

Present: Councillor Bob Bushell (*in the Chair*),
Councillor Biff Bean, Councillor Liz Bushell, Councillor
Gary Hewson, Councillor Jane Loffhagen, Councillor
Rebecca Longbottom, Councillor Bill Mara, Councillor
Mark Storer, Councillor Edmund Strengiel, Councillor
Calum Watt and Councillor Bill Bilton

Apologies for Absence: Councillor Naomi Tweddle and Councillor Chris Burke

50. Confirmation of Minutes - 3 November 2021

RESOLVED that the minutes of the meeting held on 3 November 2021 be confirmed.

51. Declarations of Interest

No declarations of interest were received.

52. Update Sheet

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

- Additional comments received in relation to Agenda Item Number 5(a) – Land Adjacent to Yarborough Leisure Centre, Riseholme Road, Lincoln.
- A response from Lincolnshire County Council as Highways Authority stating that it had no objections to the development proposed at Agenda Item Number 5 (b/c) – 40-42 Michaelgate, Lincoln

RESOLVED that the Update Sheet be received by Planning Committee.

53. Work to Trees in City Council Ownership

Dave Walker, Arboricultural Officer:

- a. advised the Committee of the reasons for proposed works to trees in the City Council's ownership and sought consent to progress the works identified, as detailed at Appendix A of his report
- b. clarified that although his schedule was dated 3 December 2021, this was a typographical error; the schedule referred to works planned as of 1 December 2021
- c. 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
- d. 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.

54. **Applications for Development**
55. **Land Adjacent To Yarborough Leisure Centre, Riseholme Road, Lincoln**

The Planning Team Leader:

- a. described the application for development on land in front of Yarborough Leisure Centre, which proposed the erection of four 2/3 storey buildings fronting Riseholme Road to form townhouses with five 3/4 storey buildings positioned behind
- b. reported that the development would consist of 293 bedrooms of accommodation for students with ancillary on site reception, laundry facilities and warden accommodation
- c. added that a new vehicular access would be formed to Riseholme Road and 17 parking spaces provided within the site for accessible unloading and staff parking only
- d. highlighted that the land in question was allocated as a site for residential development in the adopted Local Plan, currently owned by the City of Lincoln Council with an agreement to sell to the applicants
- e. described the location of the development site currently grassland on the west side of Riseholme Road, with Lincoln Castle Academy and Yarborough Leisure Centre situated to the north and west, residential dwellings fronting Riseholme Road and Yarborough Crescent to the south, the old caretaker's bungalow in private ownership to the north, and a strong line of trees which formed the boundary with Riseholme Road to the east
- f. referred to the site history to the application site; proposals for 295 bedspaces together with teaching facilities, support space, an on-site café and academic space, was refused by Planning Committee on 26 February 2020 for the following reason:

"The application as proposed would be harmful to the character and local distinctiveness of the site and its surroundings by reason of the height and massing of the proposed buildings contrary to the provisions of Policy LP26 of the Central Lincolnshire Local Plan."
- g. gave details of an amended scheme now submitted; Bishop Grosseteste University had revised their brief and employed a new design team, making key changes as detailed within the officer's report
- h. 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 LP9: Health and Wellbeing
 - Policy LP10: Meeting Accommodation Needs
 - Policy LP12: Infrastructure to Support Growth
 - Policy LP13: Accessibility and Transport
 - Policy LP14: Managing Water Resources and Flood Risk
 - Policy LP16: Development on Land affected by Contamination
 - Policy LP26: Design and Amenity

- Policy LP29: Protecting Lincoln's Setting and Character
 - Policy LP32: Lincoln's Universities and Colleges
 - National Planning Policy Framework
- i. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- Principle of Use
 - Visual Amenity
 - Impact on Residential amenity
 - Traffic and Pedestrian Safety
 - Drainage/SUDs
 - Trees and Landscaping
 - Archaeology
 - Contaminated Land
- j. outlined the responses made to the consultation exercise
- k. referred to the Update Sheet tabled at the meeting which included additional comments received in response to the consultation exercise
- l. concluded that:
- The previous refusal reason relating to height and massing of the buildings had been overcome by the revised application.
 - The development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, and design.
 - The proposal allowed Bishop Grosseteste University to continue to develop and ensured that there was little impact on their neighbours and the wider City.
 - Technical matters relating to highways, contamination, archaeology, and drainage were to the satisfaction of the relevant consultees and could be further controlled as necessary by conditions.
 - The proposals would therefore be in accordance with the requirements of CLLP Policies and the NPPF.

