

**Present:** Councillor Bob Bushell (*in the Chair*),  
Councillor Biff Bean, Councillor Alan Briggs, Councillor  
Chris Burke, Councillor Liz Bushell, Councillor  
Gary Hewson, Councillor Rebecca Longbottom,  
Councillor Mark Storer, Councillor Edmund Strengiel,  
Councillor Pat Vaughan and Councillor Calum Watt

**Apologies for Absence:** Councillor Naomi Tweddle and Councillor Bill Mara

#### **70. Declarations of Interest**

Councillor Alan Briggs declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Land Adjacent to Yarborough Leisure Centre, Riseholme Road, Lincoln'. Reason: He knew one of the objectors as a friend.

He left the room during the consideration of this item and took no part in the deliberations or vote on the matter to be determined.

Councillor Edmund Strengiel declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Land Adjacent to Yarborough Leisure Centre, Riseholme Road, Lincoln'. Reason: He knew one of the objectors as a friend.

He left the room during the consideration of this item and took no part in the deliberations or vote on the matter to be determined.

Councillor Mark Storer declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Land Adjacent to Yarborough Leisure Centre, Riseholme Road, Lincoln'. Reason: He knew one of the objectors as a friend.

He left the room during the consideration of this item and took no part in the deliberations or vote on the matter to be determined.

#### **71. Update Sheet**

An update sheet was tabled at the meeting, which included a further response received in support of Agenda Item Number 5(a) -137 High Street, Lincoln.

RESOLVED that the update sheet be received by Planning Committee.

#### **72. 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. 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.

**73. Confirmation of Tree Preservation Order No. 167**

The Arboricultural Officer:

- a. advised members of the reasons why a temporary tree preservation order made by the Assistant Director for Planning under delegated powers should be confirmed at the following site:
  - Tree Preservation Order 167: 1no Quercus Robur (Oak) tree in the back garden of 37 Eastbrook Drive, Lincoln, LN6 7ES
- b. provided details of the individual tree to be covered by the order and the contribution it made to the area
- c. reported that the making of any Tree Preservation Order was 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, however, this was contained within existing staffing resources
- d. reported that the initial 6 months of protection for this tree would come to an end for the Tree Preservation Order on 2 June 2022
- e. confirmed that the reason for making a Tree Preservation Order on this site was at the request of a member of the public to ensure the long-term protection of the tree in the future
- f. advised that the Arboricultural Officer had identified the tree to be suitable for protection under a Tree Preservation Order; it had a high amenity value, and its removal would have an effect on the aesthetic appearance of the area
- g. advised that following an extended 39-day period of consultation to cover the Christmas period, no objections had been received to the order
- h. advised that confirmation of the tree preservation order here would ensure that the tree could 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 one of the Councils priorities of enhancing our remarkable place.

Councillor Vaughan suggested that the tree in question was very close to an adjacent house on Bowden Drive?

Dave Walker, Arboricultural Officer advised that the tree had undergone some canopy reduction work and was away from the apex of the property at 2 Bowden Drive.

RESOLVED that Tree Preservation Order No 167 be confirmed without modification and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

**74. Applications for Development**

**75. 137 High Street, Lincoln**

The Planning Team Leader:

- a. advised that retrospective planning permission was sought for change of use of premises at 137 High Street, Lincoln from retail (Use Class E) to hot food takeaway (Sui Generis) and installation of an extraction flue to the rear
- b. highlighted that the use had not yet commenced, however, the applicant had installed the extraction flue and air conditioning units to the rear, which formed the retrospective element of the application
- c. described the location of the application property at 137 High Street, part of a former Co-Operative store built in 1892, having a traditional shop front and part of a larger building of three units at ground floor on the west side of High Street
- d. highlighted that the rear of the property was accessed via Tanner's Court and the yard to the rear of Nos 137-141 High Street
- e. reported that the building was located within Conservation Area No 6 'West Parade and Brayford'
- f. 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
- 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
  - Consultation Responses
  - Principle of Use
  - Visual Amenity and Character and Appearance of the Conservation Area
  - Impact on Neighbouring Uses
  - Highway Safety
- h. outlined the responses made to the consultation exercise, which included a petition received from local residents
- i. referred to the Update Sheet tabled at the meeting which included an additional response received in support of the proposed development
- j. concluded that:

- The principle of the use was acceptable in this location and would not result in the area losing its mixed use character, nor would it detract from the vitality or viability of the primary shopping area.
- The use and the associated fume extraction would not cause harm to residential amenity or the local environment.
- The flue would also not have an unacceptable visual impact and the character and appearance of the conservation area would be preserved.
- The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP25, LP26 and LP33 and guidance within the National Planning Policy Framework.

