

PLANNING COMMITTEE

**Wednesday, 30 November
2022**

5.30 pm

**Committee Rooms 1 and 2,
City Hall, Beaumont Fee,
Lincoln, LN1 1DD**

- Membership: Councillors Naomi Tweddle (Chair), Bob Bushell (Vice-Chair), Debbie Armiger, Biff Bean, Chris Burke, Liz Bushell, Gary Hewson, Rebecca Longbottom, Bill Mara, Mark Storer and Edmund Strengiel
- Substitute members: Councillors Neil Murray and Joshua Wells
- Officers attending: Simon Cousins, Democratic Services, Kieron Manning, Dave Walker and Louise Simpson

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 - 5 October 2022 **5 - 12**
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.

- (a) Update Sheet

**To Be
Tabled**

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4. Confirmation of Tree Preservation Order No 173	19 - 22
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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 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 the application be approved 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.

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SUBJECT: WORK TO TREES IN CITY COUNCIL OWNERSHIP

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: STEVE BIRD – ASSISTANT DIRECTOR, COMMUNITIES AND 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: 30/11/2022**

Item No	Status e.g., CAC	Specific Location	Tree Species and description/ reasons for work / Ward.	Recommendation
1	N/A	16 Prestwick Close	<u>Birchwood Ward</u> 1 x Birch <u>Fell</u> The root system and upper canopy of this tree are causing encroachment issues; due to the asymmetrical habit of the canopy any reduction work to mitigate this would result in an aesthetically poor specimen which would be prone to dysfunction.	Approve works Replant with a replacement Silver Birch, to be located on the grassland verge opposite the junction of Staverton Crescent and Woodfield Avenue.
2	N/A	19 Stapleford Avenue – rear garden	<u>Minster Ward</u> 1 x Sycamore <u>Fell</u> This tree is located at the apex of three property boundaries; the tree has had a significant percentage of its canopy removed which has led to the creation of an unbalanced canopy; when combined with poor basal unions this results in a specimen which is at high risk of failure.	Approve works Replant with a replacement Sorbus aria, to be situated in suitable positions within the grassland located at Edlington Close.

3	N/A	88 De Wint Avenue	<p><u>Moorland Ward</u> 1 x Willow 2 x Norway Spruce 1 x Rowan 1 x Fastigiata Yew</p> <p><u>Retrospective notice of voids work</u> These trees were felled as they had established a small woodland like copse which was out of character with the nature of the locality. Both Norway spruce were of mature age and were suppressing the remaining vegetation: all other trees had considerable areas of dysfunction which placed them at a risk of collapse.</p>	<p>Replace with 2 x Silver birch and 3 x Alders; to be located within Boultham Park, opposite the lakeside viewing platform.</p>
4	N/A	Canwick New Cemetery	<p><u>Park Ward</u> 2 x Maples</p> <p><u>Fell</u> These trees both have extensive basal decay which places them at risk of collapse.</p>	<p>Approve works</p> <p>Replant with 2 suitable replacement cultivars; to be located at suitable points within the cemetery.</p>
5	N/A	Holly Close	<p><u>Witham Ward</u> 2 x Leyland Cypress</p> <p><u>Fell</u> These trees are in close proximity to the adjoining property boundary and take up a considerable amount of the rear garden of the property; thus, prevent suitable usage of the space.</p>	<p>Approve works</p> <p>Replant with 2 x Spindle; to be situated in suitable positions within the grassland located on Holly Street.</p>

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SUBJECT: CONFIRMATION OF TREE PRESERVATION ORDER NO.173

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: KIERON MANNING, ASSISTANT DIRECTOR - PLANNING

1. Purpose of Report

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

2. Executive Summary

- 2.1 A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality.
- 2.2 The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.
- 2.3 The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.

3. Background

- 3.1 Tree Preservation Order 173 was made on 27th June 2022 protecting 2no. Prunus Avium (Wild Cherry), 14no. Acer Pseudoplatanus (Sycamore) and 3no. Fraxinus Excelsior (Ash) tree in an area of open green space at Albion Crescent, Lincoln.
- 3.2 The trees are considered to contribute to the visual amenity of the area and the unauthorised removal of the trees would be considered to be detrimental to visual amenity.
- 3.3 The initial 6 months of protection would end for the Tree Preservation Order on 27th December 2022.

4. Consideration

The reason for making a Tree Preservation Order on this site is as a result of a request from local residents who wanted to ensure no loss of trees from any future development on the site. The Arboricultural Officer carried out a site visit and identified the trees to be suitable for protection under a Tree Preservation Order stating that the trees have a significant amenity value, forming a prominent feature

of the area and their removal would have an effect on the aesthetic appearance of the area.

A 4 week consultation period was undertaken with local residents and a copy of the Tree Preservation Order was sent to the registered land owners at two separate addresses, however both notifications to the registered land owners were returned by Royal Mail. On this basis, a site notice was displayed and no objections have been received to the order.

5. Strategic Priorities

- 5.1 Confirmation of Tree Preservation Order 173 would ensure that the trees would not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the tree would contribute to enhancing our remarkable place.

6. Organisational Impacts

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

7. Recommendation

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

How many appendices does the report contain? None

List of Background Papers: None


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



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Albion Crescent No.2 Tree Preservation Order 2022

- | | |
|------------------|-------------------|
| T1 - Wild Cherry | T15 - Sycamore |
| T2 - Sycamore | T16 - Sycamore |
| T3 - Ash | T17 - Wild Cherry |
| T4 - Sycamore | T18 - Sycamore |
| T5 - Sycamore | T19 - Ash |
| T6 - Sycamore | |
| T7 - Sycamore | |
| T8 - Sycamore | |
| T9 - Sycamore | |
| T10 - Sycamore | |
| T11 - Sycamore | |
| T12 - Sycamore | |
| T13 - Sycamore | |
| T14 - Ash | |

 <p>CITY OF Lincoln COUNCIL</p>
<p>City Hall, Beaumont Fee, Lincoln, LN1 1DD</p>
<p>Website: www.lincoln.gov.uk</p>
<p>Scale: 1:750 at A4</p>
<p>Version 1: 28-Jun-2022</p>

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Application Number:	2022/0797/HOU
Site Address:	45B Mildmay Street, Lincoln, Lincolnshire
Target Date:	2nd December 2022
Agent Name:	Kingston Design Services Ltd
Applicant Name:	Mr Simon Dalby
Proposal:	Erection of a single storey rear extension (Revised Plan received 9th November 2022).

Background - Site Location and Description

The application propose the erection of a single storey rear extension. The application property is 45B Mildmay Street the property is part of a large terraced building converted to 3 dwellings in the early 2000's.

The site is located within a well-established residential area.

The site is not located in a conservation area and there are no listed buildings near the site.

The application was subject to extensive negotiations with the agent securing revisions to the proposal to overcome some of the concerns raised by neighbours. Revised plans were submitted and a re-consultation was carried out.

The application is brought to Planning Committee due to the number of objections against the application and Councillor Nannestad has requested that the application is determined by Committee.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 12th October 2022 and 21st October 2022

Policies Referred to

- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

To assess the proposal with regards to:

- Planning policy
- Effect on visual amenity
- Effect on residential amenity
- Effect on Highway Safety

Consultations

Consultations were carried out in accordance with the Statement of Community

Involvement, adopted January 2018.

Comments have been received as part of the consultation process. They can be viewed in full online or at the end of this report.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received

Public Consultation Responses

Name	Address
Dr Carina O'Reilly	
Mr M I Lloyd	43 Mildmay Street Lincoln Lincolnshire LN1 3HR
Kate Wilson	3 Olive Street Lincoln Lincolnshire LN1 3HT
Mrs V Jones	Poplars Dunholme Road Welton Lincoln LN2 3RZ
Emma Brearley	
Gary A Milner	
Mrs M Prescott	5 Olive Street Lincoln Lincolnshire LN1 3HT
Mrs Jeta Tayler	13 Olive Street Lincoln LN1 3HT
Cllr Donald Nannestad	26 Saxon Street Lincoln LN1 3HN

Consideration

Planning Policy

Policy LP26 'Design and Amenity' is permissive of alterations to existing buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. In relation to both construction and life of the development, 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.

The proposed works require planning permission as flats do not have any permitted development rights. Given the proposed development would be in an established residential area, the principle of developing an existing dwelling would be acceptable in principle. However, this is dependent on consideration of other matters, including design and amenity issues.

The proposed extension would measure 3.8 metres wide x 3.3 metres deep x 2.3 metres to the eaves and a further 1.6 metres to the top of the ridge.

Residential Amenity

Letters of representation have been received from 43 Mildmay Street, 3, 5 and 13 Olive Street and the owner of 41 Mildmay Street, other representations have been received but no addresses have been provided.

The concerns relate to:

- Over-development of the site
- The proposed development being out of character/out of keeping and failing to respond to positively to its environment
- Loss of amenity space for the application property
- Loss of light to neighbouring properties
- Loss of privacy for neighbouring properties
- Bin Storage
- Anti-social behaviour/crime
- Noise and disturbance during construction

A level of noise and disturbance will inevitably occur during the construction period should the application be granted planning permission and building works commence, such matters are temporary and do not constitute reasons to refuse a planning application in any case should these matters become a larger issue the complainant could pursue a statutory noise complaint. Covenants, Ancient Right to Light and the Party Wall Act are also not material planning considerations.

The proposed extension would extend from the existing two storey rear off-shoot for 3.3 metres and would be located approximately 0.9 metres from the boundary with 43 Mildmay Street which is defined by an approximately 0.5 metre high boundary wall. The key issue is considered to relate to the impact upon light and outlook for this adjoining property. Number 43 has a ground floor flank window facing the site and this is understood to be the

only window serving the room, which is a kitchen, there is also a window with the rear elevation which serves a habitable room. Whilst the proposal would clearly have an impact in terms of light and outlook, it must be considered that this proposal is single storey only and of the roof would slope away from number 43. Moreover, the application site is orientated to the north therefore there would be no loss of direct sunlight. Indeed, the proposed extension would have a low eaves height of approximately 2.3 metres and an overall height of less than 4 metres. The existing two storey dwelling already has a significant impact in terms of the light and outlook to the side window and the proposed extension, which would be largely within the shadow of the existing house, is not considered to have a significantly greater impact. Although the outlook would be of a solid brick wall, as stated, it would have a low eaves height of approximately 2.3 metres and the roof would slope away from number 43 and, given the interface distance would not change, it is not considered to be so harmful in terms of outlook to justify a refusal. It is concluded that the impact upon light, overshadowing and outlook would not be so severe as to justify a refusal. The applicant has revised the proposals during the application process to remove a proposed door facing No. 43, there are no further openings proposed as the property is a flat any new openings would require a further planning application.

Concerns have been raised by neighbours that the extension coming closer to the shared passageway would encourage anti-social behaviour and increase the fear of crime. It is worth noting householders along this passageway could erect boundary treatment up to 2 metres high without the need for planning permission. The applicant has responded to comments from neighbours with the inclusion of carefully located dusk to dawn lights located on the end of the extension and leaving a 0.9 metre gap between the boundary wall and the extension, so a solid wall would not be located up to the boundary.

There had also been concerns raised regarding room for bin storage the applicant has submitted a plan to show a new bin store contained within the site to serve the existing properties.

To the rear are properties on Olive Street the proposal would be obscured from these properties by the two-storey side elevation of 1 Olive Street there would therefore be no harm to the residential amenities of these properties.

There are no other properties in the vicinity which would be affected by the proposal 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.

The City Council's Pollution Control Officer has confirmed they have no observations to make regarding this application.

Visual Amenity

Concerns have been raised that the proposal would be an over-development of the site. The application site is a built-up residential area where extensions to properties are considered acceptable. The proposal would result in the loss of a large proportion of the spacing between the property and the side boundary. However, the loss of this spacing would not have a significant detrimental impact on the character and appearance of the street scene. It would reflect similar existing developments in this type of location, and would not represent a prominent or visually intrusive feature

The materials, windows and detailing would match with that of the existing dwelling and the design is considered sympathetic to the existing dwelling. The proposed extension would clearly be of a subordinate scale to the existing house, and it would not be overly prominent or destroy its form or character. Officers are satisfied that the scale and design of the proposal would be appropriate to the dwelling and the local area. The proposal would therefore reflect the original architectural style of the property and not cause harm to the local character, in accordance with Central Lincolnshire Local Plan Policy LP26.

Effect on Highway Safety

Lincolnshire County Council as Highway Authority has assessed the application and has raised no objections to the proposal. Therefore, based on this advice it is considered that the proposal would not be detrimental to highway safety or traffic capacity.

Central Lincolnshire Local Plan Review

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

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

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposed extension is appropriately designed and would not cause unacceptable harm to the character and appearance of the area nor the amenities of all existing and future occupants of neighbouring properties, 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.

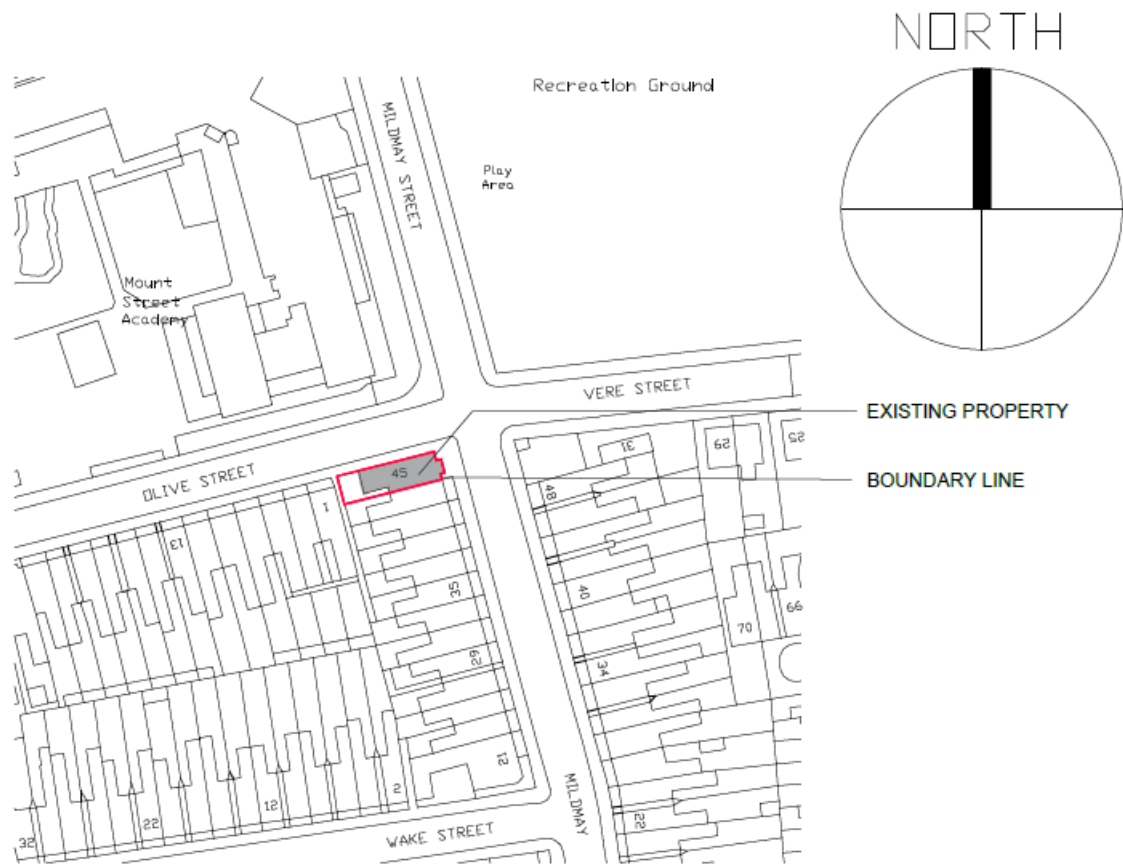
Recommendation

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

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

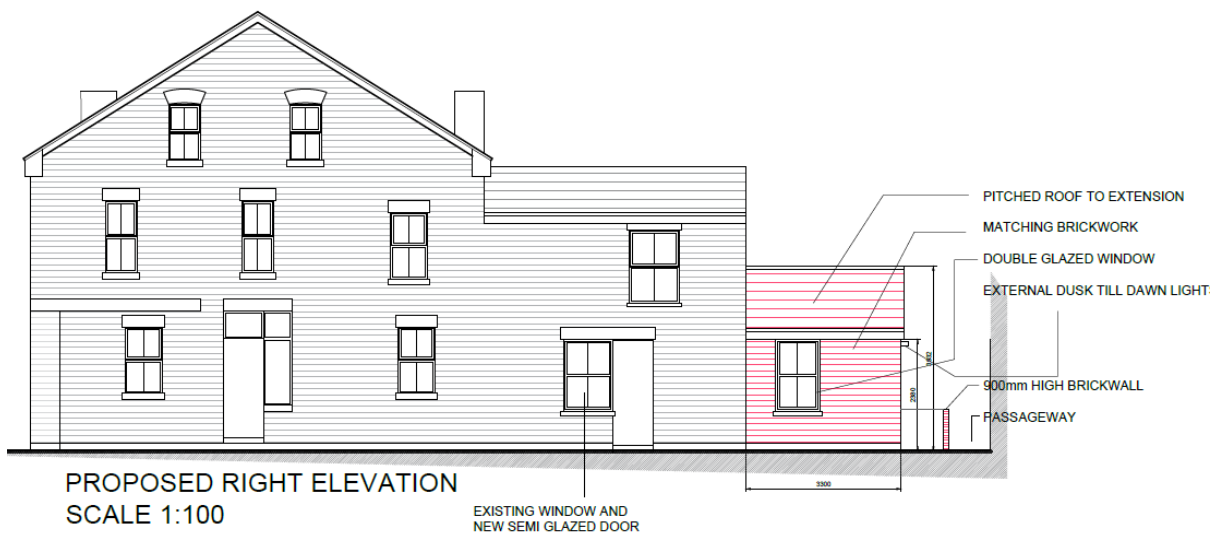
2022/0797/HOU - 45B Mildmay Street. Lincoln. Lincolnshire. LN1 3HR