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

- He was speaking tonight on behalf of Lincoln Civic Trust, his neighbours, and local residents to the proposed development.
- Issues had been raised in detail within the agenda pack which represented a groundswell of objectors.
- A previous planning objection submitted for this same site had been unanimously rejected by Planning Committee in 2020.
- According to the consultation document the scale of the build had been reduced and it was mainly 2-storey in nature, however, this was untrue as 3 and 4 storey blocks were also planned.
- The height and density of the proposed development was not in keeping with the area and would have a negative impact on its nature.
- Members should ignore the fanciful artists impressions provided before them to consider instead the impact of the proposed building blocks in terms of scale, height, and density and the 2 metre high security fencing.
- This area represented one of the entries to our beautiful City.

- In terms of landscaping, retention of the trees on the site frontage would not screen the development, if they even survived the building process.
- It was questionable whether further purpose-built accommodation was needed. Bishop Grosseteste University already had land on its own campus it did not use, and other accommodation which remained vacant. The pandemic had resulted in changes to lifestyles in terms of sustainability of life with shifting demographics and changes to expansion plans/reviewed priorities.
- The proposed development would destroy public open green space in uphill Lincoln.
- Would members be happy to support student accommodation in an area awash with it already?
- This planning application compromised the provision of green space for local wellbeing which was also beneficial in terms of climate change. This was at the expense of financial gain.
- The development was inappropriate for this site.
- Scale/massing/density was far too great.
- He hoped members would support local residents' concerns and reject planning permission.

Mr Scott Fleming, Deputy Vice Chancellor at Bishop Grosseteste University addressed Planning Committee in support of the proposed development, covering the following main points:

- His portfolio was responsible amongst other things for 'student experience in the learning community'.
- The Bishop Grosseteste University (BGU) took its values and responsibilities to its neighbours and the surrounding community very seriously.
- The revised planning application now submitted had followed a long process, working with specialist agents and local teams along the way.
- It was a different much improved planning application this time around.
- The design principle had been the sole reason to refuse the previous planning application for the same site.
- The development now contained 2 and 2 ½ storey buildings set amongst a green frontage.
- In terms of concerns raised regarding car parking, students were not permitted to bring vehicles to University unless they had access needs. Only 10 such approvals had been granted this year.
- 40% of students commuted daily into University; the staff would work with them to encourage use of public transport etc.
- The development would ease the pressure on the need for students to travel to the campus, therefore reducing the need for bringing cars to University.
- The development would be beneficial to the wider community.
- The scheme would provide an exclusive student experience to enhance learning.
- BGU was widening its offer particularly to students with additional care needs, together with provision of purpose built private student accommodation across the city as a priority.
- The scheme would increase the offer of accommodation services to students and decrease the need for private accommodation that could be used for families.
- It would provide a more attractive gateway to the north of the city.

- 24/7 security measures would be provided on site together with resident staff members.
- The University had a good record in the community with students rarely needing to be disciplined.
- He hoped members would offer their support to this development.

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

The following comments emerged in support of the planning application:

- This was an improved planning application, allowing the trees to be retained along the frontage of the scheme.
- There was less mass to buildings.
- Home owners did not buy a view when they purchased a house.
- As a former student, accommodation with 24 hour security was considered one of the best forms of student life.
- The proposed accommodation was close to the University and also close to town. It would be an ideal location as it would negate the need for students to use a car.
- It was noted that the NHS had requested a financial contribution towards GP services

The following concerns emerged from discussions held:

