

PLANNING COMMITTEE

**Wednesday, 25 January
2023**

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, Edmund Strengiel and Calum Watt
- 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 - 30 November 2022	5 - 20
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.	
2a. Update Sheet	To be tabled

3. Work to Trees in City Council Ownership	21 - 26
4. Applications for Development	
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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 Debbie Armiger, Councillor Biff Bean,
Councillor Chris Burke, Councillor Gary Hewson,
Councillor Rebecca Longbottom, Councillor Bill Mara,
Councillor Mark Storer, Councillor Alan Briggs and
Councillor Calum Watt

Apologies for Absence: Councillor Bob Bushell, Councillor Liz Bushell and
Councillor Edmund Strengiel

42. Confirmation of Minutes - 5 October 2022

RESOLVED that the minutes of the meeting held on 5 October 2022 be confirmed and signed by the Chair as a true record.

43. Declarations of Interest

Councillor Biff Bean declared a Personal and Pecuniary Interest with regard to the agenda item titled '4 Finningley Road, Lincoln'. Reason: He knew the owner of the application property.

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

Councillor Biff Bean declared a Personal and Pecuniary Interest with regard to the agenda item titled '40 Nightingale Crescent, Lincoln'. Reason: He knew the applicant for the Planning application as a fellow Councillor and Chair of Planning Committee.

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

Councillor Calum Watt declared a Personal and Pecuniary Interest with regard to the agenda item titled '40 Nightingale Crescent, Lincoln'. Reason: He knew the applicant for the Planning application as a fellow Councillor.

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

Councillor Chris Burke declared a Personal and Pecuniary Interest with regard to the agenda item titled '40 Nightingale Crescent, Lincoln'. Reason: He knew the applicant for the Planning application as a fellow Councillor.

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

Councillor Debbie Armiger declared a Personal and Pecuniary Interest with regard to the agenda item titled '40 Nightingale Crescent, Lincoln'. Reason: She knew the applicant for the Planning application as a fellow Councillor.

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

Councillor Gary Hewson declared a Declaration of Predetermination with regard to the agenda item titled '8 Thurlby Crescent, Lincoln'. Reason: He sat on the Housing Appeals Panel at which an appeal against a housing decision for aids and adaptations at the application property had been heard.

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

Councillor Gary Hewson declared a Personal and Pecuniary Interest with regard to the agenda item titled '40 Nightingale Crescent, Lincoln'. Reason: He knew the applicant for the Planning application as a fellow Councillor.

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

Councillor Mark Storer declared a Declaration of Predetermination with regard to the agenda item titled '5 Drury Lane, Lincoln'. Reason: He had already pre-determined his view on the planning application before Committee this evening.

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

Councillor Naomi Tweddle declared a Personal and Pecuniary Interest with regard to the agenda item titled '45b Mildmay Street, Lincoln'. Reason: She knew one of the objectors to the planning application.

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

Councillor Naomi Tweddle declared a Personal and Pecuniary Interest with regard to the agenda item titled '40 Nightingale Crescent, Lincoln'. Reason: She knew the applicant for the Planning application as a fellow Councillor.

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

Councillor Rebecca Longbottom declared a Personal and Pecuniary Interest with regard to the agenda item titled '40 Nightingale Crescent, Lincoln'. Reason: She knew the applicant for the Planning application as a fellow Councillor.

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

44. 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.

Clarification was requested as to the type of replacement trees to be used if a 'like for like' species was not considered to be appropriate?

Dave Walker, Arboricultural Officer advised that he would always plant 'like for like' whenever possible unless there was a problem of disease with the species concerned. Native species were also better for biodiversity. He would also look at exotic species if there were no other suitable options available.

Councillor Longbottom thanked the Arboricultural Officer for the attention to detail within his regular reports as to the type of trees to be replanted at specified locations, which was most helpful.

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

45. Confirmation of Tree Preservation Order No 173

Dave Walker, Arboricultural Officer:

- a. advised members of the reasons why a temporary tree preservation order made by the Assistant Director for Planning under delegated powers should be confirmed at the following site:
 - Tree Preservation Order 173: 2no Prunus Avium (Wild Cherry), 14no Acer Pseudoplatanus (Sycamore) and 3no Fraxinus Excelsior (Ash) trees in an area of open green space at Albion Crescent, Lincoln
- b. provided details of the individual trees to be covered by the order and the contribution they made to the area
- c. reported that the making of any Tree Preservation Order was likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees, however, this was contained within existing staffing resources
- d. reported that the initial 6 months of protection for these trees would come to an end for the Tree Preservation Order on 27 December 2022
- e. confirmed that the reason for making a Tree Preservation Order on this site was as a result of a request from local residents who wanted to ensure no loss of trees from any future development on the site
- f. reported that as Arboricultural Officer he carried out a site visit at which he identified the trees to be suitable for protection under a Tree Preservation Order, having significant amenity value, forming a prominent feature of the area, and that their removal would have an effect on the aesthetic appearance of the area
- g. advised that a one month consultation period had been undertaken, 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 had been received to the order
- h. advised that confirmation of the Tree Preservation Order here would ensure that the tree could not be removed or worked on without the express permission of the council which would be considered detrimental to visual amenity and as such the protection of the tree would contribute to one of the Councils priorities of enhancing our remarkable place.

RESOLVED that Tree Preservation Order No 173 be confirmed without modification and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

46. Applications for Development
47. 45b Mildmay Street, Lincoln

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

It was proposed, seconded, and:

RESOLVED that Councillor Chris Burke be appointed as replacement Chair for this item.

The Planning Team Leader:

- a) advised that planning permission was sought for the erection of a single rear extension at 45b Mildmay Street, the property being part of a large, terraced building converted to 3 dwellings in the early 2000's
- b) described the location of the site within a well-established residential area, it was not in a conservation area and had no listed buildings close by
- c) reported that prior to the submission of the application, the site was subject to extensive negotiations with the agent securing revisions to the proposal to overcome some of the concerns raised by neighbours, resulting in revised plans being submitted, and a re-consultation process carried out
- d) provided details of the policies pertaining to the application, as follows:
 - Policy LP26:Design and Amenity
 - National Planning Policy
- e) advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Planning Policy
 - Effect on Visual Amenity
 - Effect on Residential Amenity
 - Effect on Highway Safety
- f) outlined the responses made to the consultation exercise
- g) referred to the Update sheet which contained additional consultation responses received in respect of the proposed application for development, together with an additional recommended condition subject to planning permission being granted to require the applicant to carry out re-rendering works to the rear elevation of the existing property (as shown on the proposed plans) prior to occupation of the proposed extension
- h) concluded that the proposed extension was 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.

Mark Lloyd, local resident, addressed Planning Committee in objection to the proposed development, covering the following main concerns:

- Over development of the site being in close proximity to surrounding buildings.
- Height/scale/massing.
- Although the proposal was one storey in height, there was the potential once the footprint was established for addition of a second storey.
- Negative impact on amenity.
- Failure to meet housing needs.
- Overlooking/outlook discounted by proposed roof of extension.
- Shared access - issues of anti-social behaviour/fear of crime and disorder.
- Loss of light.
- Loss of privacy for neighbouring properties.
- Loss of light to garden.
- Overbearing/overshadowing.
- Reasonable expectations of loss of view.
- Effect on health/well-being.
- Bin storage taking up lack of outdoor space.
- Outdoor space should be maintained.
- Ugly discoloured rendering.
- Noise and disturbance during construction.
- Loss of quality and character of townscape area.
- Expectation of consistency in planning applications.

Councillor Donald Nannestad addressed Planning Committee as Ward Advocate on behalf of local residents, covering the following main points:

- Local residents had explained their issues in detail.
- Local Planning Policy was permissive of alterations to existing buildings providing they related well to the site and surroundings.
- The alterations to 45b Mildmay Street would make it out of symmetry with the neighbouring properties.
- Issues of overlooking, overshadowing and loss of light.
- This problem was particularly apparent to the rear of No 43 as it didn't get a great deal of light in any case.
- The proposals would have an adverse effect on the health of neighbouring residents.
- Issues with narrow footpath.
- Access issues to the passageway running behind the houses.
- It was very difficult for pedestrians to negotiate a way around parked vehicles at peak school hours.
- Comments made in relation to lack of compliance with Policy LP26: Design and Amenity.
- This was an area where there had been issues connected to traffic congestion and anti-social behaviour at the rear of the passageway entrance.
- There was already a small storage area for six wheelie bins to serve three existing flats.

Patrick Douse addressed Planning Committee on behalf of the Applicant in support of the planning application, covering the following main points:

- The application property had been purchased 18 months previously by his client.
- It had not undergone any investment for a number of years.
- 45 and 45a Mildmay Street had since undergone internal renovation and had been re-let.
- The outside space at 45B was not utilised due to lack of security and currently lacked a lounge, kitchen and dining room area.
- The intention was for the inside space to be increased taking advantage the previous unused outdoor space.
- The proposals represented a simple extension to enhance the area.
- The extension would match with the existing building.
- The view from Olive Street would not be affected.
- Another property in the street had a large double-storey extension which took away the yard, whereas this build was only a single storey.
- The property at 45B would be newly rendered and visual impact improved at the rear.
- The design had been carefully chosen/set back to avoid overshadowing
- Noise/disturbance would be kept to a minimum during construction hours.

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

The following comments were received from members:

- The property had been split into three flats for some time. The owner was aiming to improve the amenity of the present tenants.
- The Highways Authority had not raised any concerns.
- This was a single storey extension only.
- The applicant had responded to concerns expressed by neighbours in relation to security with the inclusion of dusk to dawn lights on the end of the extension.
- In terms of Policy LP26 and the proposed extension relating well to the site and surroundings, it would be a shame if it resulted in the view over the back of the buildings being obscured as the view was an interesting part of the existing townscape.
- Security to the back of the street would be affected.
- The passageway had been in existence for a long time.

The following questions were received from members:

- Where would space for six wheelie bins to serve three flats be accommodated?
- Was it possible for a condition to be imposed on grant of planning permission requiring an area to be provided capable of accommodating a minimum of 6 storage bins on site?
- Was the extension to be fully cladded or did it contain some brickwork detail?
- The passageway had been in existence for a long time. Was it possible for additional lighting to be erected in that area to make the locals feel less vulnerable to anti-social behaviour?