Site Plan and Drawings

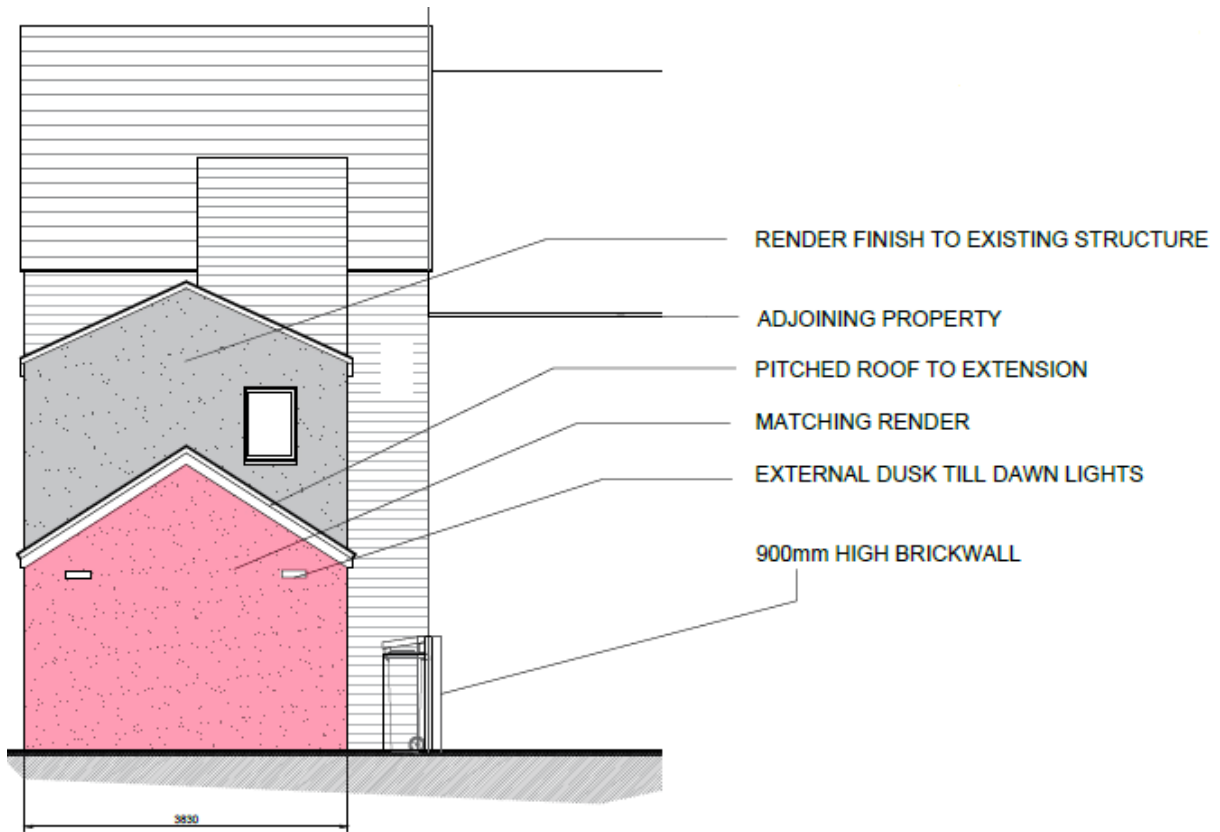




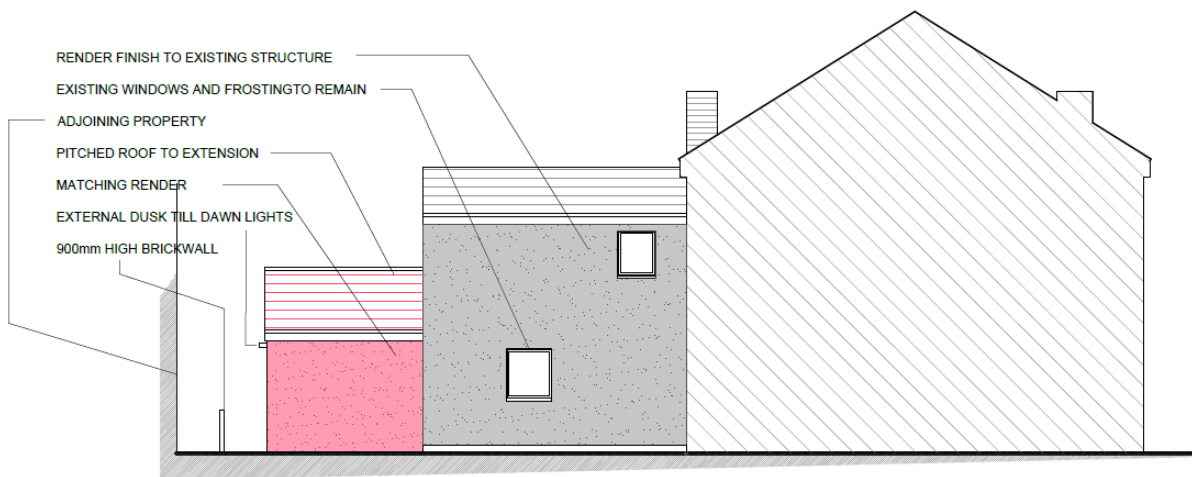
PROPOSED SITE PLAN



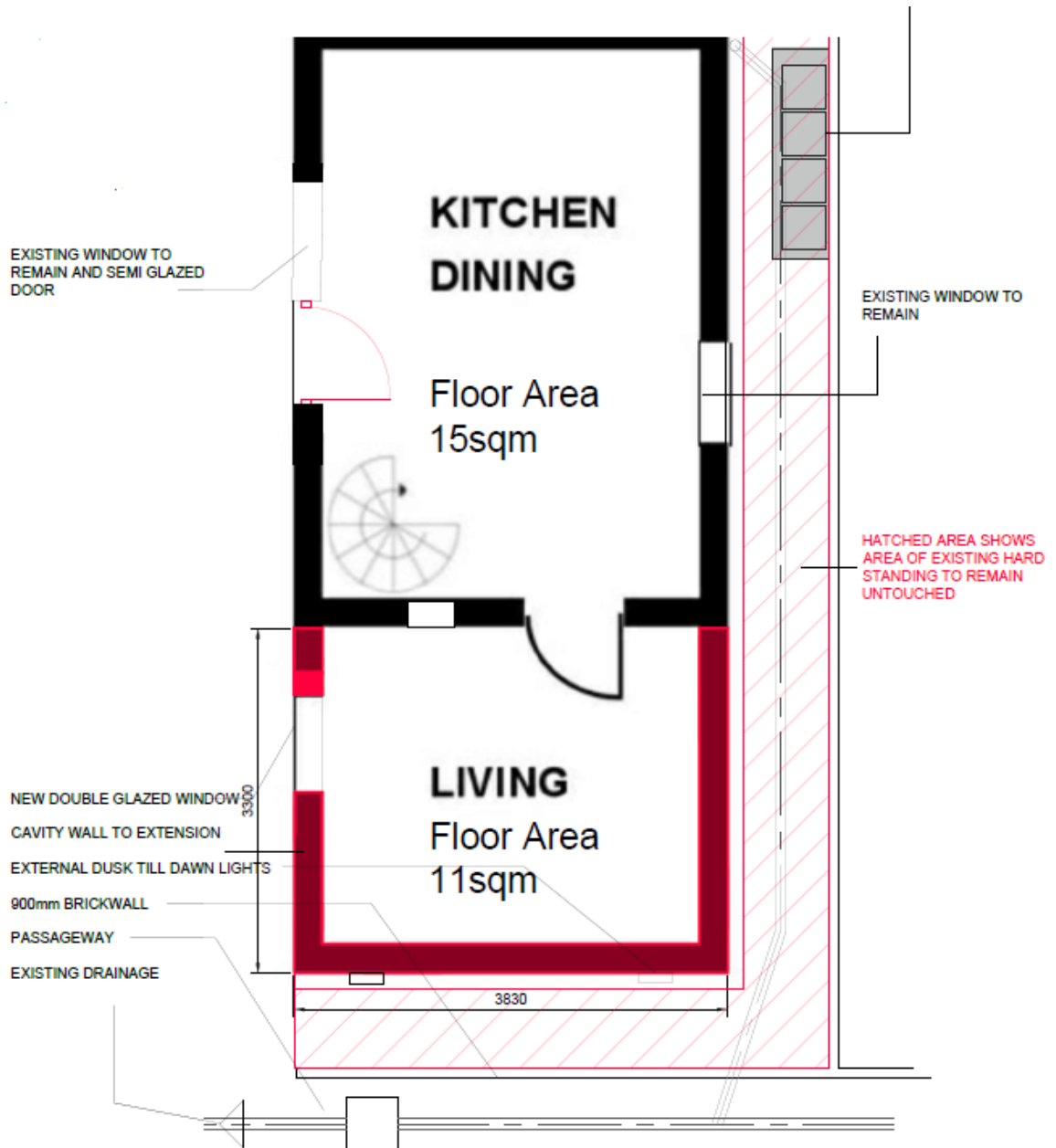
PROPOSED RIGHT ELEVATION
SCALE 1:100

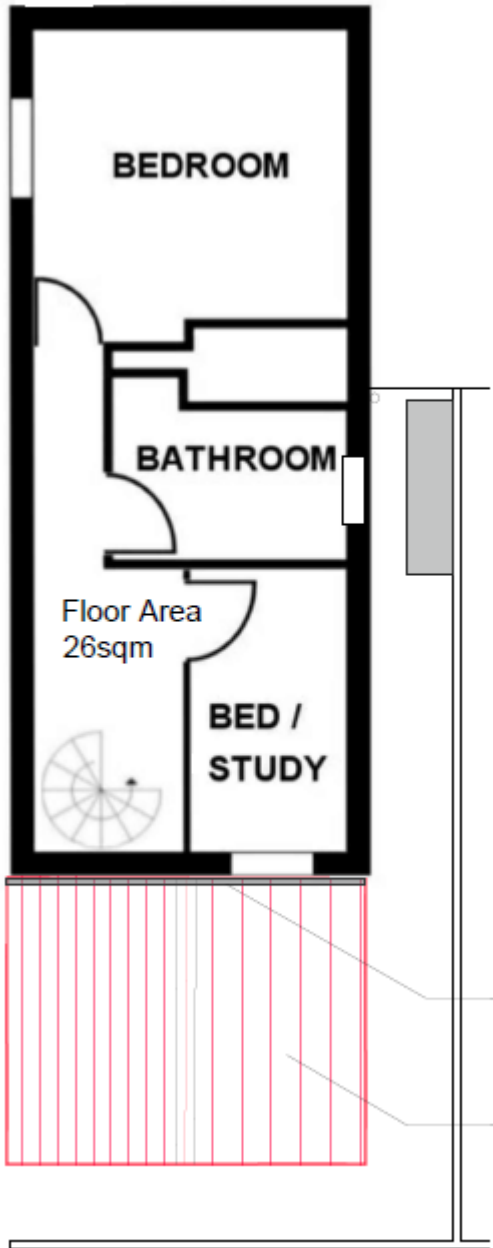


PROPOSED REAR ELEVATION
SCALE 1:100



PROPOSED LEFT ELEVATION
SCALE 1:100





Example of proposed bin storage



Photographs

















2022/0797/HOU - 45B Mildmay Street. Lincoln. Lincolnshire. LN1 3HR

Consultation responses

Mr M I Lloyd - 43 Mildmay Street, Lincoln, Lincolnshire, LN1 3HR

Re Planning Application 2022/0797/HOU Rear Extension 45B Mildmay Street

Thank you for your letter dated October 10th 2022 inviting comment on the above proposal. My objections are as follows:

1. The proposal clearly constitutes over-development, because it would be in very close proximity to the surrounding buildings, which are themselves in very close proximity to each other and have only small front and rear curtilages. Arguably the conversion of the single house on the site (45 Mildmay Street) into three self-contained tenements about 20 years ago, was in itself already over-development. The present proposal would result in two bedrooms, a bathroom, a kitchen / diner, and a lounge, at 45B. Isn't that a description of a house? So one house, which became three tenements, would become two tenements plus the equivalent of a house - too much development.

2. Although the proposal is for one storey, once a footprint has been established, there could be future proposal for addition of a second storey.

3. The development would set a precedent for anyone to build covering virtually the length of their rear curtilage blocking light to neighbouring houses.

4. The extension would leave just a narrow blind L - shaped access to the tenement's sole access door, with no line of sight from the street, posing a potential security risk for tenants and access difficulties with large furniture. There is only a low (approx. one metre high) wall between the site and my property, so the said access difficulties would likely mean the unacceptable scenarios of furniture encroaching over my property and further damage to the wall which is already leaning over my garden.

5. It is proposed the sole access door be a new door in place of the obscure glazed kitchen window, This door would be only 1.3m (approx.) from my boundary and face directly my kitchen window, overlooking my property and garden, and the resulting lack of privacy would feel intimidating and confrontational. The confined space between the existing rear offshoots of my own house (43) and 45 is poorly ventilated and has three gas flues and three bathroom extractor fans from the three tenements venting into it. The extension would reduce air flow and ventilation further. In addition 45B could be let to smokers who would likely smoke outside their door, causing further pollution which as an established carcinogen would be harmful to me. The door in this position would be severely detrimental to my privacy and amenity for being overlooking and too close.

6. My understanding is planning proposals need take into account neighbours' reasonable expectation of a view. Now and historically, I have enjoyed a view across the site to Olive Street and Mount Street both from my garden and rear ground floor windows. This would be lost. There would be no view.

7. The extension would significantly reduce the available natural light to the rear ground floor windows of my house, which have historically enjoyed such available natural light. The only outlook from the downstairs rear of my house (kitchen and dining room windows) is across the rear yard at 45B. Natural light at eye level is already restricted by the existing rear offshoot at 45 and the side elevation of 1 Olive Street. The extension would block ALL natural light at eye level and it would feel like living in the bottom of a pit. Furthermore I would lose evening sunlight and warmth, the house can be cold and damp, which would be made worse. Natural light is an established need and right. Affected property owners have rights under the 1832 Prescription Act (ancient lights) and even if planning permission is granted, can apply to the court to have work halted and obstructing buildings demolished.

8. The extension would seriously reduce natural light to my small courtyard garden. Light is already blocked from the east by my own house and from the west by 1 Olive Street, and the extension would block light from the north also. It is established that outdoor spaces and gardens are important for people's mental wellbeing. Despite its smallness my garden has flowering shrubs attracting bees, so any loss would impact wildlife as well as my enjoyment.

9. The passageway alongside 1 Olive Street is a communal access to the rear of several houses in Mildmay Street and Olive Street, and the proposed building would be detrimental to the general amenity of local residents because it would reduce the openness of the shared passageway, resulting in loss of amenity and potentially cause security issues because the passageway and rear of the houses would be obscured.

10. Previous applications to build on that site have been refused: LD05/0408/84 refused July 1984, 98/481/F refused August 1998. Reasons for refusal included that (the building) ' ... would reduce the natural light available to (the neighbouring house) and would also have a visually overbearing and oppressive effect on it, ... which would seriously detract from the amenities which residents of the neighbouring house would reasonably expect to enjoy.'

11. The property (45, 45A, 45B Mildmay Street) changed hands just over a year ago, and during that time I have been subjected to many months of noisy work, including excruciatingly loud noise, unreasonable hours, seven day working, 12 hour days, contractors sometimes not leaving until late evening or early hours. This has severely affected my physical and mental wellbeing, and I would be unlikely to endure more of the same. During work at the site in previous ownership, it was an unsecured building site for over a year, with no attempt to screen my property from dust. At one point my garden looked as if covered in thick volcanic ash and several plants perished. Recently a lot of time and money has been invested in my garden and I do not want it ruined again.

12. There would need to be excavations for foundations, and these would be within 3m of existing older structures which have relatively shallow foundations, and owners of neighbouring properties have rights under the 1996 Party Wall Act, including applying to the courts to have work halted or required underpinning.

13. There is already limited outdoor space for the three tenements, and the extension would take up most of the curtilage, severely restricting outdoor storage space (bins).

14. While each application is decided on its individual merits, there is nonetheless an expectation of consistency in planning decisions. The character of this part of the City is closely knit terraces with small curtilages front and rear. With such tight knit terraces, it is important that the visual relief of the rear spaces be maintained. Loss of openness at the rear of such houses would reduce the general quality and character of the townscape. The proposed development would set an undesirable precedent, which, if repeated, would have a cumulative effect of eroding the character of the City and residential amenity.

The proposal conflicts with several aspects of the Central Lincolnshire Local Plan (April 2017) for the following reasons:

15. Policy LP9 - Health and wellbeing. Where any potential adverse health impacts are identified, applicant will be expected to demonstrate how these will be addressed and mitigated. Please refer to paragraphs 5, 8 and 11 above.

16. Policy LP17 - All developments should take account of views and townscape - 7.3 protecting Lincoln's character. Please refer to paragraph 14 above,

17. Policy LP26 - Design principles.

Paragraph (c) (development should) respect existing topography / relate well to site and surroundings especially in relation to height, massing, plot widths. Extensions must achieve high quality sustainable design that contributes positively to local character and townscape. Must take into consideration character and local distinctiveness of area. Please refer to paragraphs 1, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14 above.

Amenity considerations.

Paragraphs (n) overlooking - please refer to paragraphs 4 and 5 above.

(o) overshadowing - please refer to paragraphs 6, 8 and 9 above.

(p) loss of light - please refer to paragraphs 7 and 8 above.

(s) adverse impact on air quality from odour, fumes, smoke, dust - please refer to paragraphs 5 and 11 above.

(t) adequate outdoor waste storage - please refer to paragraph 13 above.

(u) creation of safe environments - please refer to paragraph 4 above.

The applicant has failed to consider the effect on neighbours, amenity, compatibility with neighbouring buildings, loss of light, a safe environment, and overshadowing and overlooking effects.

18. Policy LP29 - Proposal should seek to make a positive contribution to the built environment and quality of life in the Lincoln area. Please refer to paragraphs 1, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14 above.

In conclusion, there would be three levels of negative impacts of the proposal: Personally, on other residents in the area, and on the City. From a purely personal point of view, why should my quality of life be taken away for someone else's benefit? This is an inappropriate and unsympathetic proposal on so many levels, and I strongly urge the local authority to refuse it.

Mr M I Lloyd, 43 Mildmay Street, Lincoln, LN1 3HR

Re: Planning Application 2022/0797/HOU Rear extension 45B Mildmay Street (revised)

Thank you for your letter dated 7th November inviting comment on the above proposal as revised. My objections remain as outlined in my comments submitted 31st October together with the following:

The revised proposal shows the access door in Olive Street so paragraphs 4 and 5 can be disregarded.

The proposal is nevertheless still in conflict with several policies stated in the Central Lincolnshire Local Plan (April 2017)

Stated objectives include to maximize health and wellbeing, and protect and enhance the townscape. The proposal would reduce my personal health and wellbeing and hardly protect and enhance the townscape, as outlined in my previous comments.

Policy LP 9 Health and Wellbeing. 'The potential for achieving positive mental and physical health outcomes will be taken into account. Where any potential adverse health impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.' Please refer to paragraphs 8 and 11 of my previous comments which include the overshadowing of my garden and resulting loss of enjoyment which would be detrimental to my wellbeing.

Policy LP 17 Landscape, townscape and views. 'Proposals should have particular regard to maintaining and responding positively (to the) townscape.' Please refer to paragraph 14 where the likely erosion of the townscape is discussed, as such an extension, inappropriate in the location, and an over-development on an already over-developed site, would set an undesirable precedent.

Policy LP 26 Design and Amenity. 'All developments, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape. Developments should relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot width.'

Design. 'All development proposals must take into consideration the character and local distinctiveness of the area. Proposals will be required to demonstrate (they)

(c) respect the existing topography ... and relate well to the site and surroundings particularly in relation to ... scale, massing, site width. Basically the proposal doesn't: Please refer to paragraphs 1, 6, 7, 8, 9, 11, 12, 13 and 14.

(k) use appropriate high quality materials which enhance local distinctiveness. As can be seen on my photo ML1 and some taken by a Planning Officer, the existing extension / offshoot is covered in unsightly discoloured render. A photo taken by a Planning Officer also shows two windows of the main body of the house blocked up with ugly breeze blocks as a glowing advertisement for the quality of finish of development at the property so far. Viewed from my property, the building looks like something dropped in from a long-disused industrial site, creating such a vortex of misery it is inadvisable to gaze at it too long, and the proposal is for yet more render finish, presumably to enhance and complement its own unattractiveness.

Amenity Considerations. 'The amenities which all ,, 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 ... how the following matters have been considered

(o) overshadowing. Please refer to paragraphs 6, 8 and 9. Furthermore, arguably the existing extension / offshoot was already over-development and has an oppressive effect; it is already overbearing and overshadowing my property, because its upper storey extends further to the rear, and is closer to its neighbours boundary, than the rear offshoots of the nearby houses, as can be seen on my photo ML1 and photos by Mrs V Jones.

(p) loss of light. Please refer to paragraphs 7 and 8, and my photos ML2, 3, 4, and 5, which show the existing views from my kitchen window and garden, and the same views with the projected position of the extension and resulting loss of light shown blacked out. The extension would also significantly reduce the available natural light to the bay window of 1 Olive Street.

(s) adverse impact on air quality from odour / fumes / dust. Please refer to paragraph 11 - the proposal fails to show how factors such as dust would be mitigated during construction, furthermore the extension would likely reduce air flow and ventilation at the rear of my house which is already poorly ventilated (as intimated in paragraph 5)

(u) creation of safe environments. Please refer to paragraph 9. Although the drawings show an access between the extension and the boundary wall alongside the private passageway which runs alongside 1 Olive Street, the measurements imply the build would extend almost to the abovementioned boundary wall. There would no longer be a clear line of sight to the rear of my house and several neighbouring houses from Olive Street, this would make the properties more vulnerable to crime. It would also make the passageway, which is used by several residents, very oppressive, possibly threatening, and feeling 'closed in' thereby harming the amenity of those residents. The revised plans show dusk to dawn lights on the extension, but this misses the point and would be a curate's egg. Lighting would likely dazzle residents wishing to access the passageway and make it hard to see down it. It would also be light pollution under a bedroom of 1 Olive Street. Lights can also attract people to gather (ASB).

Policy LP 29 'Proposals ... should seek to make a positive contribution to the built ... environment and quality of life in the Lincoln area.' Basically the proposal doesn't do so - please refer to paragraphs 1, 6, 7, 8, 9, 11, 12, 13 and 14.

Policy LP 37 Sub-division of dwellings - policy to the effect it should not cause harm to amenities of neighbours - arguably previous sub-division has already (though this is subjective).

It has been suggested justification for the proposed extension is the tenement 45B does not meet modern space requirements - however that only applies to a new build so is inapplicable in this case. The property 45 Mildmay Street was a single dwelling house, and this had been divided into three self-contained dwellings each of similar size. Mundys sales particulars clearly showed floor plans and room dimensions when the property was offered for sale last year. If 45B is considered too small then surely the other two dwellings are too? The previous owner chose to split the house into three dwellings and presumably the current owner chose to continue the arrangement rather than reconfigure into two larger apartments. So any argument 45B is too small defies its own logic. Squeezing three rental incomes out of the one house is again a choice.

The house is already intensively used being split into three dwellings, and from memory all three have been occupied 'as they are' since conversion about 20 years ago. The proposal would not meet any local housing needs. Addition of one small room to an existing dwelling, is a luxury, not a necessity, therefore the planning proposal cannot override neighbour amenity considerations. Furthermore the rear curtilage is small and the proposal of 3.3 x 3.8m would yield quite a small internal room area, about the floor area of my tiny galley kitchen, hardly the good size lounge room anticipated.

