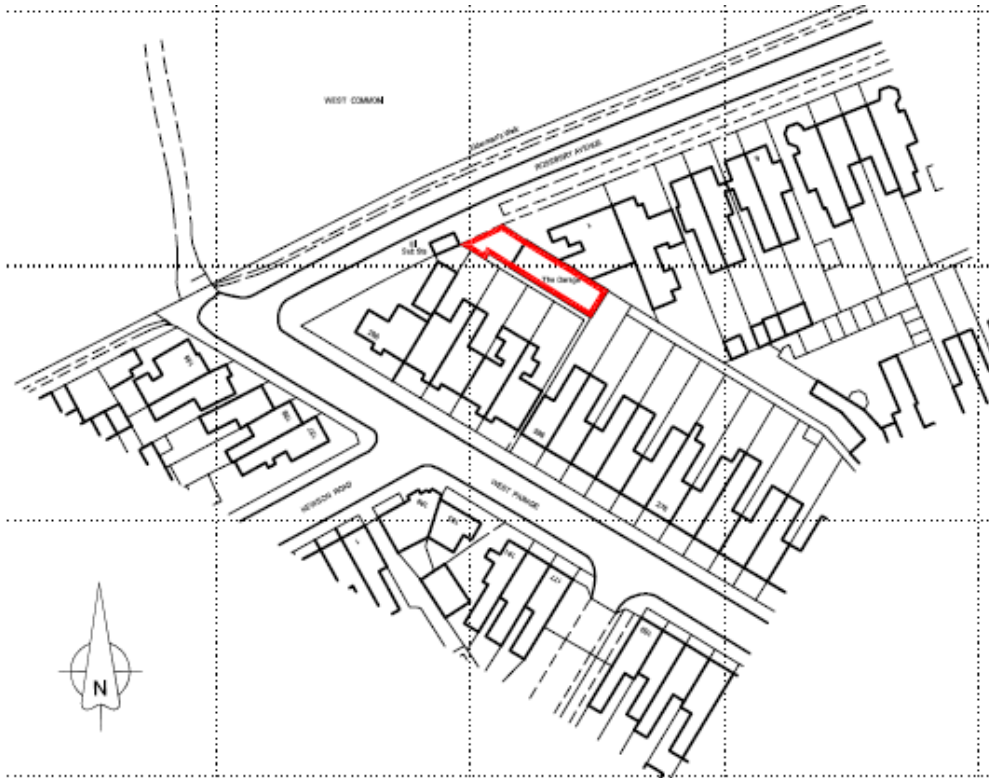
The above recommendation has been made in accordance with the submitted drawings identified below:

| Drawing No.     | Version | Drawing Type           | Date Received     |
|-----------------|---------|------------------------|-------------------|
| 05 729RA 03 EPE |         | Elevations             | 3rd February 2021 |
| 04 729RA 04 PSP |         | Floor Plans - Proposed | 3rd February 2021 |
| RA-267 / 02 A   |         | Other                  | 23rd October 2020 |
| RA-267 / 01 A   |         | Other                  | 23rd October 2020 |