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

- There was agreed storage included within the plans for 4 wheelie bins, however, it was possible should members be so minded to impose a condition to require provision of a storage facility sufficient to enclose six bins.
- In terms of rendering, the elevation would be of brick to match the existing end gable, then the rear existing rendered wall would be painted to match.
- He did not anticipate there would be additional anti-social behaviour to that already in existence as a result of the proposed extension.

A motion was moved, seconded, voted on and carried that provision of a storage facility for six wheelie bins be provided on site.

The proposed condition included within the update sheet to require the applicant to carry out re-rendering works to the rear elevation of the existing property (as shown on the proposed plans) prior to occupation of the proposed extension was also supported by members.

RESOLVED that planning permission be granted subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Implementation of bin storage for six bins.
- Applicant to carry out re-rendering works to the rear elevation of the existing property (as shown on the proposed plans) prior to occupation of the proposed extension.

48. 5 Drury Lane, Lincoln

(Councillor Tweddle returned to the meeting and re-took her seat as Chair).

(Councillor Chris Burke re-took his seat as a member of Planning Committee)

(Councillor Longbottom sat in the public gallery during the consideration of this item, having chosen to speak as Ward Advocate representing local residents, losing her right to sit as a member of Planning Committee. She took no part in the discussion or vote on the matter to be determined.)

(Councillor Mark Storer left the room during the discussion of this item having declared a predetermination in respect of the planning application. He took no part in the discussion or vote on the matter to be determined.)

The Assistant Director of Planning:

- a) advised that planning permission was sought for change of use of 5 Drury Lane from an art gallery (Use Class F1) to a dental practice (Use Class E), proposing external alterations to the existing shopfront, the installation of a window to the west elevation, replacement of existing air-conditioning units and an extraction system and solar panels to the roof

- b) described the application premises as follows:

- 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 incorporated a simple timber shopfront sat on the west side of Drury Lane almost opposite the junction with Wordsworth Street.
 - The side, north elevation of the premises was adjoined to 4 Drury Lane, a two-storey end dwelling.
 - The application premises extended west into the site and also abutted 'Dough Loco' to the north.
 - The side, south elevation of the premises abutted the rear elevations of a terrace of residential properties including 6, 7, 8, 9 and 10 Drury Lane.
 - A yard shared by the adjacent properties, including 11 Drury Lane, was located to the rear, west of the site.
 - The premises was not listed although it was located within the Cathedral and City Centre Conservation Area and within proximity of the ramparts of Lincoln Castle, a grade I listed building and Scheduled Monument.
- c) confirmed that the premises were currently vacant, having most recently being occupied as the Sam Scorer Gallery since the late 1990s; the current floor plan was very open and stud walls would be erected to subdivide the premises to create consulting rooms
- d) reported that the application had 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, and the properties adjoining the yard had been re-consulted to invite comments in relation to the window
- e) provided details of the policies pertaining to the application, as follows:
- Policy LP1 A Presumption in Favour of Sustainable Development
 - Policy LP2 The Spatial Strategy and Settlement Hierarchy
 - Policy LP9 Health and Wellbeing
 - Policy 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
- f) advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- Policy Context and Principle of Use
 - Visual Amenity and Character and Appearance of the Conservation Area
 - Residential Amenity and Noise
 - Parking and Highways
- g) outlined the responses made to the consultation exercise

h) referred to the Update sheet which contained additional consultation responses received in respect of the proposed application for development, including a response from Historic England

i) concluded that:

- The principle of the proposed, community use of this vacant commercial premises in this location was considered to be acceptable.
- The proposed alterations to the shopfront were 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 was 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 would also be controlled by condition so there was no impact on the privacy of the users of the adjoining yard.
- The location of the premises would enable the proposed use to be accessed by sustainable transport modes and there were 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.

Colin Dudman, local resident, addressed Planning Committee in objection to the proposed development, covering the following main concerns:

- The building was best known as The Sam Scorer Gallery, a self-run art gallery.
- It was to be replaced by a dentist surgery.
- The importance of the existing art gallery should be recognised.
- It provided creative vibrancy and diversity.
- It allowed local artists to exhibit their work under the umbrella of the Arts Trust.
- The previous owners of Sam Scorer Gallery had not got legal security for future use of the building.
- He hoped the recognition of the importance of this gallery would be given attention.
- There had not been sufficient opportunity to register the building as an Asset of Community Value.
- If there had been sufficient time, the building would have been retained.
- Its use affected the cultural diversity of the City.
- The gallery was a trail blazer to Historic Lincoln.
- The gallery had been evicted from its home.
- This represented a loss of a major cultural art facility.
- It was a unique artistic enterprise.

Councillor Rebecca Longbottom addressed Planning Committee as Ward Advocate on behalf of local residents, covering the following main points:

- She represented the views of local residents.
- There had been an immense strength of feeling shown by objectors to the scheme.
- The main objection was the change of use to a dentist surgery.
- In terms of its current status, the building was designated as an art gallery under Town and Country Planning Regulations since 2020 Class F1.
- It was not a shop, but an art gallery.
- The officer's report referred to the premises having an established commercial use; however, it was not a shop.
- The art gallery was an important local institution.
- Policy LP15: Change of use did not constitute a community facility.
- Access to the art gallery had been free and self-run.
- The Arts Trust had run the facility for 20 years in appreciation of public art by living artists.
- She referred to the new local plan currently with the Planning Inspectorate.
- Policy 542-Sustainable Urban Tourism- set the scene for Lincoln as a key heritage City important as a visitor attraction. Development proposals should only be allowed to deviate from this important community use under very stringent conditions.

Roger Rippon addressed Planning Committee on behalf of the Applicant in support of the planning application, covering the following main points:

- He represented the planning consultant for the proposed development.
- The premises would be used for specialist orthodontic treatment using braces to correct bite/ straighten teeth.
- There was currently only one other specialist in this line covering the City and surrounding area.
- The waiting time for treatment was 4-5 years.
- The other provider was the hospital, who only gave secondary treatment.
- The health and well-being of patients was adversely affected by the long delays in receiving treatment.
- The practice would employ highly qualified orthodontic practitioners to serve local people.
- A written response was provided within the officers report on behalf of the applicants in response to public objections.
- The freehold interest in the building from the Scorer family followed an open market sales campaign with vacant possession secured on completion of sale.
- This application represented a new proposal for an orthodontic practice and was not about the closure of an art gallery.
- The Local Plan contained a key challenge to reduce health inequalities.
- Policy LP9 supported appropriately located and coordinated health facilities.
- A number of permanent skilled jobs would be created by the practice.
- The planning balance was firmly in favour of approval of the proposals in accordance with all policies and strategies.

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

The following concerns were received from members:

- Sympathy was given to the lack of time available for supporters of the art gallery to apply for it to become an Asset of Community Value, similar to an opportunity offered to supporters of West End Tap Public House at a previous Planning Committee. However, in this instance the building was already sold.
- Planning Committee must determine whether there was a plan in existence to apply to turn the premises back to an art gallery and if so, whether we had time to wait for it.
- The premises were a massive asset to the art scene in Lincoln.
- Councillor Longbottom had raised issues regarding commercial use of the property.
- The proposed use of the premises met local health needs, however, there were suitable alternative locations outside the cultural area.
- We should perhaps wait to see if the premises could be saved as a Community Asset.

The following comments were received in support of the planning application

- If the use for this building was not changed there was potential for it to become the subject of vandalism or fall into disrepair.
- There had been no restriction placed on the future type of use when the property was purchased, therefore there was little fight to keep the art gallery open.
- The proposed use was acceptable.
- Members of the public found it very difficult to register with a dentist in the area, being in the bottom four in the country with regards to the ratio of dental practices to the population.
- If the premises were not sustainable as an art gallery then an alternative use was required.
- There had been no application for the premises to become an Asset of Community Value.

The following questions were received from members:

- Was the planning application submitted by the current owners of the property?
- Officer Response: Yes it was.
- Would low key signage be kept for the premises in this cultural area?
- Would measures be taken to address potential noise from air conditioning fans?

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

- Members should be clear of the remit of Planning Committee in determining this planning application which was separate to any application submitted for an Asset of Community Value. The property was already sold.
- The type of use for the building was classed as commercial as opposed to residential. This class description was not indicative of a 'money making venture'.
- It was possible to say that the proposed use of the building as a dental practice was also a community use as was its former use as an art gallery.

- Changes to the signage at the premises would involve minor alterations only which would be subtle/low key in keeping with the cultural area.
- In terms of potential noise nuisance, the Pollution Control Officer had raised no objections to the proposed change of use including the installation of replacement air conditioning units and an extraction system. However, a condition would be imposed on grant of planning permission requiring a noise impact assessment to be carried out prior to their installation in order that any necessary mitigation measures could be implemented to minimise the impact of any noise for local residents.

That planning permission be granted 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

49. 4 Finningley Road, Lincoln

(Councillor Mark Storer returned to the meeting and re-took his seat as a member of Planning Committee).

(Councillor Biff Bean left the room during the discussion of this item having declared a personal and prejudicial interest in respect of the planning application to be considered. He took no part in the discussion or vote on the matter to be determined.)

The Assistant Director of Planning:

- a) advised that planning permission was sought for the erection of a single storey detached garage and the installation of a 1.8m high close boarded fence to the side/front elevation at this two storey detached dwelling located towards the end of the south side of Finningley Road
- b) reported that the property currently benefitted from boundary walls and railings to the frontage, which were said to be removed to accommodate access to the existing driveway and proposed garage
- c) confirmed that the application was presented before Planning Committee as the applicant was related to a City of Lincoln Council employee
- d) provided details of the policies pertaining to the application, as follows:
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework
- e) advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Accordance with National and Local Planning Policy
 - Impact on amenity of neighbouring properties
 - Impact on visual amenity
 - Highway safety, access and parking

- f) outlined the responses made to the consultation exercise
- g) concluded that 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.

RESOLVED that planning permission be granted subject to the following conditions:

- Development to commence within three years
- Development in accordance with the approved drawings

50. Change to Order of Business

RESOLVED that the order of business be amended to allow the application for development at Yarborough Leisure Centre, Riseholme Road, Lincoln to be considered as the next agenda item.

51. Yarborough Leisure Centre, Riseholme Road, Lincoln

(Councillor Biff Bean returned to the meeting and re-took his seat as a member of Planning Committee).