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

The following comments emerged from discussions held:

- Considering the location of this site south of Portland Street was in the Central Mixed Use Area, it included multiple takeaways and barber shops, therefore it was not predominantly mixed use.
- There was no need for another takeaway in the area, although in this case the business was moving from across the road and therefore acceptable.
- It must be sad for residents having to live in this area with so many food outlets.
- Following a site visit, it was noticed that the flue was still a shiny silver colour although the applicant had agreed to paint it matt black to reduce visual impact. This should form part of the conditions of planning permission if the scheme was granted.
- Concerns were raised regarding rats and vermin at the rear of the premises. On visiting the site, a lack of refuse bins was observed. Disposal bins would be crucial to the operation of the business and should be conditioned accordingly.
- It was rather presumptuous to see that the applicant had already erected signage at the front and side of the building, without permission for change of use of the property.
- It was very disappointing that the work had been started without permission.
- The amount of retail outlets in this part of the High Street was a disgrace.
- In reality, these types of shops must be needed as if the public didn't use them, they would be closed. It would be a welcome change to see more quality independent retail outlets although this was not a legitimate reason to refuse this application, subject to relevant planning conditions.
- Retrospective planning applications were an insult to this Committee and local residents. The applicant should be fined.
- We were now too far down the road having so many takeaways in the area to refuse permission for this one.

Councillor Longbottom referred to a study she had seen which referred to areas with high amounts of takeaways being linked to poor health. It was important for us to look at our objectives as a local council in respect of the concentration of food takeaways in our Central Mixed Use areas. Improving the health of the residents of our city was an important consideration here.

Councillor Vaughan emphasised that in the late 1990's he and Councillor Strengeiel voted against all these takeaways at Committee. It should have ended years ago.

Members asked whether the extraction flue was fitted to proper specifications?

The Planning Team Leader responded to members concerns, questions and comments as follows:

- The extraction flue was constructed to specifications laid down by our Environmental Health colleagues.
- A condition could be imposed on grant of planning permission for the flue to be painted black if members were so minded, perhaps within a timescale of 3 months.
- There was a dedicated area proposed for bin storage units, the bins to be provided by BIFFA. Environmental Health colleagues were satisfied with its location to the rear of the property and would enforce its proper use.
- He understood members concerns regarding the concentration of hot food takeaways in this area in terms of health of the residents of the city. It was difficult to say that this business in itself affected the Mixed Use Area, as it was relocating from across the road. He would take the comments made in this respect back to officers to bear in mind in response to further similar requests for planning permission.

A motion was proposed, seconded, voted upon, and

RESOLVED that a condition be placed on grant of planning permission for the flue to be painted black within 3 months' time.

RESOLVED that:

1. The petition submitted by residents, as appended to the officer's report be received.
2. Planning permission be granted subject to the conditions as set out below.

### **Conditions**

- Development carried out within 3 years
- Development in accordance with the submitted plans
- Extract system installed in accordance with details and not to be changed without written consent of the LPA
- Extraction flue to be painted black within 3 months' time
- Retention of refuse storage area

## **76. The Old Dairy, Church Lane, Lincoln**

The Planning Team Leader:

- a. advised that planning permission was sought for the erection of a two-storey side extension following demolition of an existing detached garage at The Old Dairy, Stonefield Close, off Church Lane, Lincoln
- b. described the location of the existing application property at the northern end of Stonefield Close, being a converted 19<sup>th</sup> century former dairy

building, situated within a large plot accessed via a private drive through the grounds of Lincoln Minster Preparatory School, with Ockbrook Court, low-rise flats to the north of the site accessed off Williamson Street and Middleton's Field to the west

- c. highlighted that the dwelling had been altered over the years, most recently in 2010 with the erection of a two-storey extension, a two-storey flat roofed rear extension and single-storey extensions
- d. reported that the site was located within Newport and Nettleham Road Conservation Area No 9
- e. highlighted that during the application process a meeting was held on site with the Case Officer and Conservation Officer and negotiations had secured amendments during the course of the application resulting in revised plans received
- f. referred to the site history for the application site as detailed within the officer's report
- g. provided details of the policies pertaining to the application, as follows:
  - Policy LP25: The Historic Environment
  - Policy LP26: Design and Amenity
  - National Planning Policy Framework
- h. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
  - Planning Policy
  - Consultation Responses
  - Principle of Use
  - Visual Amenity and Character and Appearance of the Conservation Area
  - Impact on Neighbouring Uses
  - Highway Safety
- i. outlined the responses made to the consultation exercise
- j. concluded that:
  - The proposed development was of an appropriate design that would not materially harm the character and appearance of the building or conservation area, in accordance with the duty contained within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, policies LP25 'The Historic Environment' and LP26 'Design and Amenity' of the Central Lincolnshire Local Plan and guidance within the National Planning Policy Framework.
  - The proposal would not be detrimental to the residential amenities of the surrounding neighbours and was therefore in accordance with Policy LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

