

PLANNING COMMITTEE

**Wednesday, 3 November
2021**

5.30 pm

**Committee Rooms 1-2, City
Hall**

- Membership: Councillors Naomi Tweddle (Chair), Bob Bushell (Vice-Chair), Biff Bean, Chris Burke, Liz Bushell, Gary Hewson, Bill Mara, Rebecca Longbottom, Mark Storer, Edmund Strengiel and Calum Watt
- Substitute members: Councillors Bill Bilton and Neil Murray
- Officers attending: Simon Cousins, Democratic Services, Kieron Manning, Dave Walker and Louise Simpson
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The Planning Committee comprises democratically elected members who will be presented with a recommendation from the professional officers for each application on the agenda. After each application has been presented, those interested parties who have registered to speak will then be given 5 minutes to verbally present their views, and, following this, the committee will debate each proposal and make the decision, having considered all relevant information.

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

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

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 6 October 2021	5 - 18
2. Declarations of Interest	
Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
3. Update Sheet	To Be Tabled

4. Work to Trees in City Council Ownership	19 - 24
5. Confirmation of Tree Preservation Order No 164	25 - 30
6. Applications for Development	
(a) Play Area, Whittons Park, Yarborough Road, Lincoln	31 - 42
(b) Telecommunication Station 75465, Moorland Avenue, Lincoln	43 - 56
7. Street Record, Lincoln Road, Lincoln	57 - 70

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 Chris Burke, Councillor
Gary Hewson, Councillor Bill Mara, Councillor
Rebecca Longbottom, Councillor Mark Storer, Councillor
Edmund Strengiel and Councillor Calum Watt

Apologies for Absence: Councillor Liz Bushell

32. Confirmation of Minutes - 8 September 2021

RESOLVED that the minutes of the meeting held on 8 September 2021 be confirmed, subject to the following text under Minute Number 27 '192 West Parade, Lincoln, paragraph C to be deleted due to a clerical error:

'advised that the land in between the rear of these properties and the site formed the service yard to 116 High Street, including a single storey metal clad store and some air conditioning units, to be accessed from Gaunt Street between no's 7 and 11 across the existing service yard'

33. Declarations of Interest

Councillor Biff Bean declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Land to the Rear of 10 Steep Hill, Lincoln'.

Reason: He knew one of the objectors to the planning application as a close friend. He left the room during the consideration of this item and took no part in the discussion and vote on the matter to be determined.

Councillor Rebecca Longbottom declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Land to the Rear of 10 Steep Hill, Lincoln'.

Reason: Her own property overlooked the property the subject of the proposed application for development.

She left the room during the consideration of this item and took no part in the discussion and vote on the matter to be determined

34. Work to Trees in City Council Ownership

Dave Walker, Arboricultural Officer:

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

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

35. Update Sheet

An update sheet was tabled at the meeting, which included:

- Additional comments received in relation to Minute Number 4(c) – 5 Silver Street, Lincoln,
- Additional photographs submitted plus an updated block plan in relation to Minute Number 4(a) - 69 Carholme Road, Lincoln
- Updated elevational treatment plans in relation to Minute Number 4(b) - Land to the Rear of 10 Steep Hill, Lincoln

RESOLVED that the Update Sheet be received by Planning Committee.

36. Applications for Development
37. 69 Carholme Road, Lincoln

The Assistant Director for Planning:

- a. advised that the application proposed the change of use of the property at 69 Carholme Road from an existing Guest House (Class C1) to 6 No. one bedroomed flats (Class C3) and the erection of a 2-storey rear extension and associated external alterations
- b. described the application property, also known as Brancaster House; an attractive 2 storey mid-terraced townhouse with frontage onto Carholme Road, remaining unoccupied for some time
- c. advised that the current lay-out arranged over three floors comprised an entrance hall, living room, dining room, reception room, kitchen, conservatory, attached one-bedroomed annexe with living room and shower to the ground floor, with three bedrooms and bathroom to the first floor and two further bedrooms to the second floor
- d. confirmed that the property fronted onto Carholme Road with access to the rear via Wellington Street; the surrounding area was predominantly residential with a mixture of guest houses, residential dwellings, Houses in Multiple Occupation (HMO's) and several commercial properties on Carholme Road, which served as a busy traffic route into the City Centre, relatively close to the University of Lincoln
- e. referred to a previous planning application for the property for change of use from Guest House (Class C1) to a 9 bedroomed HMO which was refused planning permission on 9 January 2020
- f. provided details of the policies pertaining to the application, as follows:
 - Policy LP1: A Presumption in Favour of Sustainable Development
 - Policy LP10: Meeting Accommodation Needs
 - Policy LP26: Design and Amenity
 - Policy LP37: Sub-Division and Multi-Occupation of Dwellings within Lincoln 86

- National Planning Policy Framework
- g. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- Planning Policy Context
 - Effect upon the Residential and Local Amenity
 - Effect on Highway Safety
 - Flood Risk
 - Other Matters
- h. outlined the responses made to the consultation exercise
- i. referred to the Update Sheet tabled at the meeting which included additional photographs submitted plus an updated block plan in respect of the proposed development
- j. concluded that:
- The extension and conversion of the property to six flats was acceptable in principle in this location.
 - Neither the use nor the external works would cause undue harm to the amenities of neighbouring properties.
 - A Section 106 agreement to restrict the occupation of the flats by students would further protect the residential amenities of neighbours and the wider community.
 - Officers were satisfied that the site provided adequate provision for external communal areas for amenity as well as bin and cycle storage.
 - Technical matters relating to flood risk and air quality were to the satisfaction of the relevant statutory consultees.
 - The proposals would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP10, LP26 and LP37 and guidance within the National Planning Policy Framework.

Mr T Shelton, local resident, addressed Planning Committee in objection to the application, covering the following points:

- He lived next door to the application site.
- The boundary wall to the proposed development which the applicant wished to remove was in fact his garden wall. A 6-foot-high fence was proposed in its place; however, his garden was 2 feet higher than the application site, reducing the height difference to 4 feet. The garden was used regularly for barbeques, drying washing, dog exercising, and relaxing. The proposals would affect the privacy of the household in this respect. The boundary wall should be retained for this reason.
- The gutter/downpipe from his property which discharged onto the roof of the existing extension next door (shown in the photograph on the Update Sheet) would need to be replaced at the builder's cost, to facilitate the removal of rainwater.
- Sound proofing was required to avoid transfer of noise through internal walls.

- If it was decided that the boundary wall was to be replaced by a fence, he requested the best side of the fence be placed his side as it did represent his boundary.
- In summary his concerns related to the effect on the privacy of his household should the development go ahead and noise issues.
- He also wished to put on record that he had received no contact from anyone at the Council or acknowledgement of the letter he submitted. He was forced to chase the Council to ask to speak this evening.

The Committee considered the content of the report in further detail.

The following comments emerged from discussions held:

- There was already sufficient student accommodation in the area; it was pleasing to see that an S106 agreement restricting accommodation for students would be signed should the development be granted planning permission.
- The assumption within the officer's report that the property was unlikely to return to a family home was questioned. There were two recent cases where offices had reverted to family homes and another from an HMO.
- It was sensed that local residents were questioning the spirit of Article 4 here. This definitely was not the case. The Council viewed its obligations very seriously.
- Surely the best way forward regarding the boundary wall was through intelligent conversations between the developer and local residents to come to an agreement to the satisfaction of both parties.
- There was a high concentration of development in the area and this proposal would add to this.

The following questions emerged from discussions held:

- Question: Was the applicant being relied on to prevent students from residing in these properties as a one bedroomed flat without parking seemed to 'fit the bill' for student living very nicely?
- Question: It was noted that two of the proposed flats would be 2 square metres below nationally agreed space standards. At what point did we decide was an insufficient size?
- Question: How far were the flats below nationally agreed space standards?
- Response by Chair: By two metres, however only two of the six flats.
- Question: How could we monitor that the flats were not occupied by students?
- Question: There was no plan for parking in front of the flats. Would there be an element of landscaping included as part of the scheme?
- Question: How long had the property been empty? This would be a substantial property for a family home. Flats may be a better option for long time use.
- Question: What use had the property held before it was a Guest House?
- Question: Why did the Upper Witham Drainage Board refer in its representation to 7 one-bedroomed flats and not six as per that applied for?
- Question: Could officers give any advice to the speaker on his concerns regarding the boundary wall?

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

- In terms of enforcement of the S106 agreement; any action would be dependent on an initial complaint being received which would then be investigated. An Enforcement Officer would make a site visit. The local authority had more rights in respect of entry powers for enforcement investigations than the police. There was also the potential for Council tax records to be used as evidence of residency as students were exempt from paying this tax.
- In terms of the size of the flats, only two were 2 square metres below nationally prescribed space standards, as confirmed by the Chair earlier. These standards issued by the Government were guideline figures. They were not part of our policy. In order to be policy, they would need to be in the Local Plan and evidenced accordingly, and this was not the case. Planning Officers were aware of this standard and strived to adhere to it whenever possible. These two flats were slightly below this standard; however, it was considered they would still provide a reasonable level of occupancy for residents.
- There was no specific landscaping design proposed, however, this matter could be addressed via a condition of grant of planning permission if members were so minded.
- In terms of a property of this size, although there were some exceptions, our professional view as Planning Officers generally in the context of use as a family home was that such a property would struggle to remain viable on the open market. This property had been for sale for some time. An application was received over a year ago to request permission for conversion to an HMO.
- In terms of the history of the building, his best estimate was it originated as a single-family residency at one stage, although he was unable to confirm this.
- The number of flats to be included in the development had been reduced to six through negotiation between officers and the applicant.
- The ownership of the boundary wall came under the jurisdiction of the applicant. If so minded, members could impose an additional condition on the grant of planning permission requiring boundary treatment works subject to negotiation and agreement between both parties.

Motions were proposed, seconded and:

RESOLVED that the following requirements be added as additional conditions subject to planning permission being granted.

- Landscaping condition
- Engagement between officers and the applicant to secure adequate boundary treatment to the agreement of both parties to be imposed.

RESOLVED that planning permission be granted subject to the signing of a Section 106 agreement that the approved flats were not occupied by students and not entitled to resident parking permits, and subject to the following conditions.

Conditions

- Development to commence within 3 years

- Development to be in accordance with the plans
- EV Points implemented before use commenced
- Permitted Development for new openings removed
- Construction hours restricted
- Details of all boundary walls and fences, including materials shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is first brought into use, and maintained on site in perpetuity.
Reason: In the interests of visual amenity, privacy, and security and to ensure that the amenities of the area were not adversely affected by the proposed development.
- The development shall not be occupied until a landscaping scheme has been submitted to and approved by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of the landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which required local planning authorities to ensure, where appropriate, that adequate provision was made for the preservation or planting of trees.

38. Land to the Rear of 10 Steep Hill, Lincoln

(Councillors Bean and Longbottom left the room during the consideration of this item, having declared a personal and pecuniary interest in the matter being debated. They took no part in the discussion or vote on the matter to be determined.)