The Planning Team Leader:

- a) described the location of Yarborough Leisure Centre on the west side of Riseholme Road
- b) advised that planning permission was sought for 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, including a handrail around the roof for safe access for future maintenance of the air handling unit
- c) confirmed that the application was presented to Planning Committee as the property was owned by the City of Lincoln Council.
- d) provided details of the policies pertaining to the application, as follows:
 - Policy LP15 Community Facilities
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework
- e) advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Accordance with National and Local Planning Policy
 - Impact on visual amenity
 - Impact on amenity of neighbouring uses
 - Highway safety, access and parking
- f) outlined the responses made to the consultation exercise

g) concluded that:

- The scheme proposed improvements to the leisure facility which would 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.

RESOLVED that planning permission be granted subject to the following conditions:

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

52. 8 Thurlby Crescent, Lincoln

(Councillor Hewson left the room during the consideration of this item having pre-determined his view on the planning application before Committee this evening. He took no part in the discussion and vote on the matter to be determined).

The Planning Team Leader:

- a) advised that the application proposed the erection of a single storey side and rear extension at 8 Thurlby Crescent, a two storey semi-detached property
- b) reported that the site was located within a well-established residential area, although not in a conservation area with no listed buildings surrounding the site
- c) confirmed that the application was brought to Planning Committee as the property was in the ownership of the City of Lincoln Council
- d) provided details of the policies pertaining to the application, as follows:
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework
- e) advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Planning policy
 - Effect on visual amenity
 - Effect on residential amenity
 - Effect on highway safety
- f) outlined the responses made to the consultation exercise
- g) concluded that the proposed extension was 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.

RESOLVED that planning permission be granted subject to the following conditions:

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

53. 40 Nightingale Crescent, Lincoln

(Councillors Armiger, Bean, Chris Burke, Longbottom, Tweddle and Watt left the room during the discussion of this item having declared a personal and prejudicial interest in respect of the planning application. They took no part in the discussion or vote on the matter to be determined.)

It was proposed, seconded, and:

RESOLVED that Councillor Alan Briggs be appointed as replacement Chair for this final item.

The Assistant Director of Planning:

- a) advised that outline planning permission was sought for the principle of residential development for up to 2 dwellings on a parcel of land on Nightingale Crescent, the site currently occupied by a large detached double garage within the ownership of 40 Nightingale Crescent
- b) reported on the location of the application property Number 40 on the south side of the highway between its junctions with Kingfisher Close and Redwing Close
- c) described Nightingale Crescent as a long looping residential road with a number of cul-de-sacs off it
- d) confirmed that the application was brought before Planning Committee, the applicant being a City Councillor.
- e) 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 LP26 Design and Amenity
 - National Planning Policy Framework
- f) advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Planning policy
 - Principle of the development
 - Visual amenity and design
 - Residential amenity and Impact on neighbours
 - Technical matters
- g) outlined the responses made to the consultation exercise
- h) concluded that:

- 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 had been submitted at Outline to demonstrate that the site was 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.

Members discussed the content of the report in further detail.

Clarification was sought as to whether :

- Both the proposed dwellings included provision of a car parking space
- Provision of drainage for the proposed dwellings would not impact on existing properties.

The Assistant Director of Planning confirmed that:

- Both dwellings included provision of a car parking space, although the application was indicative at this stage with reserved matters still to be determined at a later stage.
- The new dwellings would not impact on adjacent properties in terms of drainage. The main sewer system to which they would be connected had no drainage issues.

RESOLVED that planning permission be granted subject to the following conditions:

- 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

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

1. Purpose of Report

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

2. Background

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

3. Tree Assessment

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

4. Consultation and Communication

- 4.1 All ward Councillors are informed of proposed works on this schedule, which are within

their respective ward boundaries.

- 4.2 The relevant portfolio holders are advised in advance in all instances where, in the judgement of officers, the matters arising within the report are likely to be sensitive or contentious.

5. Strategic Priorities

5.1 Let's enhance our remarkable place

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

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

i) Finance

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

ii) Staffing N/A

iii) Property/Land/ Accommodation Implications N/A

iv) Procurement

All works arising from this report are undertaken by the City Council's grounds maintenance contractor. The Street Cleansing and Grounds Maintenance contract ends August 2026. The staff are all suitably trained, qualified, and experienced.

6.2 Legal Implications including Procurement Rules

All works arising from this report are undertaken by the Council's grounds maintenance contractor. The contractor was appointed after an extensive competitive tendering exercise. The contract for this work was let in April 2006.

6.3 The Council is compliant with all TPO and Conservation area legislative requirements.

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 1 / SCHEDULE DATE: 25/01/2023**

Item No	Status e.g., CAC	Specific Location	Tree Species and description/ reasons for work / Ward.	Recommendation
1	N/A	Boultham Park – South-eastern side of lake edge.	<u>Boultham Ward</u> 2 x Alders <u>Fell</u> These trees were previously identified as being in decline. Due to the close proximity of trees to the picnic area and main pathway; works have been requested to reduce the possibility of the trees failing due to a risk of unpredictable collapse.	Approve works Trees are to be formed into snags of a suitable size (being no more than 2 metres in height) in order to form biodiversity niches. Replace with 2 x Alders; to be planted in suitable positions within the adjacent area.
2	N/A	52 Goldsmith walk	<u>Glebe Ward</u> 1 x Cherry <u>Fell</u> This is a self-set tree which has attained a considerable size – its proximity to the adjacent footpath and brick-based boundaries is likely to lead to structural damage in the near future.	Approve works
3	N/A	1-2 Sheridan Close	<u>Glebe Ward</u> 1x Cherry <u>Fell</u> This is the poorer specimen of two trees which are suspected of influencing the subsidence currently being experienced by	Approve works Replace with 1 x Bird Cherry; to be located within King Georges Field, to the rear of Woodrush Road.

			<p>the adjacent building. The tree itself is of poor habit and has a limited useful life expectancy – the trees removal is requested as a preliminary measure to help stabilise building movement.</p>	
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Application Number:	2022/0352/FUL
Site Address:	Site Of Victory Hotel, 50 Boultham Park Road, Lincoln
Target Date:	31st October 2022
Agent Name:	Peter Kandola
Applicant Name:	Mr Steve Hanham
Proposal:	Erection of one 2 storey and two 2½ storey buildings accommodating 18 flats. Associated external works including car parking, access gate, cycle and bin storage and soft landscaping. (Revised plans and supporting documents).

Background - Site Location and Description

The application relates to the site of the former Victory Hotel, 50 Boultham Park Road. The application site is an irregular shaped parcel of previously developed land, located on the west side of the road, approximately 50m to the south of the junction with Dixon Street. It has an open site frontage with the width of the site narrowing towards the rear. The site is relatively flat and includes areas of hardstanding and grass. It is currently used for vehicle storage and was previously occupied by The Victory Public House. Consent was granted in 2014 for the demolition of the building and a subsequent planning permission (2015/0038/F) also proposed its demolition to facilitate the erection of three detached buildings comprising 14 dwellings with four ground floor commercial units within the frontage building. A further application (2018/0074/CXN) was submitted and later granted for minor alterations to the approved scheme. The pre-commencement conditions associated with this permission have all been discharged and there has been a 'start on site.' This permission has therefore been implemented and, even though work has not progressed any further, this permission could be implemented in full at any point.

The north boundary of the site is defined by approximately 1.8m high fencing with a number of mature trees and conifers adjacent, some within the site boundary and others sitting on neighbouring land. Beyond this boundary, at the front of the site, is side elevation of 48 Boultham Park Road. The remainder of the north boundary, towards the rear of the site, forms the rear boundaries with the gardens of properties on Glenwood Grove. The semi-detached properties along here are occupied as ground and first floor flats (no.s 1-23). The south boundary of the site is also defined by approximately 1.8m-2m high fencing with some smaller trees and plantings within the site and neighbouring gardens. The side elevation of 54 Boultham Park Road sits adjacent to this boundary at the front of the site. The remainder of the south boundary beyond sits adjacent to rear gardens with properties on Sunningdale Drive. To the west of the application site is the rear elevation of an industrial unit on the Sunningdale Trading Estate, off Dixon Close.

The site is located within Flood Zone 3.

The application is for the erection of one, two storey building, fronting Boultham Park Road, and two 2½ storey buildings within the site. The development would accommodate 18, two bedroom flats. Associated external works are also proposed including car parking, cycle storage and soft landscaping. The existing access point towards the north will be reconfigured to be the main, gated access into the development.

Prior to the submission of the application the site was subject to extensive pre-application discussions with the agent, applicant team and Planning Officers. The application originally proposed a three storey block to the front of the site and two further 2½ storey buildings towards the rear. This would have accommodated 27 flats (22 two bed and five one bed)

with 17 car parking spaces.

Officers raised a number of concerns regarding the initial proposal. It was considered that the mass and design of the buildings would be out of scale and character with the area. The height, position and proximity of the buildings would also have had a harmful impact on neighbouring properties through loss of light, overlooking and an overbearing impact. There were also concerns regarding the level of car parking, flood risk and the potential impact on adjacent trees. There has been further discussions and negotiations, and a number of alternative schemes have been considered prior to the formal submission of the current proposals. Officers also engaged with Ward Members during the application process.

All neighbours and statutory consultees have been re-consulted on the revised proposals.

Site History

Reference:	Description	Status	Decision Date:
2018/0074/CXN	Variation of conditions 2 (plans) of planning permission 2015/0038/F to include changes to fenestration to north elevation of units 1-8, alterations to roof of units 9-10, alterations to fenestration and guttering of units 11-14 and changes to materials to be used	Granted Conditionally	8th March 2018
2015/0038/F	Demolition of public house and garages and erection of three detached buildings comprising 14 dwellings and 4 ground floor commercial units for A2 'Financial and Professional Services' or B1 'Office' purposes (REVISED DESCRIPTION)	Granted Conditionally	1st May 2015
2014/0269/DEM	Demolition of public house.	Prior Approval Not Required	29th May 2014

Case Officer Site Visit

Undertaken on 30th May 2022, including visit to the property and garden of 54 Boultham Park Road.

