

Present: Councillor Naomi Tweddle (*in the Chair*),
Councillor Bob Bushell, Councillor Debbie Armiger,
Councillor Biff Bean, Councillor Chris Burke, Councillor
Thomas Dyer, Councillor Gary Hewson, Councillor
Rebecca Longbottom, Councillor Bill Mara, Councillor
Mark Storer and Councillor Calum Watt

Apologies for Absence: Councillor Liz Bushell and Councillor Edmund Strengiel

36. Confirmation of Minutes - 07 September 2022

RESOLVED that the minutes of the meeting held on 7 September 2022 be confirmed and signed by the Chair as a true record.

37. Declarations of Interest

Councillor Bob Bushell declared a Personal Interest with regard to the agenda item titled 'Application for Development: Former Carpets 4 Less, Dunford Road, Lincoln'. Reason: He sat as a member of the Upper Witham Drainage Board and Witham 1st Drainage Board. A joint consultation response had been received from these organisations.

He had duly considered whether this interest was a pecuniary interest under the Member Code of Conduct. When taking into consideration the reasonable member of the public test, as outlined in the Code of Conduct, and the assessment of how much this application would affect the two Drainage Boards, he did not consider that his interest was a pecuniary interest. He would therefore be participating in the meeting as a member of the Committee.

Councillor Calum Watt declared a Personal Interest with regard to the agenda item titled 'Application for Development: Former Carpets 4 Less, Dunford Road, Lincoln'. Reason: He sat as a member of the Upper Witham Drainage Board. A consultation response had been received from this organisation.

He had duly considered whether this interest was a pecuniary interest under the Member Code of Conduct. When taking into consideration the reasonable member of the public test, as outlined in the Code of Conduct, and the assessment of how much this application would affect the Drainage Board, he did not consider that his interest was a pecuniary interest. He would therefore be participating in the meeting as a member of the Committee.

Councillor Chris Burke declared a Personal Interest with regard to the agenda item titled 'Application for Development: Former Carpets 4 Less, Dunford Road, Lincoln'. Reason: He sat as a member of the Upper Witham Drainage Board. A consultation response had been received from this organisation.

He had duly considered whether this interest was a pecuniary interest under the Member Code of Conduct. When taking into consideration the reasonable member of the public test, as outlined in the Code of Conduct, and the assessment of how much this application would affect the Drainage Board, he did not consider that his interest was a pecuniary interest. He would therefore be participating in the meeting as a member of the Committee.

Councillor Debbie Armiger declared a Personal Interest with regard to the agenda item titled 'Application for Development: Former Carpets 4 Less, Dunford Road, Lincoln'. Reason: She sat as a member of the Upper Witham Drainage Board. A consultation response had been received from this organisation.

She had duly considered whether this interest was a pecuniary interest under the Member Code of Conduct. When taking into consideration the reasonable member of the public test, as outlined in the Code of Conduct, and the assessment of how much this application would affect the Drainage Board, she did not consider that her interest was a pecuniary interest. She would therefore be participating in the meeting as a member of the Committee.

Councillor Gary Hewson declared a Personal Interest with regard to the agenda item titled 'Application for Development: Former Carpets 4 Less, Dunford Road, Lincoln'. Reason: He sat as a member of the Upper Witham Drainage Board, Witham 1st Drainage Board and Witham 3rd Drainage Board.

He had duly considered whether this interest was a pecuniary interest under the Member Code of Conduct. When taking into consideration the reasonable member of the public test, as outlined in the Code of Conduct, and the assessment of how much this application would affect the three Drainage Boards, he did not consider that his interest was a pecuniary interest. He would therefore be participating in the meeting as a member of the Committee.

Councillor Rebecca Longbottom declared a Personal Interest with regard to the agenda item titled 'Application for Development: Former Carpets 4 Less, Dunford Road, Lincoln'. Reason: She sat as a member of the Upper Witham Drainage Board. A consultation response had been received from this organisation.