The Planning Team Leader:

- a. advised that the application sought permission to build two new houses on land to the rear of 10 Steep Hill, and for demolition of two garage buildings
- b. advised that the garden and land associated with this property extended through from Steep Hill to Michaelgate, currently occupied by several empty and derelict former garages
- c. described the land on this part of the historic hillside as terraced, the application site was reasonably level, the terrace above retained by a boundary wall at the northern edge of the application site, and a wall on the south side of the site retaining the application site and forming the terrace on which the house known as 'Strelitzia' sat
- d. highlighted the configuration of the two proposed new houses; a two storey contemporarily designed house at the back edge of the footpath to Michaelgate, and then a second more traditionally designed and proportioned house to the east, at one and a half storeys, the upper floor being within the pitched roof

- e. confirmed that part of the site was situated within an area being a Scheduled Monument, based on the Roman Lindum Colonia, and that the whole of the site fell within the Conservation Area
- f. reported that access to both plots would be from Michaelgate, the upper floor extended over the ground level drive from the property to the west leading through the site to the house to the east, which meant that both houses would have off-street parking
- g. referred to a further planning application for the property for erection of two detached dwellings and demolition of two garage buildings (Listed Building Consent) with status 'Pending Decision'
- h. provided details of the policies pertaining to the application, as follows:
 - Planning (Listed Buildings and Conservation Areas) Act 1990 – sections 16, 66 and 72.
 - National Planning Policy Framework (NPPF) – particularly: para 11 – Presumption in Favour of Sustainable Development; para 130 – Achieving Well Designed Places; para 183 and 184 – Ground Conditions and Pollution; Chapter 16 – Conserving and Enhancing the Historic Environment, particularly paras 199, 201, 202, 203.
 - Central Lincolnshire Local Plan – particularly: Policy LP25 The Historic Environment and Policy 34 Design and Amenity Standards.
- i. advised Planning Committee that as the application site was in a prominent location in the heart of the City, which sat on the historic hillside, consequently the proposals raised a number of issues with regards to:
 - Compliance with National and Local Planning Policies;
 - Impact on the Character and Appearance of the Conservation Area and Wider Views of the Hillside;
 - Impact on the Amenity of Neighbouring Properties;
 - Impact on Slope Stability;
 - Impact on the Scheduled Monument and Archaeology;
 - Other Matters.
- j. outlined the responses made to the consultation exercise
- k. referred to the Update Sheet tabled at tonight's meeting which included updated elevational treatment plans in respect of the proposed development
- l. requested that:
 - An additional proposed condition be added to the officers' recommendation subject to grant of planning permission, to deal with any unexpected contamination of land found during construction,
 - Proposed condition 5 be amended to read: 'Works to be Undertaken in Accordance with Archaeological Written Scheme of Investigation'
- m. concluded that the development of the two houses would change the appearance of this part of the City but the designs had been developed in

such a way that it was considered that the change that would result would not be harmful to the area, to the heritage assets in the area and would not be unacceptable to the amenity of the neighbouring residents.

Mr David Butler, local resident, addressed Planning Committee in objection to the planning application, covering the following points:

- He thanked members of Planning Committee for allowing him the opportunity to speak.
- The published Heritage Impact Assessment for the proposed development stated that the impact on the heritage asset was neutral. The impact on the heritage asset was actually negative in a number of ways.
- How had this proposed development been allowed to progress?
- His concerns related to:
 - Impact on local residents
 - Impact on his property
 - Impact on visitors to the city
- In terms of available parking space within the scheme, only 2/3 spaces had been allowed for although there were 8 bedrooms within the proposed development.
- Michaelgate was situated halfway up Steep Hill. Other car users/visitors would be forced to street/pavement park which restricted other residents. Those who couldn't park at the properties would need to reverse out causing danger to pedestrians etc.
- His home would be dominated by overbearing brick walls directly at the boundary to his house; 29 metres of light would be lost due to the new build's walls/roof structure.
- It was not valid to allow a development to take place which would reduce the outlook for his household and reduce outlook/privacy to his garden.
- The development had a negative impact on the amenity of his household members as direct neighbours of the proposed scheme.
- In terms of heritage assets in Conservation Areas, views of the Cathedral could only be lost once. Members would be judged on this loss should planning permission be granted.
- These were important views of the Cathedral, a symbolic building to our City and a key element to the prosperity of the local economy.
- Policy LP29 supported the protection of potential dominance and approach views to the Cathedral/Castle skyline.
- Issues of scale/massing.
- He urged members to consider his comments and that of other objectors further rather than disregard them for the sake of an open market development.

Councillor Neil Murray addressed Planning Committee as Ward Advocate representing local residents. He covered the following main points:

- His heart had sunk when he saw this planning application.
- He had been a Councillor for a long time. He had been asked by residents and visitors how Strelitzia had managed to get planning permission. The building was an embarrassment to him even though he had not been involved in the decision.
- This proposed development was a large block of brick with no attractive features, it sat right on the edge of the footpath, with a smaller property 'squashed' in behind.

- If granted planning permission, views of the Cathedral would be spoilt.
- The development lacked any aesthetic merit.
- The development did nothing to enhance the area.
- It represented overdevelopment. Two buildings were proposed on the footprint of the site.
- The character of the area would not be enhanced in any way.
- He hoped members would consider very carefully the objections from local residents, together with impact on the views onto Michaelgate and our beautiful Cathedral.
- He hoped members would not make a similar mistake tonight.

John O Donohue, joint applicant, addressed Planning Committee in support of the application, covering the following main points:

- He thanked Planning Committee for allowing him the opportunity to speak.
- He apologised for the absence of Tom Gumbrell, joint applicant, who would normally attend to speak; he was recovering from COVID.
- He thanked Planning officers for their time and commitment to extensive pre-application discussions.
- He also thanked them for their willingness to continue working during the lockdown period.
- The application site was currently a blight on the landscape and suffered from incidents of anti-social behaviour.
- Two cars had been damaged only the previous week.
- The proposed development aimed to restore the street view of the site and prevent further anti-social behaviour.
- Two family homes were proposed for the site; a complicated and expensive construction was involved here.
- He thanked those neighbours who had supported the scheme and those who had expressed their views as part of the consultation process.
- The planning application was now more robust due to comments received.
- Concerns made by objectors regarding access/failure to consider the character of the district were not real.
- It would be a great honour to build two quality houses on this site, at a wonderful location in a beautiful city.

The Committee considered the content of the report in further detail.

The following supportive comments emerged

- Strelitzia had looked magnificent in the sunshine this afternoon.
- This was an opportunity to build on a vacant site.
- Officers had worked very hard alongside the applicant to come up with mediation measures to arrive a potentially acceptable scheme, although there were still issues of the Ancient Scheduled Monument to be resolved, and Heritage England to be consulted on the proposals.
- The Highways Authority had not raised any objection to the scheme and there looked to be adequate parking on site.
- Views of the Cathedral were referred to in many planning applications.
- The design was objective.
- Any development could potentially influence peoples' amenities.
- Heritage England had advised on further details of the scheme which were covered by the conditions of grant of planning permission.
- A property to the north of the site had recently undergone an extension.

- Recent anti-social behaviour on the site had caused £5,000 worth of damage.
- This was an ideal opportunity for development of the site.
- We must move with the times.
- There were still carbon zero friendly/ecological considerations to take into account.

The following concerns emerged from discussions held:

- The design of this building with incorporating a flat roof was not in keeping with the character of the Cathedral Quarter.
- Neither was Strelitzia.
- It was concerning to see comments from Lincoln Civic Trust that there should be only one property on this application site.
- Lincoln Civic Trust were also concerned about the loss of green space.
- Concerns regarding design/size of the build.
- Concerns regarding potential parking issues.
- Should the application be approved it would be controversial in terms of architectural design/not aesthetically pleasing.
- A future improved application should be submitted.
- We all had a duty to protect our views of the Cathedral/ consideration of our architectural heritage, as quoted by Bishop John Saxby.
- There had been many objections received from people who didn't even live in the area.
- The design of the building had been criticised as 'horrendous'.
- There were still carbon zero friendly/ecological considerations to take into account. As a carbon zero city we should always look at materials used/benefits to the local area in this respect.
- We may need to change the way properties were built moving forward, not just by design but how they were made

The Chair asked whether there would be a landscaping condition.

The Planning Team Leader advised that there was not always a great deal of land available for landscaping in an urban area as this was considered to be the case here.

A motion was proposed, seconded, put to the vote and;

RESOLVED that planning permission be refused.

Reasons for refusal of planning permission were discussed by Members.

Reasons for refusal were proposed, seconded, put to the vote, and **RESOLVED as follows:**

Reasons

1. The design of the houses as proposed was not in keeping with the character and appearance of the conservation area and was therefore contrary to the provisions of Policy LP26 and Policy LP29 of the Central Lincolnshire Local Plan and paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development as proposed did not provide any significant level of garden space to either new dwelling appropriate to the character and appearance of the surrounding area and conservation area. This was contrary to the provisions of Policy LP26 and paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

39. 5 Silver Street, Lincoln

(Councillors Bean and Longbottom re-joined the meeting.)

The Assistant Director for Planning:

- a. advised that the application sought planning permission to change the use of the ground floor of the property at 5 Silver Street, Lincoln from a betting shop (Sui Generis) to a hot food take-away (Sui Generis)
- b. reported on the property's location on the south side of Silver Street, a three-storey building with a shop front at the ground floor and further shop units to both sides of the building, situated in Lincoln's Primary Shopping Area
- c. confirmed that the site was located within Conservation Area No.1- Cathedral and City Centre
- d. provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework
 - Policy LP33: Primary Shopping Area and Central Mixed-Use Area
 - Policy LP25: The Historic Environment
- e. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Principle of Development
 - Visual Amenity
 - Impact on Neighbours
 - Technical Considerations
- f. outlined the responses made to the consultation exercise
- g. referred to the Update Sheet tabled at tonight's meeting which included an additional comment received in relation to the planning application
- h. concluded that:
 - The proposed use was considered to be an acceptable use in this location as set out in the Local Plan. This was subject to certain criteria being met to ensure that the proposal would have no adverse impact on the amenity currently enjoyed by existing neighbours.
 - The applicants had submitted satisfactory information to evidence that such impacts had been considered and addressed.

Mr Leo Scott Smith, on behalf of Dominic O'Malley, addressed Planning Committee in objection to the planning application, covering the following points:

- He worked as CEO of a young technology company which had recently moved into the building at 5 Silver Street Lincoln.
- He was also Vice-Chair of Lincoln Town Deal Board.
- The reason for making an objection to this planning application was due to his company having recently moved into 5 Silver Street offices after spending £30,000-£40,000 on its renovation, completed February 2021.
- An Art Gallery operated from the floor above them which promoted art shows for the University of Lincoln.
- He had spent some time in the past residing in student houses located above take-away businesses.
- The operation of the hot take-away extraction fans would be loud and carry an unpleasant smell.
- The company had rejected other locations for their new office space due to similar reasons.
- The company would be forced to move away from the City if this planning application was granted.
- This would result in the removal of a company which had contributed greatly to Lincoln's economy in terms of technological expertise.
- In terms of planning perspective, the proposed use of the ground floor of the building would not provide the business operator with adequate space for waste facilities.
- The proposal represented a poor standard of design.
- The building was very old, separation of floors was organised via a dropped ceiling and wooden floorboards which allowed any smells to penetrate easily.
- The extraction fans would block access into his office space.
- There was inadequate space for provision of wheelie bins to facilitate the operation of the take-away.
- The option for members to determine here was either the retention of an Art Gallery/Technology business in the City or another hot food take-away in the area.