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 LP12 Infrastructure to Support Growth
- Policy LP13 Accessibility and Transport
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP16 Development on Land affected by Contamination
- Policy LP18 Climate Change and Low Carbon Living
- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- Supplementary Planning Document Contributions Central Lincolnshire Developer
- National Planning Policy Framework

Issues

- Principle of Use
- Developer Contributions
- Visual Amenity
- Residential Amenity
- Trees and Landscaping
- Parking and Highways
- Flood Risk and Surface Water Drainage
- Climate Change and Low Carbon Living
- Contaminated Land
- Archaeology
- Air Quality and Sustainable Transport

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Anglian Water	Comments Received
Environment Agency	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Highways & Planning, Lincolnshire County Council	Comments Received

Upper Witham, Witham First District & Witham Third District	Comments Received
Lincolnshire Police	Comments Received
NHS - ICB	Comments Received

Public Consultation Responses

Name	Address
Mrs Cath Betts	55 Clive Avenue Lincoln Lincolnshire LN6 7UR
Mr Kevin Clarke	9 Sunningdale Drive Lincoln Lincolnshire LN6 7UD
Mr Ben Richards	27 Glenwood Grove Lincoln Lincolnshire LN6 7BA
Mrs Sally Atkinson	10 Sunningdale Drive Lincoln Lincolnshire LN6 7UD
Anita Grey	46A Boutham Park Road Lincoln Lincolnshire LN6 7BB
Mrs Lorraine Smith	2 Sunningdale Drive Lincoln Lincolnshire LN6 7UD
Ms Catherine Waby	St Mary's Guildhall 385 High Street Lincoln LN5 7SF
Michael Gibson	

Mrs Jenny Connell	54 Boultham Park Road Lincoln Lincolnshire LN6 7BB
Councillor Clarke	Lincolnshire County Council
Mr Dan Race	Taylor Lindsey Ltd 98 Searby Road Lincoln LN2 4DT On behalf of 25 Glenwood Grove
Mr Steve Adamson	58 St Peters Avenue Lincoln Lincolnshire LN6 7QE
Mrs Emma Richards	27 Glenwood Grove Lincoln Lincolnshire LN6 7BA
Mr Terance Connell	54 Boultham Park Road Lincoln Lincolnshire LN6 7BB
Stuart Smith	1 Boultham Park Road Lincoln Lincolnshire LN6 7BE
Mr Chris Smith	2 Sunningdale Drive Lincoln Lincolnshire LN6 7UD

Consideration

Representations have been received from and on behalf of properties on Boultham Park Road, Sunningdale Drive, Glenwood Grove, St. Peter's Avenue and Clive Avenue. While some of the residents support the principle of the re-development, comments and objections have been made in relation to various issues, which will each be addressed within the relevant sections of the report.

Further consultation responses were received from 54 Boultham Park Road and two from 2 Sunningdale Drive following the re-consultation on the revised scheme. Comments have also been received from Lincolnshire County Council's Councillor Clarke in relation to off-street parking and a financial contribution to local schools. These subsequent

responses will also be detailed within the relevant sections of the report.

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, including housing. The site has no specific policy allocation within the CLLP and 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. The application site also has the benefit of planning permission for residential/commercial development. Officers are therefore satisfied that the principle of the residential use is wholly appropriate in this location.

Supporting the application would also be in accordance with CLLP Policy LP1 which 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).

Developer Contributions

In accordance with CLLP Policies LP11 and LP12 and the Central Lincolnshire Developer Contributions Supplementary Planning Document (SPD) the proposed development would be expected to provide affordable housing (on site or a commuted sum) and a financial contribution towards playing fields and local green infrastructure.

The Lincolnshire County Council (LCC) has requested a contributions for education, to mitigate the impact of the development at a local level. NHS Lincolnshire has also requested a contribution which will go towards expansion in capacity within the APEX and Lincoln Health Partnership Primary Care Networks at Boutham Medical Practice and/or Heart of Lincoln Medical Group (Portland). Alternatively, the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

With the exception of education, the level/amount of the required provision has been reduced during the process of the application to reflect the reduced number of units on the site. The proposed development of 18, two bedroom units would therefore be expected to provide:

Affordable housing	£528,980 (5 units)
Health	£11,385.00
Education	£28,267.00
Play space	£5,204.94
Green infrastructure	£13,442.10
Total	£587,279.04

The applicant has submitted a Viability Appraisal. This advises that the development could meet the health, education, play space and green infrastructure requirements, but providing an on-site affordable housing provision or affordable housing commuted sum would make the scheme unviable. Accordingly, the applicant is proposing that the scheme would not provide affordable housing, either on-site or a contribution towards.

The Viability Appraisal has been assessed on behalf of the authority by an independent third party. The independent assessment concurs that an affordable housing provision/contribution would make the scheme unviable, but that other Section 106 Agreement (S106) contributions can be viably paid. However, the independent assessment did not agree with all of the calculations within the report and found that there was a surplus of £27,749. The total sum the scheme could therefore viably provide would be £86,048.04; the total of the contributions towards health, education, play space, green infrastructure and the surplus figure.

The SPD advises that the Local Plan recognises the overriding need to ensure all development is sustainable and supported by necessary and appropriate infrastructure, however, the plan is also committed to delivering growth. Therefore, development viability is not only relevant but critical to determining planning applications. The NPPF advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the viability evidence underpinning it is up to date and they reflect the recommended approach in national planning guidance, including standardised inputs.

In this case officers are satisfied with the conclusion of the independent assessment; that the scheme would not be viable with all of the expected contributions. Requiring these would result in the development being unviable and not being brought forward. Officers have carefully considered the viability of the scheme against other factors, such as the demand for housing within the city and the desire to see the site come forward for development. Officers would therefore recommend that the application be granted with the sum of £86,048.04 secured through a S106, despite the full affordable housing requirement not being met.

Officers would also recommend that the total sum is distributed as the table below. It is considered that it would be preferable in this case for the play space and green infrastructure sums, along with the surplus figure, to instead be used to provide an affordable housing contribution. This is as a result of discussions between officers and the City Council's S106 Officer, taking into account the individual sums, the nature of occupancy of the proposed scheme and its location.

Affordable housing	£46,396.04
NHS	£11,385.00
Education	£28,267.00
Total	£86,048.04

The applicant has no objection to meeting this contribution and officers would recommend, if Members are in support of the application, that this matter be delegated to the Planning Manager to negotiate and secure.

Visual Amenity

CLLP Policy LP26 advises that development should respect existing character and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and form. Development should also reflect or improve on the original architectural style of the local surroundings. Paragraph 130 of the NPPF requires that development should function well and add to the overall quality of the area.

The character of the surrounding area is predominantly defined by two storey detached and semi-detached properties. However, in the wider area there are also bungalows and three storey residential properties, with the single storey car sales premises opposite the site. Buildings are generally constructed in red brick. Render is used often as a feature to the first floors, bays and side gables of some properties, including the neighbouring 48 and 54 Boutham Park Road.

The application site has a wide frontage, which will accommodate the main building, Block A, with the re-configured access to the north. Block A is two storey although the floor levels are raised and there is a ramped/stepped access at the front, up to the back edge of the footpath. This is constructed in brick with black railings and landscaping, which makes this functional element an attractive feature. In terms of the height of the building, the ridge of the proposal will sit approximately 500mm above the ridge of the neighbouring 54 Boutham Park Road. It is worth noting that this is only 300mm taller than the approved building, which is represented by a hatched red line on the street scene elevation. The proposal will also sit slightly forward of no. 54.

Block A is designed to appear as three individual buildings; with three identical gable features and three front doors. The building is predominantly constructed in red brick, although the central 'building' has a render finish. Render and timber panelling are used as feature elements on the sides and rear of the block.

Blocks B and C have a different arrangement, being 2 ½ storey, but they have a smaller footprint and therefore appear more modest. The scale and layout of these two smaller blocks is more appropriate at the rear of the site and is a vast improvement on the original proposal. Within the original scheme Block B replicated the scale of Block A, and Block C was pushed up against the rear boundary of the site.

A number of objections were received from neighbouring properties in relation to the original proposal. These raised concerns regarding the scale, height and positioning. Block A was three storey and would have sat much higher than neighbouring properties. Objectors considered that this would look out of place and not in character. The Civic Trust considered that the proposals would be overdevelopment of the site and be an inappropriate height. Following the re-consultation on the revised scheme, the occupants of 54 Boutham Park Road remain concerned that the height is not in keeping.

Officers consider that the site is of a sufficient size to comfortably accommodate the proposed development along with the associated access, parking, garden areas and bin/cycle storage. The development represents a good use of land. It would put to use a site that has been vacant for some time and would visually be an improvement on the current arrangement, which comprises vehicle storage and informal grassland. Whilst the height and scale of the original proposal was considered wholly inappropriate, officers consider that the revised proposal is acceptable in this respect. As previously referenced, the street scene elevation illustrates the height of Block A in relation to the neighbouring properties on Boutham Park Road. The development sits marginally higher but would not appear unduly dominant or prominent in the street. The application also includes site sections indicating the height of the blocks comparable to Glenwood Grove, Sunningdale Drive and the industrial unit on Sunningdale Trading Estate. Proposed visuals also illustrate the development in the context of neighbouring properties. There is no objection to these height relationships. Existing land levels and finished land and floor levels will be conditioned to ensure this relationship is maintained. Officers are therefore satisfied that the proposal would relate well to the site and surroundings in relation to siting, height,

scale and massing, in accordance with CLLP Policy LP26.

With regard to the proposed design, it is considered that Block A would sit comfortably in the street. The pitched roof and use of brick with render elements would relate well to neighbouring properties. The front elevation would include entrance doors with canopies above, deep overhanging eaves to the roof, window cills and headers and brick detailing. The landscaped, ramped access to the front adds further interest.

Blocks B and C replicate the material palette of brick, render and timber panelling. The 2 ½ storey design and the use of dormers is different, however, the design elements such as the overhanging eaves and brick detailing are replicated. These buildings therefore have their own individual appearance, but the overall design of the blocks is coherent.

Conditions would require samples of the proposed materials for approval, including details of hard surfacing, and the setting of windows and doors within reveal to ensure the overall finish and quality of the development is to a high standard. Conditions would also require further details of the size and design of the refuse store and the cycle store. Examples of the proposed vehicular access gates have been provided, it is indicated that these will be of an open metal design with a black finish, similar to the railings to the ramped access. A condition will require details of all fences, walls, railings and gates for approval.

The proposal would therefore be in accordance with CLLP Policy LP26 and paragraph 130 of the NPPF, which requires that developments should make effective and efficient use of land, add to the overall quality of the area and be sympathetic to local character.