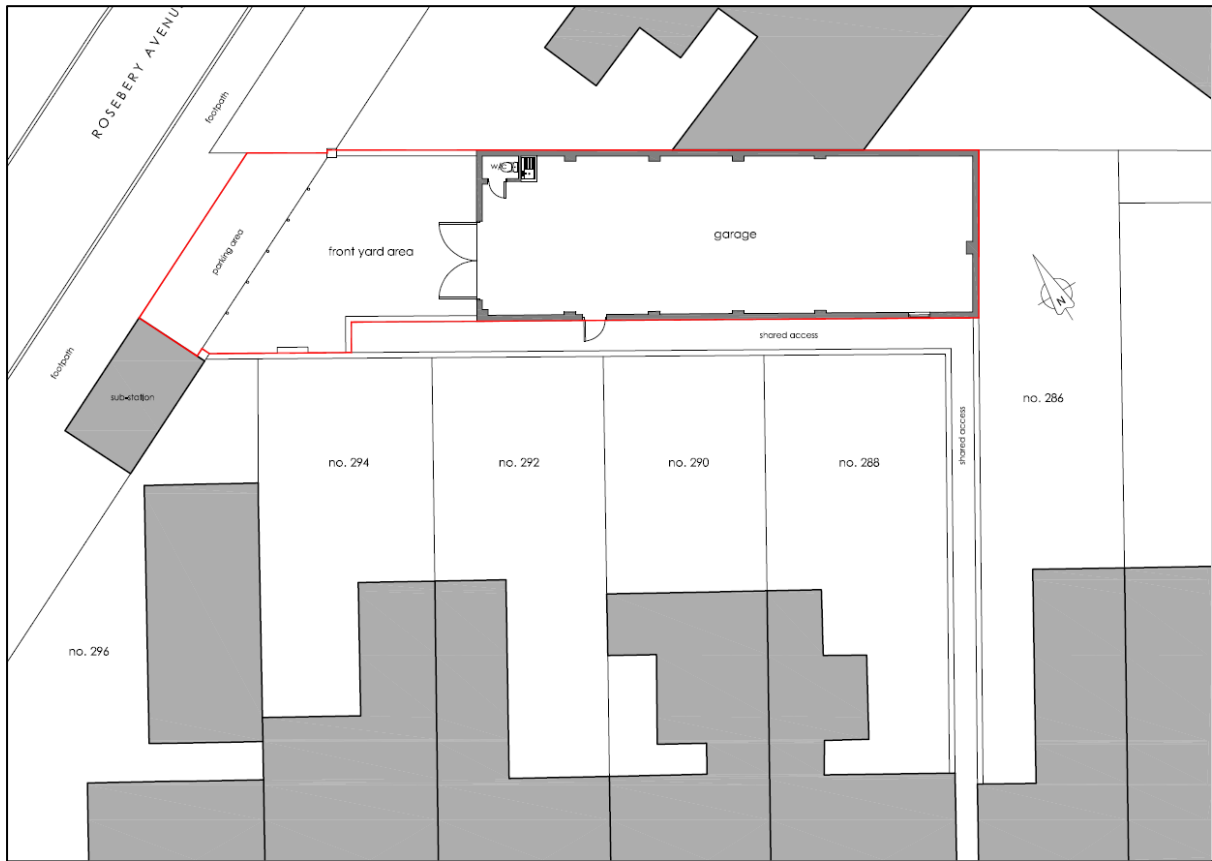


# 2020/0756/FUL– Garage – Rosebery Avenue

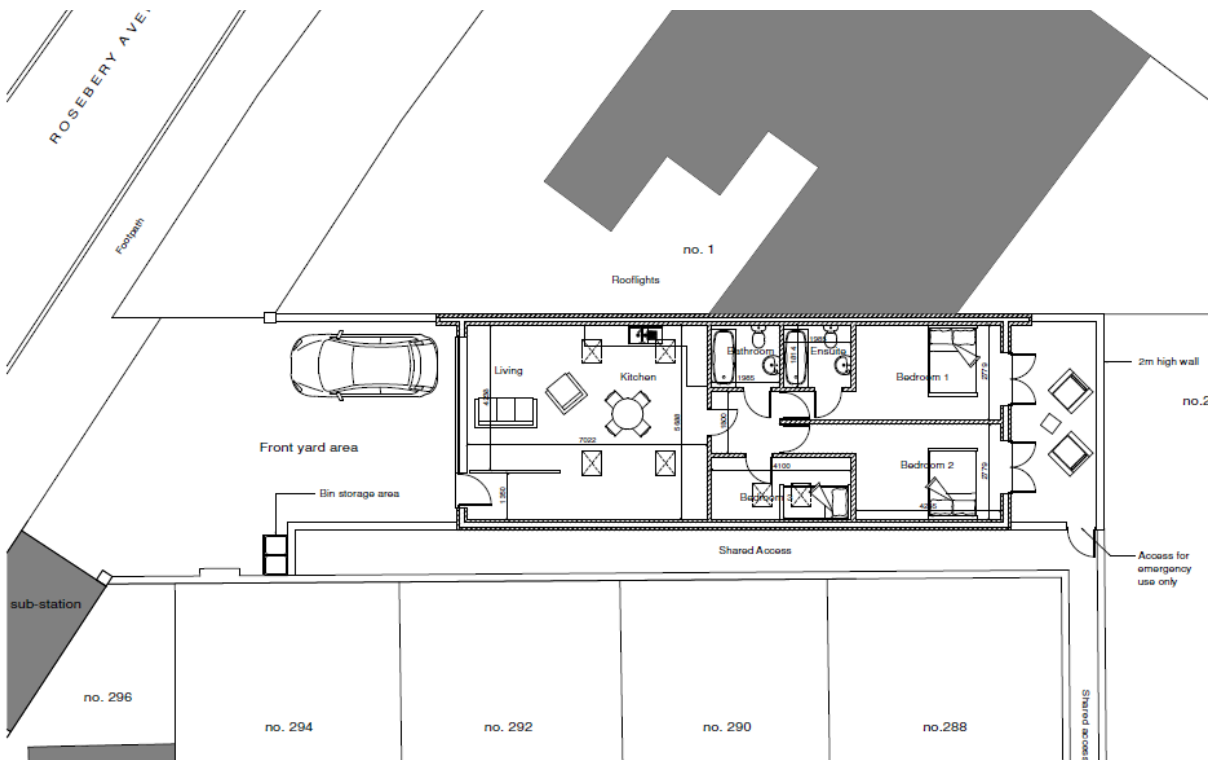
## Site Location



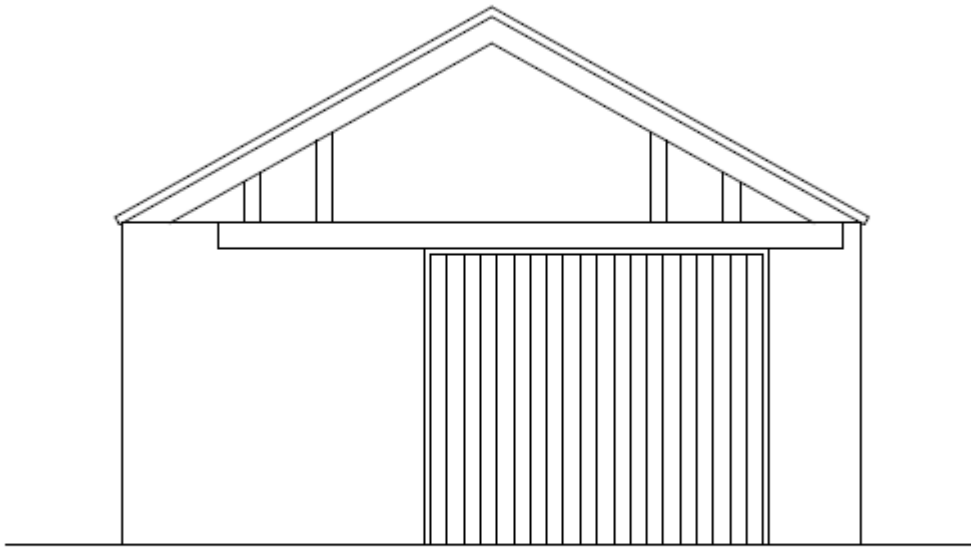
## Existing Floor Plan



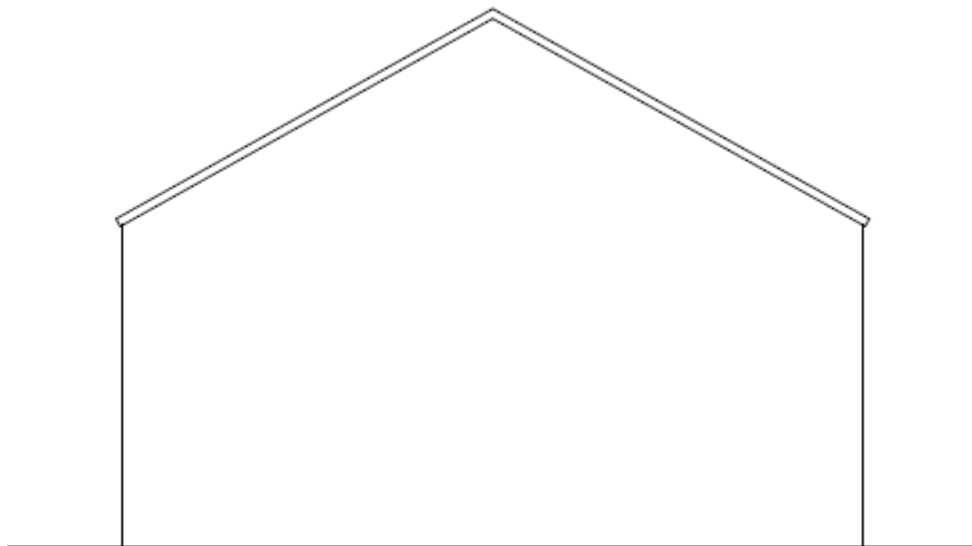
## Proposed Floor Plan



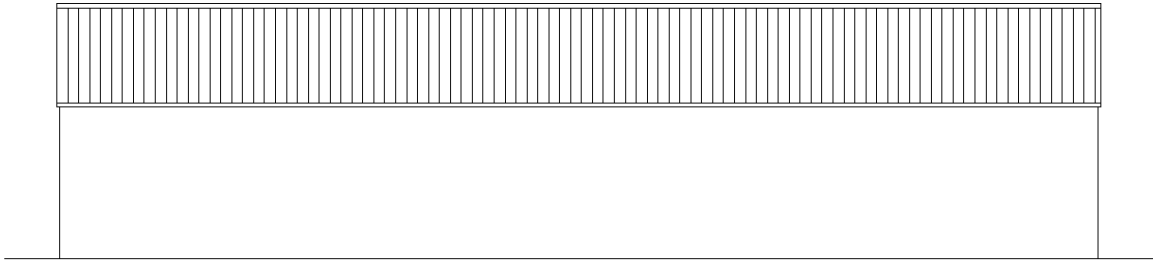
## Existing Elevations



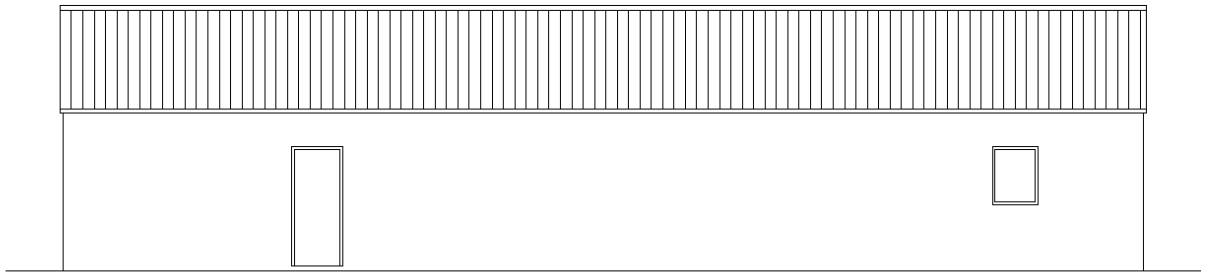
EXISTING NORTH WEST ELEVATION (Front)



EXISTING SOUTH EAST ELEVATION (Rear)

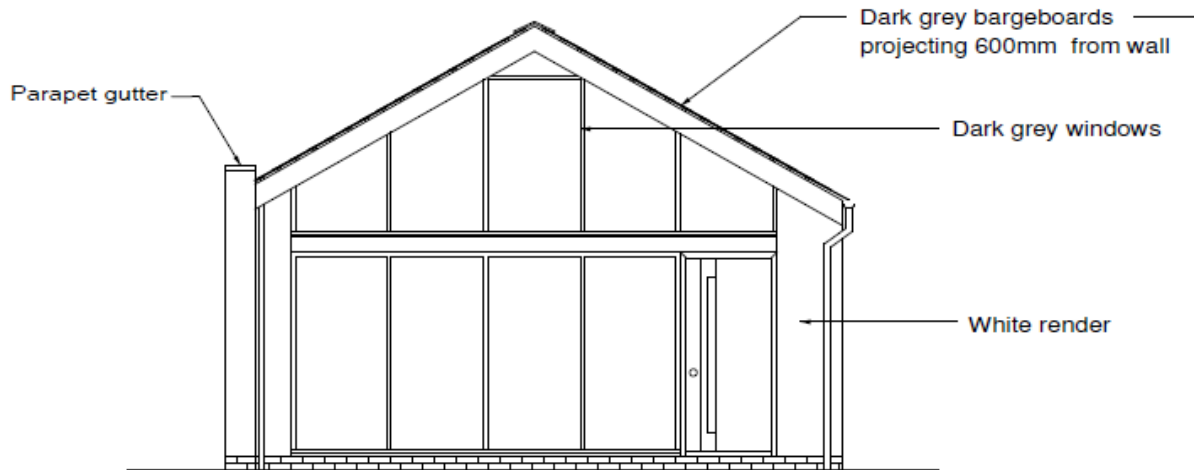


EXISTING NORTH EAST ELEVATION (Side)

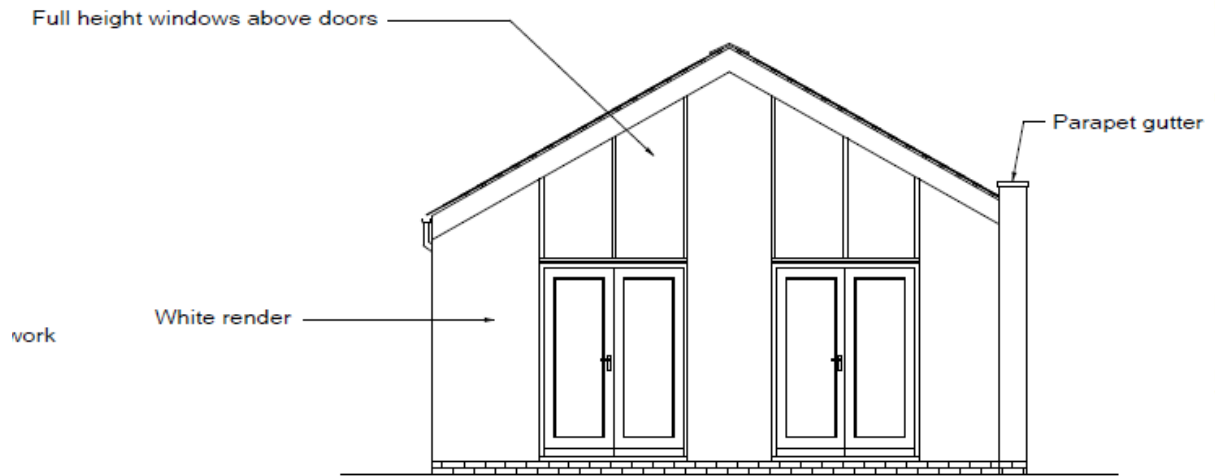


EXISTING SOUTH WEST ELEVATION (Side)