The Committee considered the content of the report in further detail.

The following comments emerged in support of the planning application

- The Committee was limited in its powers by planning law.
- Conditions may prove sufficient to control the operation of the take-away business, although concerns raised by the business operating above were understood.
- Waste room facilities to the proposed accommodation were shown as present on the floor plans.
- Guidance from the Environment Officer pointed to adequate extraction facilities.

The following concerns emerged in relation to the planning application

- It was important to protect jobs in the city There were already 1.5 hot food take-away's per 1,000 people higher than average in the area. It was questionable whether we needed another.
- There were plenty of hot food take-aways in the area, this high-tech business deserved a space to work in the City Centre.

- There was little detail provided by the Applicant to support the planning application, for example, design and access statements to mitigate potential adverse impacts from the operation of the new business on local amenity.
- The change of use would be detrimental to the occupants of nearby properties/the offices above and harmful to the environment.

Members asked:

- Why wasn't there an up-to-date police response included in the agenda pack.
- Why was this application before Planning Committee?
- Why was the applicant not present this evening to speak?

The Chair advised that the applicant had not taken up his opportunity to respond.

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

- This planning application had come to Committee due to the number of objections received as part of the consultation process. It was unusual to receive so many responses to this type of proposal.
- The main issues raised related to fume extraction/storage/waste mythology.
- Environmental Control Officers were satisfied with the scheme in terms of measures proposed in mitigation against noise/fume extraction.
- Should there become a problem it could be dealt with via Statutory Nuisance legislation.
- Following consultation with the Environmental Control Officer, Planning officers were satisfied with the proposed development subject to the recommended conditions being imposed.
- In terms of the principle of use, Local Plan Policy stated this type of business was acceptable in a Mixed-Use Area.
- There were other considerations here in respect of impact on the vitality and viability of the local area. It was the gift of members to determine whether they considered that this balance had been breached.
- The response from Lincolnshire Police contained within the agenda pack was a clerical error. It referred to another application.

Members queried whether a condition should be imposed relating to the dropped ceiling to prevent fume penetration and asked what percentage of smell would be taken away by the extraction system.

The Assistant Director for Planning responded as follows:

- It was unlikely for a solution to be achieved which removed 100% of smells from the operation of a fume extraction system. Impact was dependent on the type of use of the premises and at what time of day/night the business was in operation.
- There was no restriction imposed on the hours of operation of the premises here; although hot food take-aways tended to open late at night he was not aware of its hours of operation.
- There was no evidence of potential issues concerning fume extraction through the floors. This was normally controlled by insulation material.

Should there be any problems this would be picked up through the legislative powers of the Environmental Officer.

Members further considered the impact from the operation of the business on the viability of local businesses as they felt this was a valid concern.

The Assistant Director for Planning advised that vitality/viability of the Central Mixed-Use Area/Conservation Area could be considered as a material planning concern dependent upon the degree of positive/negative impact imposed from the proposed operation of the business.

A motion was proposed, seconded, put to the vote and;

RESOLVED that planning permission be refused.

Reasons for refusal of planning permission were discussed by Members.

Reasons for refusal were proposed, seconded, put to the vote, and **RESOLVED as follows:**

Reasons

- 1) The proposed use would be detrimental to the vitality and viability of the mixed-use character of the area due to the compounding effect when combined with the number of existing hot food takeaways in the locality. This resulting imbalance in the mixed-use nature of the area would be contrary to policy LP33
- 2) The applicant had failed to satisfactorily demonstrate that fume extraction had been adequately addressed. The result would be undue harm to the amenities of the uses above and adjacent the application site, contrary to policy LP33

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

1. Purpose of Report

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

2. Background

- 2.1 In accordance with policy, Committee's views are sought in respect of proposed works to trees in City Council ownership, see Appendix A.
- 2.2 The responsibility for the management of any given tree is determined by the ownership responsibilities of the land on which it stands. Trees within this schedule are therefore on land owned by the Council, with management responsibilities distributed according to the purpose of the land. However, it may also include trees that stand on land for which the council has management responsibilities under a formal agreement but is not the owner.

3. Tree Assessment

- 3.1 All cases are brought to this committee only after careful consideration and assessment by the Council's Arboricultural Officer (together with independent advice where considered appropriate).
- 3.2 All relevant Ward Councillors are notified of the proposed works for their respective wards prior to the submission of this report.
- 3.3 Although the Council strives to replace any tree that has to be removed, in some instances it is not possible or desirable to replant a tree in either the exact location or of the same species. In these cases, a replacement of an appropriate species is scheduled to be planted in an alternative appropriate location. This is usually in the general locality where this is practical, but where this is not practical, an alternative location elsewhere in the city may be selected. Tree planting is normally scheduled for the winter months following the removal.

4. Consultation and Communication

- 4.1 All ward Councillors are informed of proposed works on this schedule, which are within their respective ward boundaries.
- 4.2 The relevant portfolio holders are advised in advance in all instances where, in the judgement of officers, the matters arising within the report are likely to be sensitive or contentious.

5. Strategic Priorities

5.1 Let's enhance our remarkable place

The Council acknowledges the importance of trees and tree planting to the environment. Replacement trees are routinely scheduled wherever a tree has to be removed, in-line with City Council policy.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

i) Finance

The costs of any tree works arising from this report will be borne by the existing budgets. There are no other financial implications, capital, or revenue, unless stated otherwise in the works schedule.

ii) Staffing N/A

iii) Property/Land/ Accommodation Implications N/A

iv) Procurement

All works arising from this report are undertaken by the City Council's grounds maintenance contractor. The Street Cleansing and Grounds Maintenance contract ends August 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 9 / SCHEDULE DATE: 03/11/2021**

Item No	Status e.g. CAC	Specific Location	Tree Species and description/ reasons for work / Ward.	Recommendation
1	N/A	Lincoln Arboretum – Close to Café	<u>Abbey Ward</u> 1 x Honey locust <u>Fell</u> This tree is currently standing as deadwood.	Approve works – replant with a replacement Honey Locust, to be located within close proximity to the original planting.
2	N/A	Lincoln Arboretum – top terrace, to right hand side of central access steps	<u>Abbey Ward</u> 1 x lime <u>Fell</u> This tree is currently retained as standing deadwood.	Approve works - replant with a replacement Lime, to be located within close proximity to the original planting.
3	N/A	Lincoln Arboretum – top terrace, to left hand side of central access steps	<u>Abbey Ward</u> 1 x Ginkgo <u>Reduce upper section by 3 metres.</u> This tree is suffering dieback; the proposed reduction is intended to reduce the risk of stem failure.	Approve works.
4	N/A	42 Waltham Road	<u>Birchwood Ward</u> 5 x Alder <u>Fell</u> These trees are supressing the canopy development of better formed trees and are in close proximity to the adjoining property boundary.	Approve works - replant with 5 Bird Cherry, to be located along Pershore Way between Doddington Road and Leconfield Road.

5	N/A	28 Clarendon Gardens	<u>Castle Ward</u> 1 x Leyland cypress <u>Retrospective notice</u> Void's property: this tree was felled as it was in close proximity to the main residence and posed a risk to the structural integrity of the building.	Replace with 1 x Lime, to be located within the centrally positioned grassland area.
6	TPO	Woodvale Close – footpath to rear	<u>Hartsholme Ward</u> 1 x Birch <u>Fell</u> Tree currently retained as deadwood.	Approve works - replace with 1 x Birch, to be located next to the link path positioned to the rear of Woodvale Close.
7	TPO	Woodvale Close – footpath to rear	<u>Hartsholme Ward</u> 1 x Rowan <u>Fell</u> 90% of the canopy is retained as deadwood.	Approve works - replace with 1 x Rowan, to be located next to the link path positioned to the rear of Woodvale Close.
8	N/A	Lincoln United Football Club	<u>Hartsholme Ward</u> 5 x Leyland cypress <u>Fell</u> These trees have a low critical slenderness ratio which places them at the risk of failure during storm events.	Approve works – replace with 5 x Scot's pine, to be located within the woodland strip to the rear of Revesby & Roxby Close.
9	TPO	11 Sheraton Close	<u>Hartsholme Ward</u> 1 x Rowan 1 x Field Maple <u>Reduce canopy spread</u> These trees currently overhang the adjacent property boundary; work is intended to remove encroachment.	Approve works

10	N/A	Thoresway Drive – Garage site	<u>Minster Ward</u> 1 x Leyland cypress <u>Fell</u> As a result of recent fire damage, the remaining canopy structure of this tree is likely to become prone to unpredicted collapse.	Approve works – replace with 1 x Maple, to be located on the amenity grassland located to the front of number 10 Thoresway Drive.
11	N/A	7 Reynolds Drive	<u>Moorland Ward</u> 2 x Cupressus <u>Fell</u> These trees are in close proximity to the property and have outgrown the space available for them.	Approve works and replace with 2 x Oak, to be located within the grassland area at the junction with Cotman Road.
12	N/A	15 Garrick Close	<u>Witham Ward</u> 1 x Rowan <u>Retrospective notice</u> This tree was felled as the main trunk failed during windy conditions.	Replant with 1 x Spindle, to be located within the grassland area located to the side of the property.
13	N/A	15 Garrick Close	<u>Witham Ward</u> 1 x Rowan <u>Fell</u> This tree is in poor condition and has significant decay within the trunk.	Replant with 1 x Spindle, to be located within the grassland area located to the side of the property.

SUBJECT:	CONFIRMATION OF TREE PRESERVATION ORDER NO.164
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 tree, 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 164 was made on 21st June 2021 protecting 1no. Betula Pendula (Silver Birch) tree in the front garden of 8 Hawthorn Road, Lincoln, LN2 4QX.

3.2 The tree is considered to contribute to the visual amenity of the area and the unauthorised removal of the tree 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 21st December 2021.

4. Consideration

The reason for making a Tree Preservation Order on this site is as a result of a request from the landowner to ensure the long-term protection of the tree in the future.

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

protection under a Tree Preservation Order stating that the tree has a high amenity value, and the removal would have an effect on the aesthetic appearance of the area.

Following a 32-day consultation period no objections have been received to the order.

5. Strategic Priorities

- 5.1 Confirmation of Tree Preservation Order 164 would ensure that the tree 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 tree would contribute to enhancing our remarkable place.