Residential Amenity

A number of objections were received from neighbouring properties in relation to the initial scheme. They raised concern regarding the height of the blocks, overlooking and loss of privacy and light. The occupant of 54 Boultham Park Road also raised concern regarding the proximity of Block A to adjacent windows and also overlooking from the raised walkway at the south end of the building. The height and scale of the blocks within the original scheme was greater than the revised proposal. Block B was also closer to the north boundary with windows in the facing elevation, and the trees were suggested by the applicant to be sufficient mitigation to the impact. Officers shared a number of the concerns of neighbours and the revised scheme has attempted to address these by reducing the scale, increasing separation distances and better positioning of windows.

In response to the re-consultation on the revised scheme the occupants of 54 Boultham Park Road and 2 Sunningdale Drive have reiterated their concerns regarding loss of light and overlooking, including from the walkway.

The side, blank facing elevation of Block A will sit approximately 1.3m from the south boundary with 54 Boultham Park Road. The side elevation of no. 54 sits approximately 2.2m beyond, incorporating a ground floor and first floor window. A low level wall defines the boundary opposite the neighbour's side elevation, which then increases to an approximately 1.8m high fence to the neighbour's garden beyond. The proposal would sit 2.6m forward of the front elevation of no. 54 and project approximately 1.5m beyond the rear. The bulk of the building will therefore sit opposite the neighbour's facing elevation. It is worth noting that the proposed site plan includes a red hatched line, which indicates the position of the approved building. The footprint of the proposal is similar in size to this, although sits marginally further back on the site. The ridge height of the proposal will sit

approximately 500mm higher than the ridge of no. 54.

There is a ramped and stepped access at the front of the Block A. A set of steps are located adjacent to the boundary with no. 54 with the raised walkway continuing along the side of the building where steps at the rear will provide access into the development. This will be gated at the front with a 1.8m high fence along the side. This and the relationship of Block A with no. 54 can be seen on the street scene plan and visuals.

Whilst the building and raised, fenced walkway in between would have a close relationship with the neighbouring 54 Boutham Park Road, and there will undoubtedly be some impact, it is not considered that this impact would be unacceptable. The impact certainly wouldn't be sufficiently harmful to warrant the refusal of planning permission, particularly when the site has permission for a building in a similar position and of a comparable height. It is not considered that the proposal would appear unduly overbearing and any loss of light would be minimal given the position of Block A and its orientation to the north. The fence to the raised walkway would ensure that there is no overlooking from here. Officers would recommend that the detail of this fence is conditioned so it can be ensured that this extends along the full length of the walkway and provides appropriate mitigation. There are first floor bedroom windows within the rear elevation of Block A, however, these will face west and therefore any overlooking towards no. 54 will be at an oblique angle.

The opposite side elevation of Block A would be located approximately 8m from the north boundary, with the proposed access road in between. It would be located over 11m from the side elevation of 48 Boutham Park Road. Accordingly, officers have no concerns regarding this relationship.

At its closest point Block B, a 2 ½ storey structure, would be located 6.5m from the north boundary. This would be over 22m from the rear elevation of the building accommodating 1, 3, 5 and 7 Glenwood Grove. The boundary is defined by an approximately 1.8m high fence and there are some trees in between. While these trees will help soften the potential impact from the Block B, officers are in any case satisfied that the relationship of this building to the neighbouring properties is acceptable. The building would not appear unduly overbearing and loss of light would be limited to mid-day. There are no windows proposed within the north facing elevation, so direct overlooking would not be an issue.

With regard to the relationship of Block B with the properties to the south, namely 54 Boutham Park Road and properties on Sunningdale Drive, the structure would be located approximately 10m from the south boundary and over 30m from the rear elevations of properties on Sunningdale Drive. Trees are proposed to be planted along the south boundary, but in any case, officers are satisfied that the separation distance is sufficient to ensure that there would be no issues of overlooking, loss of light or an overbearing impact.

Block C will have a closer relationship with the south boundary, positioned approximately 2.5m away, although the overall separation to the Sunningdale Drive properties would be over 22m. The separation and relationship is similar with the north boundary; with a separation of over 25m with the properties on Glenwood Grove. Accordingly, it is not considered that the 2 ½ storey building would appear unduly overbearing or result in an unacceptable degree of loss of light. The facing side elevations of the building are blank, so there would be no issues of direct overlooking.

A comment from the City Council's Pollution Control (PC) Officer has noted that the site layout plan indicates that the development will include street lighting. He advises that, if

not sympathetically designed and installed, such lighting can give rise to problems off-site due to overspill and glare. No specific details have been provided regarding the external lighting and no assessment has been made of its potential impact. Therefore, he has recommended a condition to require an assessment of the potential off-site impact of all external lighting and, where necessary, a scheme should be submitted proposing appropriate mitigation. This will be applied to any grant of consent.

Some concern has been raised by objectors, including 54 Boutham Park Road, regarding disruption and the potential physical impact on neighbouring property during construction works. While concerns relating to the construction phase are not a material planning consideration the City Council's PC Officer has requested a condition to restrict construction and delivery hours, to limit the impact on the amenities of these neighbouring occupants during noise sensitive hours. This condition will be duly applied to any grant of planning permission and should go some way to allay the concerns of the neighbouring occupants.

The objection from 54 Boutham Park Road also raises a safety concern regarding the four parking spaces opposite the boundary fence to this neighbour's garden. Officers would suggest that a condition requires details of bollards or an alternative measure that will prevent vehicles from being able to drive into the fence.

Officers have therefore carefully considered the relationship of the proposal with neighbouring properties, taking account of the objections received. Officers are satisfied that the amenities which neighbouring occupants may reasonably expect to enjoy would not be unduly harmed by or as a result of the development through either loss of light, overlooking or the creation of an overbearing structure. The proposal would therefore be in accordance with the requirements of CLLP Policy LP26.

With regard to the amenities of future occupants, the floor area of the flats is acceptable when considered against the Nationally Described Space Standard guidance for two bedroom properties. Each bedroom and kitchen/living area would be served by a window. The development is laid out so there is an acceptable separation between the buildings. There is a communal amenity area for the occupants of Block A whereas the occupants of Blocks B and C will have private amenity/garden areas. Officers are therefore comfortable with the arrangement of the development and consider that it would provide a good level of amenity for future occupants.

Trees and Landscaping

The application is accompanied by a Pre-development Tree Survey and Tree Protection Plan. The City Council's Arboricultural Officer has assessed these and also visited the site. An Arboricultural Report and Tree Planting Plan has also been submitted as part of the revised application. The application does include some tree removal, to which neighbours have objected.

There are some areas of the revised documents which are awaiting clarification from the agent and final comment from the Arboricultural Officer. Therefore, the full details of the tree removal plan, tree protection measures and landscaping will form part of the update sheet for the consideration of members.

Parking and Highways

The application is accompanied by a Transport Statement. This considers that the proposed development site is located within a sustainable location due to the access it provides to regular bus services connecting residents to the city centre and important amenities. The site further provides strong pedestrian access along the surrounding footways, which extend in all directions from the site providing access for future occupant to a variety of key local services and facilities. It considers that the sustainability of the site is also demonstrated through its cycle accessibility to key locations such as Lincoln Railway Station (8 minute cycle ride) and Lincoln City Centre (9-10 minute cycle ride).

The original scheme proposed 27 flats and only 17 car parking spaces, whereas the revised scheme improves the parking ratio; with 18 flats and 19 parking spaces. The car parking is provided along the internal access road and also within the undercroft of Blocks B and C. Cycle parking is also provided within the undercrofts along with a communal cycle store for Block A adjacent to the rear elevation of this building.

In response to the consultation on the original development a number of objections were received from neighbours and the Lincoln Civic Trust in relation to the insufficient parking. There were concerns that this would lead to on street parking on either Boultham Park Road, which would obstruct the highway and cause safety issues, or on other neighbouring streets, which are already full. There were also concerns regarding the increased number of vehicles, which will add to congestion on Boultham Park Road.

Following the re-consultation on the revised plans the three responses from neighbours at 54 Boultham Park Road and 2 Sunningdale Drive, maintain their earlier objections. It is stated that, even with the increased number of parking spaces, there would still be issues with on street parking, an increase in traffic, congestion and highway safety concerns. The response from Cllr. Clarke also considers that the main concern is still off-street parking.

In their capacity as Local Highway Authority, the LCC has noted that the site incorporates parking and communal areas, which will be privately managed and maintained. The proposals demonstrate gated access, with the gate set back 10m into the site to enable vehicles to wait for the gates to open clear of running traffic on the carriageway. The site is in a sustainable location and residents will not be reliant on a private car. The LCC raised no objection to the original proposal, for 27 flats and 17 car parking spaces. They considered that there was scope for additional informal parking within the site and there is also the provision of secure cycle parking spaces. The LCC confirmed they were supportive of the level of car and cycle parking provision proposed. The LCC note that it is proposed that refuse vehicles will enter the site on collection days, and manoeuvre in the turning head to egress the site in a forward gear.

Following the submission of the revised plans the LCC has confirmed that these original comments still stand, and that there are no concerns with the revised proposals. A condition has been requested which requires the existing southern access into the site to be stopped up within seven days of the access to the north first being brought into use, returning it to a full height footway and kerbs. This will be applied to any grant of consent. Informatives to the applicant will also be applied to any grant of consent, which will include advice that the new access will require approval from the LCC. It is noted that this will require realignment in accordance with the submitted plans and a tactile crossing should be incorporated into the design.

On the basis of this professional advice officers are satisfied that the car and cycle parking provision is acceptable and there would be no undue impact on highway capacity or safety. It is also considered that the site is in a location where travel can be minimised and the use of sustainable transport modes maximised, in accordance with CLLP Policy LP13.

Flood Risk and Surface Water Drainage

The application site lies within Flood Zone 3, which is land defined by planning practice guidance as having a high probability of flooding. The Environment Agency (EA) raised an objection to the original proposal, as the Flood Risk Assessment (FRA) was not acceptable and did not comply with the practice guidance. The EA stated that their flood risk data shows the site is at risk of flood depths of between 1-1.6m, and the ground floor finished floor levels are not set above this. Accordingly, they could not support the application as it proposes self-contained single storey residential accommodation and ground floor habitable rooms. To overcome the objection, it was advised that a revised FRA would need to be submitted, which should recognise the potential flood depths and propose appropriate mitigation based on this. The floor levels would need to sit above existing, surveyed, ground level by 1m-1.6m, or if this is not achievable, sleeping accommodation and other habitable rooms would need to be removed from the ground floor.