She had duly considered whether this interest was a pecuniary interest under the Member Code of Conduct. When taking into consideration the reasonable member of the public test, as outlined in the Code of Conduct, and the assessment of how much this application would affect the Drainage Board, she did not consider that her interest was a pecuniary interest. She would therefore be participating in the meeting as a member of the Committee.

38. Update Sheet

An update sheet was circulated at the meeting, which included an additional consultee response and an additional officer recommended condition in respect of agenda Item No 6 – Former Carpets 4 Less, Dunford Road Lincoln (2022/0168/FUL)

RESOLVED that the update sheet be received by Planning Committee.

39. Work to Trees in City Council Ownership

Dave Walker, Arboricultural Officer:

- a. advised Planning 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.

It was questioned whether the removed tree's would eventually be replaced?

Dave Walker, Arboricultural Officer reported that there had been difficulty finding the most appropriate location to re plant the tree's and there was a limited amount of space available currently.

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

40. Tree Report. St Mary Le Wigford, Lincoln

Dave Walker, Arboricultural Officer:

- a. advised Planning Committee of the reasons for proposed works to trees that bordered the church grounds at St Mary Le Wigford Church, in the following locations:
 - Four trees - on the northern side of the church
 - The largest and most prominent -on the north-western corner of the area
 - The remaining two trees - on the southern boundary in proximity of the railway line to the rear of the church
- b. highlighted that one of the trees identified as T3 within the officer's report had been previously removed
- c. described the area, somewhat typical of an urban street scene, the trees located within planting pits; a mixture of slab and brick work making up the pavement and the borders of the tree pits; with some large gravestones laid near the trees
- d. added that due to the proximity of Lincoln train station and numerous high street shops etc the area had a high footfall traffic and car traffic; cars seemed to park under the trees between the edge of the pavement and the church itself despite no defined parking bays or any signage stating restrictions or parking hours
- e. gave a detailed overview of each tree species, data collection, amenity value, Qualified Tree Risk Assessment (QTRA) and recommended work to be undertaken
- f. concluded that:
 - The trees around St Mary Le Wigford were of good condition and formed and added much needed amenity, greenery, shade and aesthetic value to the area;

- Large scale pollarding works would be detrimental to all these values as well as not following industry best practice laid out within BS3998:2010.
- Comparatively minor works to reduce the canopies would abate some nuisance caused by the trees while still retaining the value they provided.
- With the possibility of massaria (*Splanchnonema platani*) developing he also recommended that the trees were surveyed aerially during works to inspect the crown, branch unions and features mentioned within the report.

Members discussed the content of the report in further detail and expressed that they were in favour of the works being carried out and felt this would benefit the church.

RESOLVED that tree works as set out in the officer's report be approved.

41. Application for Development: Former Carpets 4 Less, Dunford Road, Lincoln

The Assistant Director of Planning:

- a) advised that planning permission was sought for the erection of a part five-storey, part four-storey mixed use building containing 33 one-bedroomed apartments and 14 two-bedroomed apartments, two ground floor retail units (use class E) with associated car, motorcycle and bicycle parking
- b) described the application site, of triangular shape, located to the south-east of the City Centre, immediately south of Pelham Bridge, with vehicular access from Dunford Road to the north-east
- c) referred to the two-storey flat roofed building on the site which was formerly occupied by Carpets 4 Less, and had since stood vacant for a number of years
- d) advised that the site was bounded by Kesteven Street and Dunford Road to the north-east and north, with the area beyond comprised of light industry buildings and retail units, the former Jackson's building to the south now occupied by Buildbase was attached to the showroom building on the site, with Canwick Road to the west containing residential properties on its west side, facing the application site
- e) highlighted that the site was located within a Regeneration Opportunity Area as identified in the Central Lincolnshire Local Plan (CLLP) and within Flood Zone 2
- f) reported that the proposals had been subjected to extensive pre-application discussions with planning officers, since October 2021, during which time the scale of the build had been considerably reduced from that originally proposed
- g) 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 LP10: Meeting Accommodation Needs