6. Organisational Impacts

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

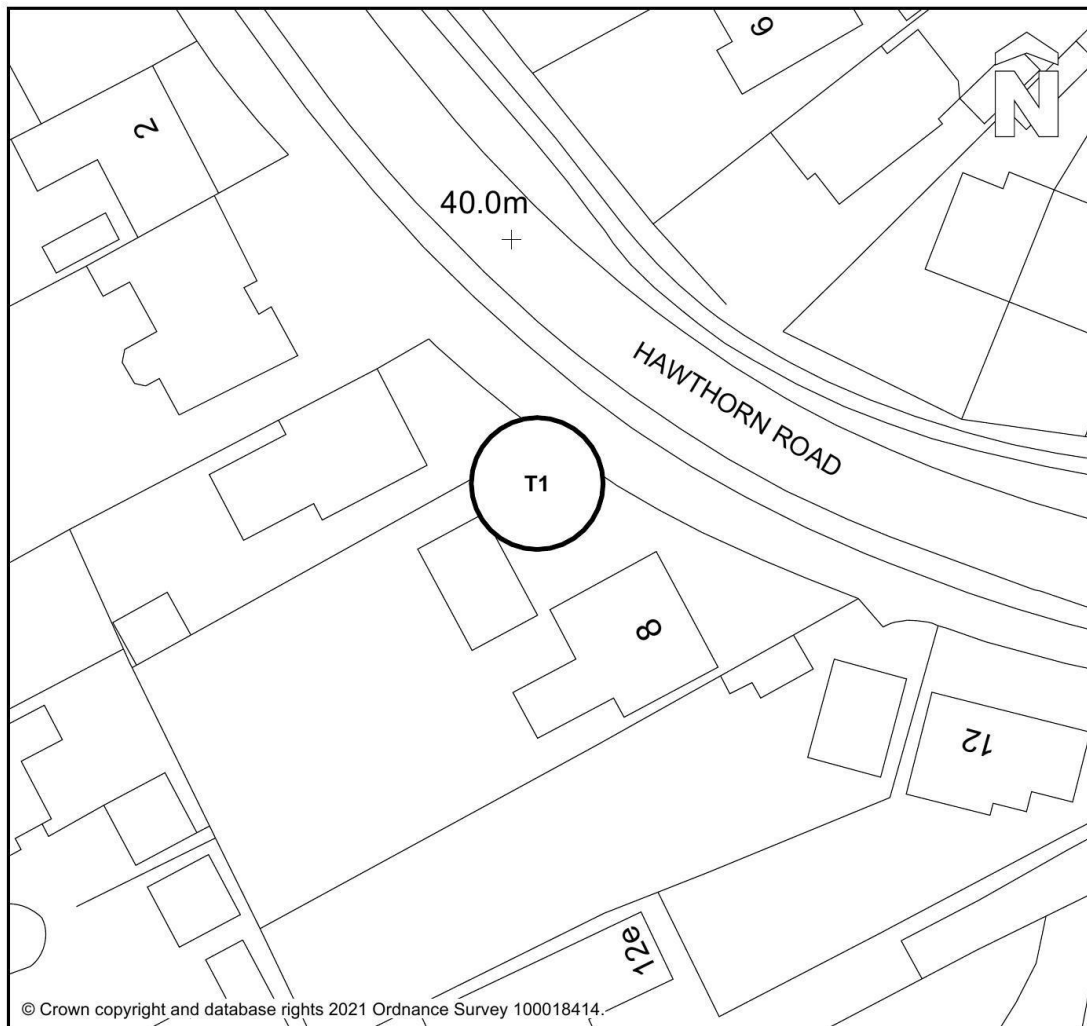
7. Recommendation

- 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? One

List of Background Papers: None

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



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Hawthorn Road No.1 Tree Preservation Order 2021

T1 - Silver Birch

 CITY OF Lincoln COUNCIL	
City Hall, Beaumont Fee, Lincoln, LN1 1DD	
Telephone: (01522) 881188	
Website: www.lincoln.gov.uk	
Scale:	1:500 at A4
Date:	18-Jun-2021





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Application Number:	2021/0816/FUL
Site Address:	Play Area, Whittons Park, Yarborough Road, Lincoln
Target Date:	30th November 2021
Agent Name:	None
Applicant Name:	Mr Simon Burke
Proposal:	Replacement and refurbishment of existing play equipment and recreation facilities and re-surfacing (revised plans).

Background - Site Location and Description

The application proposes the installation of new play equipment with associated surfacing and refurbishments to the existing play area. Whitton's Park is a key play site situated on Long Leys Road in Carholme ward. The park saw significant investment in play equipment in 2007/08. This investment will see play opportunities in the park greatly enhanced and the longevity of the equipment has been a key design criteria.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 24th October 2021.

Policies Referred to

- Policy LP22 Green Wedges
- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

To assess the proposal with regard to:

- National and Local Planning Policy
- Effect on Visual Amenity
- Effect on Residential Amenity
- Effect on Green Wedge
- Consultation Responses

Consultations

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

All representations received on the application are copied in full at the end of this report and are available to view on the website:

[2021/0816/FUL | Replacement and refurbishment of existing play equipment and recreation facilities and re-surfacing \(revised plans\). | Play Area Whittons Park Yarborough Road Lincoln Lincolnshire](#)

Statutory Consultation Responses

Consultee	Comment
Environmental Health	Comments Received
Long Leys Residents Association	Comments Received

Public Consultation Responses

No responses received.

Consideration

The consultation period for this application has not expired at the time of writing the report but does expire prior to the Committee Date, Members will be advised on the update sheet of any additional comments received.

The Proposal

The application proposes the installation of 21 items which are as follows: -

1. Jungle Dome
2. Cocowave Swing
3. Wheelchair Roundabout
4. Home Seesaw
5. Robinia Music Panels
6. Somersaut Bars
7. Multi Goal
8. Double Shelter with Bench
9. Single Shelter
10. Glacial Boulders x 8
11. Picnic Bench
12. Bench with Backrest
1. Double Cableway
14. Starting Platform
15. Stilts
16. Balance Rope with Posts
17. Agility trail 9
18. Waterlilies Balancing Posts
19. Agility Trail 6
20. Stepping Posts
21. Parcour Balance Station

Local and National Planning Policy

Paragraph 98 of the National Planning Policy Framework (NPPF) states 'Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for

nature and support efforts to address climate change. '

The site is located within the Central Lincolnshire Local Plan as a Green Wedge, Policy LP22 states that Development proposals within a Green Wedge will be expected to have regard to:

- c. the need to retain the open and undeveloped character of the Green Wedge, physical separation between settlements, historic environment character and green infrastructure value;
- d. the maintenance and enhancement of the network of footpaths, cycleways and bridleways, and their links to the countryside, to retain and enhance public access, where appropriate to the role and function of the Green Wedge;
- e. opportunities to improve the quality and function of green infrastructure within the Green Wedge with regard to the Central Lincolnshire Green Infrastructure network and Biodiversity Opportunity Mapping;

The following design principles within Policy LP26 of the Central Lincolnshire Local Plan would also be relevant to 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;
- f. Incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;
- g. Incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;
- h. Provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings;
- i. Protect any important local views into, out of or through the site;
- j. Duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style;
- k. Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability;
- l. Ensure public places and buildings are accessible to all: this should not be limited to physical accessibility but should also include accessibility for people with conditions such as dementia or sight impairment for example;

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

- m. Compatibility with neighbouring land uses;
- n. Overlooking;
- o. Overshadowing;
- p. Loss of light;
- t. Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste;

Replacing existing play equipment within an existing playground is acceptable in principle.

Effect on Visual Amenity

The proposed play equipment would sit comfortably upon the existing play area. The design of the proposed equipment is acceptable and the materials, predominantly timber would reflect the surroundings of the site. The proposed play equipment would not require any changes to existing boundary treatments or new accesses; some new pathways would be laid within the site. It is therefore considered that the proposal would not have a detrimental impact on the visual amenity of the wider area in accordance with the Central Lincolnshire Local Plan Policy LP26.

Effect on Residential Amenity

The nearest residential properties are located in excess of 25 metres from the site. The interface distance and relationship between the proposed development and the existing buildings are not uncommon in urban settings such as these; similar relationships can be seen throughout the City. Officers are therefore satisfied that the development would have an acceptable relationship with these properties.

The City Council's Pollution Control Officer has confirmed that he has no observations to make regarding noise or other environmental impact. It is therefore considered that the development would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy, in accordance with CLLP Policy LP26.

It is considered that this development would benefit the wider community by enhancing facilities on an established playground and promote physical activity and health for children and young people.

Effect on Green Wedge

Officers consider the proposal would improve the recreational value of the green wedge and that there would be no significant detrimental impacts on the character and appearance of the surrounding area, ecology, and any heritage assets. The proposal is therefore in accordance with Policy LP22 'Green Wedge' of the CLLP.

Consultation Responses

Long Leys Road Residents Association have commented 'LLRA supports this development. It delivers additional play facilities for local children in an area that is easily accessible on foot or by cycle.'

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

No.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The development does not result in a detrimental impact on the green wedge; in accordance with Policy LP22 'Green Wedge' of the Central Lincolnshire Local Plan. The proposed development would offer significant improvements to a key community facility for local residents. The development is considered to be appropriately located and designed as well as respecting the amenity of adjoining occupiers and the local area in accordance with Policy LP26 'Design and Amenity' of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is Granted Conditionally

Conditions

- Development to commence within 3 years
- Development to be in accordance with the plans

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2021/0816/FUL - Play Area, Whittons Park, Yarborough Road, Lincoln





Now re-positioned closer
to boundary line of site
Footprint increased to 15m x 11m

Whittons Park
New Play Equipment

FRE601500 – dark green posts/panels
Tarmac surface c/w line markings – 2 x sports
Informal seating – meeting points and large boulders

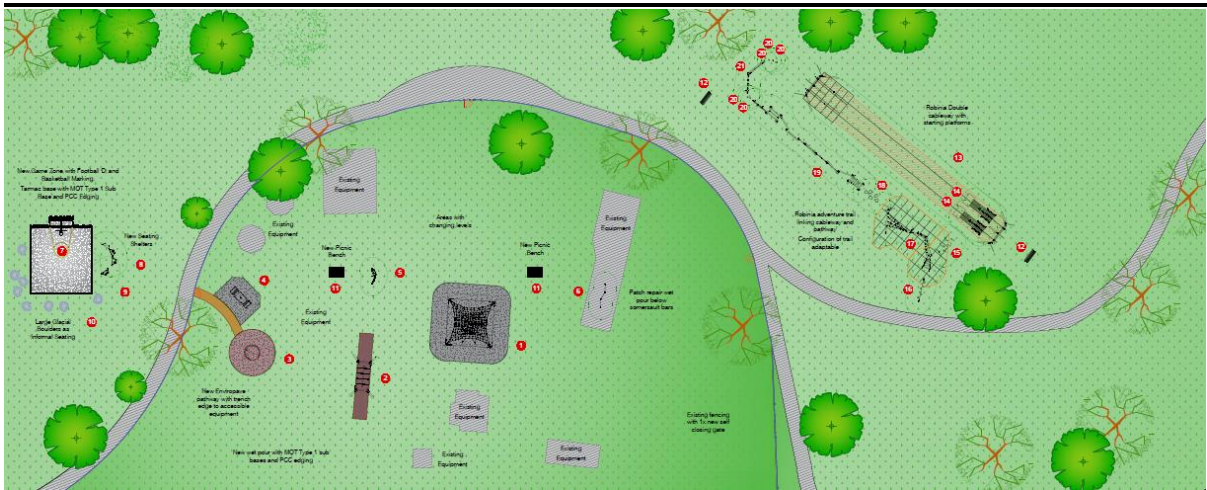
Existing springer
& steel dish roundabout
c/w wet pour