The Upper Witham Internal Drainage Board objected to the application, as they do in principle to any development in Flood Zones 2 and 3. However, they noted similar issues to the EA with the data in the FRA and that the finished floor levels are lower not sufficient.

A number of local residents also objected to the application on the grounds of flood risk, with concerns how the development will be protected and that it should not increase the risk of flooding to neighbouring land. A number also noted that the previous permission was required to have no ground floor living accommodation.

The revised plans that have been submitted raise the floor levels of Block A and the ground floor of Blocks B and C provide parking and utility/storage only. An updated FRA was submitted to accompany the revised proposal, which the EA has reviewed. They have confirmed that it satisfactorily addresses their earlier concerns. They have requested conditions that all habitable finished floor levels across the development shall be set no lower than 5.48m above Ordnance Datum and that the ground floor of Blocks B and C shall not be used for habitable accommodation. The Internal Drainage Board has maintained their objection, but officers are satisfied that the EA has appropriately considered the matter of flood risk and that the conditions will ensure that the risk of flooding will be reduced, in accordance with CLLP Policy LP14.

With regard to surface water drainage the Internal Drainage Board has made comments and responses have also been received from Anglian Water and the LCC as Lead Local Flood Authority.

The LCC has advised that surface water drainage will be managed by rain gardens and permeable paving within the site, incorporating attenuation to discharge at a restricted rate to the mains sewer. They have raised no objection in this respect. Anglian Water has advised that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to the sewer seen as the last option. They have reviewed the submitted FRA & SuDS Strategy and confirm that the proposed strategy to discharge surface water at a rate of 2l/s is acceptable. The submitted FRA and SuDS

statement reads "Anglian Water have confirmed that 5.0l/s would be acceptable regardless". Anglian Water has highlighted that this is not correct and does not fall in line with their policy, however, this will be dealt with separately from the planning process. Anglian Water has accordingly raised no objections in this respect. A local objector has raised concerns regarding the capacity of sewers and surface water pipes. Anglian Water has raised no objection to the development in terms of the capacity of the used water network or foul drainage.

Climate Change and Low Carbon Living

CLLP Policy LP18 states that development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards one or more of the following, which are listed in order of preference:

- Reducing demand
- Resource efficiency
- Energy production
- Carbon off-setting

The submitted Design and Access Statement advises that the blocks would be "low carbon and energy efficient buildings, using SIP (Structural Insulated Panels) building technology... SIPS buildings are generally more energy efficient, stronger, quieter and more airtight than older technologies. Less air leakage means less drafts, fewer noise penetrations and significantly lower energy bills, thus a reduction in CO₂ emissions." SIPS is "an efficient, effective, viable and more environmentally-friendly alternative to timber." Officers welcome this and are satisfied that the development would therefore meet the resource efficiency requirement of CLLP Policy LP18.

Contaminated Land

CLLP Policy LP16 advises that development proposals must take into account the potential environmental impacts from any former use of the site. The City Council's PC Officer has advised that, due to past uses on and in the vicinity of the site, there is the potential for significant contamination to be present. Accordingly, he has recommended the imposition of the standard contaminated land conditions on any grant of permission. These will be duly applied.

Archaeology

The application is accompanied by an Archaeological Desk Based Assessment. The City Council's City Archaeologist has considered this and advised that, given the previous disturbance of the site, it is unlikely to have any archaeological significance. Accordingly, there is no requirement for further investigations or archaeological conditions. In this respect the application would meet the requirements of CLLP Policy LP25 and section 16 of the NPPF.

Air Quality and Sustainable Transport

It is proposed that all car parking spaces within the development will have electric vehicle charging points. This is welcomed and would be in accordance with the recommendations of CLLP Policy LP13 and paragraph 112 of the NPPF. The City Council's PC Officer has noted that specific details of the type of recharge points has not been provided. A condition

to require these details and also secure the installation of the recharging facilities has therefore been requested, which will be applied to any grant of consent.

Other Matters

Refuse Storage

A communal refuse storage area for Block A was originally proposed to be positioned to the rear of this building, adjacent to the south boundary. However, this has been repositioned following concerns raised by neighbours, including from 54 Boutham Park Road and 2 Sunningdale Drive, relating to odour. This is now proposed to be located adjacent to the internal access road, to the south east of Block B. This will sit within a gated, timber enclosure, details of which will be required by condition. Refuse storage for Blocks B and C will be accommodated in the under crofts of these buildings. There is no objection to the proposed arrangements from officers or statutory consultees.

Deign and Crime

Responses from Lincolnshire Police have been received, raising no objections to either the original or revised scheme in this respect.

Non-material planning objections

Some of the objections from local residents have raised concerns in relation to loss of a view and that the development will reduce property value. These are not material planning considerations and therefore cannot be taken into account as part of the assessment process.

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 use of the site for residential purposes is considered to be acceptable and the development would relate well to the site and surroundings, particularly in relation to 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.

A S106 will secure a financial contribution towards affordable housing, healthcare infrastructure and education. Matters relating to parking and highways, flood risk, drainage, contamination and archaeology have been appropriately considered by officers and the relevant statutory consultees, and can be dealt with as required by condition. The proposals would therefore be in accordance with the requirements of CLLP Policies LP1, LP2, LP9, LP12, LP13, LP14, LP16, LP18, LP25 and LP26 as well as guidance within the SPD and NPPF.

Application Determined within Target Date

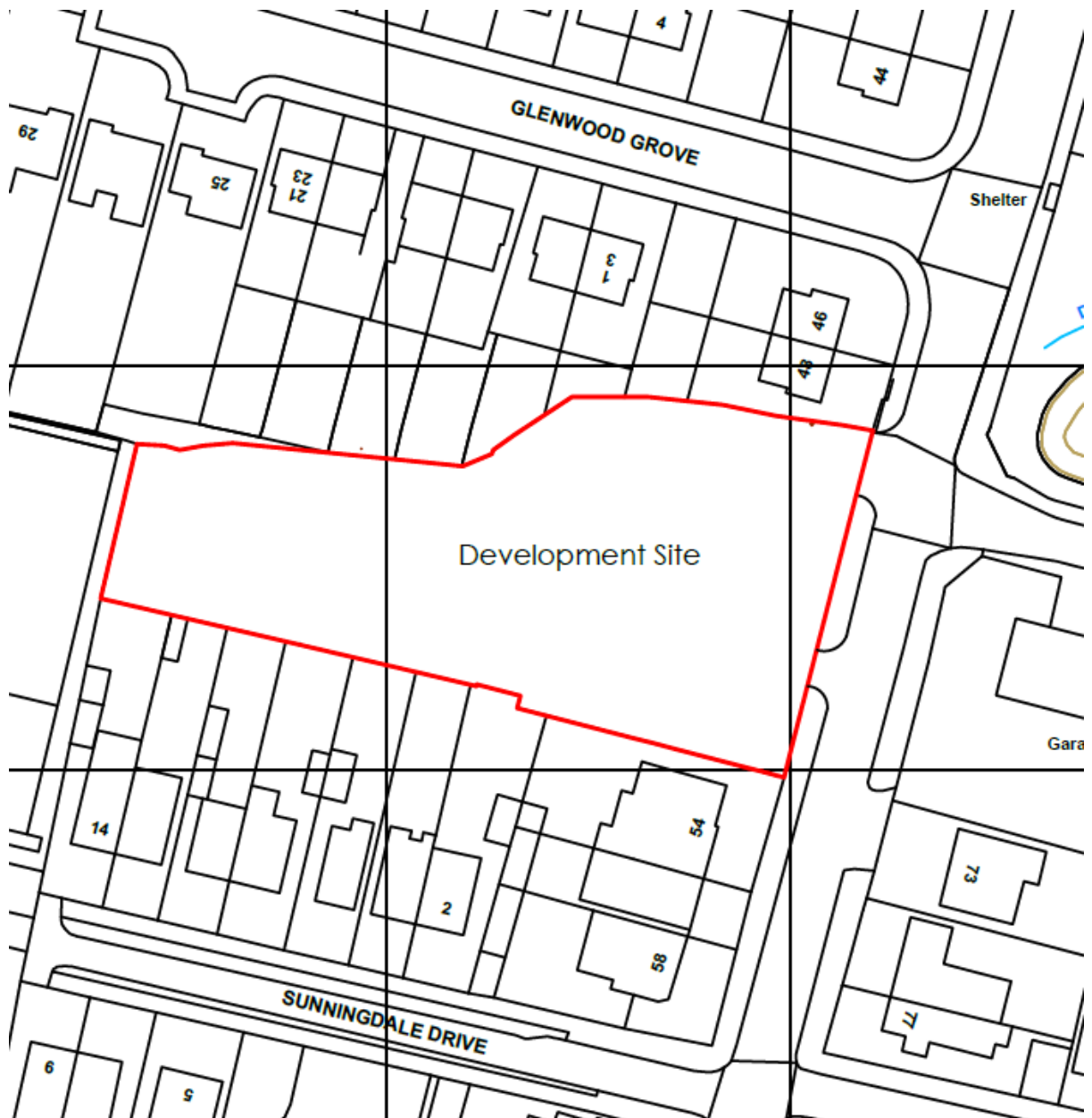
Yes.