- Policy LP11: Affordable Housing
- Policy LP12: Infrastructure to Support Growth
- Policy LP13: Accessibility and Transport
- Policy LP14: Managing Water Resources and Flood Risk
- Policy LP16: Development of Land Affected by Contamination
- Policy LP26: Design and Amenity
- Policy LP29: Protecting Lincoln's Setting and Character
- Policy LP35: Lincoln's Regeneration and Opportunity Areas
- 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:

- Principle of Use
- Objections Received
- Visual Amenity
- Impact on Residential Amenity
- Traffic and Pedestrian Safety
- Flood Risk and Drainage
- Archaeology
- Contaminated Land
- Crime and Anti-Social Behaviour
- Developer Contributions

i) outlined the responses made to the consultation exercise

j) referred to the Update sheet which contained an additional response received and an additional recommended officer condition in respect of the proposed application for development

k) concluded that:

- The principle of the use of the site for residential with ground floor commercial was considered to be acceptable and the development would relate well to the site and surroundings in respect of siting, height, scale, massing and design.
- The proposals would also not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
- An independently assessed viability appraisal had concluded that the development would not be viable if it were to provide affordable housing and contributions towards playing fields, NHS and local green infrastructure.
- Subject to the signing of an S106 officers were satisfied that this could be managed with a requirement for such payments should the profitability position of the development change at the time of completion.
- Technical matters relating to access and parking, contamination, flood risk and trees were to the satisfaction of the relevant consultees and could be dealt with appropriately by condition.
- The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP14, LP16, LP25 and LP26, as well as guidance within the SPD and National Planning Policy Framework.

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

The following comments and concerns were received from members:

- The developer contribution was challenging and meant that the new tenants would be required to use existing resources
- There was no open spaces/landscaping included in the plans, especially considering it was in a highly polluted area due to heavy traffic
- It incorporated two shops when a Tesco was within close proximity to the development
- Lack of attention to addressing Climate Change
- There was no green infrastructure
- The development was very high in regards to size with significant air pollution to the rear of the site
- The peaked roof meant that it didn't match the aesthetic of the other buildings in the area
- The lack of drainage through a blue roof
- Crossing the roads was currently very difficult with the road being very busy and the pavements narrow
- The current area was in need of visual improvement so there was an aspiration to see it being developed, however, the road needed more focus
- There were only 47 developments which would generate £70,000 in Council Tax per year

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

- The drainage would alleviate the run off holding the water back. It was still going into a combined sewer as there were no other options of alternatives in the area.

Members discussed the report in further detail and felt that an additional condition on landscaping should be submitted.

A motion was moved, seconded, voted on and carried that an additional condition be imposed on grant of planning permission that *within six months of the commencement of development details of the delivery mechanism and the detailed proposals for the tree planting and surfacing to the corner of Dunford Road and Canwick Road shall be submitted to and approved by the local planning authority and the works shall be completed before the building is first occupied. within six months of the commencement of development details of the delivery mechanism and the detailed proposals for the tree planting and surfacing to the corner of Dunford Road and Canwick Road shall be submitted to and approved by the local planning authority and the works shall be completed before the building is first occupied.*

RESOLVED that authority be delegated to the Assistant Director of Planning to grant planning permission subject to the signing of an S106 agreement and also subject to the following conditions:

- Construction management plan

- Noise mitigation measures to be implemented.
- EV charging points to be submitted.
- Flood risk mitigation measures to be implemented.
- Construction and delivery hours/
- Material surfacing
- Within six months of the commencement of development details of the delivery mechanism and the detailed proposals for the tree planting and surfacing to the corner of Dunford Road and Canwick Road shall be submitted to and approved by the local planning authority and the works shall be completed before the building is first occupied.