New ped gate location – into
Existing fence line

Existing ped slide &
Existing wet pour – green
New somersault bars installed
& w/p patch repaired

Robinia double cableway with
Start platforms – grassmat surfacing

Activity trail – provided users with a playful
Route back upto cableway start
No surfacing under low elements
Parcour to have grassmat and shockpad where
Required – Parcour is for decision making.....
Users can continue or join path



THE PRODUCTS

ADVENTURE ZONE
CLIMB, AGILITY, BALANCE, COORDINATION
ADVENTURE AND EXPLORE



INCLUSIVE PLAY

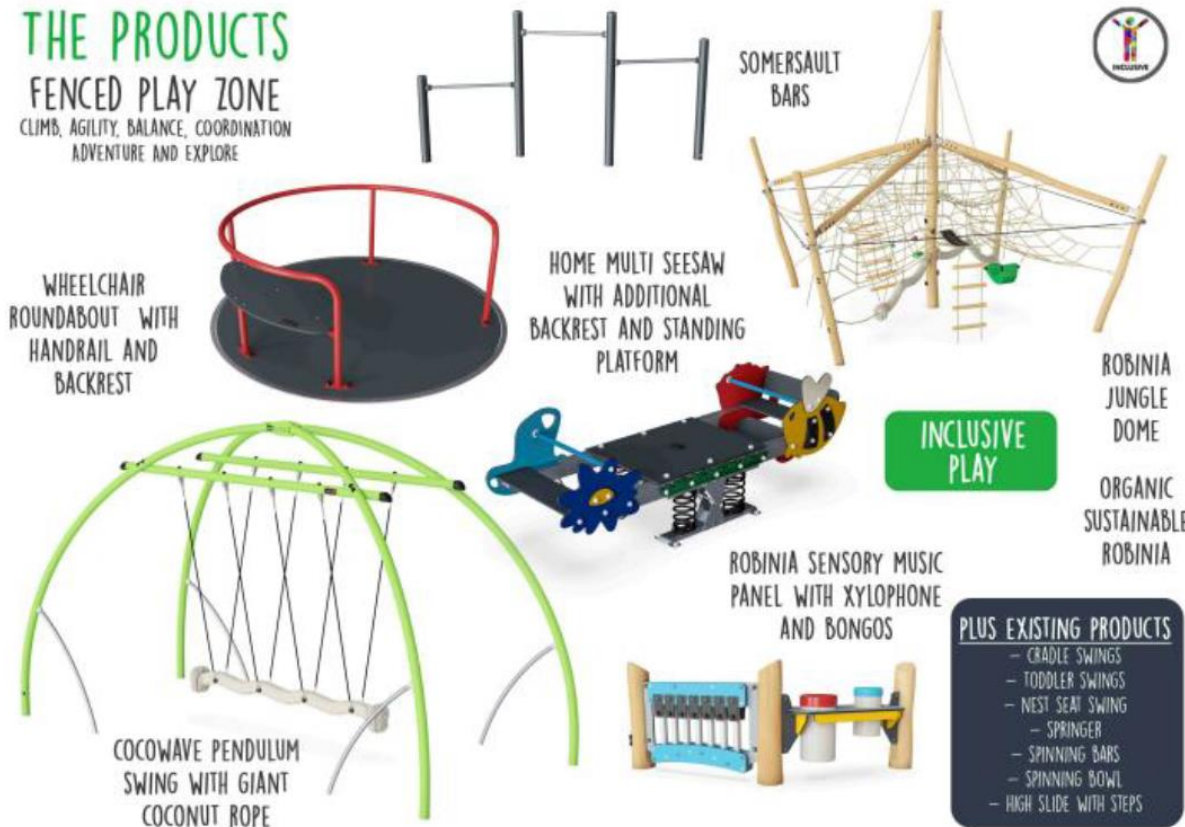
ORGANIC
SUSTAINABLE
ROBINIA

DOUBLE CABLEWAY WITH
STARTING PLATFORMS

**DOUBLE CABLEWAY
PLUS AWESOME ROBINIA
ADVENTURE TRAIL**

THE PRODUCTS

FENCED PLAY ZONE
CLIMB, AGILITY, BALANCE, COORDINATION
ADVENTURE AND EXPLORE



WHEELCHAIR
ROUNDAABOUT WITH
HANDRAIL AND
BACKREST

HOME MULTI SEESAW
WITH ADDITIONAL
BACKREST AND STANDING
PLATFORM

SOMERSAULT
BARS

ROBINIA
JUNGLE
DOME

INCLUSIVE PLAY

ORGANIC
SUSTAINABLE
ROBINIA

ROBINIA SENSORY MUSIC
PANEL WITH XYLOPHONE
AND BONGOS

COCOWAVE PENDULUM
SWING WITH GIANT
COCONUT ROPE

PLUS EXISTING PRODUCTS
- CRADLE SWINGS
- TODDLER SWINGS
- NEST SEAT SWING
- SPRINGER
- SPINNING BARS
- SPINNING BOWL
- HIGH SLIDE WITH STEPS





Consultation Responses

Consultee Details

Name: Mr Jon Davies

On Behalf Of: Long Leys Residents Association

Comments

LLRA supports this development. It delivers additional play facilities for local children in an area that is easily accessible on foot or by cycle.

Consultee Details

Name: Mr Ian Wicks

On Behalf Of: Environmental Health

Comments

I confirm that I have no objections or observations to make regarding this application.

Application Number:	2021/0804/FUL
Site Address:	Telecommunication Station 75465, Moorland Avenue, Lincoln
Target Date:	27th November 2021
Agent Name:	Galliford Try
Applicant Name:	Cornerstone C/o Agent
Proposal:	Removal of existing 15m high mast and all associated street furniture; and replacement with 20m high mast, 6no. antennas, 1no. meter cabinet and associated development.

Background - Site Location and Description

The application is for the erection of a 20m high mast incorporating six antennas with an associated meter cabinet on Moorland Avenue. The application proposes an upgrade to an existing telecommunication site, replacing an existing 15m high mast and associated equipment.

The proposed site is located on the north side of Moorland Avenue, to the east of the junction with Tritton Road. The site sits in the grass verge to the south of the Crown and Arrows public house, a part single and part two storey structure. To the south of Moorland Avenue is an area of open space, within which are a number of mature trees, and beyond are two storey semi-detached properties.

The application is being presented to Members of the Planning Committee for determination at the request of Cllr. Bob Bushell.

Site History

Reference:	Description	Status	Decision Date:
2014/0334/PA	Upgrade of existing telecommunications base station comprising the removal of the existing 14.43m high column, replacement with a 15m high column, siting of 2 equipment cabinets (existing cabinet to be removed) and ancillary development.	Prior Approval Req and Approved	20th June 2014

Case Officer Site Visit

Undertaken on 13th October 2021.

Policies Referred to

- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

- Policy Context
- Visual Amenity
- Residential Amenity
- Highway Matters

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received

Public Consultation Responses

None.

Consideration

Policy Context

Central Lincolnshire Local Plan (CLLP) Policy LP26 states that development should respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and form. All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate).

Section 10 of the National Planning Policy Framework (NPPF) outlines the government's general approach is to facilitate the growth of new and existing communications infrastructure. Specifically, paragraph 114 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 115 of the NPPF advises that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Paragraph 130 of the NPPF advises that developments should be sympathetic to local character, including the surrounding built environment.

The application suggests that “there is a clear operational need for the development. The subject proposal will result in improved 2G, 3G and 4G network services whilst establishing a 5G solution for Telefónica UK Limited (O2), allowing local residents, businesses and visitors in the locale to access the many social and economic benefits associated with modern communications network services”.

Visual Amenity

The application states that the siting of any new base station development should be directly linked to operational need. “In this instance, the coverage requirement relates to the upgrade of a well-established base station site at a removed location in terms of built/natural heritage assets. Although located close to a residential area the established site has been offset from as many residential frontages as possible, making best use of existing features for context, screening and backdrop purposes. The subject site is not subject to any restrictive planning policy designations and because this is an upgrade proposal, no alternative sites have been considered”.

In terms of the design the application advises that “similar to siting requirements, the design of any new base station development is directly linked to operational need. It also has to be tailored to the bespoke nature of the site in question, i.e., with consideration in a context of topography, proximity to other natural and manmade features, planning policy and other local sensitivities, and it must be structurally capable of accommodating the necessary transmission apparatus. Following the nomination of the existing base station site for upgrade, a well-considered design process has been implemented with the applicant having to balance technical requirements including operational, wind loading and structural calculations, with the minimisation of visual impact. A replication of the design principles of the existing base station have been incorporated as far as is reasonably possible and a minimum amount and size of apparatus has been proposed. A lesser sized mast simply would not be able to provide an efficient or effective coverage solution from this site”.

The site is located close to the junction with one of the main approaches into the city, Tritton Road. There is substantial commercial development to the west, however, the immediate area to the east of Tritton Road is characterised by two storey development. The junction is abutted by the open space to the south and the car park serving the public house to the north. Therefore, with the exception of the trees within the open space and a smaller number of trees within the grounds of the public house, the site has an open character with views available from the north and south along Tritton Road and from the east on Moorland Avenue itself.

The existing 15m high mast has a grey finish with the antenna concealed within a slightly larger enclosed hood at the top. It sits to the east of two equipment cabinets within the grass verge, in between two lighting columns. The plans submitted as part of the application identify the height of the existing lighting columns as being approximately 12m. The plan also identifies the height of a nearby tree within the grounds of the public house sitting at an approximate height of 9m.

The proposed mast would measure 20m in height. This would be far taller than the existing mast, streetlights and trees, and also significantly higher than the nearby two storey buildings. The diameter of the pole is also marginally larger than the existing but, most notably, the antennas are exposed and are much bulkier in appearance than the existing

arrangement. Officers therefore consider that the height of the mast combined with the pole's width and the bulky and distinctive headframe would appear as an obtrusive, prominent, dominant and imposing addition in the street scene, particularly given the open aspect of the junction and highly visible location of the site. This impact would be further exacerbated by the fact that the mast is proposed to be positioned further west in the verge than the existing mast, over 9m closer to Tritton Road on the opposite side of the cabinets.

The mast is therefore considered to be inappropriate as, by reason of its height, size, design and position, would fail to respect the existing character of the area and would not relate well to the site and surroundings.