Recommendation

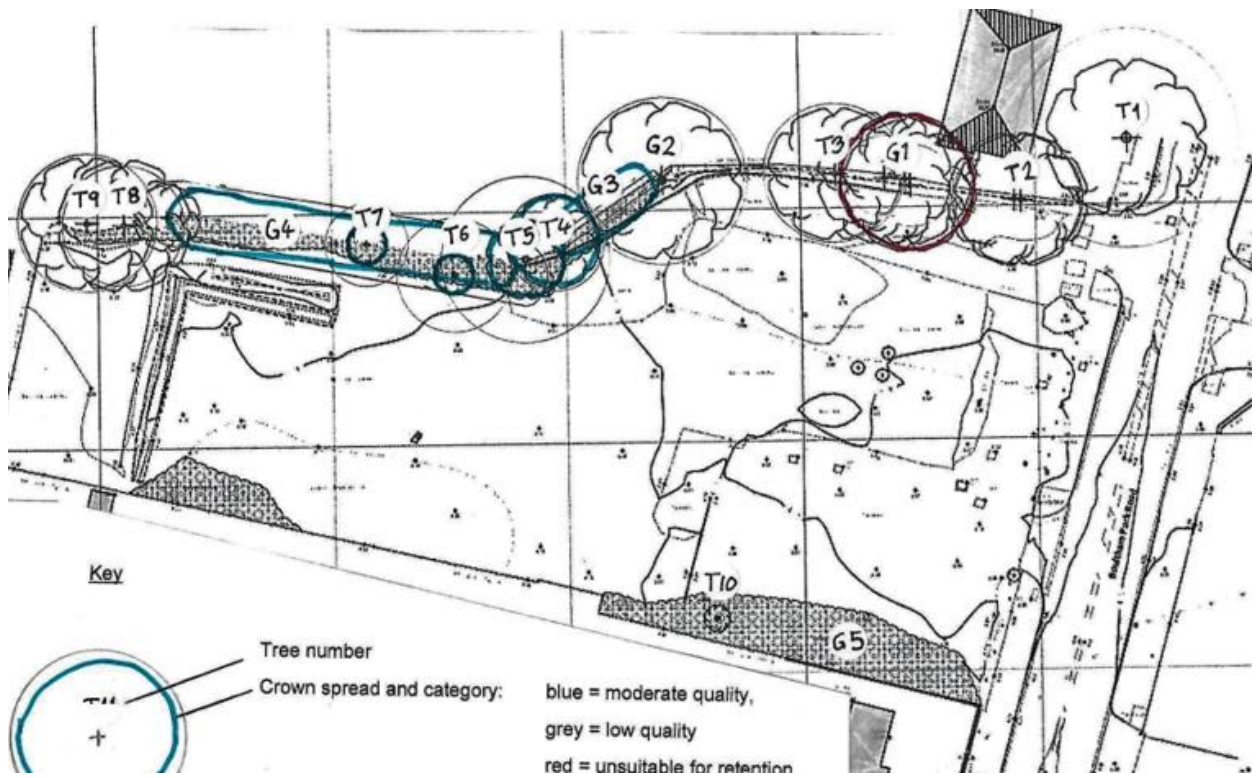
Subject to the final tree removal and landscaping proposals being acceptable, it is recommended that the application is Granted Conditionally:

- a) with delegated authority granted to the Planning Manager to secure the financial contribution through a S106 towards affordable housing, health and education; and
- b) subject to the following conditions:
 - Time limit of the permission
 - Development in accordance with approved plans
 - Samples of materials including hard surfacing
 - Existing site levels and finished site and floor levels
 - Details of all walls, fences, railings and gates, including to raised walkway to south
 - Details of refuse storage enclosure
 - Windows and doors to be set in reveal
 - Assessment of off-site impact of all external lighting
 - Closing of existing access
 - Provision of cycle storage prior to occupation
 - Habitable finished floor levels no lower than 5.48m above Ordnance Datum
 - No habitable rooms to ground floor of Blocks B and C.
 - Contamination site characterisation and remediation measures/implementation
 - Scheme for electric vehicle charging points
 - Bollard/other safety measure adjacent to parking spaces to south boundary
 - Hours of construction/delivery