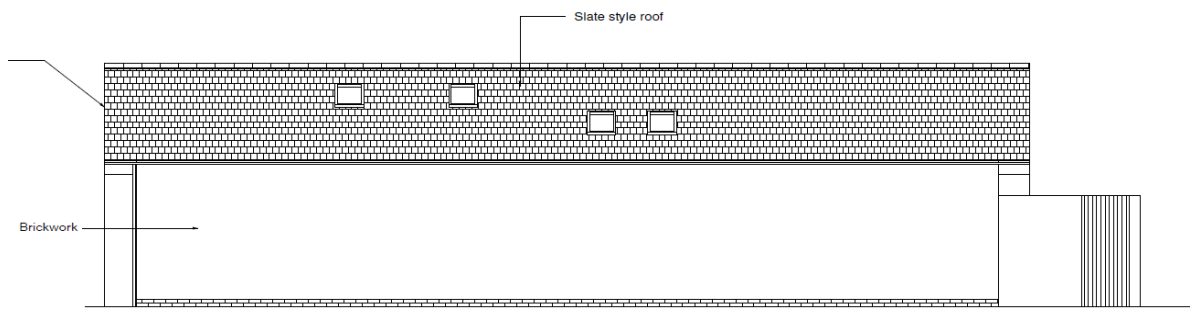
## Proposed Elevations



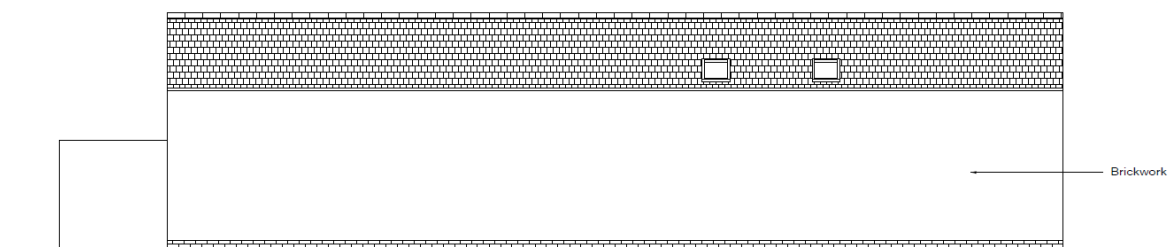
PROPOSED NORTH WEST ELEVATION (Front)



PROPOSED SOUTH EAST ELEVATION (Rear)

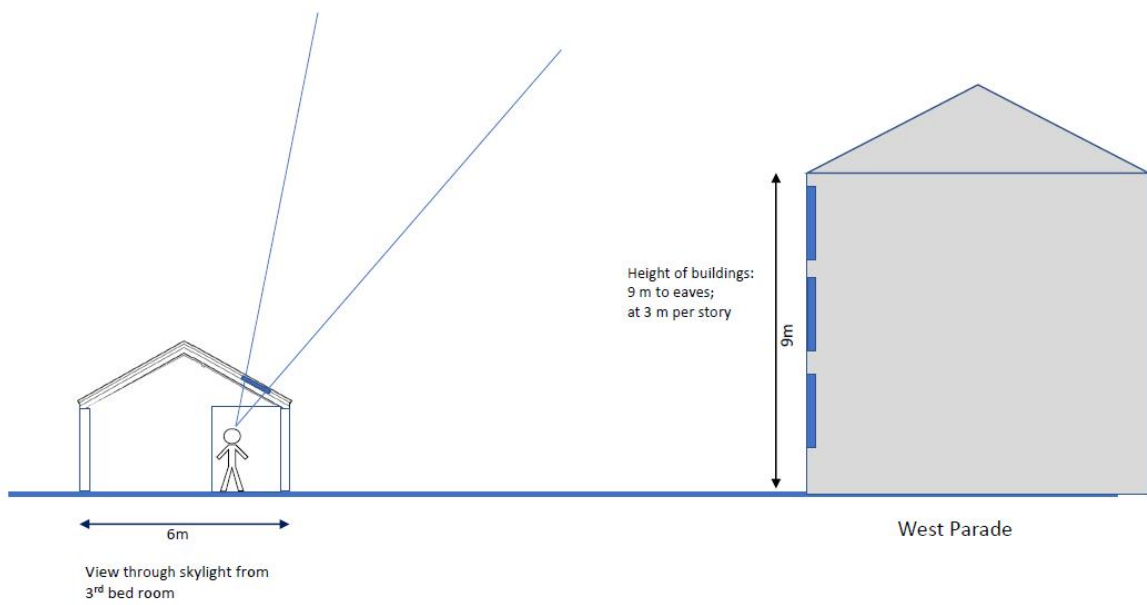
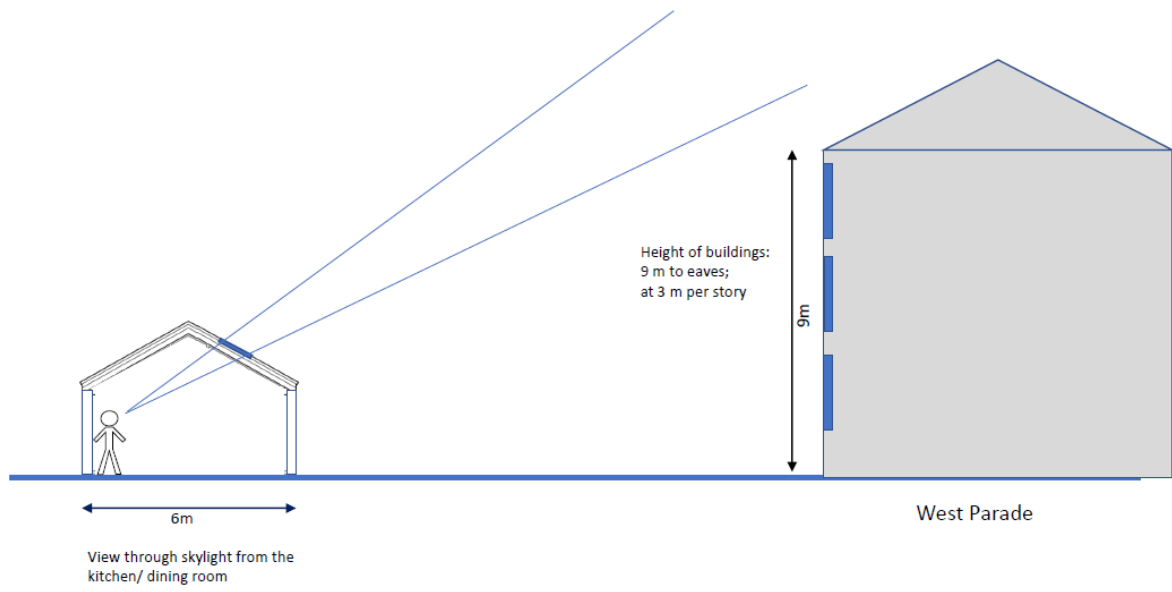


PROPOSED SOUTH WEST ELEVATION (Side)



PROPOSED NORTH EAST ELEVATION (Side)

# Estimated Visual Splays



## Photographs



























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## 2020/0756/FUL– Garage – Rosebery Avenue

### Neighbour Responses

your ref. 2018/0266/FUL.

my ref 292 West Parade ,LN1 1NB.  
23 march 2018 Dear Tom Hobson.

Thank you for our meeting last week concerning this proposed development. I can only reiterate my objections to this development as laid out in my original letter of March 6 to your department , particularly claims by Mrs Krisson for ".shared access" to the passage behind all our houses., mine at 292 , my neighbours at 294,290,288. I understand that this may be a " building regulations " matter.? please advise. Further I gather that the garage is shown to be a home for bats. My request is that this unsuitable house is not built at all.  
Yours sincerely  
Barbara Wheeler Comber

Sent from my iPad

**From:**

**Sent: 19 November 2020 19:37**

**To: Hobson, Tom (City of Lincoln Council)**

**Cc: Emma Krasinska; R Mair; Ba Wheeler; Tara**

**Subject: Planning Application ref 2020/0756/FUL**

**Planning Application ref 2020/0756/FUL**

**Conversion of existing single storey garage into a 3 bed dwelling.**

Dear Tom Hobson

We have had sight of the plans for this development, and appreciate the improvements that the new dwelling might make to the immediate surroundings and the community as a whole. It would be good to see the current building renovated and used to good effect, and if carried out sympathetically could potentially add to the visual appearance of the block. However we would like to object to the currently proposed demolition and rebuild plans on the following grounds:

1/ A rear side door on the south side of the proposed building, is drawn on the plans. This would give access to the passageway to the north and east of our properties.

On the plans the passageway is described as a 'shared passageway', implying that it is one shared by the proposed building in the current plans. It is not. This passageway is solely for the use of our house and the other properties which the passageway borders, namely 288, 290, 292, & 294. The passageway is not for the use of the current garage nor the land on

which it stands, but only for the the above four properties. This is identified in the deeds, dated 1899 and reiterated in more recent copies held in the land registry, i.e. 1923, 1975, 1992, and confirmed again in 1997 when we purchased our property. We are responsible for its upkeep. The proposed property has never had access to the passageway, and was never used by the previous owner, despite an erroneous claim made in the hearing for the previous plans in 2018. This can be confirmed by residents who have lived here for over 30 years, and by previous tenants of the block of houses, identified above.

The passageway has been gated at the front, south entrance, and has an additional locked door midway along the length of our property, since we moved in over 20 years ago and before that for at least the previous 10 years. Only the owners of No's 288, 290, 292 and 294, are entitled, or have keys, to these gates.