- Would demand on housing in the City be affected should the proposals for purpose built accommodation be refused, forcing students to find alternative places to live which impacted on other local residents seeking a home?
- There was still an issue concerning car parking on local streets. The University would need to work with their local neighbours to address this.
- Visitors would still come here in cars even if the students weren't allowed to keep one.
- In terms of sustainability of the build, life was changing, students may prefer to work from home rather than utilise this type of accommodation.
- The cost of rent had to be reasonable to make the venture sustainable.
- Students were not liable for council tax/business rates.
- Resident's concerns regarding lack of green space were acknowledged.
- A large scale development was proposed here, much greater than the accommodation on site across the road at Wickham Hall/Constance Steward Hall.
- Modifications in terms of trees/landscaping would help in terms of biodiversity gain, potentially utilised across the other BGU sites.
- Grassland did have a value and members should be guarded by this statement in determining their decision.
- Concerns were raised about access to the site.
- Concerns regarding the future use of the accommodation should it be no longer required in future years due to changes in lifestyles.
- Student accommodation was better located in commercial areas and not residential communities.
- Recreational improvements such as benches/ rest areas would enhance the area for local residents.
- The Transport Strategy needed to offer assistance to residents in uphill Lincoln in relation to lack of bus services.
- The Council was the landlord for this site; opportunities for a better bus

- service should be utilised.
- A better bus service would assist students to commute.

The following questions emerged from discussions held:

- How would the objector's rights be affected who currently had direct gated access to the site, a right which many local people had enjoyed for decades?
- Why was there no reference to solar panels/climate change aspirations as part of the scheme?
- Was it possible for the planning application to be refused for additional reasons to those outlined at the previous refusal?
- How would the security fence affect the amenity of the area?
- To what extent was a heat pumps system part of the scheme?
- Was the condition requested by Lincolnshire County Council to operate additional bus services in the area from Monday to Friday to be met by the developer, and if not, why not?

(In the interest of transparency, Councillor Strengeiel highlighted that he sat on the Highways Committee as an elected member of Lincolnshire County Council)

As a point of clarification, Councillor Strengeiel advised that the City Council or County Council had no powers to enforce Stagecoach to provide further bus services.

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

- Any S106 requests must relate to the application before us and used to cushion any impact from the development, hence why a contribution towards NHS provision was appropriate here. The impact from this development to necessitate the provision of extra bus services Monday-Saturday was not so significant to be considered as justifiable. A Friday and Saturday service was already in operation. The development was also close to the City Centre and University.
- The ownership of the site was not a matter to be taken into account from a planning perspective. Officers did not consider it to be reasonable to impose a condition requiring additional bus services unless members were minded differently.
- A security fence would be installed to the front of the development, behind the existing hedge, with secondary fencing covering the rest of the site.
- Access to the site currently in existence from a neighbouring property was a private matter and not a planning issue.
- Public right of way across the site did not exist, officers had taken legal advice on this matter.
- In terms of biodiversity gain, a tree planting and landscaping strategy condition could be tailored in subject to grant of planning permission to focus on this area; mandatory requirements would be brought into planning legislation in the future; however, this was not yet lawfully binding.
- Heat pumps were not the sole source of heating proposed for the development but would support the heating system.
- Should the development remain empty any proposal for change of use would need to come back to Planning Committee.

The Assistant Director of Housing responded on whether it was possible to impose additional reasons for refusal of planning permission other than the previous refusal. It was not in his gift to influence members views; however, the key material consideration here was to determine whether the reasons for previous refusal on this site had been addressed.

A motion was proposed, seconded, and carried that an additional condition be imposed, subject to grant of planning permission requiring an enhanced landscaping condition to be imposed to pursue biodiversity on the site.

A motion was proposed, seconded, and carried that an additional condition be imposed, subject to grant of planning permission requiring the provision of increased public transport services (bus service), at the responsibility of the developer, from Mondays-Saturdays, continuing for 3 years post final completion of the development, prior to occupation of the student accommodation.

The Planning Team Leader offered advice that provision of 293 student flats did not generate the need for a Monday-Saturday bus service.

RESOLVED that planning permission be granted subject to the signing of an S106 agreement securing a contribution to additional NHS services in the vicinity and subject to the conditions as set out below.