The following comments emerged from discussions held:

- Reference was made to trees to the rear garden of Ockbrook Court (detailed at Page 71 of the report), which were overhanging the wall to the application property. It was suggested these trees be pruned, to avoid damage during construction work and after. Was it possible for this work to be conditioned?
- Concerns were raised regarding access for construction traffic through the school grounds in terms of health and safety of the children.
- The Civic Trust had offered its support to the scheme apart from concerns regarding access through Middleton's Field for construction traffic, and this issue had been addressed within the officer's report and conditioned accordingly.
- Surprise was expressed that Lincolnshire County Council as Highways Authority and lead Flood Authority were happy not to restrict planning permission, despite objections outlined in a resident's objection letter regarding flooding issues at Middleton's Field.

The Chair raised some concerns over the height of the proposed development and its impact on Ockbrook Court. He was also concerned about the distance from the dividing wall to the proposed extension, which contained windows and a door according to the drawing illustrated.

Councillor Watt shared concerns regarding the height of the proposed extension and asked whether the roof line could be lowered.

The Chair advised that the remit of Planning Committee was to determine the application before us as it stood this evening.

The Planning Team Leader responded to members concerns, questions and comments as follows:

- The windows and door shown on the plans for the north elevation to the proposed extension were within the application building.
- In terms of access for contractors, the applicant had a good relationship with the school, and both parties had come to an arrangement for hours of construction work which would not impact on school activity. Hours of construction were also conditioned.
- In relation to the trees mentioned that were overhanging the wall from Ockbrook gardens, the applicant was responsible for these trees being trimmed down and it was in their best interest to do so.
- The flooding referred to in the consultation responses from a resident at Middleton's Field referred to another planning application which had been withdrawn and was unconnected to this application site.
- Regulations for distances between properties window to window were recommended at least 21 metres, and for window to blank wall/dormer window a distance of 14 metres. The relationship between the proposed two-storey extension and the rear north boundary with Ockbrook Court was 700mm, with the separation between Ockbrook Court and the boundary being 18 metres, which was considered more than reasonable.

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

### **Conditions**

- Development carried out within 3 years
- Development carried out in accordance with the submitted plans
- Samples of Materials
- Archaeology
- Construction traffic access
- Removal of permitted development for new openings within extension
- Hours of construction 8 am to 6pm Monday to Friday 08:00 to 13:00 on Saturdays

**77. Land Adjacent to Yarborough Leisure Centre, Riseholme Road, Lincoln**

*(Councillors Strenziel, Storer and Briggs left the room for the remainder of the meeting having declared a personal and pecuniary interest in the matter to be determined. They took no part in the discussion or vote on the planning application)*

The Planning Team Leader:

- 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
- advised that a previous application was refused by Planning Committee on 26 February 2020 due to height and massing of the proposed buildings
- advised that this application was granted planning permission by Committee on 1 December 2021, subject to conditions as detailed within the officer's report included in tonight's agenda papers
- reported that the development would consist of 293 bedrooms of accommodation for students with ancillary on site reception, laundry facilities and warden accommodation
- 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
- 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
- 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
- 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 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. 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.
- l. emphasised again that this planning application was already approved by Planning Committee on 1 December 2021, subject to conditions which included 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
- m. highlighted that this condition was proposed by Lincolnshire County Council as Highways Authority at the time to increase an existing bus service operating on a Friday/Saturday evening
- n. advised that the above condition had been found to be unworkable as the previous bus service on Fri /Sat evenings no longer existed, the bus operator would have to buy new buses, the cost for which was

disproportionate to the development proposals and not justifiable or financially viable for the bus company in the current economic climate

- o. requested authorisation for removal of the above condition from the previously granted planning permission in order that the development could proceed moving forward.

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

Councillor Hewson recognised the problems highlighted with the increased public transport condition imposed on the original grant of planning permission for this site and why it could not be met. He was happy for the development to go ahead without this additional condition.

Councillor Bean referred to existing problems with sustained bus services in the current economic climate and the fact that the condition was open to fail as the bus service was required to operate for three years

Councillor Watt advised that the condition had been considered as important at the time planning permission was granted and should be part of the development. He asked whether the planning application could be refused on the basis that the condition could not be met.

The Chair advised of the remit of Planning Committee this evening to approve or refuse the planning application before us this evening without the additional transport condition.

RESOLVED that planning permission be granted as previously granted on 1 December 2021, however with the condition imposed regarding the provision of increased public transport services (bus service) at the responsibility of the developer removed. Also 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