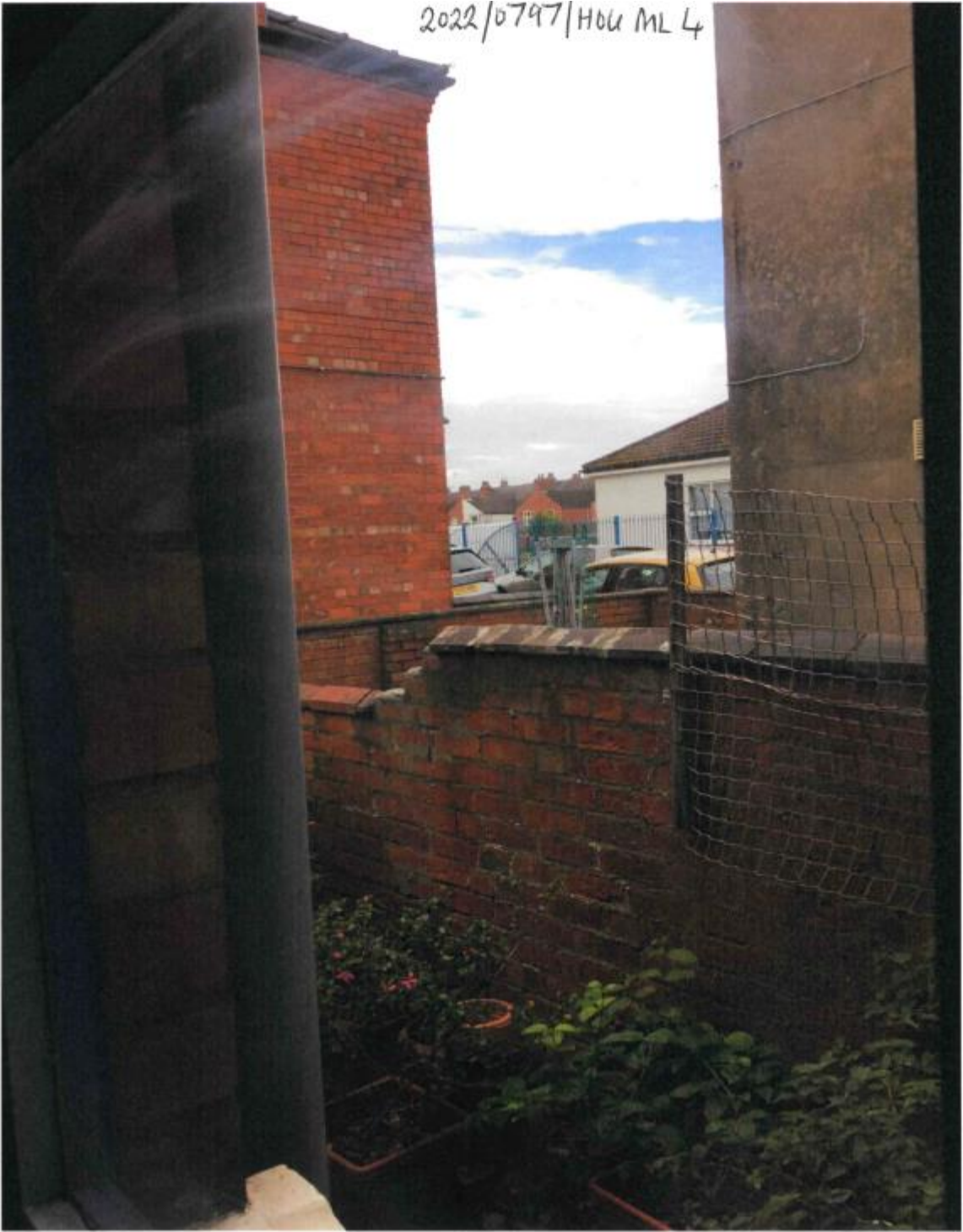
To conclude, it is unbalanced and unreasonable for myself and so many neighbours to suffer loss of amenity and security for such a small gain by the applicant. My house would no doubt lose value if boxed in by an overshadowing, overbearing extension in such close proximity, causing loss of light to kitchen and garden, and substantial loss of enjoyment of my house, and in my view the proposal is ill-thought-out not least in size, selfish and inconsiderate.

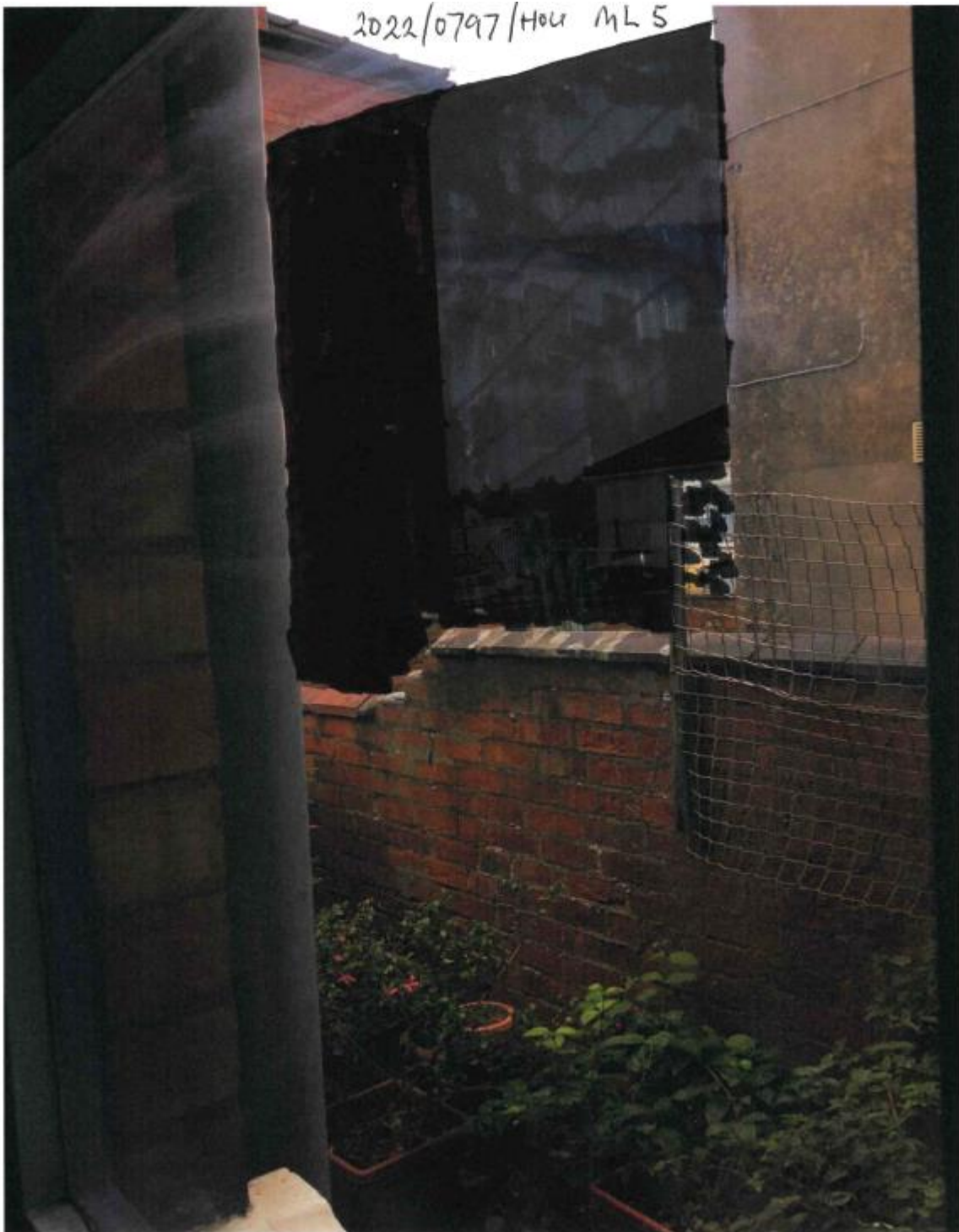
2022/0797/HOU ML1





2022/0797/HOU ML 4





Kate Wilson - 3 Olive Street, Lincoln, Lincolnshire, LN1 3HT

I am emailing regarding the planning application for work to be done on 45b Mildmay Street, Lincoln.

My objection takes three parts:

1. It would have a profound impact on the resident of 43 Mildmay Street, overpowering his house and blocking light from his garden.

2. The passage running behind the houses on Mildmay Street is also used as access for residents of Olive Street and a building at the end of it would make it very dark and threatening. Over the years that I have lived here there have been several instances of people coming down the passage who have no right to be there. I feel very strongly that this activity could increase if there wasn't clear sight down the passage and the small amount of light that shines from the street lights was curtailed.

3. I believe there is a likelihood that if planning permission were to be granted for a single storey extension it would not be long before a further application were put in to make it a two storey building which would exacerbate both of the above points.

With thanks

Kate Wilson

Mrs M Prescott 5 Olive Street, Lincoln, Lincolnshire, LN1 3HT

I would like to register my objection to the above planning application on the following grounds.

The Property with an extension will make the access passage that serves the houses to the rear of Mildmay Street and Olive Street very dark.

There will be no room to keep rubbish bins for the current flats of No. 45, 45a and 45b on the property which means the bins will be left on the street all of the time.

I also have concerns that in the future the developer will wish to extend upwards exacerbating the above mentioned issues with light.

To extend this property will allow more tenants into the property who may create more traffic to already congested streets.

I also consider it would greatly affect the owner of number 43 Mildmay Street whose small garden would be completely overshadowed by an extension next door.

I hope that you will take account of the above objections and concerns.

Cllr Donald Nannestad – Castle Ward - 26 Saxon Street, Lincoln, LN1 3HN

I request that this go to the planning committee for a decision. This building was originally a single property and was a corner shop with a flat above. The building was originally number 45 Mildmay Street but has since been split into three properties (45, 45A and 45B). The addition of a single storey extension to 45B would have a considerable effect on the adjoining property at 43 and mean that one property has been divided into four. The development removes the back yard. A question arises as to where wheelie bins would be stored as there is no space. The proposed extension is immediately next to the path running behind the neighbouring properties and additional development creates a safety issue. In addition there are considerable traffic/parking issues in this area due to its proximity to Mount Street School and an extra property will add to the problem.

Cllr Donald Nannestad – Castle Ward - 26 Saxon Street, Lincoln, LN1 3HN

I would like my original comments on this application to stand. I would also support the comment of the resident who says they did not see any street notice publicising the application. I regularly walk down this street, went to look at the scene before making my original comments and there was no notice attached to any lamp post/telegraph pole, etc.

My comments were made as a ward councillor although they appear on the website as if I am commenting as a resident.

I reiterate my request that this should go before planning committee and request to speak.

Mrs Jeta Tayler 13 Olive Street Lincoln

I wish to object to the application for the erection of a single storey dwelling as proposed to 45B Mildmay Street Lincoln LN1 3HR. Building this extension will have an effect on the adjoining properties for light and privacy and their value.

Also, it is the only place where the occupants of 45B Mildmay Street can house their wheelie bins which are constantly left in Olive Street causing less footpath for use of the public especially people using motorised scooters and people with baby buggies and children.

Mrs V Jones
Poplars
Dunholme Road
Welton
Lincoln LN2 3RZ



Directorate of Communities & Environment
Simon Walters MBA,ACG,MCMI
City Hall
Beaumont Fee
Lincoln
LN1 1DF

30th October 2022

Your ref. 2022/0797/HOU

Dear Mr Walters

As the owner of 41 Mildmay Street, Lincoln I would like to make an objection to the proposed single storey rear extension to 45B Mildmay Street.

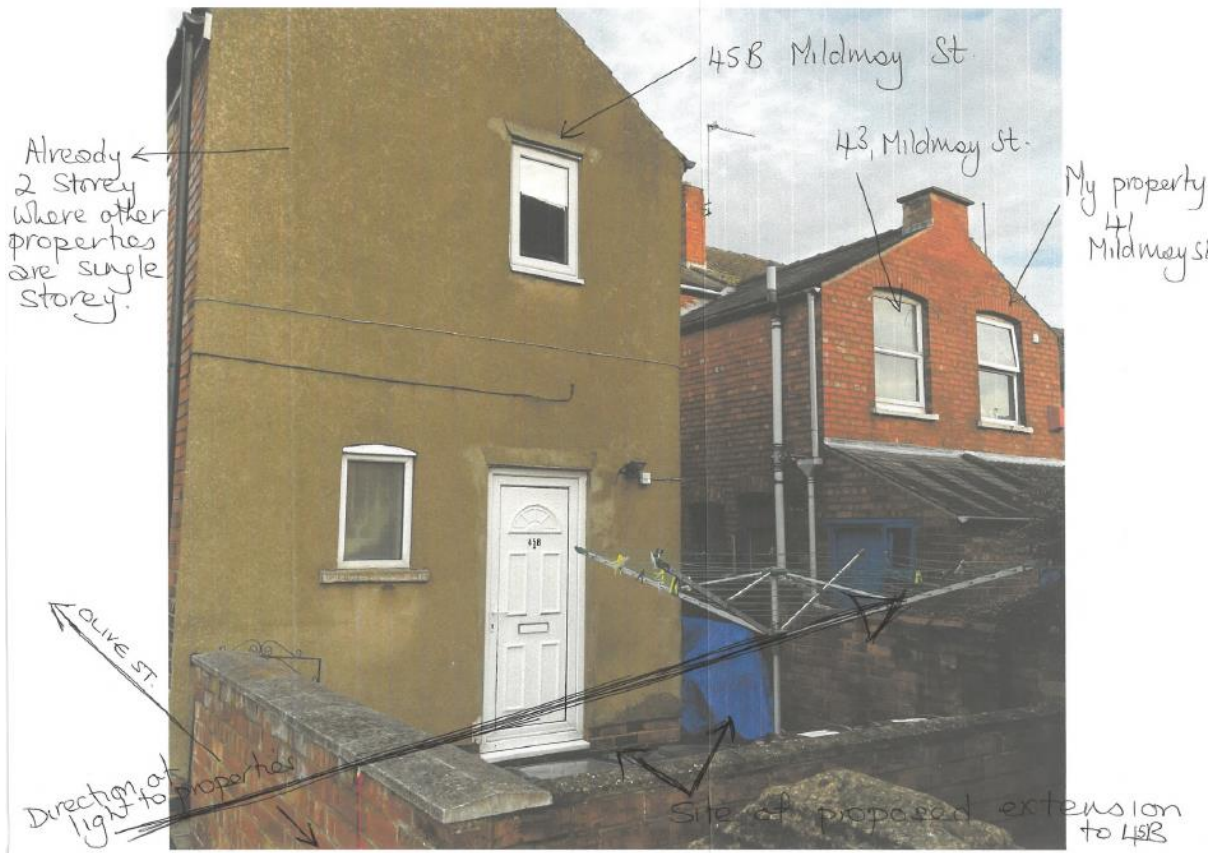
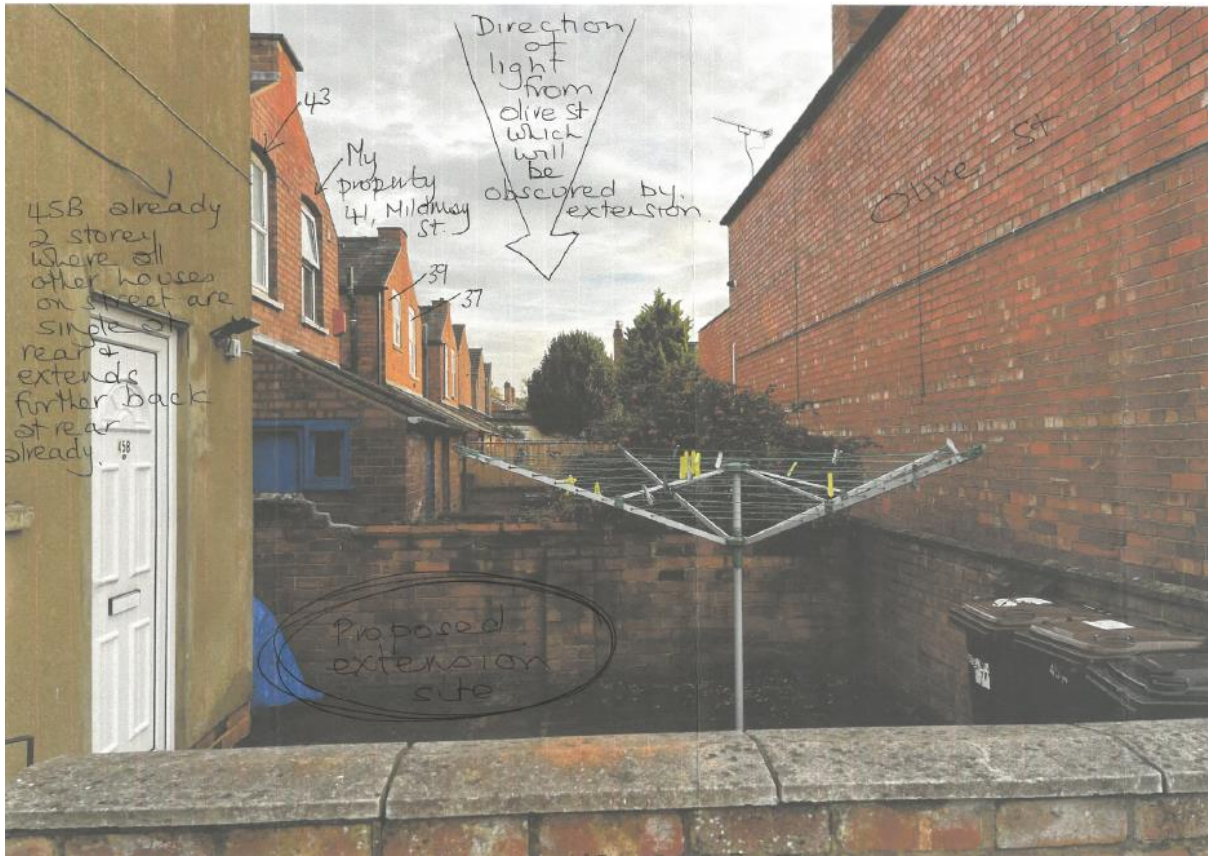
I am objecting on the grounds of loss of light to the rear of my property. The only natural light to the rear of my property and properties 43,39 and 37 Mildmay Street is from Olive street adjacent to 45B Mildmay street and is directed from Olive street across 45 Mildmay Street, then 43, then my property 41 and then properties 39 and 37 Mildmay Street. There is limited light already directed onto the back of these properties due to a two storey end terrace built on Olive street which sits at 90 degrees to the rear of the properties listed above.

The property 45B already has been extended at its rear such that it is already a two storey building at its rear already blocking light from 43 and 41 which are single storey buildings at their rear. 45 B already extends further back at the rear of the property compared to the other properties in the row- see photo enclosed and I shall be highly disappointed if this development goes ahead to the detriment of several properties and their residents in Mildmay Street.

Yours sincerely

Mrs Victoria Jones





Emma Brearley

I would like to object to the planning application for the extension on 45B Mildmay Street. My reason for this is the extension will block the view of the yard of my house from Olive Street, which will make my garden and the passage way less safe and more susceptible to crime.

Gary A Milner

Good Morning.

I have today been given a copy of the letter/application as detailed above. I am aware that this building does not affect me directly but I am within the Conservation Area which is just across the road (Mildmay Street).

I have studied the plans and have a few comments.

I was under the impression that there should be a Notification of Application of Planning Permission poster on the outside of the building/or nearest lamppost/telegraph pole, I haven't actually seen one on any occasion when I have walked past (at least 40 times since 10th October). I was only made aware of the intention to build when I overheard a conversation.

I have previously been advised that any new builds/ extensions which border the public footpath need to be built 1m from the footpath. The present garden wall could be replaced but not modified.

I have concerns that the proposed exit from the building would be down the passage which in an emergency could hamper the escape.

The yard is presently used for storage of the plastic bins to comply with the Councils rule that "bins should not be stored overnight on the public path", if this extension is allowed there would be nowhere to safely store the bins without hampering an Emergency Escape. Additionally it is already an Assault Course to walk down Olive Street, which is unlit when some go to work.

I note that there appears to be only 1 entrance/exit to the flat which appears to contravene building regulations.

One of the neighbours has expressed a concern about the decrease of light within their property, so really there needs to be some consideration for the neighbours.

I was aware of a previous application for a building on this site, and the reasons for the Councils rejection still stand.

Should you have any comments, please feel free to contact me.

Dr Carina O'Reilly

Response to planning application at 45 Mildmay St (Ref 2022/0797/HOU)

I'm writing as a near neighbour to this property to register my objections. My objections are as follows:

1. The existing extension, while over-large and unattractive, is of a piece in terms of length with the neighbouring properties. The newly proposed extension fills the entire existing rear open space, which is out of keeping with all of the nearby houses. There exist longer extensions to properties in these streets, but these are houses with much longer gardens - the stretch of properties within which 45 sits have very small backyards, a space which would be completely built over under this application.
2. The extension is a bulky overdevelopment of a property that is already overdeveloped. It is not in keeping with the Victorian character of the neighbouring houses and fails to respond positively to its environment.
3. The proposed extension will dominate the neighbourhood and block the light entirely from the garden of number 43.
4. The existing windows on that side of the house are frosted to prevent overlooking. The replacement of a window with a door for access, instead of the existing door at the end of the house, will have a detrimental effect on the privacy of number 43.
5. The lack of light on that side of the building will also likely require external lighting in order for the residents of the new extension to use the new access. This will damage the amenity of number 43 by glaring into the garden and the house, the bedrooms of which overlook the new access.
6. The development will also block light to and physically overwhelm the passageway that serves all the properties at that end of Olive St and Mildmay St. This will have a detrimental effect on the amenity of all the neighbours and is likely to increase the risk of litter, crime and ASB.
7. The proposed development allows no space for the storage of bins to this already over-developed property. These will have to be stored on the pavement, causing a nuisance and health hazard to neighbouring properties as well as blocking access to the pavement and the access passageway.