2/ The proposal identifies the proposed door as 'for emergency use only'. That this rear entrance would be only used for that purpose by the owners and those to whom they lease the dwelling is highly unlikely. The passageway secures our properties from access to potential burglars. Anecdotally, the only time we have been burgled was when the door was inadvertently left open and thieves entered into the rear of the property.

3/ The newly built walls to the proposed dwelling will have to have foundations to them which we believe will encroach onto the passageway. A more suitable solution would be to set the dwelling back away from the boundary line to a sufficient distance as not to affect the structural integrity of our property and surrounding ones.

4/ We see that it is intended to render the external surfaces of the wall. How will this be carried out and how will it be maintained without access? We object on the grounds that no consideration has been given to the process by which this dwelling can be built and maintained, without access. Rendered properties also require an amount of upkeep and as mentioned above there is no access on the south side to do this. The same would also apply to the gutters and downpipes that would be required for rainwater disposal. If approved as shown these would overhang the private passageway and if not maintained (the current ones, along with the roof, have not been maintained by the owner) and could cause issues with the integrity of the render and it's appearance.

Again a solution would be to set the dwelling back from the boundary line.

5/ The drawings indicate a significant lowering of the wall to the east end of the property where the rear yard is intended to be sited. This alters the line along the passageway and would of the wall around resulting in an adverse effect on the aesthetic appearance of the corner, in what is still, a conservation area. Additionally it reduces significantly the security of our property and that of the other houses to which the passageway allows legitimate access.

6/ There are no other properties that have been rendered on their West Parade/Rosebery Avenue elevations and we feel that this would create a precedent for others which could result in a potential arbitrary patchwork of such material, destroying the visual coherence in this conservation area. blight in the area.

7/ We are concerned that attention be paid to the effects on land drainage and disposal of waste water on the current, quite old, drainage system. The plans do not indicate where such water would be directed. Again the passageway to the south side would not be available, and both the north and east sides of the building are locked in with no possibilities in either of those directions either.

8/ Our garden has a tree, approx. 8 metres in height, in its north east most corner, approx 1.5 metres from the proposed foundations which would need to be dug. The roots of this tree are almost certainly crossing the line of these proposed foundations. Whilst the renovation of the garage (as in the previous planning application) would not have had so great an adverse effect, complete demolition and the subsequent need for digging to build the footings will have. If the roots are displaced what will be the effect on the trees stability?

The planning committee will be aware that trees in this area fall under a conservation notice.

Also, in the National House Building Council (2006) 'Building Near Trees', Chapter 4.2; BS 5837 (2005) 'Trees in Relation to Construction' it is stated that:

*“Most of a tree's root system is within 600mm of the surface and extends radially for distances often in excess of the tree's height. All parts of the root system are vulnerable to damage and once damaged, roots may not regenerate. Extensive root damage may impair the stability of the tree.”*

There is also a younger apple tree, against the back, south, wall of our garden and the BS standard also advises:

***allowance for physical growth of young trees*** *Direct damage due to the growth of the main trunk and roots of young trees should be avoided by locating structures and services at a safe distance from the trees. Further guidance is given in BS 5837. Where this cannot be achieved precautions should be taken to allow for future growth. For example:*

- *foundations should be reinforced to resist lateral forces*
- *walls or structural slabs should bridge over the roots allowing sufficient clearance for future growth or be reinforced to avoid cracking*
- *pavings and other surfaces should be laid on a flexible base to allow for some movement.”*

Yours faithfully

David & Kathryn O'Donnell

PS I would appreciate confirmation of receiving this. Thank you

From: R MAIR

Sent: 20 November 2020 09:57

To: Hobson, Tom (City of Lincoln Council)

Cc: Ba Wheeler; David O'Donnell; Emma Krasinska; Tara Kellie

Subject: Planning Application ref 2020/0756/FUL Demolition of Existing Garge and Ercerction of 3 bed dwelling

Dear Mr Hobson

**Planning Application ref 2020/0756/FUL**

**Demolition of Existing Garge and Ercerction of 3 bed dwelling**

We would like to object to this application to demolish the Garage which is at the bottom of our back garden and build a new dwelling in its place.

To carry out this work the developers would have to demolish the wall which encloses the rear passage shared by us and our three neighbours on West Parade. They would have to dig up our passage to construct new foundations and to build the new wall and no doubt would want to erect scaffolding there to build the wall and the new roof. This would prevent us and our neighbours using our only garden access and require us to remove goods we have stored there. This is on land which they do not own and have no rights to access let alone dig up.

Any foundations could also undermine the foundations to our outhouses and gardens walls, and could cut across the roots of the tree at the bottom of our neighbour's garden at No 288. This tree is formally protected under the conservation area rules.

There are no dimensions on the new drawings to show heights to the roof or walls. As this is a new build there is nothing to prevent the developer building a higher building than the existing garage which would further encroach on our space and amenity and that of our neighbours.

Permission was given in 2018 to convert the existing garage to a dwelling and this new application is based on that permission with almost identical floor plan and elevations. The main change is that the building would be demolished and built new – and with rendered external walls rather than the existing brick ones.

When the previous application was discussed at committee members made it clear that they were only allowing it because there is already an existing building to be converted – they would not have allowed a new-build proposal because it is so tightly surrounded by existing family houses. They allowed the previous application because conversion was seen as relatively low disruption and damage to the amenity of the neighbours. We object to this new application because it is seeking to use the previous permission to gain approval for a more disruptive and damaging proposal which goes against what was specifically considered by the planning committee.

This new application changes the proposal from one which can be built from within the developers land to one which they cannot carry out because they do not own the adjoining land or have access to it, so it should be rejected and the developers should be advised to use the permission as originally granted.

The only purpose of this application compared to the existing permission is to make the work cheaper and therefore more profitable for the developer, at a cost to the amenity of the neighbours both during construction and for the future. This proposal is trying to take away the protections to the amenity of neighbours which were part of the existing approval as discussed by the planning committee and should be rejected on that basis.

Richard & Helena Mair

290 West Parade

Lincoln LN1 1NB

**Customer Details**

Name: Mrs Tara Bond

Address: 1 Rosebery Avenue Lincoln

**Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Full details have been sent via email on 21st November directly to Tom Hobson

From: Tara Kellie <kellietara@yahoo.co.uk>

Sent: 21 November 2020 09:08

To: Hobson, Tom (City of Lincoln Council)

Cc: Ross Bond; R MAIR; David O'Donnell; Emma Krasinska; comberba@gmail.com

Subject: 2020/0756/FUL- Objection

2020/0756/FUL

We would like to object to the new planning application that has been made in respect of a 3 bed dwelling at Rosebery Avenue on the following grounds:

1. We believe that the brick Victorian wall that forms the boundary to our property to be in our ownership and has been built on in the past. The proposed drawings show a 'new build'

cavity wall construction in this position and it is therefore assumed that there is an intention to demolish our wall to achieve this. We therefore object to this on the grounds that we do not give consent for our wall to be demolished and the proposed materials to be used for the outer skin of the property. The issue being that the work would dramatically alter what now exists as two established Victorian walled gardens (1 & 1A Rosebery Avenue). Photos are attached to show the continuation of the front garden wall through the property. This wall forms the boundary of our property. The photo shows that the garage is built up next to the wall with tiles and guttering over hanging it. The original wall would need to be retained to maintain the visual amenity for 1 and 1A. The original planning permission kept this brick wall in place thus maintaining the traditional features of this area.

2. The newly built walls to the proposed dwelling will have to have foundations to them which we believe will encroach onto our property and effect the existing foundations of our dwelling, in addition, the depth of any new foundations would have to be in the region of 1.2 – 1.5 metres and take account of large trees within the locality and the water course that runs below ground draining the hillside which we feel may lead to surrounding properties being undermined that later result in structural defects. We object to this on those grounds and feel that a more suitable solution would be to set the dwelling back away from the boundary line to a sufficient distance as not to affect the structural integrity of our property and surrounding ones. The soil that will need to be removed in order to dig new foundations will cause significant disruption to a very narrow busy road. The existing permission to renovate the building would require far less soil removal and consequent disruption.

3. Our rear garden is land locked with no means of access other than through the inside of our property. How is it intended to construct the walls as shown without access? I would point out to you that our garden is a family garden for our children and we have to consider their safety and therefore we cannot have part of it turned over to a construction site. In addition to this I note that it is intended to render the external surfaces of the wall, firstly – how will this be achieved and how will it be maintained without access, secondly a section of the wall is shown as being built tight against my property – how will rendering be achieved in these areas. We would have to object on the grounds that no consideration has been given as to how this dwelling can be built and maintained without affecting our property and the disruption that it would cause in order to cut corners and save on costs. If the building were to be demolished it should be set back significantly from the boundary line.

4. It is not in keeping with the properties on West Parade/Rosebery Avenue to have rendered elevations and we feel that this would create an opening for others which could result in a patchwork quilt in the area. Rendered properties also require an amount of upkeep and as mentioned above there is no access into the rear of our property to do this. The same would also apply to the gutters that would be required for rainwater disposal. If approved as shown, these would overhang our property and if not maintained (the current ones, along with the roof, have not been maintained by the owner and we have had to employ our own contractor to rectify the problem) could cause issues with the integrity of the render and it's appearance.



5. The original application included conditions relating to the installation of a bat box and that the work should be carried out in accordance with the ecological Protected Species survey received in July 2018 in order to 'ensure the protection of species as identified within the Wildlife and Countryside Act 1981'. It is not understood how this could be done if the building were to be demolished.