Conditions

- Development to commence within three years
- Hedge and tree protection to be in place at all times during construction
- Materials
- Highway conditions
- Archaeology
- Remediation shall be implemented in accordance with submitted remediation strategy
- Submission of construction management plan
- Retention of parking spaces at all times
- Development to proceed in accordance with submitted Travel Plan
- Landscaping to be implemented in accordance with the submitted landscaping plan
- Enhanced landscaping condition to pursue biodiversity
- Responsibility of developer to provide increased public transport services from Mondays-Saturdays, continuing for 3 years post final completion of the development, prior to occupation of the student accommodation.

(a) 40 - 42 Michaelgate, Lincoln

The Assistant Director of Planning:

- a. described the location of the application for development at 40-42 Michaelgate, a grade II listed building located on the east side of Michaelgate, close to the junction with Steep Hill and Bailgate
- b. added that it adjoined The Harlequin, 20-22 Steep Hill to the east, also a grade II listed building, with a yard to the south of the building beyond at 36 Michaelgate

- c. advised that the property was located within the Cathedral and City Centre Conservation Area
- d. reported on observations made by the City Council's Conservation Officer as follows:
- The building had historically been two distinct properties, as suggested by the address, and by the various dates of construction.
 - No. 42, to the north, had been a house and shop dating from the mid and late 18th century. Constructed from brick with a stone plinth, at two storeys plus garrets, it included a late C18 glazing bar shop window with pilasters and cornice.
 - No. 40, to the south, was a domestic property and potentially dated from the 14th century with 18th, 19th, and 20th century alterations. The half-timbered structure sat on a dressed stone and brick ground floor plinth. The gable framing had curved braces and corner posts and the half-timber work was also expressed internally.
- e. added that there was currently access through a party wall that linked the two buildings as a single unit and in recent years the property had been a holiday let, managed by the National Trust, vacant since 2018; the application proposed to reinstate the historic use of the building as two distinct dwellings and it was intended to continue the existing holiday let arrangement with the two dwellings
- f. gave further detail of the proposed external and internal living arrangements for the building as outlined within the officer's report
- g. confirmed that internal and external alterations were proposed to facilitate the subdivision of the building, which also included repair and enhancement works; whilst these works did not require the benefit of planning permission, an accompanying application (2021/0759/LBC) for listed building consent would consider these with regard to the impact on the building as a designated heritage asset
- h. highlighted that both the full planning permission and listed building consent applications were being presented to Members of Planning Committee for determination due to the application property being in their ownership of the City Council
- i. referred to the site history to the application site as detailed further within the officer's report
- j. provided details of the policies pertaining to the application, as follows:
- Policy LP25: The Historic Environment
 - Policy LP26: Design and Amenity
 - Policy LP33: Lincoln's City Centre Primary Shopping Area and Central Mixed-Use Area
 - National Planning Policy Framework
- k. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:

- Policy Context and Principle of Use
 - Visual Amenity and Character and Appearance of the Conservation Area
 - Residential Amenity
 - Parking and Highways
- l. confirmed that consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018
- m. highlighted at the time of writing this report that the consultation period was still underway and to date no statutory or public consultation responses had been received relating to this full application; the consultation period would have expired prior to the committee meeting and any comments received would be provided within the update sheet.
- n. noted, however, that the same consultations had been undertaken for both the full and listed building consent applications; therefore, the responses to the listed building consent application that were relevant to this full application were referenced within the associated report considered next at tonight's meeting
- o. referred to the Update Sheet tabled at the meeting which included a response from Lincolnshire County Council as Highways Authority stating that it had no objections to the proposed development
- p. concluded that:
- The sub-division of the property, re-instating its historic use, was welcomed and would neither result in the area losing its mixed-use character nor would it detract from the vitality or viability of the primary shopping area.
 - The external works associated with the sub-division, although not requiring planning permission, would be an improvement to the building and would enhance the character and appearance of the conservation area.
 - The application would not cause undue harm to the amenities of neighbouring properties.
 - The application would therefore be in accordance with the requirements of CLLP Policies LP25, LP26 and LP33 and guidance within the NPPF.

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

RESOLVED that planning permission be granted subject to the conditions as set out below.