The proposed development lies very slightly outside the border of the Newport and Nettleham Road conservation area (by a matter of metres). While this means that the prescriptions of the local plan that refer to conservation areas do not apply, concerns for the retention of the character of the local area should be given weight.

Local Plan Policy LP26 on design and amenity states that "All development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape". Development should "relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths". It is

clear that the proposed extension does not achieve these, physically dominating the surrounding space and, through the blocking of light to the rear passageway, damaging accessibility to all the neighbouring properties - particularly number 45, whose owner is a gardener who uses his space to grow a range of rare fuschias. The development would destroy his amenity.

The proposal is also in breach of LP26 with regard to:

“m. Compatibility with neighbouring land uses;

n. Overlooking;

o. Overshadowing;

p. Loss of light;

q. Increase in artificial light or glare;

s. adverse impact on air quality from odour, fumes, smoke, dust

t. Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste;

u. Creation of safe environments.”

In fact it is hard to find elements of Local Plan policy LP26 that this proposed extension does not breach.

Local Plan Policy LP37 speaks directly to the conversion and extension of existing dwellings. Para 7.11.1 remarks on the problems caused by insensitive conversion of buildings and the detrimental effects on the residential amenity of neighbours. It notes that such development will only be supported if it can be established that there is no harm to the the amenities of future occupants, neighbours and the wider area; and adequate provision is made for external communal areas, bin storage and collection. This development causes demonstrable harm to the amenities of neighbouring properties, destroys the property’s external communal area, and makes no provision for bin storage and collection.

In summary, the proposed development risks establishing a precedent of overdevelopment in this quiet residential street. It is in breach of basic planning policies regarding massing, character and overlooking, and the retention of natural light and other amenities, and is in direct breach of local plan guidelines on these issues and others. I am surprised it has not already been rejected under delegated powers, and urge the committee to reject the proposed development in its entirety.

Subject: 45B Mildmay Street, Lincoln, Lincolnshire, LN1 3HR - 2022/0797/HOU - Erection of a single storey rear extension

Highway Authority Final Comments for the above application

The proposal is for a rear extension, and it does not have an impact on the public highway.

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

No Objections

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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

John Clifton | Eng FIHE GMICE
Principal Development Management Officer
Lincolnshire County Council
County Offices, Newland, Lincoln, LN1 1YL

Application Number: 2022/0797/HOU

Address: 45B Mildmay Street Lincoln Lincolnshire LN1 3HR

Proposal: Erection of a single storey rear extension

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

Application Number:	2022/0796/FUL
Site Address:	5 Drury Lane, Lincoln, Lincolnshire
Target Date:	2nd December 2022
Agent Name:	Mr Neil Reynolds
Applicant Name:	ETS Align Limited
Proposal:	Change of use from art gallery (F1) to dental practice (E). Alterations to existing shopfront; installation of window to rear, west elevation; solar panels to roof and replacement of existing air-conditioning units and extraction system. (Revised description and plans).

Background - Site Location and Description

The application is for the change of use of 5 Drury from an art gallery (Use Class F1) to a dental practice (Use Class E). The application also proposes external alterations to the existing shopfront, the installation of a window to the west elevation, replacement of existing air-conditioning units and extraction system on the roof and also solar panels to the roof.

The application premises is a single storey building with a shallow mono-pitched roof hidden by a parapet wall around the front of the building. The frontage of the building, which incorporates a simple timber shopfront, sits on the west side of Drury Lane, almost opposite the junction with Wordsworth Street. The side, north elevation of the premises is adjoined to 4 Drury Lane, a two storey end terrace dwelling. The application premises extends west into the site and also abuts 'Dough Loco' to the north. The side, south elevation of the premises abuts the rear elevations of a terrace of residential properties including 6, 7, 8, 9 and 10 Drury Lane. To the rear, west of the site is a yard which is shared by the adjacent properties, including 11 Drury Lane. The premises is not listed although is located within the Cathedral and City Centre Conservation Area and is within proximity of the ramparts of Lincoln Castle, which is a grade I listed building and Scheduled Monument.

The premises is currently vacant, having most recently being occupied as the Sam Scorer Gallery since the late 1990s. The current floor plan is very open and stud walls will be erected to subdivide the premises to create consulting rooms.

The application has been revised during the process, namely a reduction in the number of solar panels and the addition of the window to the west elevation, facing the adjacent yard. These revisions will be detailed later within the report. The properties adjoining the yard were re-consulted to invite comments in relation to the window. The comments received and all other comments are copied in full and will be referenced within the report. A statement has also been submitted on behalf of the applicant to respond to the representations received, which is also included in the report.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 14th October 2022.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP9 Health and Wellbeing
- Policy LP15 Community Facilities
- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- Policy LP27 Main Town Centre Uses - Frontages and Advertisements
- National Planning Policy Framework

Issues

- Policy context and principle of use
- Visual amenity and character and appearance of the conservation area
- Residential amenity and noise
- Parking and highways

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Historic England	Comments Received
Highways & Planning	Comments Received
NHS - ICB	Comments Received

Public Consultation Responses

Name	Address
Mrs Fiona Carruthers	3 The Heights Carline Road Lincoln Lincolnshire LN1 1JP
Lucinda Phillips	Dentons Cottage Burton Lincoln Lincolnshire LN1 2RD

Mrs Hilary Bower	58 Mount Street Lincoln Lincolnshire LN1 3JG
Christine Brookman	93 Richmond Road Lincoln Lincolnshire LN1 1LH
Glen Scantlebury	1 Hillside Cottages Burton By Lincoln LN1 2RD
M Galoch	11 Drury Lane Lincoln Lincolnshire LN1 3BN
Dr Kevin Byron	195 Yarborough Road Lincoln Lincolnshire LN1 3NQ
Ms Lydia Bauman	24a St Mark's Rise Dalston E8 2NL
Ms Jaq McCaughern	30 Victoria Street Lincoln Lincolnshire LN1 1HY
Mr Biff Vernon	Tithe Farm, Church End North Somercotes Louth Lincolnshire LN11 7PZ
Ms Ruth Bell	7 Cowling Close Horncastle LN9 6QY
Mr Colin Dudman	59 Danesgate Lincoln Lincolnshire LN2 1ND
Mr Colin Hopkirk	34 Hawthorn Road Lincoln Lincolnshire LN2 4QX

Consideration

Policy Context and Principle of Use

Central Lincolnshire Local Plan (CLLP) Policy LP2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire. The application site has no specific policy allocation within the CLLP, although it is located just outside of the Central Mixed Use Area, the boundary falls on the opposite side of Drury Lane. Policy LP2 goes on to state that additional growth on non-allocated sites in appropriate locations within the developed footprint of the Lincoln urban area will be considered favourably. Policy LP1 and the National Planning Policy Framework (NPPF) also advise that applications should be considered in the context of the presumption in favour of sustainable development.

The premises has an established commercial use, most recently as an art gallery since the late 1990s and prior to this as an office/store. The principle of the proposed commercial use would therefore be supported in this location.

A number of representations have been received from residents within and beyond the city boundary objecting to the loss of the gallery. Comments raised include that this will be a loss of one of the few remaining art galleries/spaces in the city, which in turn will impact on artistic heritage and opportunities for the Arts to flourish in Lincoln. It is considered that the gallery is a tourist attraction and it is a loss of a cultural and community asset. One objector states that the proposed use will diminish the quality and nature of the conservation area.

CLLP Policy LP15 relates to community facilities. The supporting text for this policy advises that “there are many existing facilities embedded within our settlements that provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community.” The policy requires that “all development proposals should recognise that community facilities such as leisure facilities, libraries, public houses, places of worship and community halls, or any registered asset of community value, are an integral component in achieving and maintaining sustainable, well integrated and inclusive development.” The policy states that in most instances the loss of a community facility will not be supported and sets out criteria for cases where the loss of an existing community facility to an alternative use that is not a community facility will be permitted.

While it is unfortunate that the previous use ceased to operate, it is arguable that a privately owned and privately run art gallery does not constitute a community facility as defined by the policy. However, the proposed use would be considered as a community facility and is likely to serve a larger proportion of the immediate and wider community than the current use. In any case, even if the former art gallery use were considered to be a community facility there would be no objection in policy terms to the use of the premises as an alternative community use.

Officers therefore have no objection in principle to the proposed use of the premises in accordance with CLLP Policies LP1, LP2 and LP15.

Visual Amenity and Character and Appearance of the Conservation Area

External alterations are proposed associated with the new use, namely alterations to the

existing shopfront, the installation of a window to the rear, the replacement of existing air-conditioning units and extraction system on the roof and also solar panels to the roof.

With regard to the shopfront, the existing arrangement comprises two timber framed windows and a recessed, glazed timber door. The application proposes to retain the general arrangement, including the tiled stallriser, but replaces the windows with mid-grey (RAL 9007) aluminium framed units. The adjacent timber door will also maintain the current proportion, but again be replaced with a mid-grey aluminium door. The signage will be altered, although this will be subject to a separate advertisement consent application.

CLLP Policy LP27 advises that proposals for alterations to frontages will be permitted provided they are a high quality design and sympathetic in scale, proportion and appearance to the building and to the character of the surrounding street scene. The policy also requires that, in the case of conservation areas, the appearance of the building should be enhanced.

Officers are satisfied that, whilst the material is to be changed from timber to aluminium, the overall proportion and arrangement of the shopfront remains as existing and therefore the proposals would be sympathetic to the building and wider area. Accordingly, it is also considered that the character and appearance of the conservation will be preserved and also enhanced by the updated windows and door. This aspect of the application would therefore accord with the requirements of CLLP Policies LP25 and LP27.

The window proposed to the rear, west elevation would be a mid-grey aluminium framed unit. This would sit at a high level. The owner of 11 Drury Lane has objected to the window considering it would impact on the character of the rear yard and make it look unsightly. The window is a relatively minor addition, measuring approximately 1200mm wide x 450mm tall, and would sit within the elevation that also includes an existing vent and fire escape door. The agent advises that the vegetation growing out of the wall is to be removed, which will be a visual benefit. Officers do not consider that the window would appear unduly prominent on the elevation and would not cause harm to the appearance of the building, adjacent yard or wider area, in accordance with CLLP LP26. The character and appearance of the conservation area would also be preserved, in accordance with CLLP Policy LP25.

Officers would note that the objection from the owner of 11 Drury Lane also states that the application premises has no rights of access across the yard for either the fire escape or to install and clean the proposed window. However, this is not a material planning consideration and is instead a private, legal matter between the applicant and owners of the yard.

The existing mono-pitched roof includes rooflights and three air-conditioning units. The two units at the front, east end of the roof behind the parapet will be removed and replaced with one unit. The unit towards the rear will be removed and replaced. There is no objection to the new units, which will not be visible from street level, although the reduction in the overall number of units is welcomed.

The application originally proposed two sets of solar panels; between the existing rooflights with another two smaller sets behind the parapet. These will face south at a 10 degree angle, sitting approximately 300mm above the roof. Historic England has been consulted regarding this element of the proposal. While there was no concern regarding the views of the panels from the castle walls, concern was raised regarding whether the

panels towards the front of the building would extend above the parapet and be seen from Wordsworth Street or Drury Lane. This was discussed with the applicant, and they have chosen to remove the four panels towards the front of the building. The remaining solar panels would be set back a sufficient distance from the frontage of the building and any views would be obscured by the roof of the terrace to the south. Historic England has confirmed that the removal of the four panels would address their concerns. Accordingly, officers also have no objection to the reduced number of solar panels.

Officers therefore have no objection to the additions and alterations to the premises and are satisfied that they would not cause harm to its appearance, original architectural style or the character of the surrounding street scene. The proposals would also preserve the character and appearance of the conservation area. The application with therefore be in accordance with the requirements of CLLP Policy LP25, LP26 and LP27.

Residential Amenity and Noise

CLLP Policy LP26 is relevant and requires that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be harmed by or as a result of the development.

Given the existing commercial use of the premises officers are satisfied that the principle of the proposed use could be operated without having a negative impact on the amenities of residential properties or the local environment. The dentistry equipment will be housed within the building, however, due to the lack of windows, mechanical extract and air-conditioning is required. As previously referenced, there are currently three units on the roof which will be removed and replaced with two units. The owner of 11 Drury Lane has raised objection to the air-conditioning units on the grounds of noise.

The City Council's Pollution Control (PC) Officer has considered the application and advised that he has no objections in principle to the change of use. He has not raised an objection to the installation of the replacement air conditioning units and extract system; however, he considers that, due to the proximity of neighbouring residential properties, there is potential for noise and disturbance if they are not sympathetically designed and positioned. He has therefore requested a condition on any grant of consent that requires, prior to installation, the submission of a Noise Impact Assessment. The report will be required to identify any mitigation measures that are necessary to minimise the impact of noise. On the basis of this professional advice officers are therefore satisfied that any potential impact from noise will be assessed and mitigated as necessary.

The objection from the owner of the neighbouring 11 Drury Lane has also raised concerns regarding the window proposed within the rear, west elevation. This elevation, which currently incorporates a fire escape door and grille, faces onto the shared courtyard. The neighbour considers that the window will overlook the garden and will impact on privacy even if it is obscure glazed. The window is proposed to be obscure glazed and also fixed. Furthermore, it is positioned at a high level, the submitted photograph indicates that this will sit higher than the top of the existing fire escape door. With a condition to ensure that the window is obscure glazed, fixed and that the cill shall sit a minimum of 1.8m above the internal floor height, officers are satisfied that this will not provide the opportunity to overlook.

Officers are therefore satisfied that the proposed change of use and associated alterations would not cause undue harm to the amenities which occupiers of neighbouring properties and uses may reasonably expect to enjoy, in accordance with CLLP Policy LP26.

Parking and Highways

CLLP Policy LP9 requires that “proposals for new health care facilities should relate well to public transport services, walking and cycling routes and be easily accessible to all sectors of the community”.

The owner of 11 Drury Lane has raised concerns regarding parking. It is stated that there are residents parking bays in the area although there are issues with on street parking on Drury Lane and Carline Road. There is concern that the parking for six staff as well as customers will add to and intensify the on-street parking issues. Another objector also raises concern regarding the lack of parking and also the increased traffic down the narrow street.

The applicant’s supporting statement advises that some of the staff will walk or cycle each day, others will use public transport. Where there is a need for car use an annual pass will be purchased, it is noted that The Lawn currently has availability. With regard to patients the statement notes that most “will arrive at the Practice on foot or by other means of transport, often before, after or during their working or school day. Patients travelling by car often will treat the visit to the orthodontic practice as a linked-trip with other errands or visits in the city centre.” The elevation plans indicate that there is a possible area for cycle parking on the raised, recessed step. There are also a number of public car parks in the vicinity.

Lincolnshire County Council as Local Highway Authority has advised that they do not wish to restrict the grant of permission. They note that the proposal is for a change of use and alterations to the shop front, and does not have an impact on the Public Highway.

Officers consider that the development has opportunities to be accessed by foot, cycling and public transport. There are also car parks in the vicinity and on street parking would be restricted by the existing residents parking scheme. Based on the above and the advice from the County Council, officers are satisfied that the development would not result in levels of traffic or on-street parking which would cause either road safety or amenity problems. The proposal would therefore meet the requirements of CLLP Policy LP9.

Central Lincolnshire Local Plan Review

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

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

Yes, see above.

Financial Implications

None.

Legal Implications

None

Equality Implications

None.

Conclusion

The principle of the proposed, community use of this vacant commercial premises in this location is considered to be acceptable. The proposed alterations to the shopfront are sympathetic to the appearance of the building. The addition of a window to the rear and the extraction units and solar panels to the roof would not cause harm to the appearance of the building or the wider area. Accordingly, the proposals would preserve the character and appearance of the conservation area. With a condition to require a Noise Impact Assessment and necessary mitigation measures it is considered that the proposed use could be operated without having a negative impact on the amenities of adjoining residential properties, premises and the local environment. The window to the rear will also be controlled by condition so there is no impact on the privacy of the users of the adjoining yard. The location of the premises will enable the proposed use to be accessed by sustainable transport modes and there are also public car parks in the vicinity. The proposal would therefore be in accordance with the requirements of CLLP Policies LP1, LP2, LP9, LP15, LP25, LP26 and LP27 and the NPPF.

Application Determined within Target Date

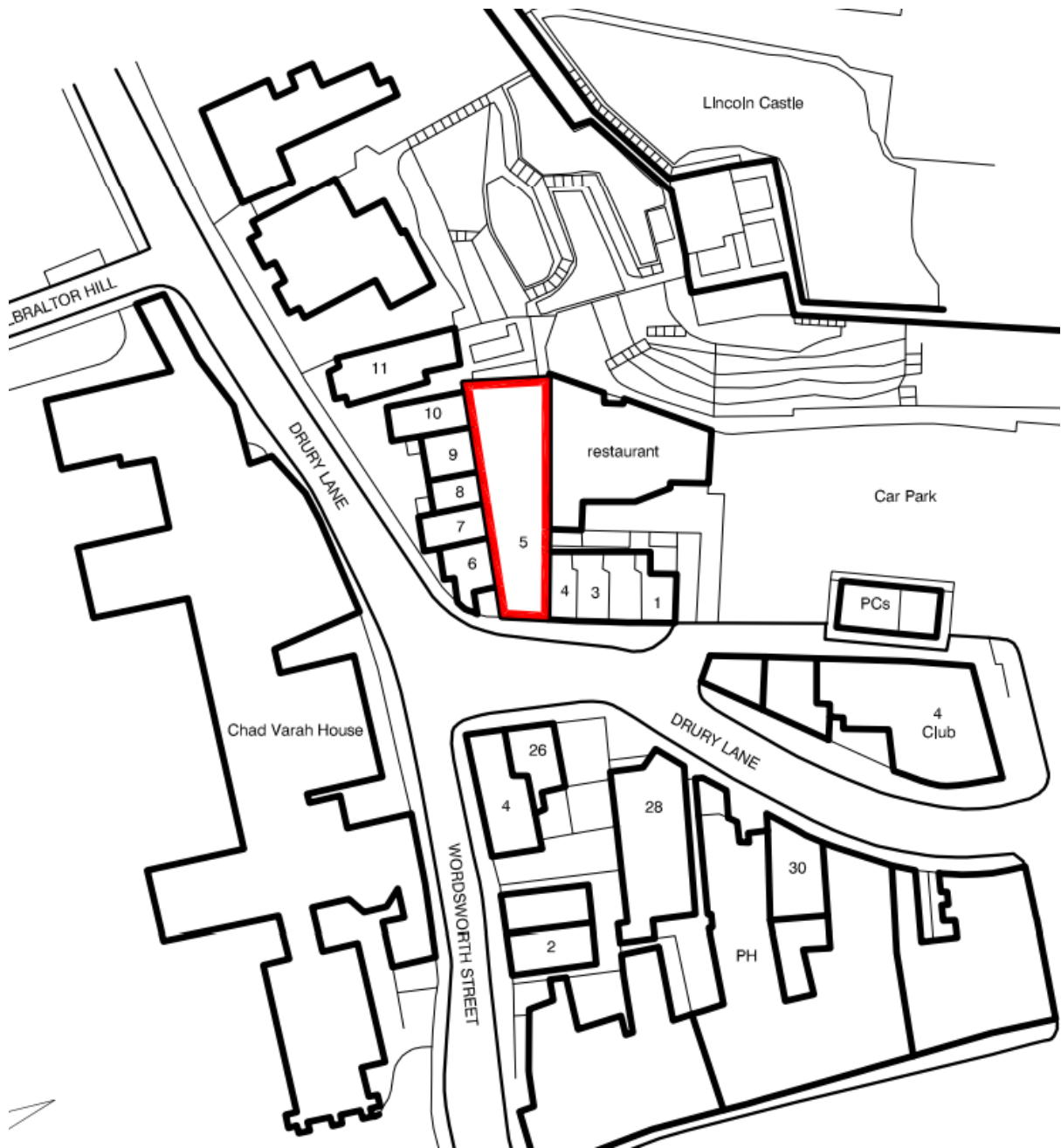
Yes.