6. The planning officers report for the original planning permission states that 'the existing structure and size would be largely maintained, it would not be considered to have an unduly harmful impact on the residential amenity of neighbouring properties'.. 'The conversion of the property would bring a vacant building back into a beneficial use, whilst retaining the structure and making use of a more traditional pallet of materials'. If the building is to be demolished this would not continue to be the case. A traditional Victorian brick boundary wall would be removed from the gardens of both 1 and 1A, completely changing the visual amenity of these properties.

7. Based on what was approved on the previous application for the conversion works, the proposals for this one appear more intrusive with no real thought given as to how it is going to be built without affecting the structural integrity of the surrounding buildings and then maintained after that. The original plan maintained the brick walls to the sides with the front façade being replaced thus blending old with new in a more sympathetic manner. Although the statement of "looking after our neighbours" is taken with a pinch of salt we are aware that the main motivation for this change is for a cheaper construction build. Removing the current bricks disposing of them and replacing with block and render comes with an environmental impact which would not be present in a restoration. We have worked on several barn conversions (not dissimilar to this garage) and there are ways around utilising existing walls and creating timber framed walls combined with the use of highly thermally efficient insulation products to provide the eco performance measures required without the need for new walls and foundations. We believe that this would be the best way forward in creating what would be a good restoration project leaving the existing walls in place, minimising disruption to the stability of neighbouring properties, surrounding trees and bat activity in the area and bring this old building sympathetically back to life.





Sent from my iPhone

**Customer Details**

Name: Mr Paul Headland  
Address: 6 Bedford Street Lincoln

**Comment Details**

Commenter Type: Neighbour  
Stance: Customer objects to the Planning Application  
Comment Reasons:

Comment: This garage should be used as such, there is limited parking available in the area and the loss of garage space should be prevented especially when there is an excess of tiny roomed rental property in the vicinity. The drive way will remove at least two valuable spaces from on street parking.

The interior design layout is poor, the size of the bedrooms rooms is tiny, bedroom 3 in no more than a store cupboard. This proposal is not in keeping with the properties adjacent to it and not architecturally significantly impressive to merit building. It does not conserve the existing building shell because the walls are intended to be knocked down thereby making it look like a cheap new build.

Cramming potentially 5 people into such a small space will inevitably cause a noise and odour nuisance for the immediate neighbours whose houses back on to.

It would appear that emergency access is also expected onto a private walkway which is shared

by the houses on west parade but not by this garage.

### **Customer Details**

Name: Ms Emma Krasinska

Address: 294 West Parade Lincoln

### **Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

I would like to add my voice to also object to the proposed planning application. I share exactly the same concerns as Mr and Mrs Mair, Mr and Mrs O Donnell and Mr and Mrs Bond.

I do not give permission for access to the rear passage way for any building works. I have major concerns over our security at the rear of our property if the proposed demolition of the garage goes ahead. This would leave my property completely exposed for an indeterminate period of time and potential additional and unnecessary and unforeseen costs to myself and my neighbours.

I would also like to point out that the current wall that is apparently owned by Ms Krisson, at the bottom of my section of the back passage way is not safe. It wobbles. I would be grateful to hear what the plans are to make it safe.

I remain unhappy about the proposed plan to site refuse bins by my garden wall. I don't want to have to put up with yet more unpleasant smells which interfere with my quiet enjoyment and amenity of my own garden. We are already regularly and frequently disturbed by the strong smells of cannabis and tobacco smoking - both in our garden and that waft inside our property - from the multi occupancy property at 296 West Parade and the bungalow which you approved without our support on Rosebery Avenue, which abuts onto my back garden.

You are approving yet another new dwelling to abut my property in an already densely housed area. I feel absolutely crowded out. When I moved in in 2005, I moved into a lovely terrace with views of the Common, sunshine in my garden and two garages abutting my property. Now I live in a terrace with the view of the Common blocked by the high roof of the new bungalow, a dark garden that has lost its light as a result, noise and smell that affects our quiet enjoyment.

I am worried about more uncontrollable noise, smell and disturbance by the creation of this additional new dwelling tightly alongside our homes with no space - putting me in a position of more conflict with my neighbours. I don't want to live like this. I'm surprised there is room for a 3 bedroom dwelling.

I share the concerns about noise and disturbance from building. I don't think it is reasonable to allow noise and disturbance from 8-18:00 hours five days a week with no relief on Saturday. I work from home full time because of the pandemic and so do many of my neighbours. We had an appalling year of disturbance in 2015 during the building of the bungalow on Rosebery Avenue that abuts my property and 296 West Parade, a period that

coincided with the death of my husband and my subsequent bereavement. If the proposal is approved again, some consideration must be given to reasonable curtailment of activity and peace.

There is no right of emergency access from the garage to our back passage. The gate to West Parade is locked for security, and it will not function as an emergency access in any case.

It's a conservation area. Please make that mean something. You should insist on real, authentic materials appropriate to the character of the period properties of the neighbourhood. 'Slate-like' isn't good enough - this means concrete or composite tiles, like the ones you allowed on the bungalow that abuts my property. These are ugly and bulky and detract from a coherent look and feel which should contribute to a neighbourhood. Real slate, real wood, locally made authentic brick, not engineered brick should be used. Please don't allow any plastic or UPVC doors.

Please, take care of the detail, require the approval of materials to be submitted to you and monitored execution of the build. It was by accident that this new proposal was found out about. I don't recall receiving a letter or seeing any local information about the new planning application? Is this due process? Or good or permitted practice? I think it's important that neighbours who are immediately impacted are consulted, and our rights should be protected. The voice of the local community feels very irrelevant to Lincoln's planning decisions. I think it's important for local democracy, trust and respect that local views are properly heard, represented and considered.

With kind regards

Emma Krasinska  
294 West Parade  
LN1 1NB

### **Customer Details**

Name: Ms Emma Krasinska  
Address: 294 West Parade Lincoln

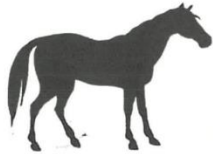
### **Comment Details**

Commenter Type: Neighbour  
Stance: Customer objects to the Planning Application  
Comment Reasons:

Comment: I feel I should also reinforce Mr Mair's comment about the lack of dimensions presented in the new planning application, particularly with regard to the height of the proposed new build. What is the proposed height of the new dwelling? Will it be the same, lower or higher than the current garage? Also, I don't think any reference in the plans was made to solar panels, but is that something we are likely to have to look at?

Unfortunately Lincoln Planning Department and Committee have form in allowing higher new buildings than the ones that they replaced, taking away light and air, and built in a style unsympathetic to the character of the neighbourhood. This can be seen in the bungalow next to 296 West Parade, and the awful huge ugly building currently being built, dominating the corner of Rudgard Lane and West Parade.

Please can we have some assurance about dimensions, and about materials to be approved, in a way that is sympathetic to them conservation area and enhances the neighbourhood.



## LINCOLN COMMONS HORSE ASSOCIATION

Ref: 2020/0756/FUL

Proposed development of Garage, Roseberry Avenue, Lincoln, Lincolnshire.

21/11/2020

Dear Sir/Madam,

The LCHA would like to raise concerns regarding the above proposed development. In the main our concerns centre around the need for heavy machinery and building material storage and delivery in an area of close proximity to the designated feeding and West Common horse access area on Roseberry Avenue. This area is used not only for feeding but by adults and children to tack up their horses and for farriery and vet visits. Individual owners and the local riding school use this area to access the Common. As horses are flight animals we have some concerns that they might be distressed/agitated by the noise of heavy machinery/delivery lorries etc. that will be used as the development takes place, with the potential to make this area unsafe to use. We are also concerned that this might cause horse owners to make more use of the pedestrian access point at the end of West Parade as an alternative route onto the West Common, which could cause conflict with other commons users. A further issue is one of any loss of the time limited non-resident parking on Roseberry Avenue, especially when the development is in progress, as horse owners do need to park there to feed/look after the welfare of their horses.

The LCHA would like the council to take into account the above concerns when considering the planning application.

Yours sincerely



Barbara Woolfenden

Chair LCHA

*Chairperson: Barbara Woolfenden; Secretary: Crystal Walker; Treasurer: Tracy McKane CAP: Gretchen Fixter.  
Correspondence: 183, Carholme Road, Lincoln LN1 1RU.  
Email: [REDACTED]*

## Consultee Responses

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



To: Lincoln City Council

Application Ref: 2020/0756/FUL

Proposal: **Demolition of existing garage and erection of a 3no. bed dwelling (Use Class C3)**

Location: **Garage, Rosebery Avenue, Lincoln, Lincolnshire**

With reference to the above application received 30 October 2020

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

**Does not wish to restrict the grant of permission.**

CONDITIONS (INCLUDING REASONS) /REASONS FOR REFUSAL

The above proposal does not affect highway safety or capacity.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to surface water risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water risk for this planning application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

NO OBS

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

Case Officer:  
*John Clifton*

Date: 10/02/2021

for Warren Peppard  
Head of Development



**Customer Details**

Name: Ms Catherine Waby

Address: St Mary's Guildhall, 385 High Street, Lincoln LN5 7SF

Email: lincolncivictrust@btconnect.com

On Behalf Of: Lincoln Civic Trust

**Comments**

OBJECTION We feel that the conversion of garages into living accommodation is not acceptable and in this particular application, there is a lack of windows and a very limited rear yard.