The need for telecommunications equipment is not disputed and officers acknowledge the public benefit of the installation in terms of the enhancement of the telecommunications network and its contribution to economic growth, as required by the NPPF. It is also positive to see that the proposals relate to the upgrading of an existing site. However, it is not considered that these points outweigh the aforementioned harm to the established character and appearance of the area.

Officers would note that there is no objection in principle to the associated meter cabinet, which will replace a slightly smaller meter cabinet in a similar location. This would sit adjacent to the two larger cabinets in the highway verge.

Residential Amenity

The site is over 45m from the closest residential property and accordingly it is not considered that the mast would cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy, in accordance with CLLP Policy LP26.

A declaration has been submitted with the application to confirm that the equipment is in line with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines (ICNIRP), and as such the NPPF states that the issue of health is not a material planning consideration.

Highway Matters

Lincolnshire County Council as Local Highway Authority has considered the application and has noted that the proposal is for a replacement mast and ancillary equipment, still located in the highway verge. They are satisfied that the proposal would not have an impact on the public highway.

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

Yes, officers advised of concerns at the pre-application stage.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposed mast would have an unduly harmful impact on local character and the surrounding built environment by reason of its height, size, design and position, which is exacerbated by the site's open and highly visible location. It would appear as an obtrusive, prominent, dominant and imposing addition within the street scene, contrary to Central Lincolnshire Local Plan Policy LP26 and paragraph 130 of the National Planning Policy Framework.

Application Determined within Target Date

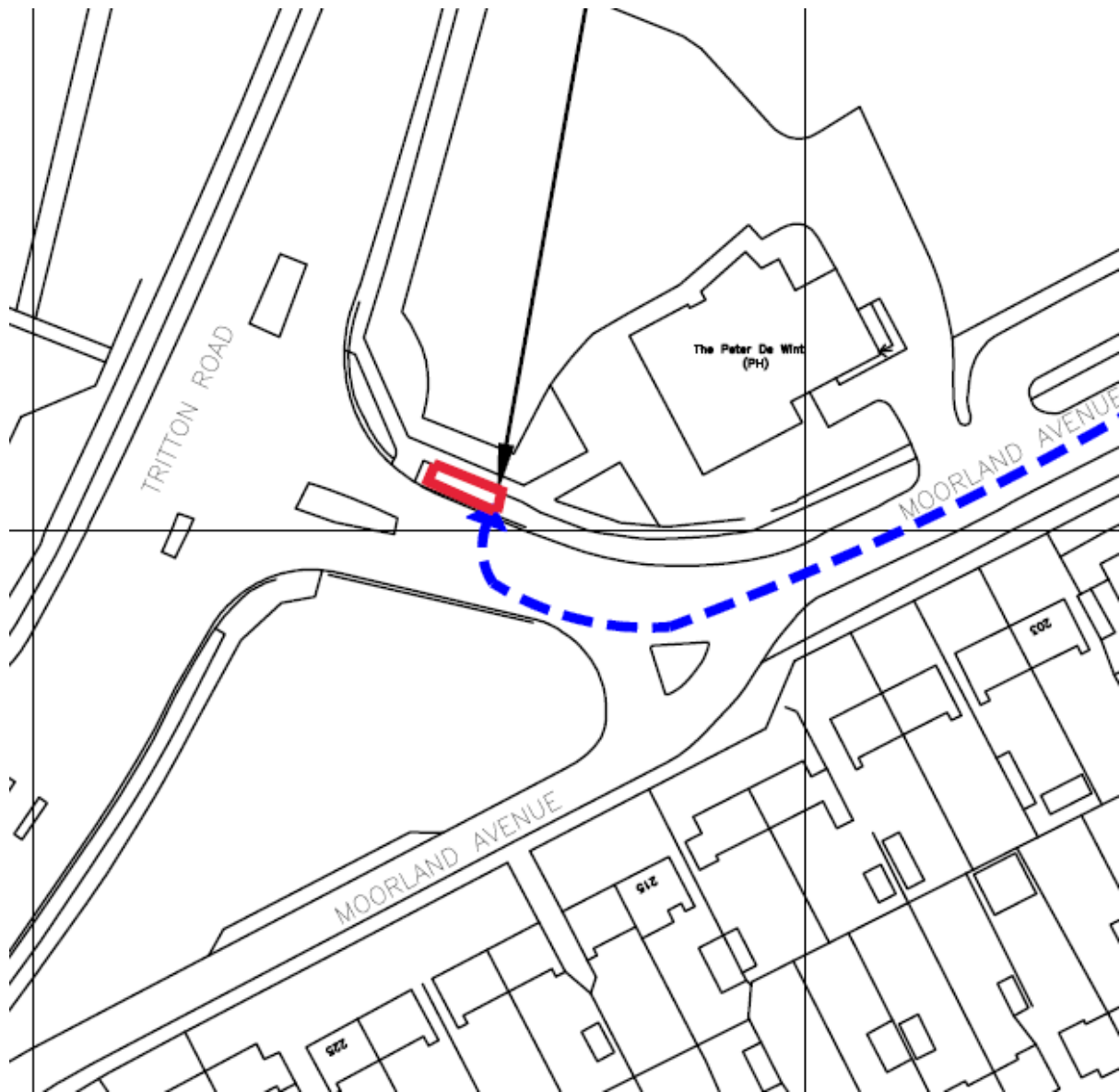
Yes.

Recommendation

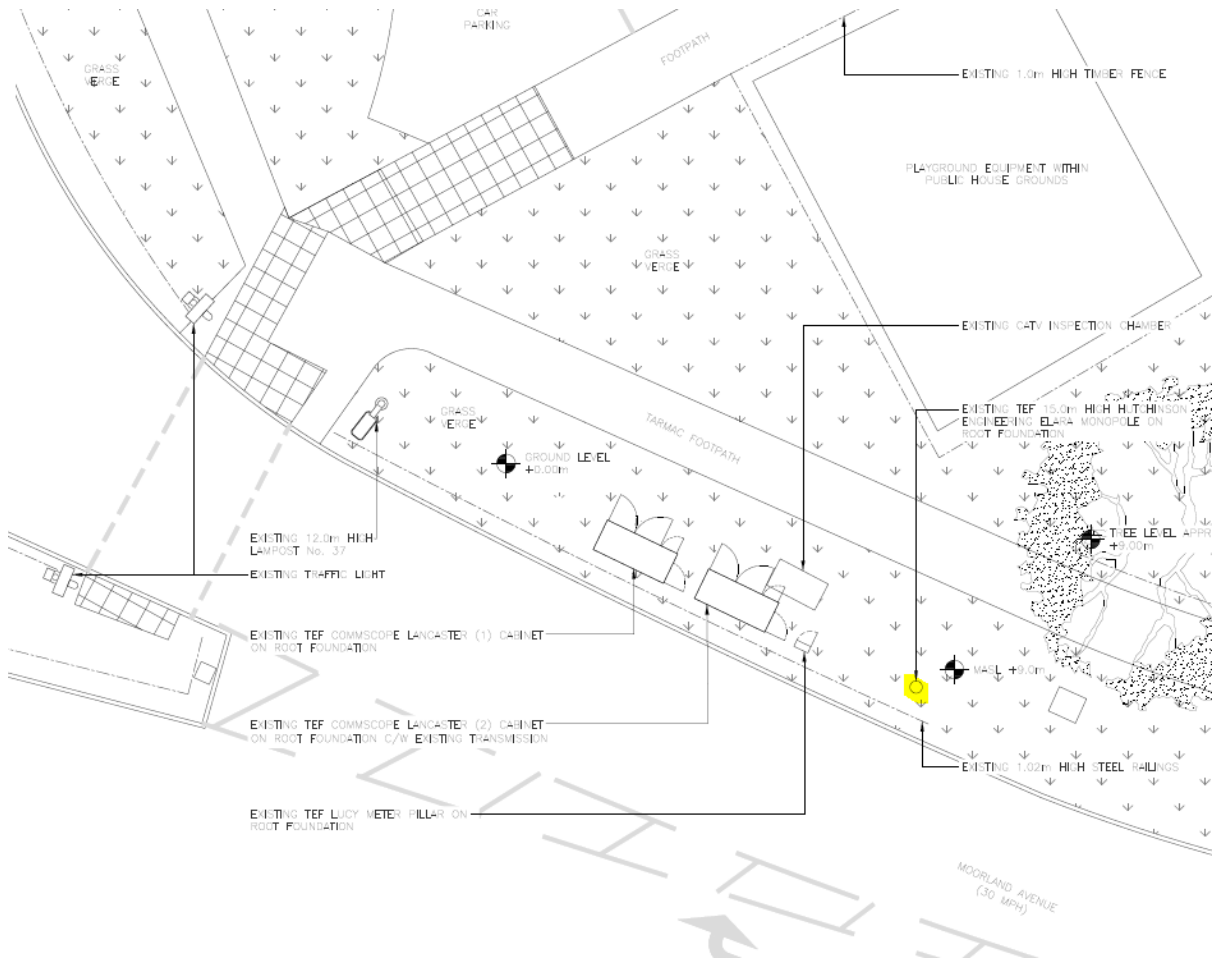
That the application is refused

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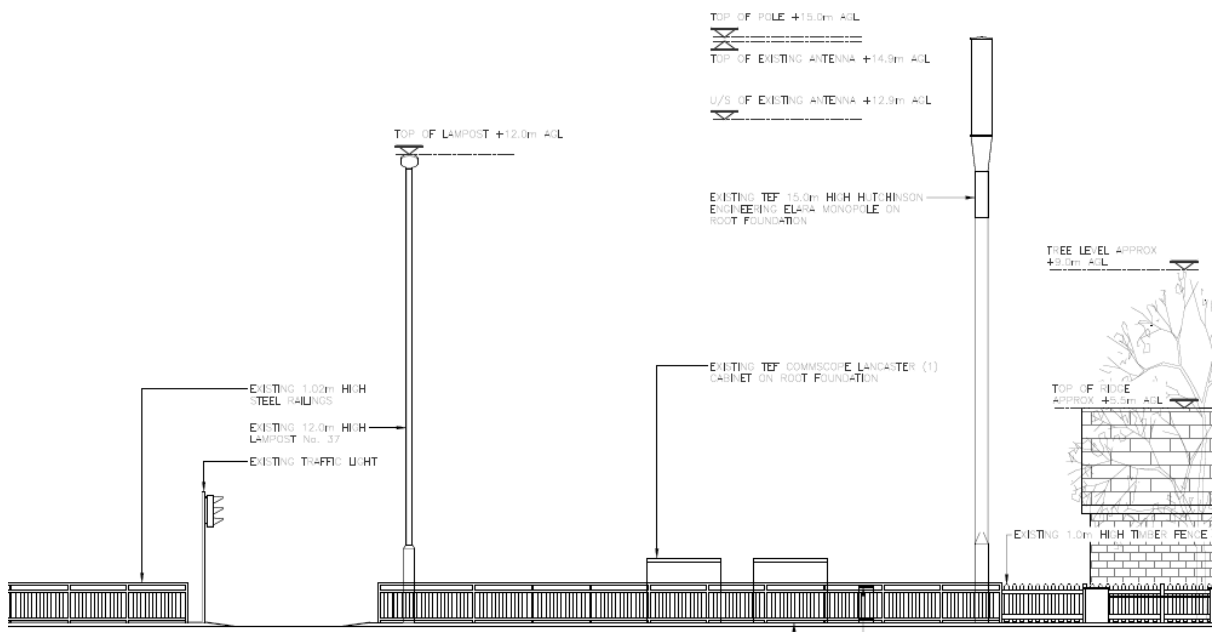
Moorland Avenue plans, photos and consultation responses