Recommendation

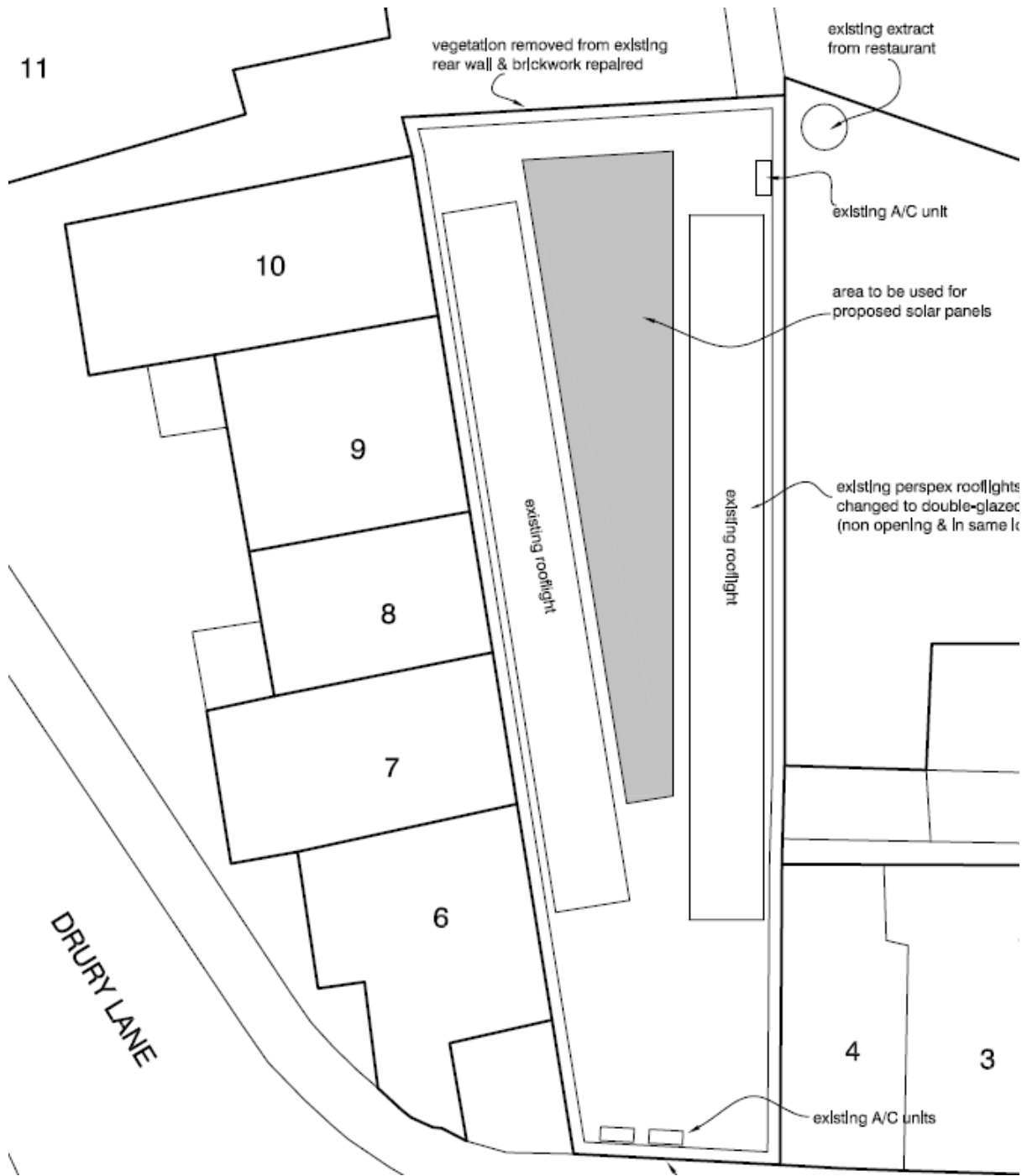
That the application is Granted Conditionally subject to the following conditions:

- Time limit to implement permission
- Development in accordance with approved plans
- Noise Impact Assessment and noise mitigation measures as necessary
- Window to rear to be obscure glazed, fixed and minimum of 1.8m above floor level

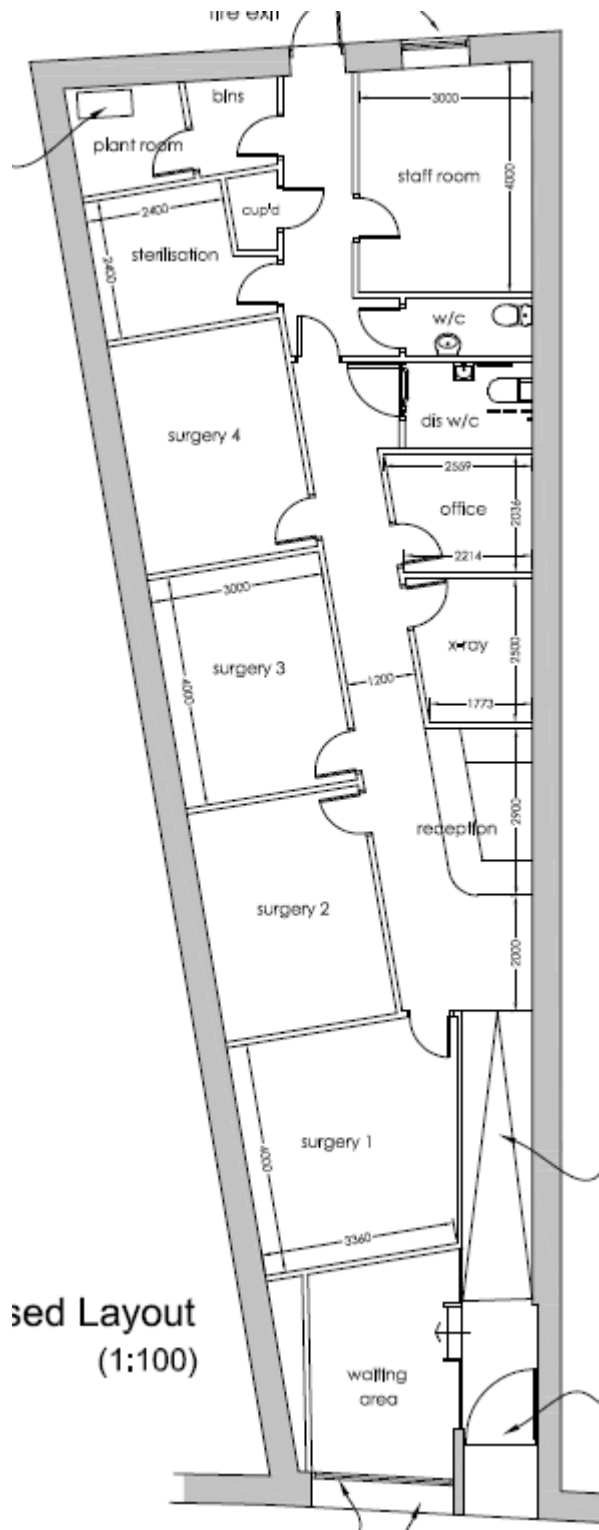
5 Drury Lane-Plans and Photos



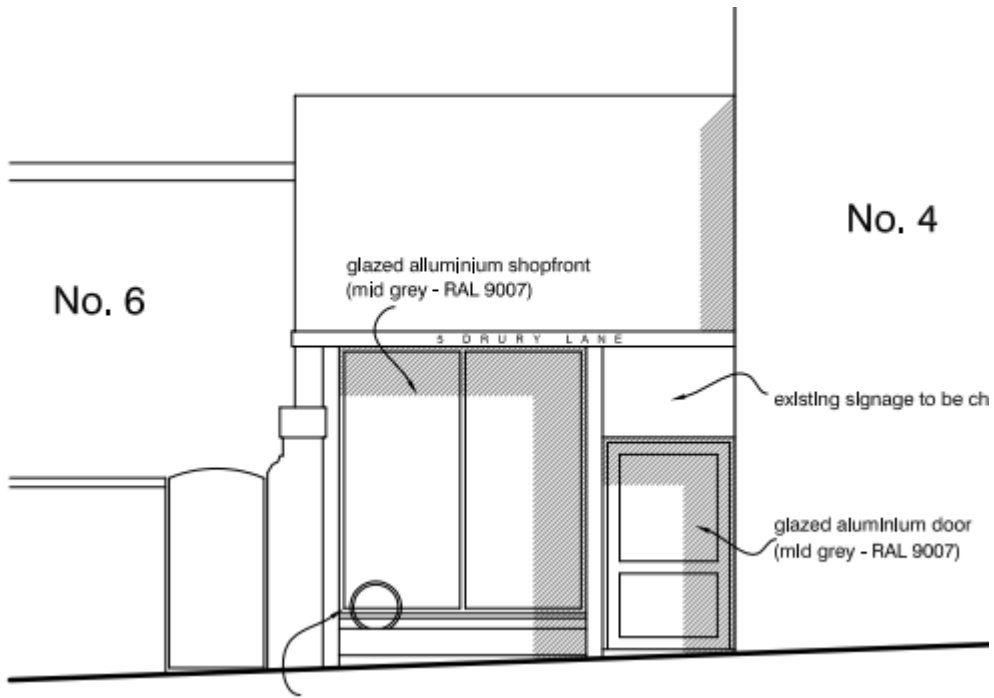
Site location plan



Proposed block/roof plan



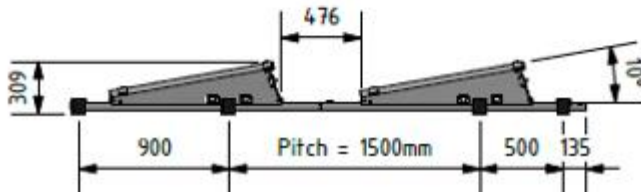
Proposed internal layout



Proposed front elevation



Image to show location of solar panels



Solar panel details



Photo from Drury Lane



Additional photo from Drury Lane



Photo from adjacent yard. Rear elevation of premises to the right illustrating existing fire escape and proposed position of window



Photo of existing roof, showing existing air conditioning units

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5 Drury Lane consultation responses

Customer Details

Name: Mr Colin Hopkirk

Address: 34 Hawthorn Road Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The loss of a significant cultural asset. With deep roots in the community of the city, and enabling the promotion and profiling of local artists of national merit, is scandalous. There is cultural history here, identity and meaning. To lose this important gallery space would be short sighted and put capital before community.

Customer Details

Name: Christine Brookman

Address: 93 Richmond Road Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Lincoln should be proud of Sam Scorer's legacy and the gallery is a very well-supported and vital part of the arts and cultural scene in Lincoln. It attracts a wide range of exhibitors and is a community asset. What an immense shame to see a collaborative/communal space turned into another business.

Customer Details

Name: Mr Biff Vernon

Address: Tithe Farm, Church End North Somercotes Louth, Lincolnshire

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The loss of this building as an Art Gallery would be a diminishment of the cultural life of Lincoln.

Customer Details

Name: Mrs Fiona Carruthers

Address: 3 The Heights Carline Road Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Change of use diminishes the quality and nature of this area of conservation.

Customer Details

Name: LUCINDA PHILLIPS

Address: Denton's Cottage Burton Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The change of usage does not serve the community in the same way.

The gallery has been providing an arts service to the public for over 20 years. This change of usage represents a loss both to the community and a loss in opportunities for the Arts to flourish in Lincoln. This is particularly poignant at a time when the future of the council owned public art gallery - The Usher - has an uncertain future. I strongly object to this change of usage.

Customer Details

Name: glen Scantlebury

Address: 1 Hillside Cottages Burton by Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Sam Scorer Gallery has been an institution for over 20 years at its current location. It is part of the cultural fabric of upper Lincoln.

Upper Lincoln is an area that supports the cultural and tourist events of the city. There is no reason to establish a dentist office at that location. There is no parking. The area has reduced traffic into the square for over 30 years. There is no reason to allow a new destination that will mostly be arrived at by car. Dury Lane is a narrow street that also is not made for new traffic in the form of cars looking for parking spaces. The focus of the planning department should be to enhance the cultural/tourist aspect of development in the oldest part of the city rather than allowing it to be degraded by commercial interest better suited for locations outside the Old Roman Walls.

Customer Details

Name: Mrs Hilary Bower

Address: 58 Mount Street Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the possibility of losing one of the few remaining galleries/art spaces in Lincoln.

The gallery was purpose built by the local architect Sam Scorer to encourage local artists to show and sell their work and has been very successfully run for over 20 years. It is one of few buildings in Lincoln that has architectural merit and should remain as designed.

Surely a dental practice can be housed in any number of alternative venues.

Customer Details

Name: Mr Colin Dudman

Address: 59 Danesgate Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The recent loss of The Sam Scorer is a further reflection of the increasing marginalisation of the Arts in Lincoln. There is no other self-run gallery in Lincoln that enables local artists to exhibit their work. We need their reflections on our troubled world more profoundly than ever, and that this specially curated space should be replaced by a Dental Practice, of which there are over 20 in this town, beggars belief. Strength of local community feeling for retention of the gallery was reflected in an ACV nomination being submitted, which unfortunately couldn't be developed due to completion of the current sale.

Customer Details

Name: Dr Kevin Byron

Address: 195 Yarborough Road LINCOLN

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Sam Scorer Gallery in the cathedral quarter just by Castle Square was ideally located for tourists to visit, and to replace it with a dental surgery is a travesty. This building was designed purely to celebrate art and the hundreds of exhibitions on show have played a vital promotional and educational role for the arts in the local and wider community of Lincoln for the last 20 years or so. That this beautiful building should be used as a business is an absurdity, especially at a time when support to the arts is under threat. We need the arts, we don't need another dental surgery especially in a beauty spot in Lincoln!

FAO: Marie Smyth
Your REF: 2022/0796/FUL

Dear Mrs Smyth

I am writing to rise objections to the proposed planning application made by the owners of 5 Drury Lane, Lincoln LN1 3BN.

I am the owner of no 11 Drury Lane, Lincoln LN1 3BN.

There are several points that I would like to address and object to:

1. Rear Yard- please note that 5 Drury Lane has no right of way or access to the rear of the building (referred to as "shared rear yard" by them on the application. Please note that this is a shared garden area for residential properties ONLY (no 11 Drury Lane, no 10 Drury Lane and no 8 Drury Lane).

2. I object to the installation of the rear window - no 5 has no right to have a window overlooking the residential garden of residential properties. It is a small garden , there was never a window there and I do not want any windows there facing the garden that is used by residential properties. It would greatly impact the privacy of the residents even if it is obscured. If the dental practice wants more light they should consider roof lights.

Also the fact that they have no access to the shared area means how would they ensure that the window is cleaned on a regular basis.

Furthermore, the character of the rear yard would be impacted also by this and would simply make our back yard look unsightly.

It is a definite no and should not be allowed.

I also would like to point out, that no 5 has no right of way through the back yard and should not have the keys to the same. The Gallery never used that back door as they were aware that they had no right of way, (I spoke to the gallery representative about it).

2. Concerns about airconditioning units- please note that there is not enough details as to where these new air condining units will be installed and whether or not they would make a noise during the day or night. It is a residential area right in the heart of historic Lincoln where occupiers enjoy peace and quiet and I would not like this peace and quiet being disturbed by the noise from air conditioning units. At the moment there is no noise there at all.

I therefoere object to the airconditioning units installation.


3. Parking

Drury Lane has limited parking facilities and most residents who do not have off street parking use parking permits to park in the "permit holders only" bays.

On the planning application it is stated that the number of employees would be 6- which is a huge jump from the 1 person that was usually working in the gallery.

6 employees means they will have to park 6 cars either on Drury Lane or nearby Carline Road which is already overstretched with great difficulty finding a parking spot.

This does not even include the customers that will be coming for treatment- (with 6 treatment rooms, one can only expect to have at least 6 customers at any one time wanting to park (so parking space for 12 vehicles at any one time)- parking problem will definitely intensify.

I tried to call you to discuss the above but you were not available, I left my contact number 

Please kindly advise if you have any questuons.

Yours sincerely

M Galoch
Owner of 11 Drury Lane.

Customer Details

Name: Ms Jaq McCaughern

Address: 30 Victoria Street West Parade Lincoln

Comment Details

Commenter Type: Amenity Group

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This address was purchased by a renowned Lincoln architect Sam Scorer and his wife, who set up an Arts trust and not for profit organisation, charity, for the benefit of providing a venue for local artists and groups to exhibit across a wide range of arts. The building, an old garage, was designed and made into a purpose built gallery, and a board of trustees appointed to run it. The gallery, known locally as Sams, became a wonderful part of the Lincoln uphill community, Sams supported schools, colleges, local groups, and universities to put on exhibitions, thus contributing to a wider group interacting and learning skills such as, curation, invigilating, setting up exhibitions, publicising etc. Beloved by all.

Customer Details

Name: Ms Lydia Bauman

Address: 24a St Mark's Rise Dalston

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a resident of London and a one time resident of Lincoln where I lived for 11 years and exhibited in the Sam Scorer Gallery more than once, I'd like to point out that what attracts tourism to our towns and cities, (increasingly standardised by developers and chain-shop filled high streets) are pockets of originality, authenticity and beauty. It was not so long ago that the adjacent Steep Hill was awarded the best street award in the UK and it did not achieve this distinction thanks to the beauty and originality of its dental clinics. Drury Lane is absolutely an integral part of Lincoln's unique uphill character and the gallery is part of its heritage and an essential cohesive force for its artists and art lovers. To replace it with a dental practice of all things is a cultural blunder of immense proportions and an act of suicide for Lincoln's hard won tourism industry.

Please reconsider this foolish and counterproductive step at this planning stage.

Customer Details

Name: Ms Ruth Bell

Address: 7 Cowling Close Horncastle

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: A really popular alternative for Art. Lincoln should be proud enough of its artistic heritage to stand up for these places.

Application no. 2022/0796/FUL

5 Drury Lane, Lincoln

**Change of use from art gallery (Class F1) to orthodontic dental practice (Class E).
Alterations to existing shopfront; installation of high level fixed and obscure glazed window to rear west elevation; solar panels to roof and replacement of existing air-conditioning units and extraction system (Full application).**

STATEMENT ON BEHALF OF APPLICANTS IN RESPONSE TO PUBLIC OBJECTIONS

1.0 Introduction

- 1.1 This additional statement is submitted after the Applicants and their advisers have considered the issues raised by the 13 objectors in their representations on this application as they appear on the Council's website on 14 November 2022.
- 1.2 Appropriate references are also made to the 3 statutory consultation responses from Highways and Planning, Environmental Health and NHS – ICB at the same date; as well as relevant policies in the adopted Central Lincolnshire Local Plan (April 2017) and its Proposed Submission Draft Review (March 2022).
- 1.3 For convenience, the main issues raised by the objectors are identified and considered under the headings set out below.
- 1.4 **Please note:** The Applicants reserve the right to submit further representations if any other issues or objections are raised before the application is considered by the Council's Planning Committee.

2.0 Former use as an art gallery and current ownership of the building

- 2.1 The Applicants acquired the freehold interest in the building from the Scorer family on 7th September 2022 following an open market sales campaign by Savills Estate Agents. The sale was widely publicised and a 'For Sale' board was displayed in a prominent position on the frontage of the building – see photos in Planning Statement. Savills' *Sales Particulars* stated that the terms of the sale included vacant possession of the premises being provided on completion of the sale.
- 2.2 Although the details are not known to the Applicants, it is reasonable to assume that (i) the Trustees of the art gallery were made aware of the Scorer family's decision to sell the building before it was offered for sale by Savills, and (ii) that the gallery would have to close when the building was sold.
- 2.3 Consequently, the Applicants wish to make it clear that they played no part whatsoever in the former owners' decision to close the art gallery and simply agreed to purchase of the building on the terms offered via Savills ie. the building was being sold with vacant possession being provided on completion of the sale. They also have no knowledge of the legal arrangement between the former Trustees of the gallery and the former

owners of the building, although they note that one of the objectors states it was a 'not for profit' Trust arrangement rather than a formal commercial agreement with formal lease etc.

- 2.4 Whilst all 13 objectors regret the loss of the art gallery, the Applicants' main motivation in purchasing this building was because they identified Drury Lane as an ideal location to establish a new orthodontic dental surgery in the heart of Lincoln to serve the local community and wider hinterland. They do not intend to re-establish a publicly accessible art gallery on the site, although they may be willing in the future to explore the possibility of displaying local artists' works in the surgery waiting room and reception area. However, no guarantee of this can be provided at this stage of the project.

3.0 Architectural merit of the building and impact on Castle Square and Upper Lincoln

- 3.1 One objector states that the building was formerly a garage before it was converted to an art gallery by the former owner, Sam Scorer, a well-known local architect. The building is single storey with mono-pitched sloping roof with large areas of roof lights and high parapet on the frontage, 'sandwiched' between residential properties (4 & 6 Drury Lane) and a restaurant on the north side. At the rear there is a private shared garden area for use by nos. 8, 10 and 11 Drury Lane.
- 3.2 Whilst clearly judged to be an appropriate 'infill' design over 20 years ago, it cannot reasonably be described as '*one of the few buildings in Lincoln that has architectural merit*', as suggested by the objector(s) from 58 Mount Street. The façade is simple and functional (see photos in the Planning Statement) and this articulation will be substantially retained by the replacement of timber window and door frames with mid-grey, double glazed aluminium units to meet modern thermal and energy reduction requirements.
- 3.3 Changes to the air conditioning units and the installation of solar panels on the roof will be hidden from street-view by the frontage parapet wall; and the existing arrangement of rooflights will remain.
- 3.4 In visual terms, it is therefore considered that these proposals will have no material effect on the architectural merit of the building itself, nor the architectural or historic interest of the Castle Square and Upper Lincoln areas.

4.0 Highways and Parking

- 4.1 The objectors allege that this change of use will result in highway and parking issues in this part of Lincoln. The Applicants believe that these objections are without merit for the following 2 reasons:
 - 1) The response from Highways and Planning confirms 'no objection' to the proposed development in the following terms:

' 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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.'

2) With regard to car parking, there will be between 2 and 8 members of staff at the practice during the working day, Monday – Friday each week. Some people, including the principal, will walk or cycle each day. Others will be using public transport or will need to travel to work by car. The Applicants will encourage all staff to use local rail, bus or park-and-ride services whenever possible. This encouragement will include:

- assistance with the purchase of monthly bus passes (such as the Lincoln Big Bus Deal) or
- where car use is essential, an annual car parking season tickets at one of the nearby City of Lincoln car parks. Currently, The Lawn car park has season ticket availability.