**Customer Details**

Name: Mrs Annette Faulkner p/p Lincolnshire Bat Group

Address: 65 London Road Spalding

**Comment Details**

Commenter Type: Member of the Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Thanks you for contacting Lincolnshire Bat Group regarding this application. We have no objection to this, subject to the usual provisos that should bats or bat droppings be found during the demolition work work must stop and Natural England, via their agents the Bat Conservation Trust, be contacted on 0345 1300228 for advice on how to proceed.

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|                            |   |
|----------------------------|---|
| <b>Application Number:</b> | 2020/0903/FUL   |
| <b>Site Address:</b>       | 238 Nettleham Road, Lincoln   |
| <b>Target Date:</b>        | 1st March 2021  |
| <b>Agent Name:</b>         | Globe Consultants Ltd   |
| <b>Applicant Name:</b>     | Taylor Lindsey Limited  |
| <b>Proposal:</b>           | Change of use from existing restaurant (Class E) to drive-thru restaurant (Class E and Sui Generis) and external modifications to building to include provision of drive-thru lane. |

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

The application proposes the change of use from an existing restaurant (Use Class E) to drive-thru restaurant (Mixed Use Class E and Sui Generis) with external modifications to building to include provision of drive-thru lane, a minor reconfiguration of the car park, new condenser compound, and associated hard and soft landscaping improvement works.

The application property is 238 Nettleham Road the former (now closed) Pizza Hut restaurant. The site is located on land to the south-east of Nettleham Road and included within the Nettleham Road District Centre as designated by the Central Lincolnshire Local Plan. Nettleham Road is to the north west, Nettleham Road Shopping Centre is to the east, existing housing served via Browning Drive to the south west and residential apartments to the south which are accessed from Nettleham Road.

### **Site History**

No relevant site history.

### **Case Officer Site Visit**

Undertaken on 14th February 2021.

### **Policies Referred to**

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP13 Accessibility and Transport
- Policy LP26 Design and Amenity
- Policy LP34 Lincoln's District and Local Shopping Centres
- National Planning Policy Framework

### **Issues**

- Policy context and principle
- Effect on visual amenity
- Impact on residential amenity and neighbouring uses
- Access, parking and highways

## **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 |
| Lincolnshire Police  | Comments Received |

## **Public Consultation Responses**

| Name                  | Address  |
|-----------------------|--|
| Mr Tomasz Gawlik      | 8 Nettleham View<br>Nettleham Road<br>LINCOLN<br>LN2 4GT |
| Miss Kayley Pitchford | 49 Lupin Road<br>Lincoln<br>Lincolnshire<br>LN2 4GB      |
| Mrs Christina Graves  | 171 Browning Drive<br>ST Giles<br>Lincoln<br>Ln2 4hb     |
| Mr Christopher Spurr  | 169 Browning Drive<br>Lincoln<br>Lincolnshire<br>LN2 4HB |

## **Consideration**

### **Policy Context and Principle**

Policy LP1 of the Central Lincolnshire Local Plan (CLLP) advises that the authority will take a positive approach to development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Planning applications that accord with the policies in this Local Plan will be approved without delay.

Policy LP34 states that any proposals for retail, leisure and/or office development in or on the edge of a District and Local Centre are required to:

- a) Contribute to the vitality and mix of uses in the Centre, and meet a need within the immediate locality;
- b) Be appropriate in scale and nature to their location;
- c) Prioritise and promote access by walking, cycling and public transport; and
- d) Complement but not compete with the City Centre.

The District Centres identified in Policy LP34 (which includes Nettleham Road) should perform the following role and function: "Centres serving particular areas within the main settlements, typically including a range of services such as banks, building societies, restaurants, library, and usually with at least one supermarket". The Nettleham Road District Centre includes a diverse range and mix of uses that complement the city centre but also serve a growing local catchment. Accordingly, it is considered that the proposed drive-thru restaurant will contribute to the existing mix of uses found within the wider District Centre but, also, will generate additional footfall and opportunity for custom for the existing businesses which operate in the immediately adjacent units. The proposed development accords with the level of service provision required by Policy LP34 and therefore in this respect the proposal would be in accordance with Policy LP34.

The end user has confirmed this development would lead to the creation of 25 full-time and 30 part-time job opportunities.

### Representations

4 letters of representation have been received which express concern about noise and light pollution and the potential impact another drive-thru would have on Nettleham Road. Representations also include concerns about security and the boundary treatment between the residential properties and the site.

### Impact on Residential Amenity and Neighbouring Uses

Policy LP26 refers to the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy and suggests that these must not be unduly harmed by, or as a result of, the development. The second half of the policy sets out nine criteria which are relevant considerations in terms of amenity and expects, where applicable, each application to ensure that each criterion can be satisfied.

The proposed development has the potential to give rise to elevated levels of noise at neighbouring residential properties, due to onsite vehicle movements, deliveries, plant noise etc. The agent has submitted a noise report that assesses the level of impact on the surrounding residential properties.

The City Council's Pollution Control (PC) Officer has considered the noise report and concluded with specified mitigation in the form of a 2 metre high acoustic barrier for the delivery area conditions to control the hours of opening, delivery hours and waste collection times and a further assessment of external plant noise the proposed use should not give rise to unreasonable levels of disturbance. The agent has no objection to the suggested conditions. Hours of construction will also be conditioned to ensure the development does not give rise to undue disturbance during the construction phase of the development.

To further protect the amenities of neighbours the PC Officer has requested that details of any external lighting be conditioned for approval to ensure that this is appropriately

designed to avoid any off-site impacts.

Finally, the PC Officer has noted that commercial kitchen extract systems can cause significant disturbance when located close to other sensitive development due to both emissions of odour and noise. Therefore a condition is recommended to require details of any systems prior to their installation.

Officers are therefore satisfied that subject to the recommended conditions neighbouring residents and uses will be appropriately protected from potential noise associated with the construction and also the operation of the development. In accordance with CLLP Policy LP26, it is therefore considered that the amenities which neighbouring occupants and uses may reasonably expect to enjoy would not be unduly harmed by or as a result of the development.

### Effect on Visual Amenity

The existing building is constructed from structural steel frames with a brickwork cavity wall construction, powder coated aluminium shopfront windows and doors, and powder coated metal fascias below a curved profiled steel cladded roof. The drive-thru lane is proposed to follow the eastern and southern perimeter of the building, with a portion of the southern part of the existing building demolished in order to accommodate the covered drive-thru lane which includes the 'collection' window, no increase in roof height is proposed. The existing section of brickwork to the north-western elevation (fronting Nettleham Road) will be covered with a corten steel cladding, with all existing cladding being updated to a matt anthracite finish.

Although included on the elevation plans the advertisements would be the subject of a separate application for advertisement consent.

Officers are satisfied that the proposed external alterations would relate well to the site and their surroundings in accordance with CLLP Policy LP26.

### Access, Parking and Highways

The site is accessed from Nettleham Road, although it is possible to exit via the adjacent Nettleham Road Shopping Centre car park, which facilitates traffic wishing to travel south. Pedestrian access is gained via Nettleham Road.

The Site accommodates customer car parking spaces, which are shared between the two units. A total of 31 car parking spaces are provided including a total of 4 disabled spaces; users also benefit from a considerable number of parking spaces on offer at Nettleham Road Shopping Centre. Four 'Sheffield' cycle stands are located adjacent to the KFC drive thru accommodating 8 parked cycles. Segregated service areas are provided to the rear of the two existing units, to accommodate deliveries and refuse collection, both are clearly marked with yellow hatching.

Lincolnshire County Council (LCC) in their capacity as Local Highway Authority (HA) has considered the application along with the accompanying Transport Statement.

The LCC advises that 'The proposal is for a new drive thru facility, following receipt of further information it has been concluded that the proposals incorporate adequate parking provision within the limits of the site. A detailed queuing capacity assessment concludes

that the internal arrangements will not impact on the local highway network. It is a recommendation that the access is improved including the widening of the existing access to enable vehicles to enter and exit the site without incorporating the whole junction to carry out the manoeuvre.'

Officers are therefore satisfied that the application and the objections relating to highway safety and highway capacity have been thoroughly assessed by the LCC in their professional capacity as Local Highway Authority. On this basis officers would raise no objection to the application in this respect.

#### Design and Crime

Lincolnshire Police has raised no objections to the application, although have suggested a document for reference. This has been forwarded onto the agent for his information.

#### **Application Negotiated either at Pre-Application or during process of Application**

Yes.

#### **Financial Implications**

None.

#### **Legal Implications**

None

#### **Equality Implications**

None

#### **Conclusion**

The principle of the use on this site is considered to be acceptable and the application has demonstrated that it has met the policy requirements. The design of the development is acceptable, complementing the architectural style of the local surroundings. It is not considered that the amenities of neighbouring residential properties or neighbouring uses would be unduly harmed by the proposal.

Technical matters relating to highways have been appropriately considered by the relevant statutory consultee and can be dealt with as necessary by condition. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP34, LP13 and LP26 as well as guidance within the National Planning Policy Framework.

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

Yes.