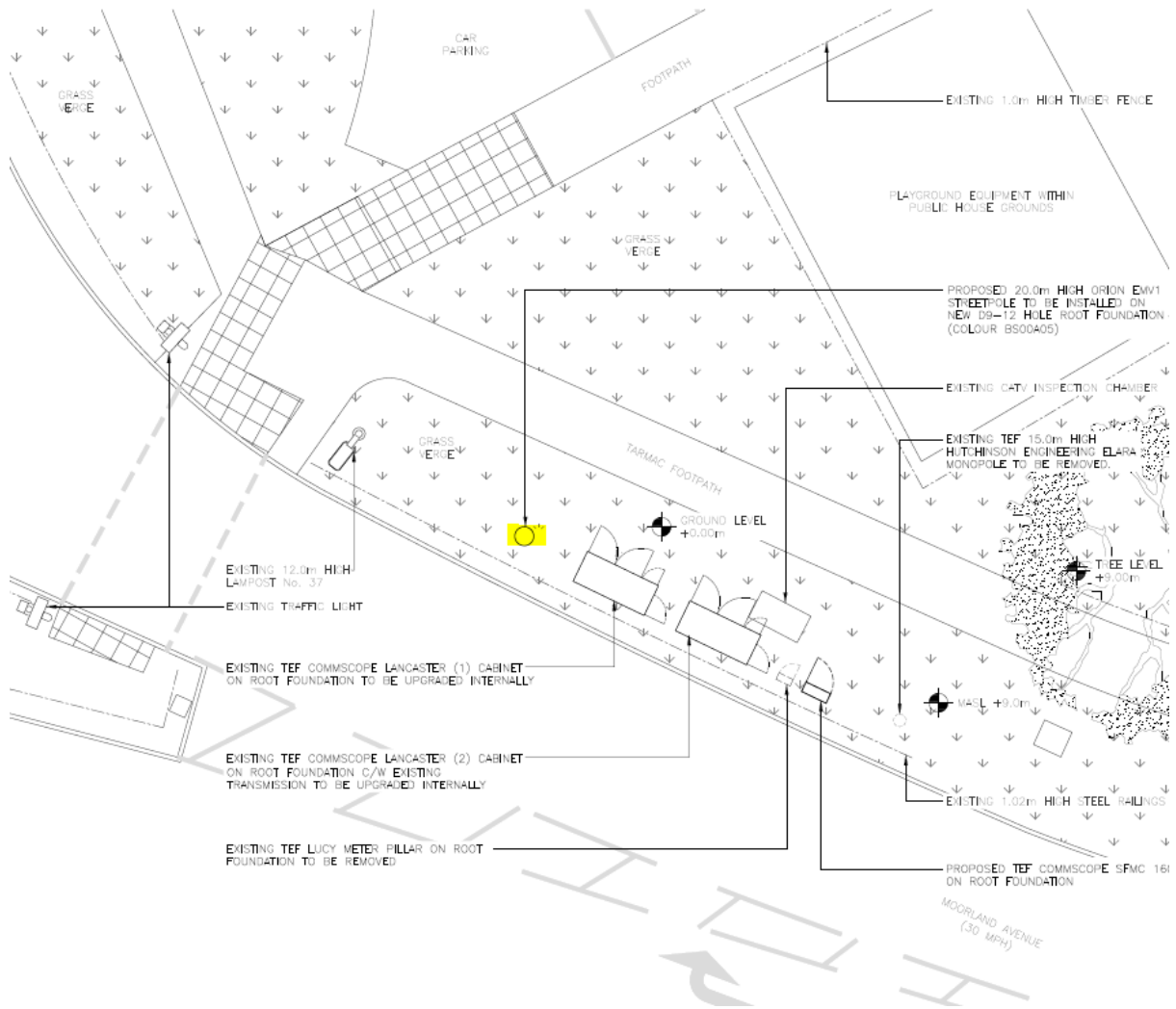
Site location plan



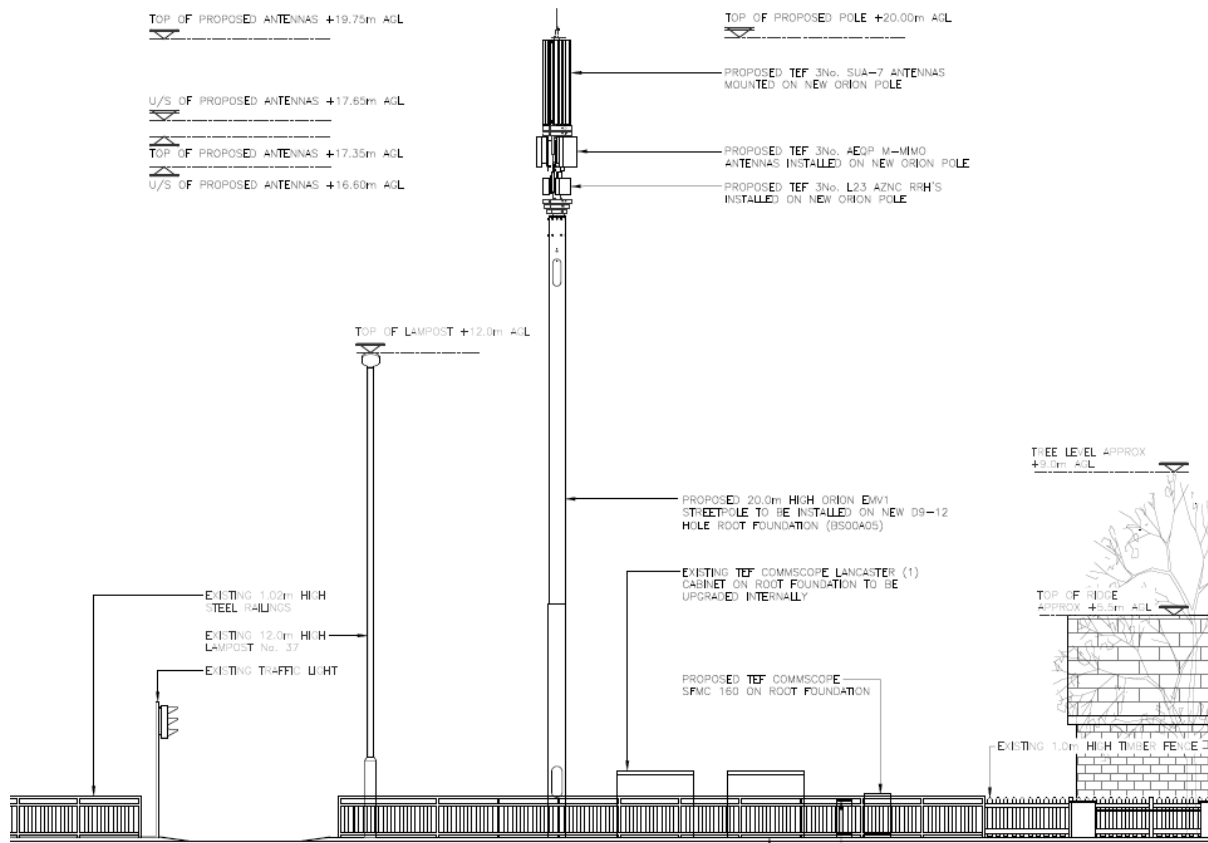
Existing site plan with mast and cabinets, existing mast highlighted in yellow



Existing arrangement looking north



Proposed site plan with mast and cabinets, proposed mast highlighted in yellow



Proposed arrangement looking north



Photograph of site from south



Photograph of site from east



Photograph of site from south west, from Tritton Road

Application Number:	2021/0700/PAT
Site Address:	Street Record, Lincoln Road, Lincoln
Target Date:	20th October 2021
Agent Name:	Dot Surveying
Applicant Name:	CK Hutchison Networks (UK) Ltd
Proposal:	Installation of a 15m high 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works.

Background - Site Location and Description

The proposed site is located on the north side of Lincoln Road, the site sits within the grass verge, at the back edge of the footpath/cycleway from the road. To the north of the site characterised by two single storey commercial premises with open land surrounding, the Flavian Road Estate is located approximately 85m beyond. To the south of the site, is a mixture of bungalows and two storey properties located a minimum of 35m from the site.

This application is submitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) (no.2) Order 2016.

Paragraph A.1(1)(c)(ii) of the GPDO sets out the permitted development right to install masts of up to 20m above ground level on land which is on a highway. The proposed monopole would be 15m in height. The proposed ground-based apparatus would not exceed 15m in height. The siting of the associated cabinets at the bottom of the monopole are therefore permitted development. However, prior approval is required for the monopole in terms of its siting and appearance.

Due to the fixed 56 days in which Local Authorities must inform mast operators of its' decision on whether prior approval is required for siting and appearance and to let the operator know of its decision, it has not been possible on this occasion for this prior approval to be presented at committee before determination. However, this report details for the considerations taken during the application.

A declaration has been submitted with the application to confirm that the equipment is in line with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines (ICNIRP).

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 16th September 2021.

Policies Referred to

- National Planning Policy Framework

Issues

In determining this prior approval application, the Local Planning Authority can only consider the siting and appearance of the proposed telecommunications equipment.

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
Shane Harrison	No Response Received
Lee George	No Response Received

Public Consultation Responses

Name	Address
Tom Nickell	Ashcroft, Lincoln Road Lincoln Road Lincoln LN2 2NF

Consideration

General Permitted Development Order

Part 16 of the GPDO permits:

Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of:

- (a) the installation, alteration or replacement of any electronic communications apparatus,
- (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- (c) development ancillary to radio equipment housing.

Part A.3 (4) of the Order states that:

Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

National Planning Policy Framework

Section 10 of the National Planning Policy Framework (NPPF) outlines the Government's general approach is to facilitate the growth of new and existing communications infrastructure. Specifically, paragraph 114 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 115 advises that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Furthermore, paragraph 117 advises that for a new mast or base station, the application should be accompanied by evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

Paragraph 130 advises that developments should be sympathetic to local character, including the surrounding built environment.

Local Policy

LP26 states that development should respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and form. All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place.

Proposed Development

The application advises that there is a requirement to upgrade the CK Hutchison Networks (UK) Ltd (Three) network to provide improved coverage and capacity, most notably in relation to 5G services. It is noted that the nature of 5G and the network services it provides means the equipment and antennas required are quite different to the previous, and existing, service requirements. New sites will therefore be needed for many reasons, including that the higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded.