Conditions

- Time limit of the permission
- Development in accordance with approved plans

56. **40 - 42 Michaelgate, Lincoln (LBC)**

The Assistant Director of Planning:

- a. outlined an application submitted for Listed Building Consent at 40-42 Michaelgate Lincoln requesting:
 - Internal and external alterations to facilitate subdivision of an existing C3 dwelling (used as holiday let) to two C3 dwellings (to be used as two holiday lets).
 - Internal alterations including new partitions, re-pointing of stone walls with lime mortar, replacement of brick wall with reclaimed bricks, new limecrete floor, damp proof works, removal of staircase and alterations to retained staircase.
 - External alterations including re-roofing of a single storey flat roof off-shoot and installation of conservation rooflight, replacement timber windows, refurbishment of windows and dormer, removal of render from the south east elevation to expose a timber frame, replacement of concrete slabs with Yorkstone paving and refurbishment of gates. (Listed Building Consent).
- b. described the location of the application for development at 40-42 Michaelgate, a grade II listed building located on the east side of Michaelgate, close to the junction with Steep Hill
- c. added that it adjoined The Harlequin, 20-22 Steep Hill to the east, also a grade II listed building, with a yard to the south of the building beyond at 36 Michaelgate
- d. advised that the property was located within the Cathedral and City Centre Conservation Area
- e. reported on observations made by the City Council's Conservation Officer as follows:
 - The building had historically been two distinct properties, as suggested by the address, and by the various dates of construction.
 - No. 42, to the north, had been a house and shop dating from the mid and late 18th century. Constructed from brick with a stone plinth it was two storeys plus garrets and included a late C18 glazing bar shop window with pilasters and cornice.
 - No. 40, to the south, was a domestic property which potentially dated from the 14th century with 18th, 19th, and 20th century alterations. The half-timbered structure sat on a dressed stone and brick ground floor plinth. The gable framing had curved braces and corner posts and the half-timber work was also expressed internally.
- f. added that there was currently access through a party wall that linked the two buildings as a single unit and in recent years the property has been a holiday let, managed by the National Trust, vacant since 2018; the application proposed to reinstate the historic use of the building as two distinct dwellings and it was intended to continue the existing holiday let arrangement with the two dwellings
- g. gave further detail of the proposed external and internal living arrangements for the building as outlined within the officer's report
- h. confirmed that this listed building consent would only consider the proposed internal and external alterations with regard to the impact on the

building as a designated heritage asset; an accompanying application (2021/0871/FUL) for full planning permission would consider the principle of the use and matters relating to visual amenity, the character and appearance of the conservation area, residential amenity, and parking

- i. highlighted that both the full planning permission and listed building consent applications were being presented to Members of the Planning Committee for determination due to the application property being in the ownership of the City Council
- j. referred to the site history to the application site as detailed further within the officer's report
- k. provided details of the policies pertaining to the application, as follows:
 - Policy LP25: The Historic Environment
 - Policy LP26: Design and Amenity
 - Policy LP33: Lincoln's City Centre Primary Shopping Area and Central Mixed-Use Area
 - National Planning Policy Framework
- l. advised Planning Committee of the main issue to be considered as part of the application to assess the proposal with regard to impact on the building as a designated heritage asset
- m. confirmed that consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018
- n. outlined the responses made to the consultation exercise
- o. concluded that:
 - The proposals did not involve activities or alterations prejudicial to the special architectural or historic interest of the listed building, its fabric or setting, and would indeed be of benefit to the building, safeguarding its future.
 - The proposals would therefore be in accordance with CLLP Policy LP25 and guidance within the NPPF.

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

RESOLVED that planning permission for Listed Building Consent be granted subject to the conditions as set out below.

Conditions

- Time limit of the permission
- Development in accordance with approved plans
- Methodology for removal of modern render
- Methodology for preparation and application of new render
- Sample of new lime render
- Repointing methodology and mortar mix to be agreed
- Replacement handmade brick sample

- Details of rooflight in kitchen
- Details of new external flue
- Details of new mechanical extract fan
- Scope and methodology for refurbishments of gate
- 1:5 joinery details for new window
- 1:5 joinery details of new handrail to stairs
- 1:5 joinery for new balustrade.