#### **Recommendation**

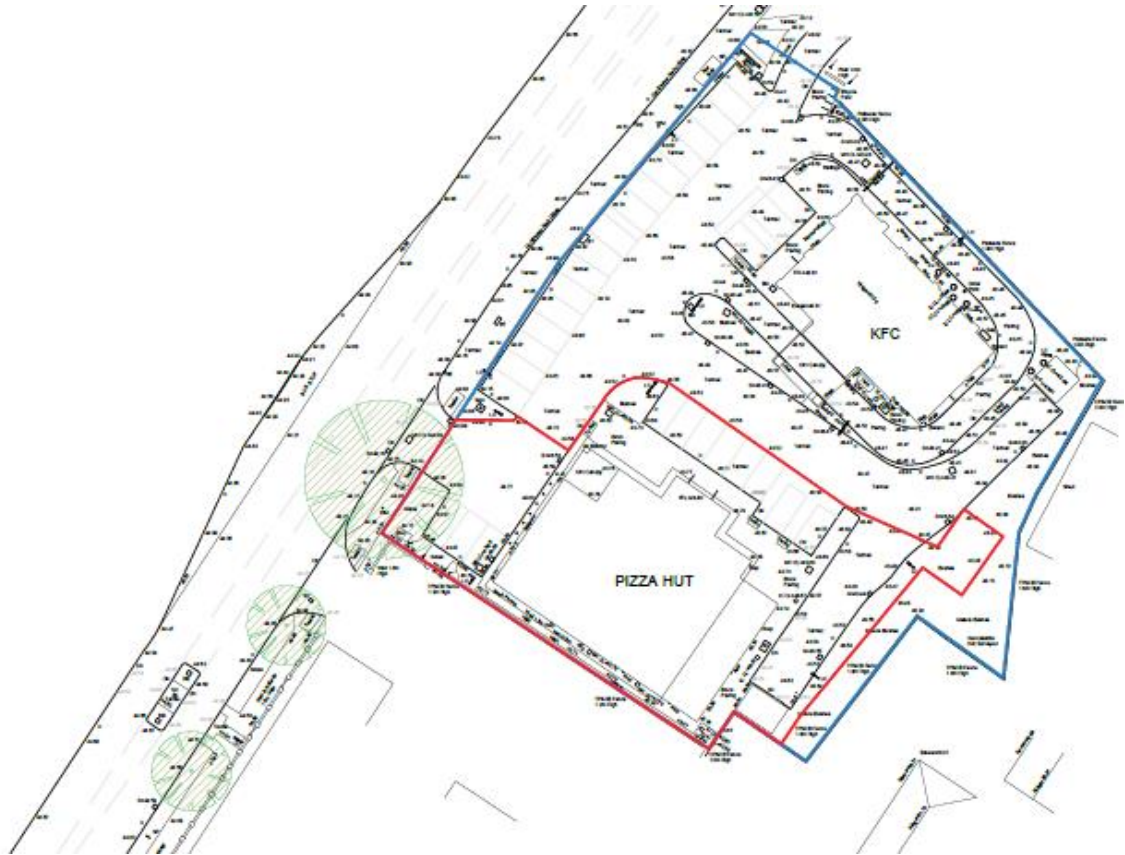
That the application is Granted Conditionally subject to the following conditions:

- 3 Year time limit of the permission
- Development in accordance with approved plans
- Details of vehicular access
- Details of external plant
- Implementation of acoustic barrier
- Details of any extraction/filtration systems
- Assessment of off-site impact of lighting
- Restriction on opening hours
- Restriction on hours for commercial deliveries
- Restriction on hours for waste collections
- Hours of construction

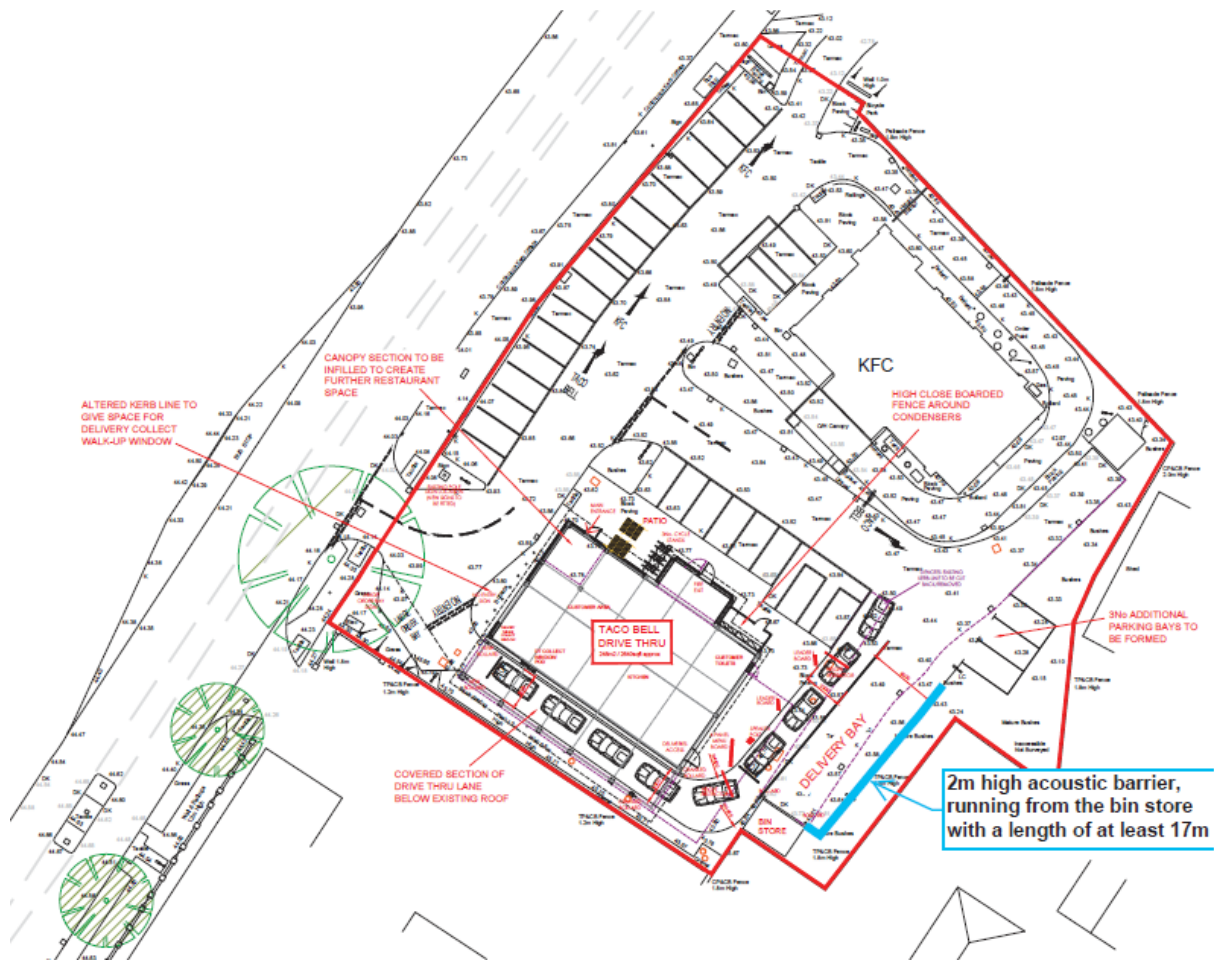


**Plans and Photographs - 2020/0903/FUL – 238 Nettleham Road**

Existing Site Plan



# Proposed Site Plan



# Proposed Elevations

**proposed front (North East) elevation**  
scale - 1:50 @ A1 / 1:100 @ A3

**proposed rear (South West) elevation**  
scale - 1:50 @ A1 / 1:100 @ A3

**proposed side (North West) elevation**  
scale - 1:50 @ A1 / 1:100 @ A3

**proposed side (South East) elevation**  
scale - 1:50 @ A1 / 1:100 @ A3

**Annotations:**

- EXISTING CURVED ROOF TO BE THOROUGHLY CLEANED AND ANY LEAKS ETC REPAIRED. ALL GUTTERS TO BE CLEARED & JOINTS SEALED.
- EXISTING VERGES, FASCIAS & RAINWATER PIPES PREPARED & SPRAYED ANTHRACITE RAL 7016 (MATT FINISH).
- 2500mm HIGH ANTHRACITE RAL 7016 PAINTED TAMBER FENCE & TAMBER DOUBLE DOORS WITH GALVANISED STEEL POSTS TO FORM CONCRETE COMPOUND.
- NEW FREE EXIT DOOR WITH PANIC PUSH PAD. POWDER COATED SLATE GREY RAL 7015 (MATT FINISH).
- DOOR & FRAME TO BE REMOVED. NEW DOUBLE GLAZED INFILL WINDOW PANEL TO BE INSTALLED WITH FRAMES POWDER COATED ANTHRACITE RAL 7016 (MATT FINISH).
- THERMALLY BROKEN DOUBLE GLAZED WINDOWS WITH POWDER COATED COLOUR ANTHRACITE RAL 7016 (MATT FINISH) ALUMINIUM FRAMES.
- 1100mm WIDE ALUMINIUM ENTRANCE DOOR POWDER COATED SLATE GREY RAL 7015 (MATT FINISH) WITH LETTER PLATE TO BOTTOM PANEL & FITTED WITH PUSH/PULL 1m LONG STAINLESS STEEL DOOR HANDLE.
- 900mm HIGH INTERNALLY ILLUMINATED INDIVIDUAL 'TACO BELL' WHITE LETTERS. LETTERS ILLUMINATED USING LEDS. PAID TO RAISE ON TO EXISTING ROOF SIGNAGE STRUCTURE.
- INTERNALLY HUNG INTERNALLY ILLUMINATED PURPLE 'TACO BELL' SIGN - ILLUMINATED USING LEDS.
- ANTHRACITE RAL 7016 (MATT FINISH) POWDER COATED MANUALLY OPERATED SINGLE SLIDING DRIVE THRU WINDOW.
- THERMALLY BROKEN DOUBLE GLAZED WINDOW WITH POWDER COATED COLOUR ANTHRACITE RAL 7016 (MATT FINISH) ALUMINIUM FRAMES.
- EXISTING CLADDING PANELS PREPARED & SPRAYED ANTHRACITE RAL 7016 (MATT FINISH).
- EXISTING VERGES, FASCIAS & RAINWATER PIPES PREPARED & SPRAYED ANTHRACITE RAL 7016 (MATT FINISH).
- INTERNALLY ILLUMINATED SIGN BOX FABRICATED FROM BLACK RAL 9005 POWDER COATED ALUMINIUM SIGN CASKING & 3mm THICK ORAL GLO HIGH IMPACT ACRYLIC FRONT PANEL.
- 470mm HIGH INTERNALLY ILLUMINATED INDIVIDUAL 'TACO BELL' WHITE LETTERS - LETTERS ILLUMINATED USING LEDS.
- BROCKWORK TO MATCH EXISTING - COLLARING TO BE FORMED AROUND EXISTING STEEL COLLARS.
- KINGSPAN 'THICK-ON CASSETTE' HORIZONTAL CLADDING PANELS IN COYOTE STEEL FINISH TO FORM TACO BELL FEATURE WALL.
- NEW UP/DOWNLIGHTERS TO FEATURE CLADDING.
- EXISTING VERGES, FASCIAS & RAINWATER PIPES PREPARED & SPRAYED ANTHRACITE RAL 7016 (MATT FINISH).
- INTERNALLY WALL MOUNTED INTERNALLY ILLUMINATED PURPLE 'TACO BELL' SIGN - ILLUMINATED USING LEDS.
- ANTHRACITE RAL 7016 POWDER COATED STEEL DOOR & FRAME WITH 1400mm HIGH CHANGUER PLATE PANEL.
- IGUM - TACO PAINT DEPT'S GRAPHIC APPLIED DIRECTLY TO CLADDING PANELS.
- 2500mm HIGH ANTHRACITE RAL 7016 PAINTED TAMBER FENCE & TAMBER DOUBLE DOORS WITH GALVANISED STEEL POSTS TO FORM CONCRETE COMPOUND.