The nearest car park for the Drury Lane practice is in Castle Hill which has a limited number of spaces to serve mainly shoppers and people needing access to local services, including potentially visiting this new orthodontic practice.

The Drury Lane on-street parking zone applies and would allow the Practice at No 5 to apply for a maximum of two spaces, which the Applicants may do if the need arises.

Most patients will arrive at the Practice on foot or by other means of transport, often before, after or during their working or school day. Patients travelling by car often will treat the visit to the orthodontic practice as a linked-trip with other errands or visits in the City centre. There will be no on-site provision for patient parking requirements but plans to accommodate those with mobility needs will be devised carefully and considerately in advance of their appointment. It is particularly noted that the nearby Castle Hill car park has one disabled parking space.

As far as planning policy is concerned, it is noted that **Policy S49** in the *Local Plan Proposed Submission Draft (March 2022)* in relation to 'Parking Provision in Lincoln City Centre and Edge of Centre', states that for non-residential development,

'... proposals will be required to make use of existing public car parks before the provision of additional car parking spaces will be considered. The Council will only allow additional on-site or off-site spaces if the applicant has provided a full justification for such a need'

The Applicants therefore consider that, although Policy S49 is not yet formally adopted as part of the review of the Local Plan, it provides a clear indication of the 'direction of travel' and aspiration of car parking policy in Lincoln, presumably aimed at discouraging additional private parking for commercial developments in the City on sustainability, air pollution and carbon reduction grounds.

For the above reasons the Applicants consider this proposed change of use fully accords with all relevant highways and car parking policies in this part of Lincoln.

5.0 Objections from No. 11 Drury Lane

The Applicants comment on the issues raised by this Objector as follows:

1. **Rights of Access over rear yard** - the Applicants acknowledge that they have no rights of access over the rear yard area. The door in the rear of the building is believed to have been there for many years and is only intended for emergency use if the front door of building were ever to become unusable. That situation will not change with the new ownership. It is hoped that the applicants and owners of the rear yard can reach an agreement to undertake essential structural repairs to the rear wall.
2. **Proposed rear window** - in the rear elevation of the building is intended to provide some natural daylight in the proposed staff room. It will be high level (cill at 1.8m above floor level), obscure glazed, non-opening, and with self-cleaning glass on the outside of the double glazed unit. It is therefore considered that it will not have any material impact on the privacy or amenity of the shared garden area used by adjacent residents.
3. **Air conditioning units** – detailed information has been submitted in response to the comments from the Environmental Health Department to demonstrate that the proposed new ventilation system, which will replace the existing air conditioning units on the roof, will not alter noise levels to the adjacent residential properties.
4. **Car parking** – this issue is addressed in Section 4 above.

6.0 The need for another dental practice in Lincoln

- 6.1 The Objector from 59 Danesgate alleges that there are 'over 20' dental practices in Lincoln already and implies that another practice in this location is not required.
- 6.2 Whilst this total is unverified, the Applicants know that the specialist orthodontic service that will be provided at this new surgery is only currently provided at one other specialist orthodontic practice in Lincoln and at Lincoln County Hospital.
- 6.3 Orthodontics in Lincoln and its hinterland is provided as a specialist referral service from dental practices and may therefore be viewed as a complementary service to other dental surgeries in the area.
- 6.4 With this perspective in mind, it is noted that Policy LP9 in the adopted Local Plan (April 2017) relating to Health and Wellbeing and *Proposals for new health care facilities* states that:

“Proposals for new health care facilities should relate well to public transport services, walking and cycling routes and be easily accessible to all sectors of the community. Proposals which utilise opportunities for the multi-use and co-location of health facilities with other services and facilities, and thus co-ordinate local care and provide convenience for the community, will be particularly supported.”

- 6.5 The Applicants consider that a new orthodontic practice in central Lincoln will be able to coordinate very efficiently with other dental practices in the City and that this central and highly accessible location is ideally suited for this use.

In summary, for all the above reasons the Applicants consider that this proposed change of use of this vacant building at No. 5 Drury Lane fully accords with the proper planning of the City of Lincoln and that the objections raised by third parties do not constitute grounds for the Council refusing this application.

15 November 2022

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

To: Lincoln City Council

Application Ref: 2022/0796/FUL

Proposal: **Change of use from art gallery (F1) to dental practice (E) and alterations to existing shopfront. Installation of solar panels to roof and replacement of existing airconditioning units and extraction system**

Location: **5 Drury Lane, Lincoln, Lincolnshire, LN1 3BN**

With reference to the above application received 10 October 2022

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)

The proposal is for change of use and alterations to shop front and it does not have an impact on the Public Highway or Surface Water Flood Risk.

No Objections

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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Case Officer:

Date: 21 October 2022

Laura Rowett

for Warren Peppard
Head of Development Management

From: Walsh, David
Sent: 17 November 2022 09:17
To: Smyth, Marie (City of Lincoln Council)
Subject: RE: 2022/0796/FUL: 5 Drury Lane

WARNING: This email originated from outside of the organisation. Do not click links, open attachments or reply unless you are confident that the content is safe and do not share inappropriately.

Hi Marie,

Yes, removing the 4 panels at the front/east would address our concerns. I will be in the office later if you are around. I will send a formal letter saying today or maybe tomorrow, but you can take this email as our written view that our concerns would be addressed without the four panels.

Best wishes
David

David Walsh | Principal Adviser - Development Advice
Historic England

|The Foundry / 82 Granville Street / Birmingham / B1 2LH
www.HistoricEngland.org.uk

NHS – ICB

Comment Date: Wed 12 Oct 2022

Good Afternoon

Many thanks for sharing this with us, however we would only be interested in consulting on residential applications rather than business.

Kind regards
Em

Application Number:	2022/0761/HOU
Site Address:	4 Finningley Road, Lincoln, Lincolnshire
Target Date:	23rd November 2022
Agent Name:	Mr David Holman
Applicant Name:	Mr Paul Aitchison
Proposal:	Erection of a single storey detached garage and installation of 1.8 metre fence to front elevation

Background - Site Location and Description

The application property is a two storey detached dwelling located towards the end of south side of Finningley Road. The application proposes the erection of a single storey detached garage and the installation of a 1.8m high close boarded fence to the side/front elevation.

The property currently benefits from boundary walls and railings to the frontage, which are said to be removed to accommodate access to the existing driveway and proposed garage.

The application is presented before Planning Committee as the applicant is related to a City of Lincoln Council employee.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 16th November 2022.

Policies Referred to

- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

To assess the proposals with regard to:

1. Accordance with National and Local Planning Policy
2. Impact on amenity of neighbouring properties
3. Impact on visual amenity
4. Highway safety, access and parking

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	No Objections
Environmental Health	No Comments

Public Consultation Responses

No responses received.

Consideration

1. Accordance with National and Local Planning Policy

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

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

Paragraph 130 states that planning decisions should ensure that developments:

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

Paragraph 134 states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 67 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere as a result of development. When taking into account the minor nature of this householder application it should be demonstrated that:

- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed

The application is for development at a residential property, therefore the following policies within the Central Lincolnshire Local Plan are entirely relevant.

Policy LP1: A Presumption in Favour of Sustainable Development

When considering development proposals, the Central Lincolnshire districts will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the policies within the Local Plan should be approved without delay, unless material considerations indicate otherwise.

Policy LP26: Design and Amenity

The following design principles within Policy LP26 would be pertinent with the development.

- a. Make effective and efficient use of land;
- c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;
- d. Not result in the visual or physical coalescence with any neighbouring settlement;
- f. Incorporate and retain as far as possible existing natural and historic features such as hedgerows, trees, ponds, boundary walls, field patterns, buildings or structures;
- 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;

2) Impact on Amenity of Neighbouring Properties

The proposed garage would be located to the southwest corner of the plot, measuring approximately 6065mm wide and 6065mm in depth with a pitched roof measuring approximately 2500mm to the eaves and 4000mm in total height. The structure would measure approximately 1000mm from the southern boundary with no. 2 Finningley Road at its closest point, increasing to approximately 3300mm towards the corner of the plot. The footprint of the proposal would also leave a spacing of approximately 1000mm to the front boundary, adjacent to the neighbour's driveway to accommodate a new gate and passageway. A new 1.8m close boarded fence would be situated on this section of boundary, replacing some of the existing leylandii hedge. The neighbouring property at no. 2 Finningley Road would measure approximately 8.5m from the boundary line creating a total separation of approximately 9.5m at its closest point.

Officers consider that the separation from neighbouring properties ensures that the single storey structure would not appear as an overbearing structure, nor create any overshadowing towards the dwelling. As it is single storey there would also be no opportunity to overlook with the existing substantial leylandii hedge mitigating much of the views of the proposed structure. It is noted that this existing hedge is not protected and could be removed at any time in the future. Nonetheless, boundary treatment up to 2m in height may be erected under permitted development and it is not considered that the structure would be harmful in any case, maintaining the privacy of the neighbouring dwelling.

As the garage would be located a substantial distance from any other neighbouring dwellings officers consider that the proposal would not therefore result in any unduly harmful impacts upon residential amenity.

3) Impact on Visual Amenity

With regard to the location of the proposed garage, whilst outbuildings are generally positioned to the side and rear of dwellings, in this particular scenario the plot is situated within the corner and has a somewhat unusual relationship with no. 2. Whilst the footprint of the garage would partially front the host property at no. 4 Finningley Road, officers would not consider that it would look out of character, taking into account the plot shape and its location within the wider street and estate.

Finningley Road consists of a large mixture of property types, designs and materials with no single consistent approach. In this particular instance the proposed garage would have a standard pitched roof gabled design using materials to match the host property. The outbuilding would also replicate detailing from the main property, including verge stretcher courses and brick corbels ensuring a close match to the host dwelling.

Is it therefore considered, on balance, that the positioning of the detached garage would not look out of place, nor result in any unduly harmful impact upon visual amenity and street scene.

4) Highway Safety, Access, Parking & Surface Water Drainage

Highways and Planning have been consulted as the local highways authority and confirmed that they have no objections to the proposal on the grounds of highway safety, access or parking.

Conclusion

The proposal would not be considered to have any unduly harmful impact upon residential or visual amenity, ensuring that the development would accord with local planning policy and the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally.

Recommended Conditions

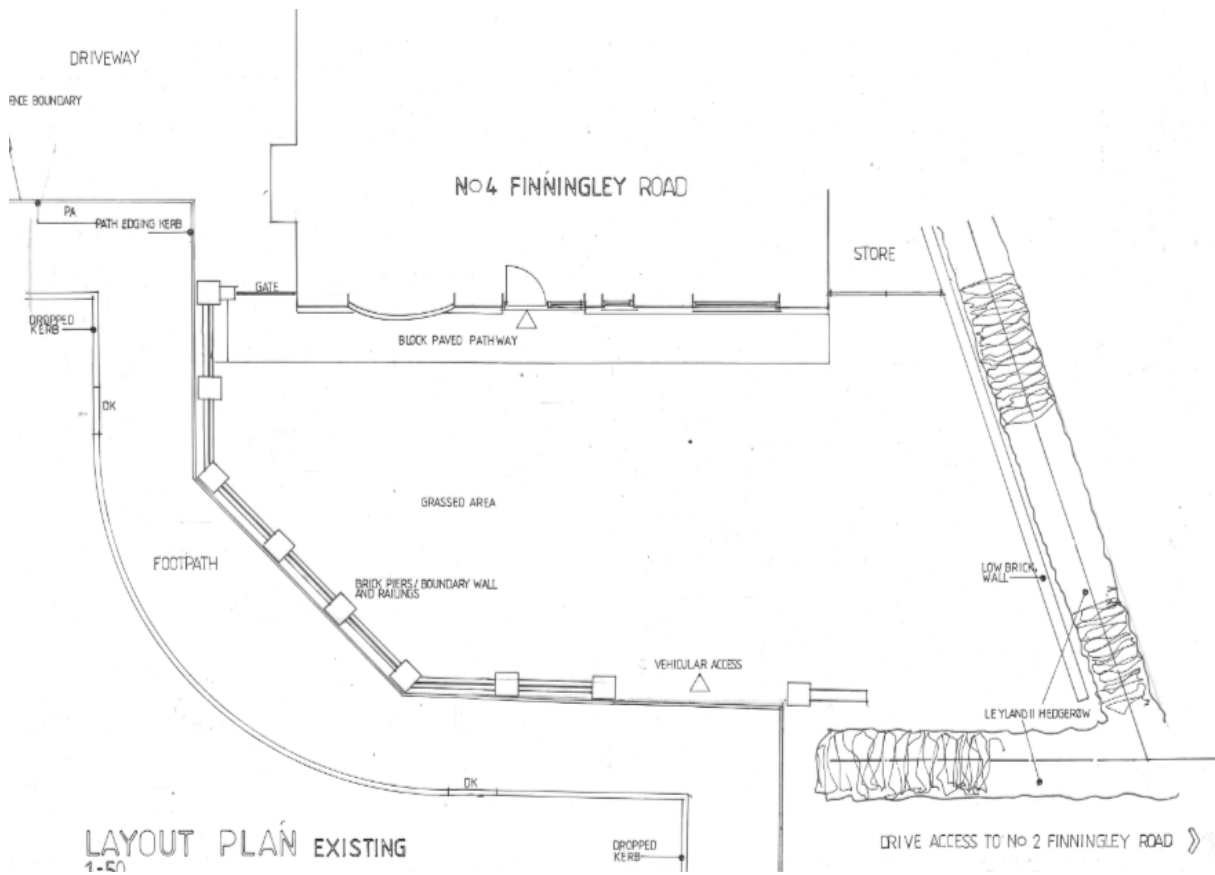
1. Development to commence within three years
2. Development in accordance with the approved drawings

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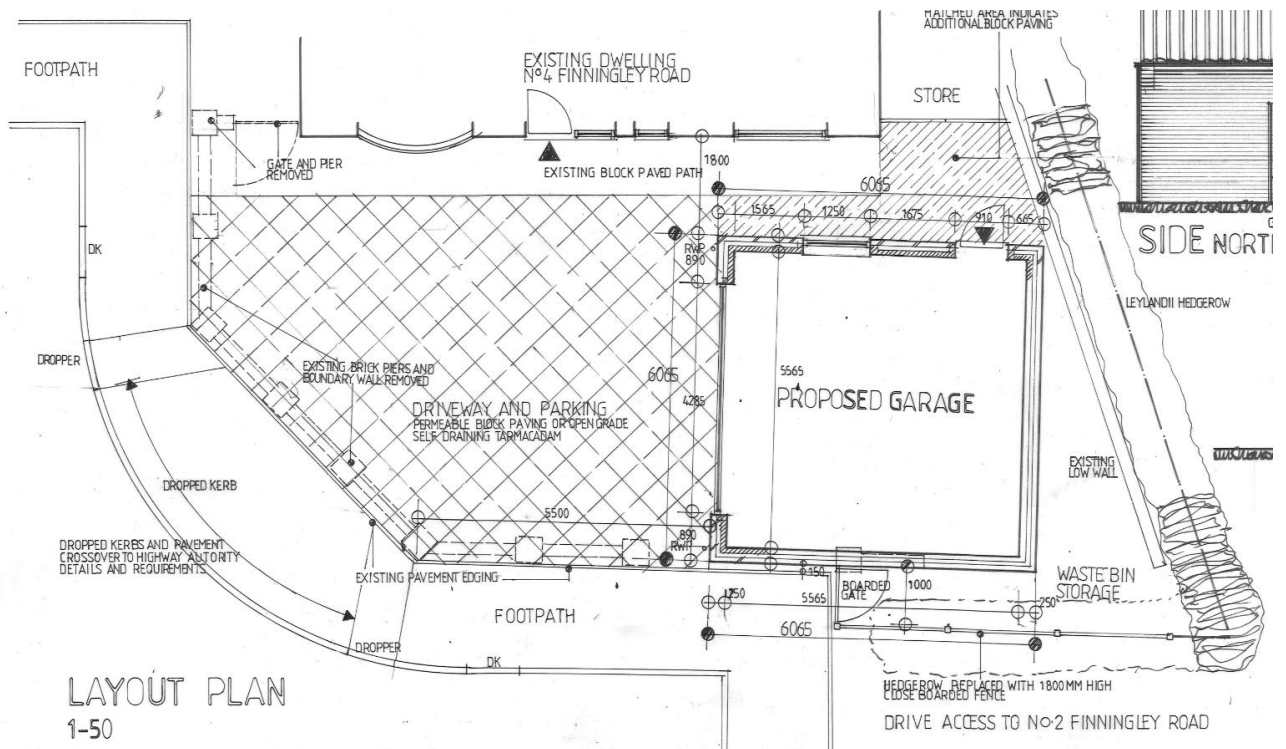
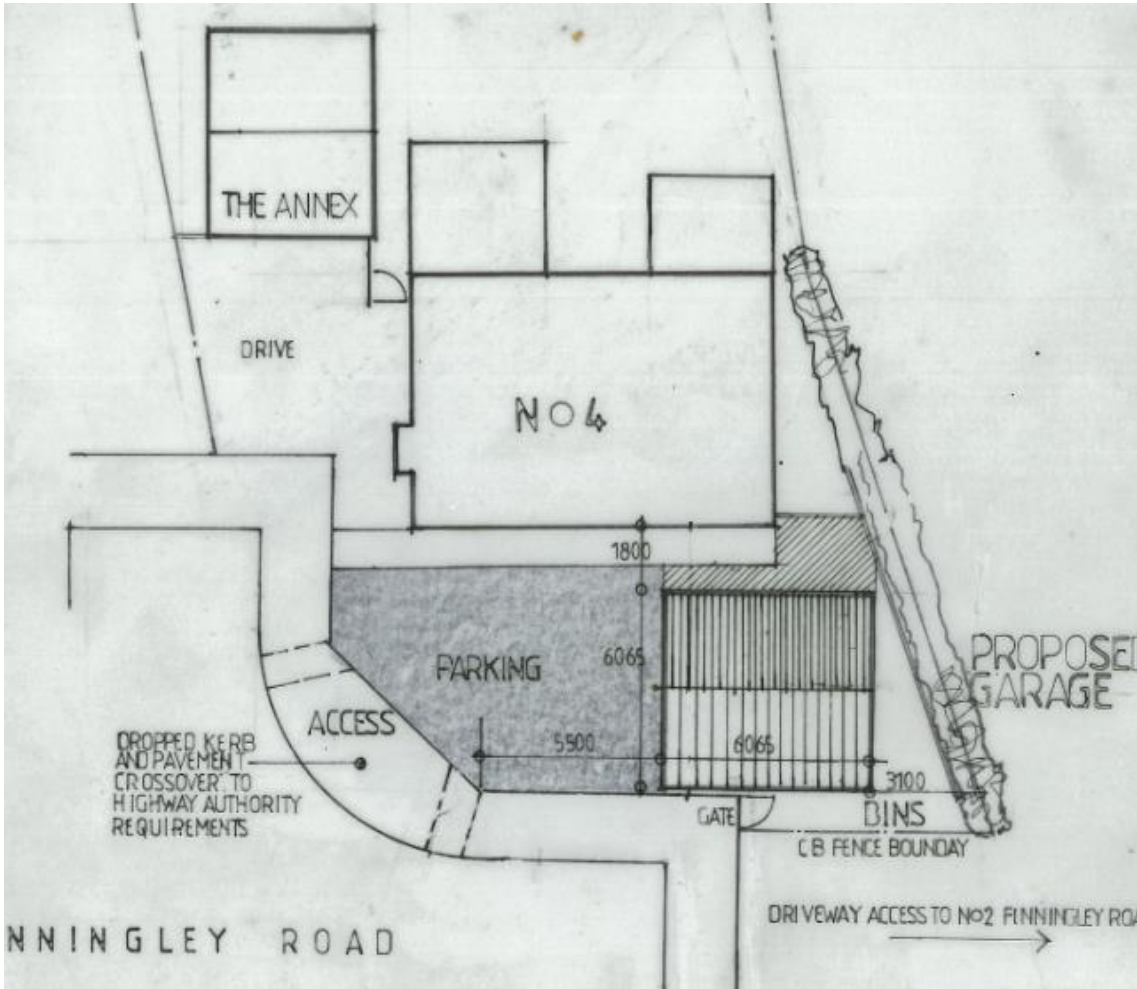
Site Location



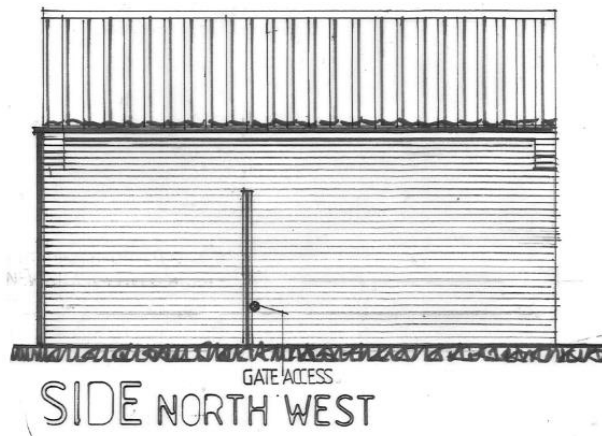
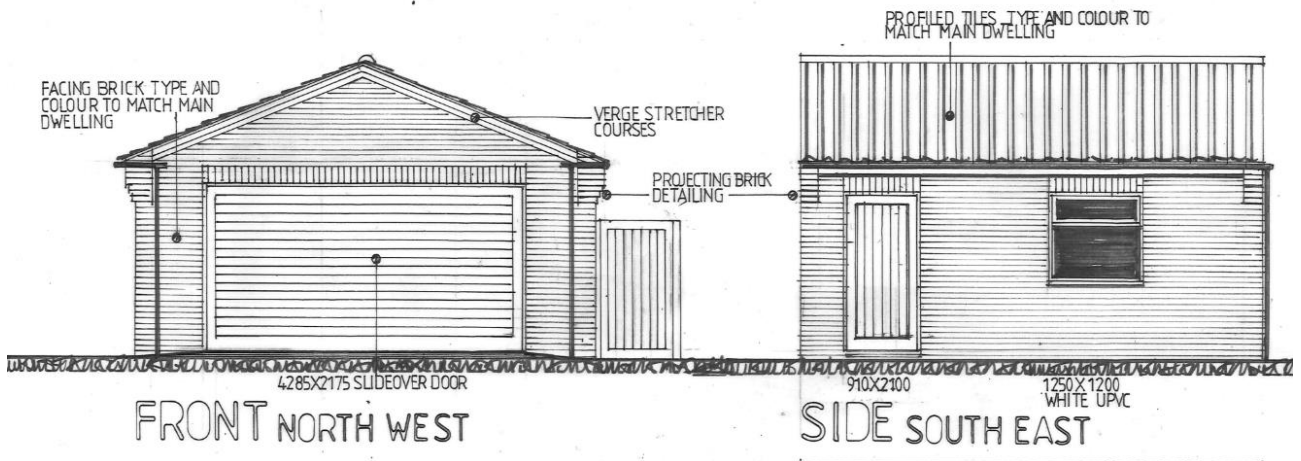
Existing Block Plan



Proposed Block Plan



Proposed Elevations



Site Photos





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Written Representations



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

To: Lincoln City Council Application Ref: 2022/0761/HOU

Proposal: **Erection of a single storey detached garage and installation of 1.8 metre fence to front elevation**

Location: **4 Fimmingley Road, Lincoln, Lincolnshire, LN6 0UP**

With reference to the above application received 28 September 2022

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.