The application includes details of alternative site options that have been considered. It

also specifies the reasons they have been discounted; due to the location of underground services, that the required coverage would not be achieved and the proximity to residential properties. It is concluded that the only viable solution is the one being proposed. The application specifies that the detailed siting and design has been carefully considered to ensure that the scheme has a limited impact on the locality and general visual amenity.

An objection has been received from the occupants of a property on Lincoln Road, citing concerns relating to the proposed monopole being too close to their house. Other objections are raised regarding health concerns. However, officers cannot consider this if, as set out in the NPPF, the proposal meets the International Commission guidelines for public exposure. This is satisfied as the application is accompanied by the necessary ICNIRP declaration.

Consideration of the Siting and Appearance

The proposed monopole which is being applied for would be 15 metres high which is below the maximum height allowed under the permitted development process. The proposed height of the mast is required to enable 5G, which the applicant states is more prone to shadowing effect from adjacent buildings, structures and tree canopies. The height needs to avoid the obstacles.

The proposed monopole and associated equipment would be sited on to the grass verge near to the car park that serves the gym, the proposal would not be obstructive to either pedestrians or motorists. There are various items of street furniture adjacent to the site along this section of Lincoln Road and Nettleham Road including street lighting, telegraph poles, road signage and street trees. It is considered the location of the telecommunications equipment to be suitable for such a development.

It is acknowledged that the monopole would be of a relatively significant height and whilst it would have a noticeable impact on visual character of the area; when this impact was balanced against the benefits of providing the enhanced technology and capacity of 5G then it was considered, in this particular case, that the proposal was acceptable. The proposed mast is a standard design, widening at the top to accommodate the antennae.

The telecommunications equipment would not result in any excessive visual clutter within the street. The proposal would not have a harmful impact upon the visual quality of the wider street scene and therefore there are no grounds upon which to resist such a development.

Conclusion

It was considered that the siting and appearance of the proposed monopole would not have a harmful visual impact on the character and appearance of the area, in accordance with the Central Lincolnshire Local Plan Policy LP26 and paragraph 130 of the National Planning Policy Framework. Therefore, the application was determined under delegated powers by the Assistant Director.

Application Determined within Target Date

Yes.

Recommendation

That Councillors note the content of the report.

Table A

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

Drawing No.	Version	Drawing Type	Date Received
LCN17585_PLANNING_R EV_A		Plans - Proposed	24th August 2021

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Site location plan



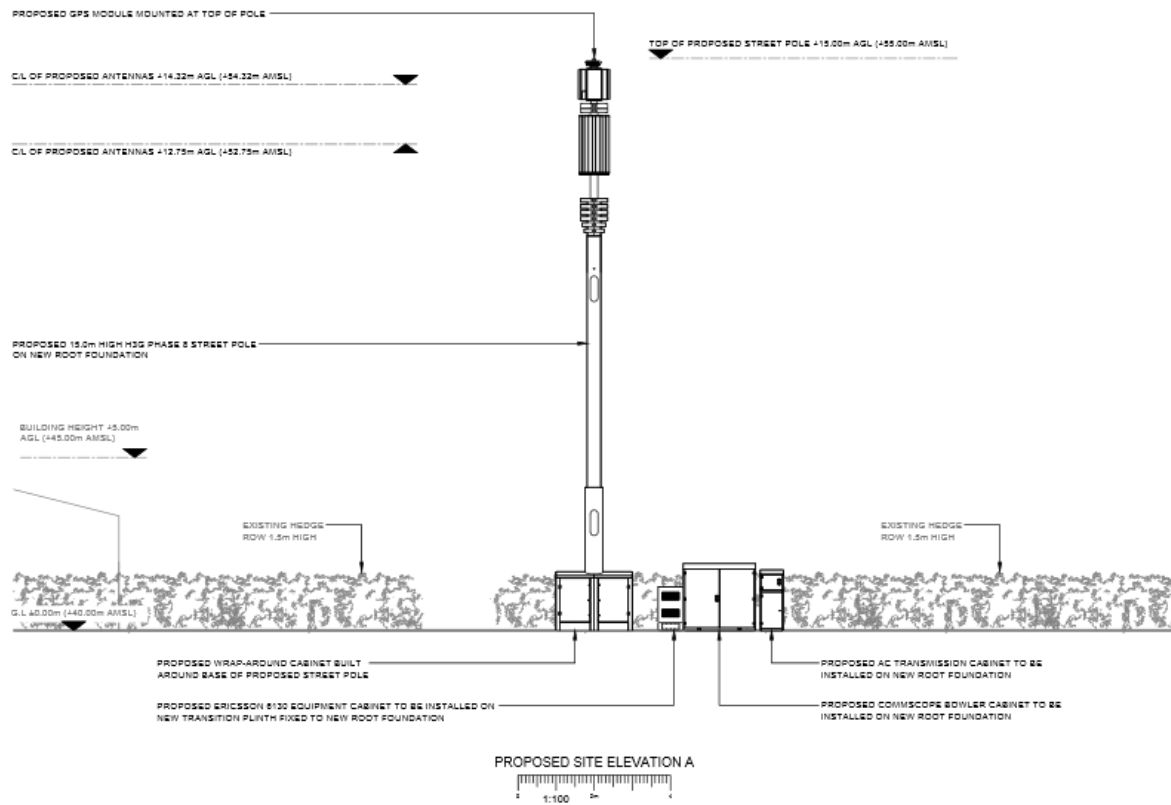
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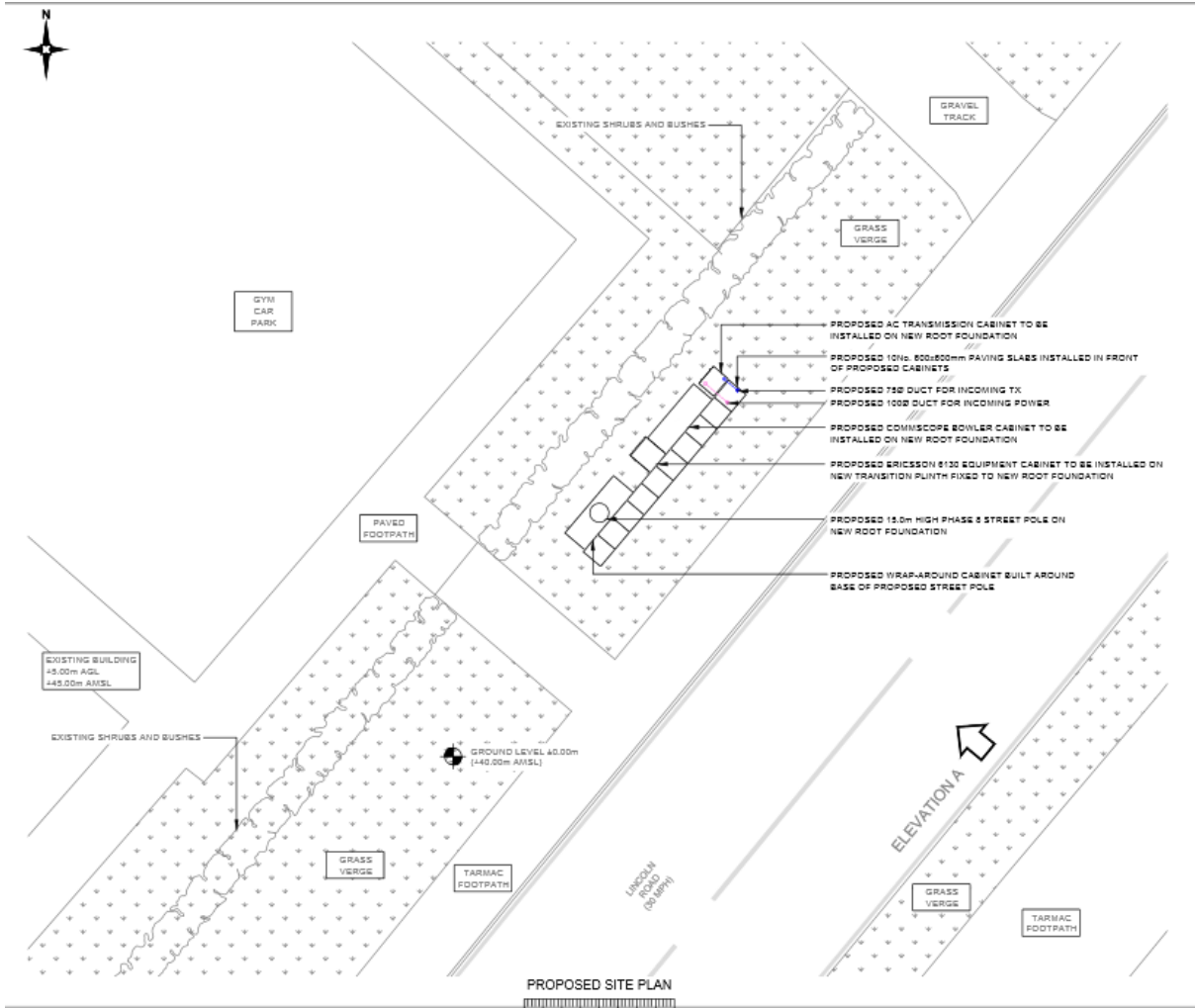


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Proposed mast





Site photos







Warren Peppard
Head of Development Management
Lincolnshire County Council
County Offices
Newland
Lincoln LN1 1YL
Tel: 01522 782070
Highways@Lincolnshire.gov.uk

To: Lincoln City Council

Application Ref: 2021/0700/PAT

Proposal: **Installation of a 15m high 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works**

Location: **Street Record, Lincoln Road, Lincoln**

With reference to the above application received 24 August 2021

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

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. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

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.

Consultee Comments for Planning Application 2021/0700/PAT

Application Summary

Application Number: 2021/0700/PAT

Address: Street Record Lincoln Road Lincoln Lincolnshire

Proposal: Installation of a 15m high 'slim line' phase 8 monopole c/w wraparound cabinet at base,
3no. additional ancillary equipment cabinets and associated ancillary works.

Case Officer: Craig Everton

Consultee Details

Name: Mr Ian Wicks

Address: Directorate Of Development And Environmental Services, City Hall, Beaumont Fee
Lincoln, Lincolnshire LN1 1DF

Email: Not Available

On Behalf Of: Environmental Health

Comments

I can confirm that I have no observations to make regarding this application.

Comments for Planning Application 2021/0700/PAT

Application Summary

Application Number: 2021/0700/PAT

Address: Street Record Lincoln Road Lincoln Lincolnshire

Proposal: Installation of a 15m high 'slim line' phase 8 monopole c/w wraparound cabinet at base,
3no. additional ancillary equipment cabinets and associated ancillary works.

Case Officer: null

Customer Details

Name: Tom Nickell

Address: Ashcroft, Lincoln Road Lincoln Road Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My objection to this project is that it will only be a distance of 40mtrs from my bedroom. It will be in full view from my living room and not enough research has been done to establish the safety of any radio waves etc coming from the mast. There is a field adjacent to the gym which would be more suitable.