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| rev | date     | description   |
|-----|----------|---|
| A   | 19/11/20 | finishes notes updated to suit shell specification.                 |
| A   | 17/11/20 | corner column set half-way into bay to assist with 01 lane tracking |

**Frank Belshaw**   
Building Surveyors Limited

whalley valley way, whalley town road,  
Barnoldswick, Lancashire, BB10 3JG.  
Tel: 01524 899661 Fax: 01524 899667

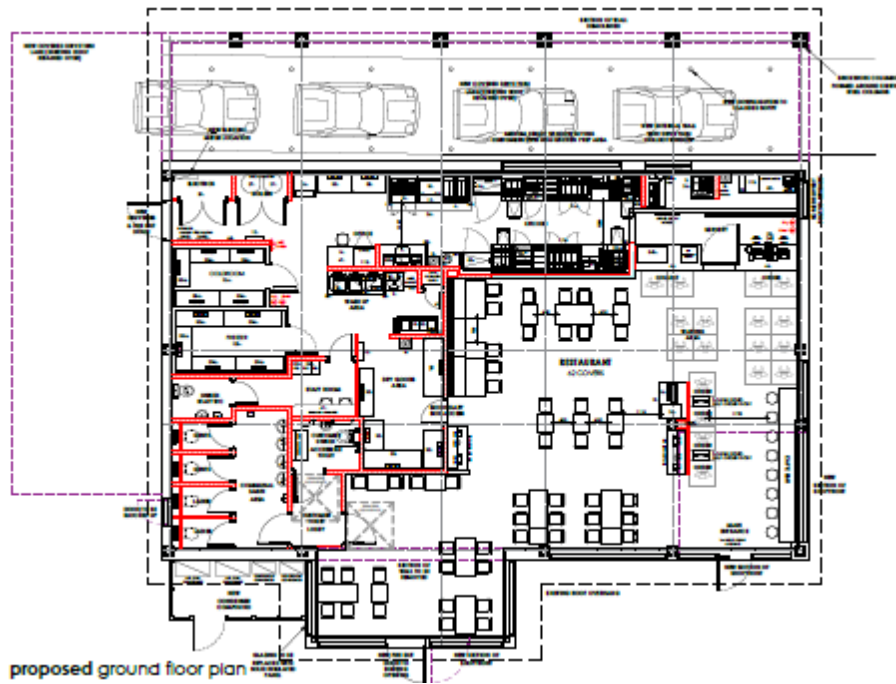


store address  
NETTLEHAM ROAD  
LINCOLN  
LINCOLNSHIRE  
LN2 4DH  
town  
TACO TIME LIMITED

drawing title  
PROPOSED  
EXTERNAL ELEVATIONS

| drawn by    | scale     | date     |
|-------------|-----------|----------|
| PAY         | 1:50 @ A1 | 19-10-20 |
| drawing no. | revision  |          |
| 2020/04/05  | B         |          |

## Proposed Layout of Building



## Photographs of Existing Site







## **Comments for Planning Application - 2020/0903/FUL – 238 Nettleham Road**

### **Customer Details**

Name: Miss Kayley Pitchford  
Address: 49 lupin road Lincoln

### **Comment Details**

Commenter Type: Member of the Public  
Stance: Customer objects to the Planning Application

#### Comment Reasons:

Comment: Unless there are plans to review the entrance I feel this is a major accident waiting to happen. Traffic already backs up from the traffic lights or kfc drive through during busy times, you then get cars trying to beat the lights coming from Nettleham way. Many times you have to use the filter lane to get around kfc drive through traffic on the main road.

### **Customer Details**

Name: Mr Christopher Spurr  
Address: 169 Browning drive Lincoln

### **Comment Details**

Commenter Type: Neighbour  
Stance: Customer objects to the Planning Application

#### Comment Reasons:

Comment: I have several concerns with it becoming a drive thru, with my home being 20 meters to the middle of the drive thru or just over 20 meters to the ordering point.

You say my windows will help stop noise, what happens in summer (when every house has windows open)? What about extra pollution from vehicles coming thru these windows? The word expected is used alot in this application, what will the extra light pollution be? The fence surrounding the area is neglected allready, how would the planned new wooden fair any different? I also fear for the security of my property, we have had people climb over the fence to try use it as a short cut. With a drive thru all the way round would open up the site even more. KFC has cars queuing for its drive thru all the way back too the nettleham fields entrance(I have dated picture evidence of different days and times), this would block cars getting to the proposed new drive thru, also adding more cars into this small area may have a major impact on the already very busy nettleham road.

### **Customer Details**

Name: Mrs Christina Graves  
Address: 171 Browning Drive ST Giles Lincoln

### **Comment Details**

Commenter Type: Neighbour  
Stance: Customer objects to the Planning Application

**Comment Reasons:**

Comment: I have concerns with light and sound pollution. With a drive thru planned the extra cars would cause on an allready busy site, that struggles with 1 drive thru.

**Customer Details**

Name: Mr Tomasz Gawlik

Address: 8 Nettleham View Nettleham Road LINCOLN

**Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

**Comment Reasons:**

Comment: Any high acoustic wall gonna be built between Taco bell and Nettleham View and Mews car park? Now on we got 10 years old wooden fence -WHICH FALLING APART. WE DO NOT WANNA LISTEN TO MOVING CARS ALL DAY LONG.



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



To: Lincoln City Council

Application Ref: 2020/0903/FUL

Proposal: **Change of use from existing restaurant (Class E) to drive-thru restaurant (Class E and Sui Generis) and external modifications to building to include provision of drive-thru lane**

Location: **238 Nettleham Road, Lincoln, Lincolnshire, LN2 4DH**

With reference to the above application received 11 December 2020

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

**Requests that any permission given by the Local Planning Authority shall include the conditions below.**

#### CONDITIONS (INCLUDING REASONS)

The proposal is for a new drive thru facility, following receipt of further information it has been concluded that the proposals incorporate adequate parking provision within the limits of the site. A detailed queuing capacity assessment concludes that the internal arrangements will not impact on the local highway network. It is a recommendation that the access is improved including the widening of the existing access to enable vehicles to enter and exit the site without incorporating the whole junction to carry out the manoeuvre.

HP11A - Prior to first occupation on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

#### Highway Informative 03

The permitted development requires the formation of a widened vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to

application. For approval and specification details, please contact  
vehiclecrossings@lincolnshire.gov.uk

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

Case Officer:  
*Sarah Heslam*  
for Warren Peppard  
Head of Development

Date: 11 February 2021

x



## LINCOLNSHIRE POLICE

POLICE HEADQUARTERS

PO Box 999

LINCOLN LN5 7PH

Fax: (01522) 558128

DDI: (01522) 558292

email

john.manuel@lincs.pnn.police.uk

Your Ref: App 2020/0903/FUL

11<sup>th</sup> December 2020

### **Development & Environmental Services**

City Hall, Beaumont Fee  
Lincoln, LN1 1DF

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

### **Town and Country Planning Act 1990 Consultation on Planning Permission**

**238 Nettleham Road, Lincoln, Lincolnshire, LN2 4DH**

**Change of use from existing restaurant (Class E) to drive-thru restaurant (Class E and Sui Generis) and external modifications to building to include provision of drive-thru lane.**

**Lincolnshire Police has No objections to this application.**

Please do not hesitate to contact me should you need further information or clarification.

Please refer to *Homes 2019* which can be located on [www.securedbydesign.com](http://www.securedbydesign.com)

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

Yours sincerely,

John Manuel MA BA (Hons) PGCE PG CPR Dip Bus.  
Force Designing Out Crime Officer (DOCO)