The proposal is for a single detached garage and installation of a 1.8 metre fence to front elevation, there is good visibility from the new proposed access and there is be increased parking at the property. Therefore, the proposals are not seen to have an unacceptable impact on the Public Highway Safety or Severe Impacts on the Road Network.

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

No Objections

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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Case Officer:

Joseph Walden

for Warren Peppard

Head of Development Management

Date: 13 October 2022

Application Number:	2022/0760/HOU
Site Address:	8 Thurlby Crescent, Lincoln, Lincolnshire
Target Date:	23rd November 2022
Agent Name:	Heronswood Design Ltd
Applicant Name:	Mr Andrew Brown
Proposal:	Erection of a single storey side and rear extension

Background - Site Location and Description

The application proposes the erection of a single storey side and rear extension. The application property is 8 Thurlby Crescent a two storey semi-detached property.

The site is located within a well-established residential area.

The site is not located in a conservation area and there are no listed buildings surrounding the site.

The application is brought to Planning Committee as the property is Council owned.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 16th November 2022.

Policies Referred to

- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

To assess the proposal with regard to:

- Planning policy
- Effect on visual amenity
- Effect on residential amenity
- Effect on Highway Safety

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

No responses received.

Consideration

Planning Policy

Policy LP26 'Design and Amenity' is permissive of alterations to existing buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. In relation to both construction and life of the development, 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.

Residential Amenity

No comments have been received as part of the consultation process.

The proposal would sit 3.3 metres from the side, western boundary with 6 Thurlby Crescent, which is defined by an approximately 1.8 metre high close boarded timber fence. The proposal would project 3.3 metres from the rear elevation of the application property. Given the existing boundary treatment, the relatively modest single storey protection and the height of the proposal, officers do not consider that it would appear unduly overbearing or result in an unacceptable degree of loss of light. The facing elevation has a bathroom window within it this by its nature would be obscure glazed and with the existing boundary treatment this would ensure that there were no issues of overlooking or loss of privacy.

The boundary with 10 Thurlby Crescent is defined by an approximately 1.8 metre high timber fence. The extension would be located 1.5 metres from the side eastern boundary. Given the separation distance, modest projection and orientation of the proposal, officers do not consider that the extension would appear unduly overbearing or result in an unacceptable degree of loss of light. The facing elevation has a bedroom window proposed within it however the existing boundary treatment would ensure there are no issues of overlooking or loss of privacy.

To the rear are 7 and 9 Barkston Gardens, the extension would be located at its closest 12.8 metres from the boundary. Given the separation distance and single storey nature of the proposed extension there would be no issues of loss of light or creation of an overbearing structure. Whilst openings are proposed in the facing elevation the approximately 2 metre high would ensure there was no issues of overlooking.

There are no other properties in the vicinity which would be affected by the proposal and officers are therefore satisfied that the development would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy, in accordance with the Central Lincolnshire Local Plan Policy LP26.

Visual Amenity

The extension would measure 4.16 metres deep x 6.17 metres wide with a pitched roof, 3 metres high to the top of the flat roof. The proposed development has been designed to both complement and contrast with the architectural style of the application property. The form of the proposed development complements that of the existing house, but the use of some contemporary design elements such as a flat roof with parapet and render would result in a distinctly modern addition to the property. Officers are satisfied that the scale, design and position of the proposed development is appropriate and proportionate to the host dwelling. It is therefore considered that the proposal would not have a detrimental impact on the visual amenity of the property or the wider area in accordance with the Central Lincolnshire Local Plan Policy LP26.

Highway Safety

Lincolnshire County Council as Highway Authority has assessed the application and has raised no objections to the proposal. Therefore based on this advice it is considered that the proposal would not be detrimental to highway safety or traffic capacity.

Central Lincolnshire Local Plan Review

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

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

No.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposed extension is appropriately designed and would not cause unacceptable harm to the character and appearance of the area nor the amenities of all existing and future occupants of neighbouring properties, 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.

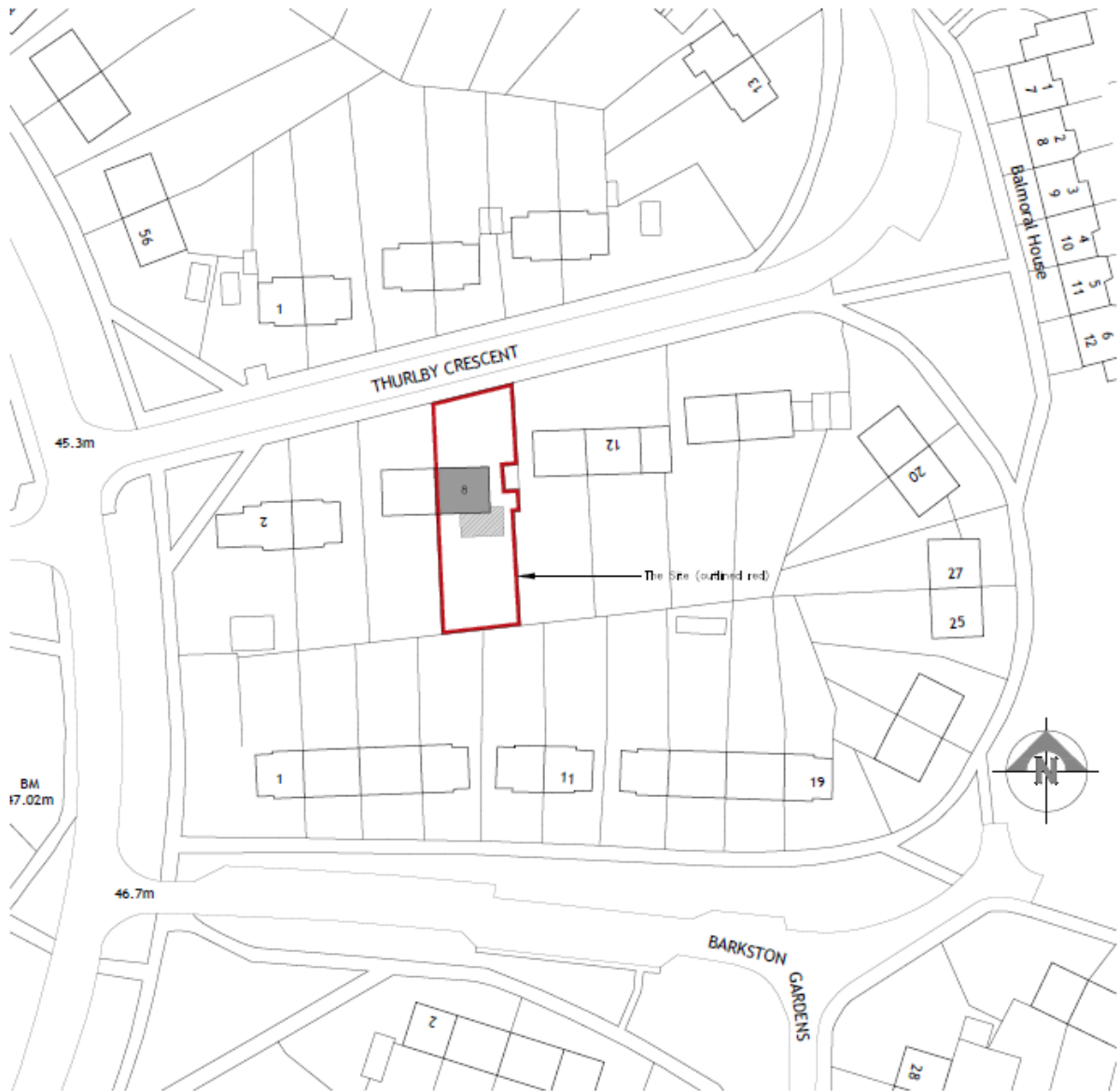
Recommendation

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

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

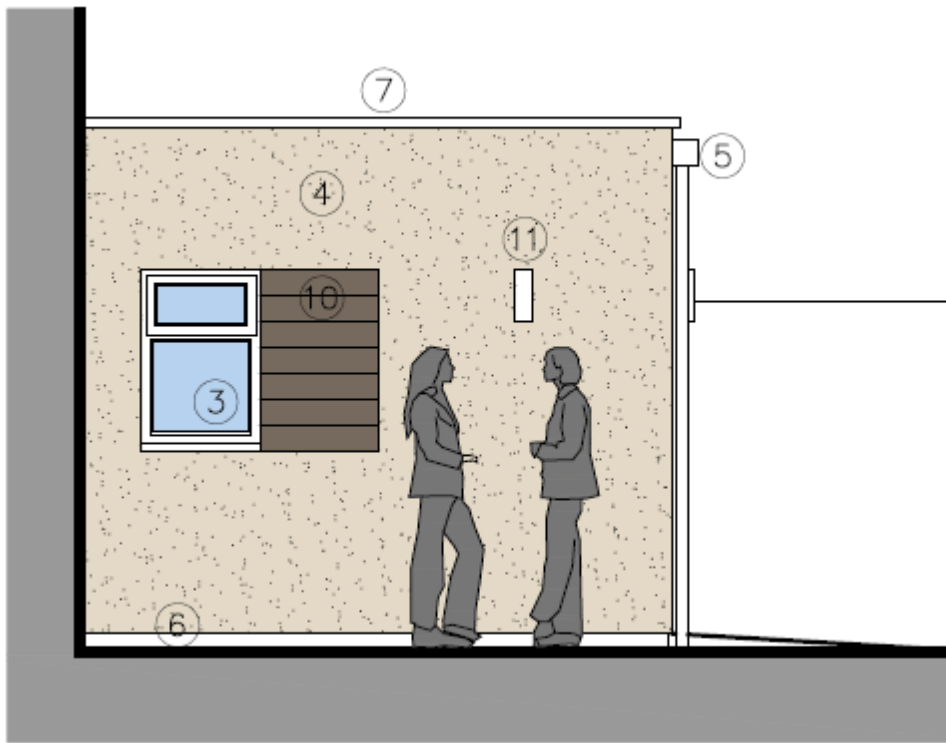
2022/0760/HOU – 8 Thurlby Crescent, Lincoln, LN2 2HU

Plans and Photographs

















2022/0760/HOU – 8 Thurlby Crescent, Lincoln, LN2 2HU

Consultation Responses



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

To: Lincoln City Council

Application Ref: 2022/0760/HOU

Proposal: **Erection of a single storey side and rear extension**

Location: **8 Thurlby Crescent, Lincoln, Lincolnshire, LN2 2HU**

With reference to the above application received 27 September 2022

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.

The proposal is for a single storey side and rear extension to the property, not effecting the current parking and access arrangements. Therefore, the proposals are not seen to have an unacceptable impact on the Public Highway Safety or Severe Impacts on the Road Network.

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

No Objections

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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Case Officer:

Joseph Walden

for Warren Peppard
Head of Development Management

Date: 13 October 2022

Application Number:	2022/0869/RG3
Site Address:	Yarborough Leisure Centre, Riseholme Road, Lincoln
Target Date:	22nd December 2022
Agent Name:	None
Applicant Name:	Mr Simon Walters
Proposal:	Installation of air handling unit and safety hand rail to roof.

Background - Site Location and Description

The proposal involves the installation of an air handling unit to the roof of Yarborough Leisure Centre, in order to provide ventilation to the roof space of the swimming pool. The proposal also includes a handrail around the roof for safe access for future maintenance of the air handling unit.

Yarborough Leisure Centre is located on the west side of Riseholme Road.

The application is to be considered by Planning Committee as the property is owned by the City of Lincoln Council.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 17th November 2022

Policies Referred to

- Policy LP15 Community Facilities
- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

- Accordance with National and Local Planning Policy
- Impact on visual amenity
- Impact on amenity of neighbouring uses
- Highway safety, access and parking

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

No responses received.

Consideration

Planning Policy

Policy LP15- 'Community Facilities' states that all development proposals should recognise that community facilities such as leisure facilities, libraries, public houses, places of worship and community halls, or any registered asset of community value, are an integral component in achieving and maintaining sustainable, well integrated and inclusive development.

Policy LP26 'Design and Amenity' is permissive of alterations to existing buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. In relation to both construction and life of the development, 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.

Impact on Visual Amenity

The air handling unit on the roof would measure 2.8 metres long by 2.1 metres wide and 0.8 metres high. The building itself is set back from Riseholme Road by approximately 100 metres. There are other units and ducting positioned on the roof which is expected given the use of the building as a swimming pool. Given the building's height and its set back from Riseholme Road, it is not considered that the proposed unit and associated handrails to the roof would appear unduly prominent when viewed from the wider area.

Impact on the Amenity of Neighbouring Uses

The properties on Anzio Crescent are the closest to the leisure centre with No. 54 being approximately 15 metres from the proposed unit. Based on the information submitted with the application, the City Council's Pollution Control Officer does not consider, given the separation distance and position on the roof, that the unit would cause an undue impact in terms of noise to adjacent properties. It is therefore considered the proposal would not be unduly harmful to neighbouring properties in accordance with Policy LP26 of the CLLP.

Highway Safety & Parking

The Highways Department at Lincolnshire County Council have been consulted on the proposals and have confirmed to have no objections to the alterations on the grounds of highway safety, access and parking.

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

No.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The scheme proposes improvements to the leisure facility which will help secure its longevity. The proposals would not have a detrimental impact on visual or residential amenity and would be in accordance with LP15 and LP26 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

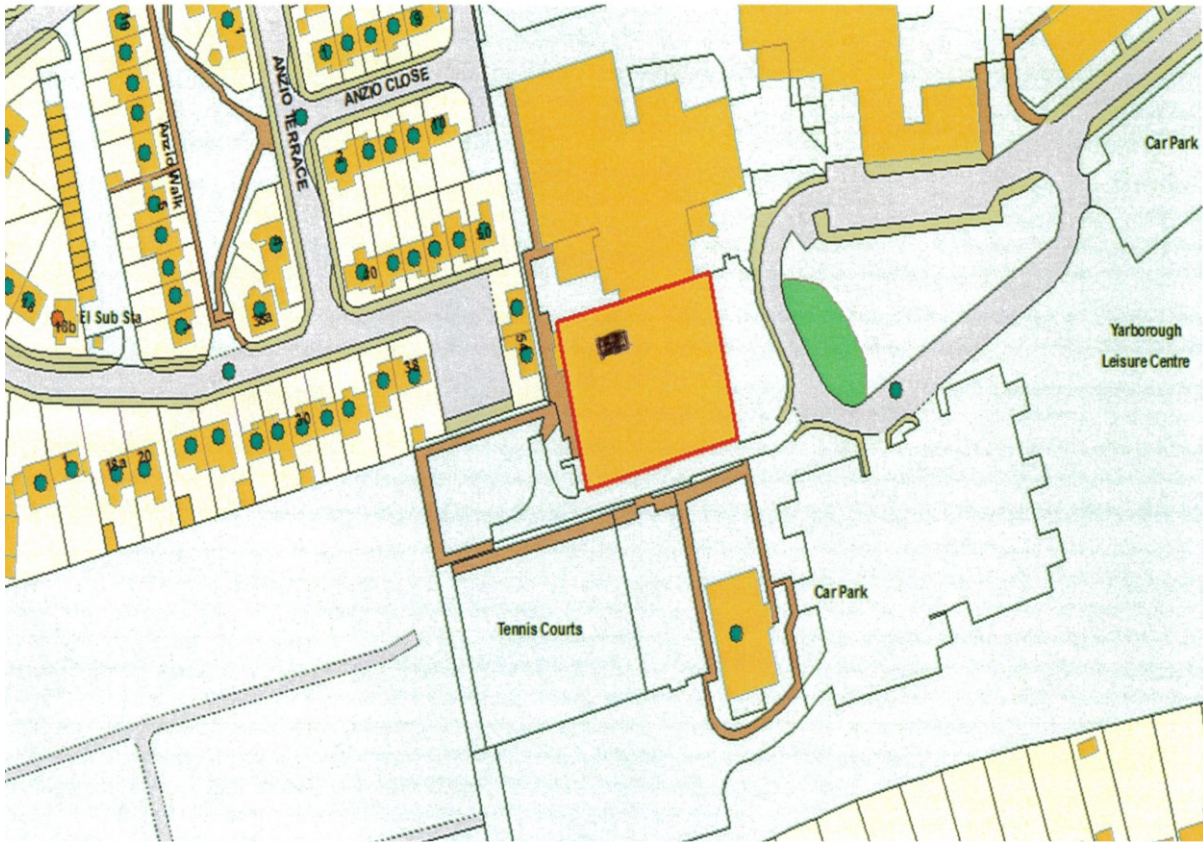
Standard Conditions

- Commencement within 3 years
- To be in accordance with the submitted drawings

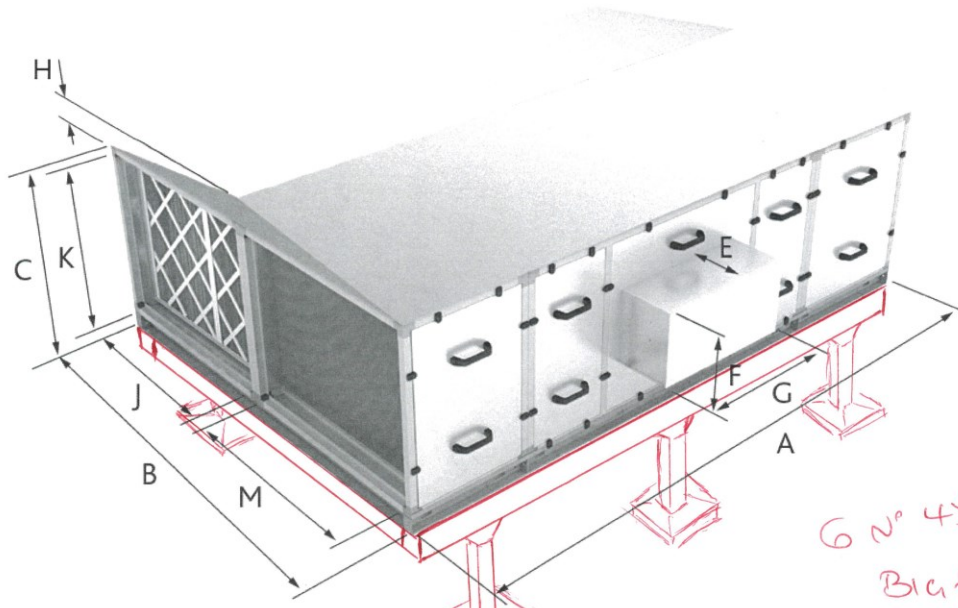
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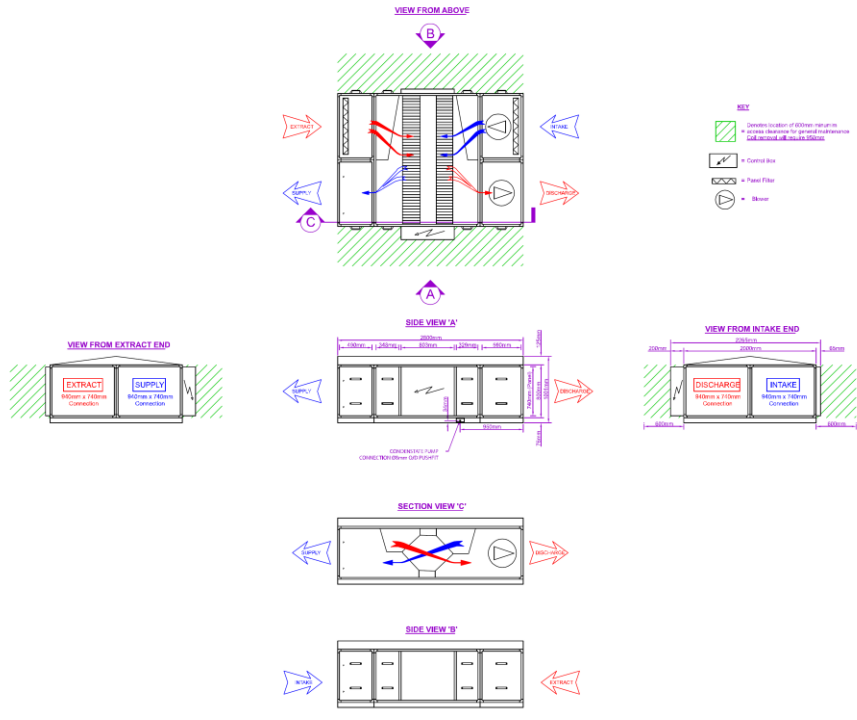


Location of air handing unit on the roof



6 N° 450 x 450
BIG FEET

A	B	C	E	F	G	H	J	K
2800	2000	876	200	737	800	125	940	740
M	kg							
940	720.0							
Length:	Width:	Height:						
2800	2126	876						





Highways & Planning

Comment Date: Fri 11 Nov 2022

No Objections.

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Application Number:	2022/0647/OUT
Site Address:	Land At 40 Nightingale Crescent, Lincoln, Lincolnshire
Target Date:	2nd December 2022
Agent Name:	Rob Bradley Building Design Ltd
Applicant Name:	Mr R Bushell
Proposal:	Erection of 2 dwellings (Outline including details of access).

Background - Site Location and Description

Planning Permission is sought for Outline permission for the principle of residential development for up to 2 dwellings on a parcel of land on Nightingale Crescent. The site is currently occupied by a large detached double garage within the ownership of 40 Nightingale Crescent.

Number 40 lies on the south side of the highway between its junctions with Kingfisher Close and Redwing Close.

Nightingale Crescent is a long looping residential road with a number of cul-de-sacs off it.

The application is brought before Planning Committee as the applicant is a City Councillor.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 11th October 2022.

Policies Referred to

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP2 The Spatial Strategy and Settlement Hierarchy
- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

- Planning policy
- Principle of the development
- Visual amenity and design
- Residential amenity and Impact on neighbours
- Technical matters

Consultations

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

Comments have been received as part of the consultation process. They can be viewed in full online or at the end of this report.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received
Lincolnshire Police	Comments Received
Tracey Footsoy	Comments Received

Public Consultation Responses

Name	Address
A Harris	5 Kingfisher Close Lincoln Lincolnshire LN6 0JW
Mr John Young	42 Nightingale Crescent Lincolnshire Lincoln LN6 0JR

Consideration

Planning Policy

Central Lincolnshire Local Plan (CLLP), Policy LP2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire, including housing. CLLP Policy LP1 states that there should be a presumption in favour of sustainable development and planning applications that accord with the policies in the local plan will be approved without delay. This presumption in favour of sustainable development reflects the key aim of the National Planning Policy Framework (NPPF).

Policy LP26 - Design and Amenity of the Central Lincolnshire Local Plan is relevant and is permissive of alterations to existing buildings provided the siting, height, scale, massing and form relate well to the site and surroundings, and duly reflect or improve on the original architectural style of the local surroundings; and use appropriate high-quality materials, which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability. The policy 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.

Principle of the Development

The application site comprises an end-of-terrace-type two-storey townhouse much as dwellings around it but with an untypically large area of garden land to the east side, as part of which a detached double garage sits.

This application is seeking outline planning permission with access considered, all other are matters reserved for subsequent consideration. As a result, the plans and drawings submitted in support of the application are all for indicative purposes only, with detailed matters relating to appearance, landscaping, layout, and scale to be established at the reserved matters stage. The plans submitted with the application demonstrate how 2 no. semi-detached dwellings could be accommodated on the site. This is not a final layout, and the application only seeks the principle of developing the site for up to 2 dwellings.

Visual Amenity and Design

The design and layout of the proposed development would be the subject of a Reserved Matters application should Outline consent be granted. However indicative drawings submitted with the application show that a form of development, similar to adjacent properties, could be accommodated on the site. Two storey dwellings would be appropriate in this location and would accord with Local Plan Policy LP26.

Residential Amenity and Impact on Neighbours

Given the proposed development would be in an established residential area, the principle of developing the site would be acceptable and in accordance with Local Plan Policy. When looking at the Reserved Matters application in the future the applicants would need to consider how the properties are positioned on the site, and designed externally, to ensure that any impacts on existing neighbours are minimised. It is considered that the relationship with neighbouring properties and interface distances on this site is similar to the existing dwellings and is not uncommon in urban areas such as this.

Letters of representation have been received from 42 Nightingale Crescent and 5 Kingfisher Close.

The concerns relate to:

- Overlooking
- Impact on trees and hedges
- Difficulty for access of emergency services
- Noise and disturbance during construction
- Overhead cables requiring diversion
- Materials
- Boundary treatments
- Highway Safety
- Drainage

As previously stated, the application is only in outline with no detailed design or landscaping proposals for the site. At Reserved Matters stage the applicants and planning authority would be able to work together to find a design which would limit impact on neighbours. The applicants could also enter into discussions with neighbours to find a suitable boundary treatment.

Given the proximity of the site to neighbouring properties, there is potential for the impacts of construction to disturb residents. As such, officers agree with the Council's Pollution Control Officer that it would be appropriate to ensure that adequate control measures are put in place over working hours and practices.

Highways

The size of the plot shows that each of the proposed dwellings would benefit from adequate dedicated off-street parking provision. Therefore, it would be reasonable to include a condition that the Reserved Matters application would include 1 off street parking space per dwelling as a minimum.

The Highways Authority have raised no objections to the proposed development but have commented that the gully located within the vehicle access and the telegraph pole may need relocating. These will be at the applicant's expense and will need to be agreed by the Highways Authority and appropriate statutory bodies. It is not considered the proposal would be harmful to highway safety, matters of access are therefore considered acceptable.

Technical Matters

The application is not supported by a Drainage Strategy but the application suggests that the proposals would connect into existing foul and surface water drains present in the locality. It is considered that the final details of the surface water and foul water drainage schemes for the site could be secured by condition.

The requirements for electric vehicle charging points would be dealt with through building regulations.

Due to the past uses on the site a former RAF base there is potential for contamination to be present it is therefore recommended a condition relating to unsuspected contamination is placed on an approval should members be minded to approve.

Central Lincolnshire Local Plan Review

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies within the submitted "Reg 19" Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given).

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

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The principle of developing this site for residential development would be acceptable. The detailed design and technical matters would be considered at Reserved Matters stage, however sufficient information has been submitted at Outline to demonstrate that the site is capable of being developed. The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2 and LP26 as well as guidance within the National Planning Policy Framework.

Application Determined within Target Date

Yes.

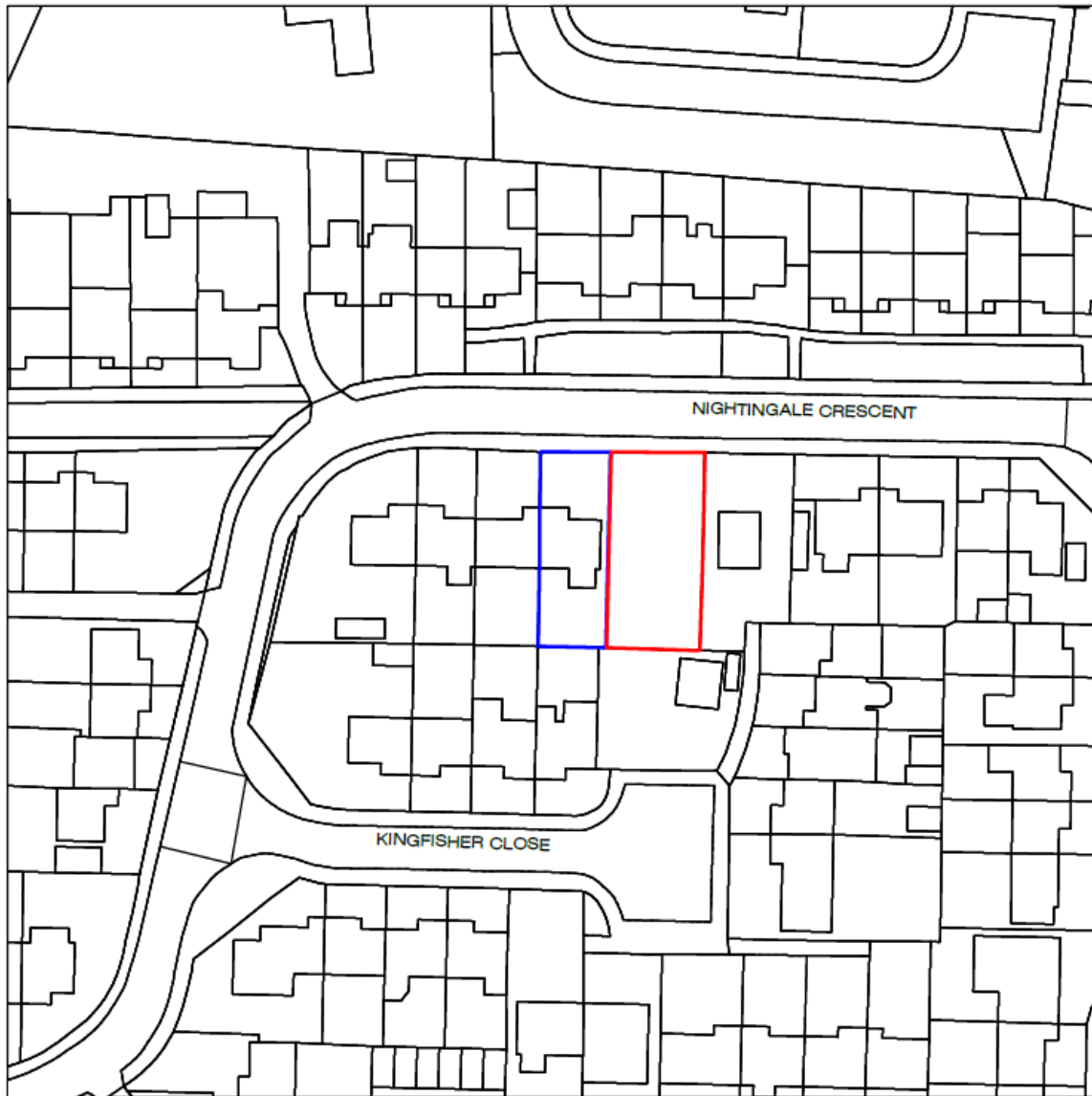
Recommendation

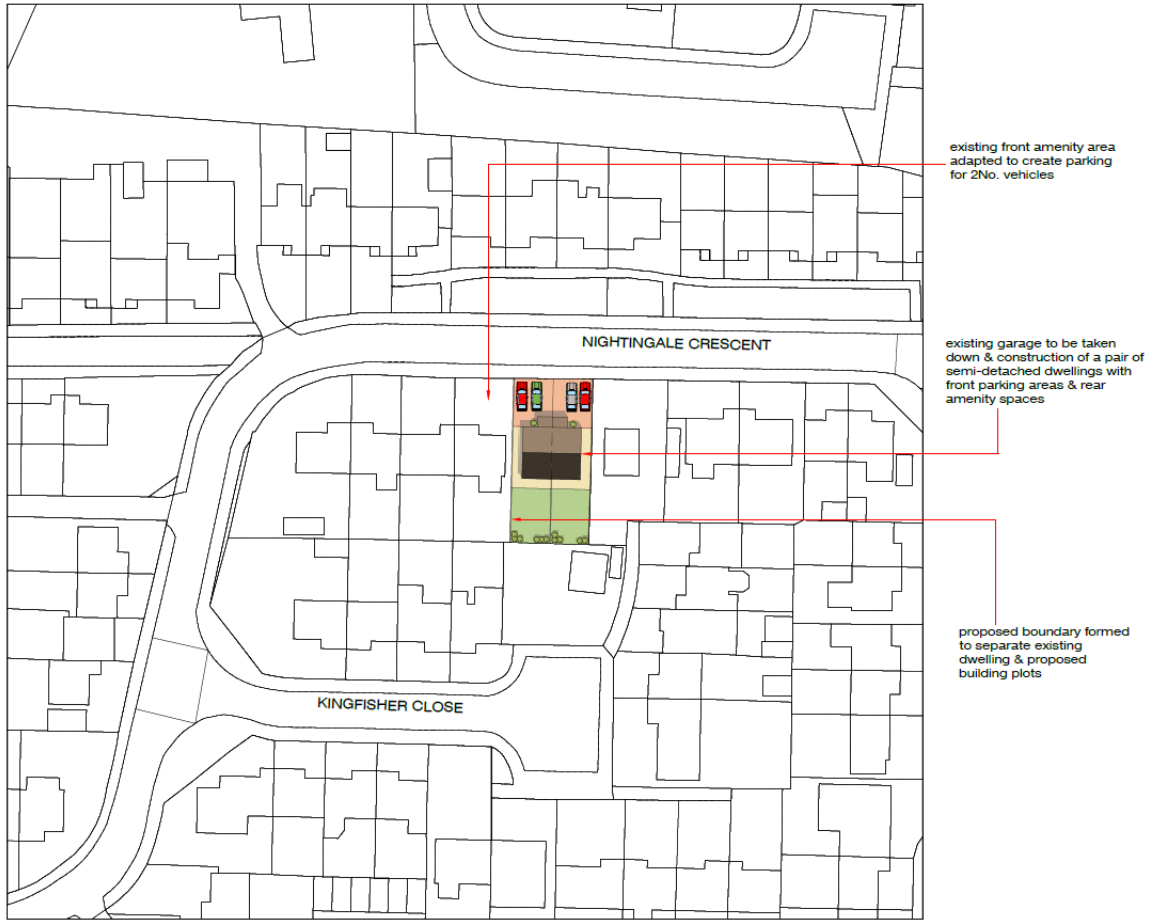
That the application is Granted Conditionally

- Development carried out within 3 years or within 2 years of approval of last reserved matter
- Reserved matters to be submitted within 3 years
- Reserved matters to be submitted; layout, scale, external appearance, landscaping
- Details of drainage
- Hours of construction 8 am to 6pm Monday to Friday 08:00 to 13:00 on Saturdays
- Reporting of unexpected contamination
- One off road parking space per dwelling

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2022/0647/OUT – Plans and Photographs











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2022/0647/OUT – Land At 40 Nightingale Crescent, Lincoln, LN6 0JR

Consultation Responses

Customer Details

Name: Not Available

Address: 5 Kingfisher Close Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application for the following reasons:

1. The houses on the proposed site will be overlooking my front garden, the front of my house including the front door, front room window and the windows of two upstairs bedrooms. Therefore I will have less privacy and light.
2. I disagree with the comments made in the section 'Trees and Hedges'. To the questions, are there trees and hedges on the proposed site or the land adjacent, the answers given are 'No'. Clearly there is an abundance of trees and plants on the land of both the proposed site and at No.42 Nightingale Crescent. So much so, that it is difficult to see for looking the boundary between No's 40 and 42. Currently there is a lot of access to the back gardens/land at both of these sites, and yet the trees and bushes and gardens are not tidied up. These are very unkempt areas. I have already written to the number at 42 Nightingale Crescent because I am concerned about very tall trees and the risk to my house if there is a wind storm or such. I also asked for them to remove the ivy from the gable wall of my house that I don't have access to. The response in July was such that they needed more time and were waiting for bird nesting season to be over before disturbing the trees, so I am patiently waiting for that. The ivy was killed at the root but not removed. If the trees from that garden couldn't be removed while there is enough access for the owners of those houses, then how much more so will it be unkempt when there is restricted access.
3. I am concerned that the area around my house is becoming more crowded, and that access to my house e.g. for emergency services is becoming more difficult. I think the council should be involved in helping to improve this area for access for emergency services, and that more houses adjacent to my house will not help to improve access. The only access in and out of my house is currently a narrow walkway which I share with 2 other houses on Kingfisher close. If there would be a fire in the the houses of the proposed site, or at the existing no. 40 Nightingale crescent, or at 42 Nightingale crescent, or No 6 Kingfisher close, for example, I am concerned that there is too restricted access for fire brigade or other emergency services to my house, or no alternative escape path from my house. I think this should be improved with the council's help and 2 more houses adjacent to my front garden will not help. For example, once there was a controlled fire in the garden of No 40 Nightingale crescent. The flames were rising high and there are a lot of trees and bushes around. I went to speak with them, and they knew about the fire. After I left I noticed they took measures to calm down the fire and nothing bad happened. But if I hadn't noticed, and that fire had gone out of control, I would have a fire adjacent to my front garden and the associated pollution to deal with. If I needed to escape, it would have to be via the narrow walkway at the front of the house, close to where the fire was. I am concerned about this and I think the council should help to improve access to no's 5, 6 and 7 Kingfisher Close.

4. For the duration of building there would be significant noise and disturbance in the area

Customer Details

Name: Not Available

Address: 42 Nightingale Crescent Lincolnshire Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have no objections to this outline application, in principle, at this time and I support the application.

I would, however, like to make brief comments about aspects that could be of specific interest once more detailed proposals come to light. I crave your indulgence for my first reactions at this early stage, prior to detailed designs, and thank you in anticipation of your consideration – if warranted.

Pertaining to "Appearance":

1. Diversion of overhead telephone lines and use of additional telegraph poles - if needed.
2. House appearances (selection of materials used etc).
3. Treatment of existing fences and provision of new - if any.
4. Treatment of existing, weak neighbouring driveway surface that will be retained.

Pertaining to "Highway safety":

5. Retention of existing dropped kerb accesses. and finally Pertaining to "Design":
6. Effectiveness of soakaways in existing ground conditions

I am sure that your processes will address such issues, in due course, for satisfactorily engineered solutions.

To: Lincoln City Council

Application Ref: 2022/0647/OUT

Proposal: **Erection of 2 dwellings (Outline including details of access)**

Location: **Land At 40 Nightingale Crescent, Lincoln, LN6 0JR**

With reference to the above application received 16 August 2022

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)

This application is outline with access to be considered, layout has not been considered, please make the applicant aware of the requirements for parking, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

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

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

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These

works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

Highway Informative 08

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

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.

Note to Officer

The gully located within the vehicle access may need to be relocated and can be agreed at the S184 application.

The telegraph pole will need to be relocated at the applicants expense.

Case Officer:

Laura Rowett

for Warren Peppard

Head of Development Management

Date: 8 September 2022

**CITY OF LINCOLN COUNCIL
DIRECTORATE OF DEVELOPMENT & ENVIRONMENTAL
SERVICE**

M E M O R A N D U M

To: Development Team Development Control	From: Ian Wicks, Pollution Control Officer
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Planning Ref: 2022/0647/OUT

Date: 22 September 2022

Erection of 2 dwellings (Outline including details of access) on land at 40 Nightingale Crescent, Lincoln

Further to your consultation on the above application, I would make the following comments:

Contaminated Land

I would advise that due to past uses on the site (former RAF base) there is the potential for contamination to be present. As such, I recommend that the following condition be attached to any consent granted, to ensure that any unsuspected ground contamination is adequately dealt with:

▪ **Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval, in writing, of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval of the Local Planning Authority.

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

Air Quality and Sustainable Transport

Whilst it is acknowledged that the proposed development, when considered in isolation, is unlikely to have any significant impact on air quality, the numerous minor and medium scale developments within the city will have a significant cumulative impact if reasonable mitigation measures are not adopted.

The NPPF seeks to promote and enable sustainable transport choices and, in doing so, aims to protect and enhance air quality. Paragraph 112 of the revised NPPF states "...applications for development...should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations"

It is noted that this proposed development will include off street parking and, therefore, it is recommended that the applicant be required to incorporate appropriate electric vehicle recharge facilities into the development in line with the recommendations of paragraph 112 of the NPPF.

If deemed necessary to secure the installation of the recharging facilities, it is recommended that the following condition be attached to the planning consent:

- *Prior to the commencement of the development, details of a scheme for the provision of electric vehicle recharge points at a minimum rate of one per dwelling shall be submitted to the planning authority for approval. The approved scheme shall be implemented prior to the occupation of the development and shall be maintained thereafter.*

Construction/Demolition Impacts

Although this is a relatively small development, due to the close proximity to neighbouring sensitive uses, there is potential for significant problems due to noise from the construction phase of the development, particularly during the noise sensitive hours. It is therefore recommended that the following item be included as a consent condition, if permission is granted:

- *The construction of the development hereby permitted shall only be undertaken between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms; and*

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

Regards

Ian Wicks
Pollution Control Officer
(Ext 3794)