Site of Victory Hotel plans and photos



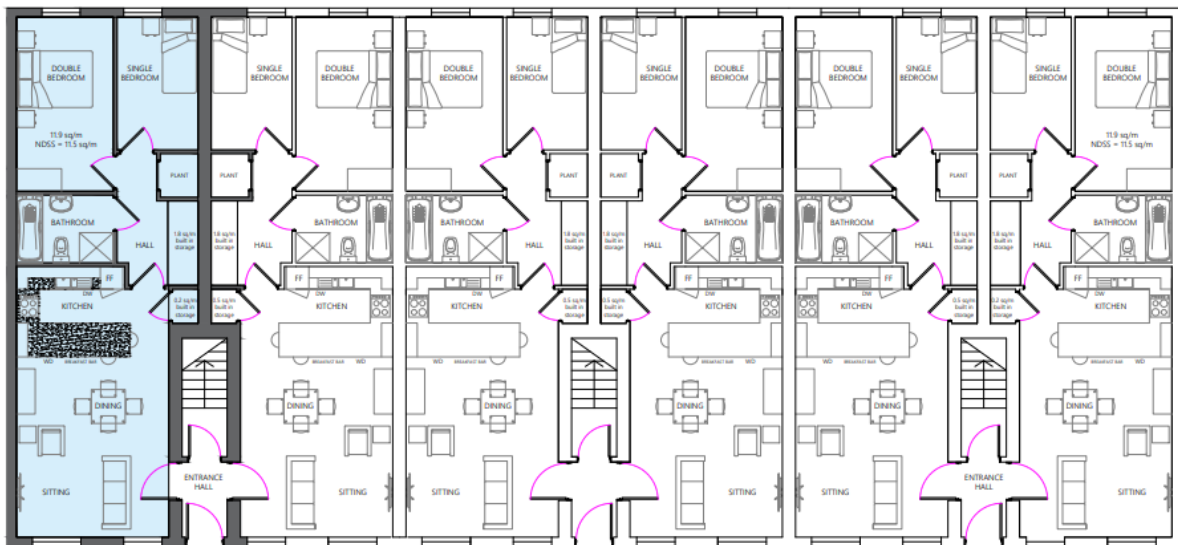
Site location plan



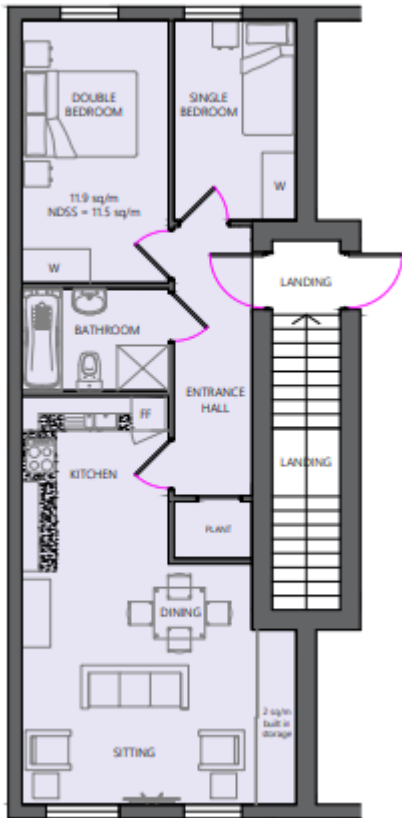
Tree survey plan



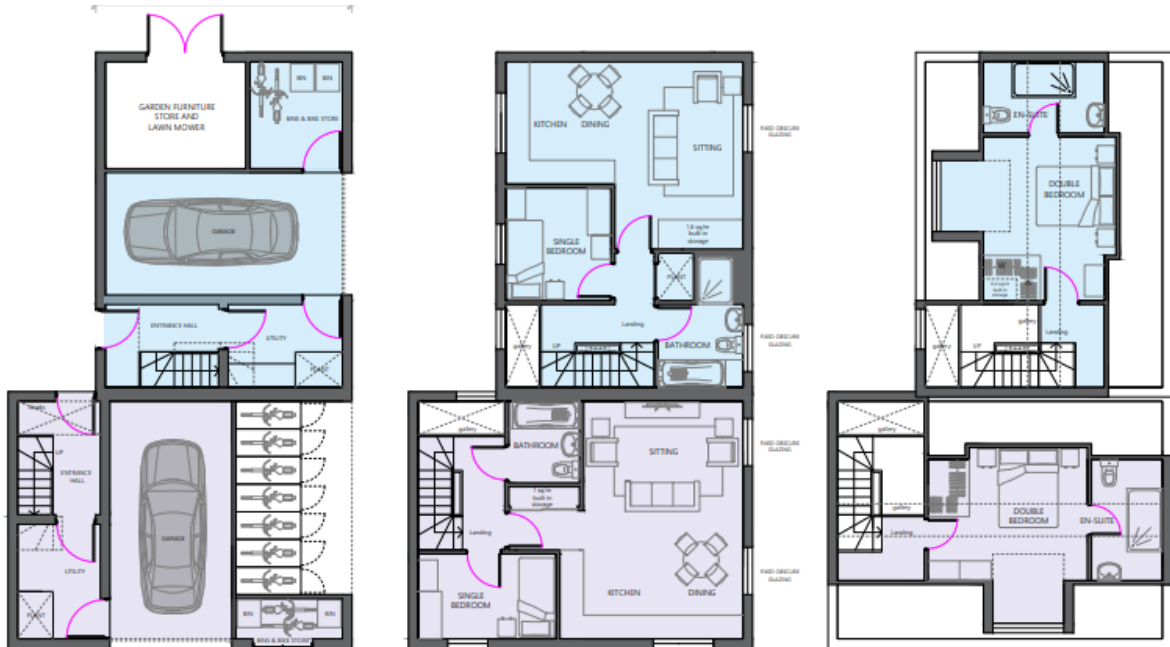
Proposed site layout



Block A ground floor plan



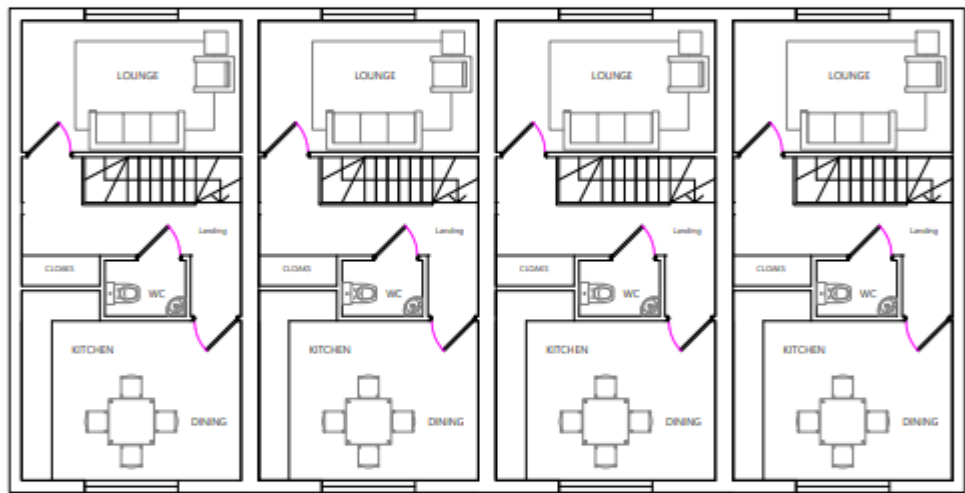
Block A first floor flat example



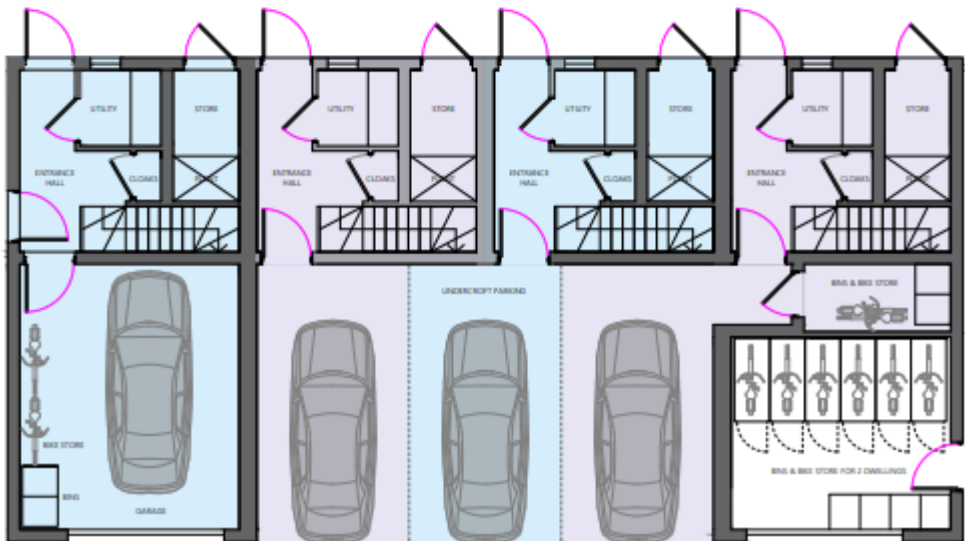
Block B floor plans



PROPOSED SECOND FLOOR PLAN BLOCK C



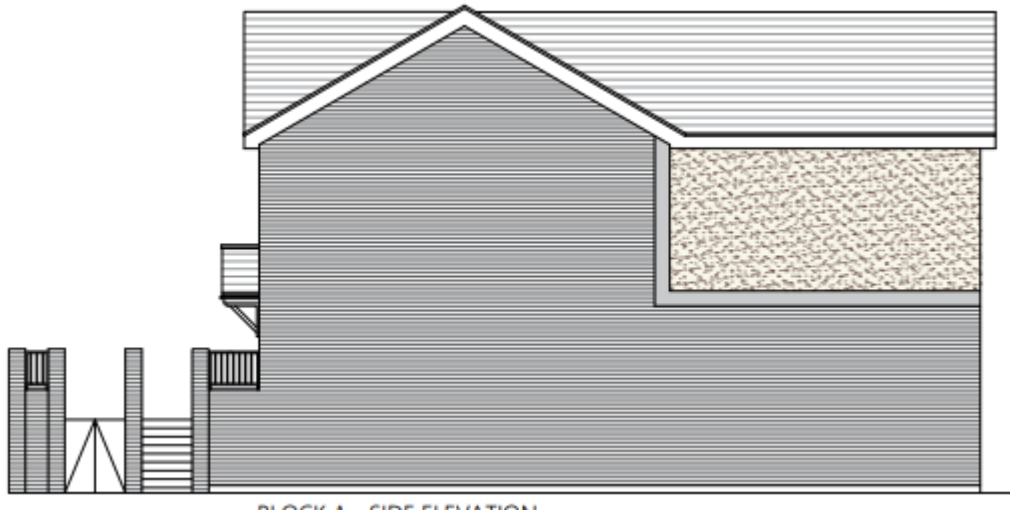
PROPOSED FIRST FLOOR PLAN BLOCK C



Block C floor plans



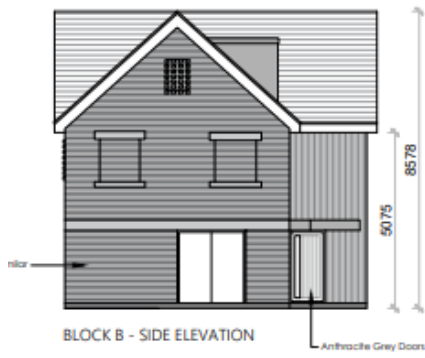
Block A street scene



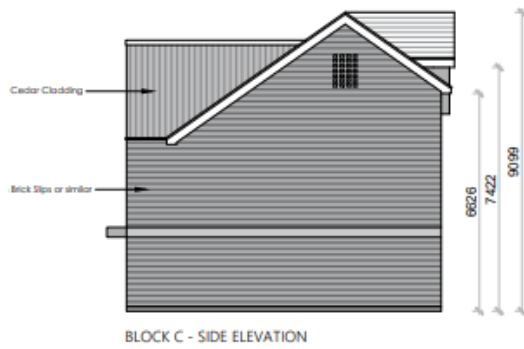
Block A side elevation



Block A rear elevation



Block B elevations



Block C elevations



Site section looking north



Site section looking east towards Block B. Sunningdale Drive properties to left and Glenwood Grove to right.



Proposed visual of Block A from Boultham Park Road.



Proposed visual of Block A and site access from Boultham Park Road



Block B



Block B with Block C in background



Block C



Looking south towards site



Looking north towards site



Looking towards site from Ellison Place



North boundary with Glenwood Grove



Additional view of north boundary with Glenwood Grove



Side elevation of 54 Boultham Park Road



South boundary with Sunningdale Drive



Additional view of south boundary with Sunningdale Drive



Additional view of south boundary with Sunningdale Drive, looking back towards rear of 54 Boultham Park Road



View from garden of 54 Boultham Park Road towards site

Victory Hotel site- consultation responses

Neighbour consultation responses to original proposal

Customer Details

Name: Mrs Emma Richards

Address: 27 Glenwood Grove Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We are concerned with the number of parking spaces provided especially as the planning has changed from class c3 to a class c4 which from my limited understanding means that the 22 2 bedroom houses might be multi occupancy meaning higher percentage of occupants with vehicles. It's our concern that Glenwood grove and possibly Ellison place and Sunningdale drive would be used for parking by the residents and visitors.

An old census has been used to establish the amount of car spaces required, this census is 11 yrs old and as a resident of the neighbouring street I feel the amount of cars have increased in the 3 years we have lived here and have seen a change in the people living in our rd the demographic is younger with more cars per flat meaning Glenwood is already fairly full and often extremely busy with cars turning round at the bottom of the grove, I don't think you can say "no on street parking will occur" (see quote below)

"6.5 The information presented within Table 6.1 demonstrates that based on the 2011 Car Ownership Census data for those residing in the local area, a total of 17 car parking spaces would be required for the proposed development which meets the number of parking spaces sought to be provided. As a result, no on-street parking will occur as a sufficient number of car parking spaces will provided on the site."

We are also concerned with the height of the blocks as they are 3 levels especially the blocks b and c with them overlooking the gardens and houses behind and in front of them

Customer Details

Name: Mr Steve Adamson

Address: 58 Saint Peters Avenue Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The construction of so many dwellings so close to a very busy road junction on a road that struggles to cope with the current volume of traffic, will add considerably to the congestion in the area and cause further obstructions to Boutham Park Road.

Even in flats there will be a significant number of multi occupancy with multi car ownership and the plans do not provide sufficient parking, which will result in parking on the main road within 100 yards of the traffic light junction, causing obstruction in an a part of the road where there are both bus stops and traffic islands

Customer Details

Name: Mr KEVIN CLARKE

Address: 9 sunningdale drive lincoln

Comment Details

Commenter Type: Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 1)- new developments in area- Westbrook Est 138 properties well over 138 parking spaces. Ellison development nearer opposite Victory Site 36 properties also 36 parking spaces So why Victory site 27 properties but only 17 parking spaces this leads to the question where

the extra parking is? Marjorie Ave, Glenwood or Sunningdale Drive, it is not enough to agree a development then say street parking is dealt with by others

2-the site of Ellison is just over the number of properties of Victory site however the ground coverage of the Ellison site is 4 times larger than the Victory site at least

3)-extra traffic, at a recent application it was stated that major road was over subscribed ,haven't seen any plans to address this issue therefore site just add to problem

4- all this extra developments in area , what is the capacity of the sewage and surface water pipes, cant remember any be installed in last 50 years

5-all 3 sites developments have been built on raised sites can fully understand this is to address flooding however water always travel downwards therefore will this site protect the surrounding area from flooding

in conclusion- not at all properties being built on site but the original plan was 14 properties but now doubled , the same feeling to the Westbrooke need to be applied to the Victory site

Mrs Lorraine Smith, 2 Sunningdale Drive

I object to the plans that have been submitted for consideration on the following grounds and I would ask that you give these objections serious consideration.

- I am concerned about the potential odour that I will have to endure while sitting in my summerhouse and entertaining area at the rear of my garden. The proposed area is just behind where my summerhouse is situated. I am well aware what odours permeate from such places as I visit my father in law on a weekly basis at St Botolphs Court Land take his rubbish out to the communal bins. I have to hold my breath when entering it as the smell is excessively unpleasant and makes me want to vomit.

The plans don't show what the proposed bin storage units are made of but I can imagine that they are not brick so the odour will escape more easily creating a permanent odour and cause of distress for myself and my neighbours. The sliding doors stated on the plans are likely to be left open and further increase the risk of causing distress from unwanted odours. If were to be brick built at least if the doors are of a type that are hinged and shut automatically (similar to fire doors) the odour would be less likely to escape and cause distress to neighbouring properties.

Where a large amount of communal rubbish is stored I think it would be prudent for it be built of brick to prevent vermin. I have searched to see if there is guidance on communal bin storage and it does seem that many councils adopt this view especially when it is a new build and not an adaptation that communal bin storage should be brick built. They also suggest running water and drains so that the area can be cleaned down. This would of course cost the developer more expense but the cost is nothing compared to the emotional impact caused by the distress of the potential odour to myself and my neighbours and indeed the prospective owners of the flats.

- The risk of flooding. This planning application appears to be all about cramming as many homes onto a small piece of land to make as much money as possible for the developer.

I fear that as the plans show most of the area will be concrete, paving slabs and block paving and should we have heavy rain there is the potential for our properties to suffer. I have read that porous and permeable materials will be used to reduce the risk of potential flooding. I would have thought that in this age these were just standard measures for building control and yet we still watch the news and see homes being flooded on a regular basis.

It was noted that 'a small part of the site has a patchy area of ponding noted in the EA low risk scenario.' This to me says that while it has been identified as a low risk in its current environment the risk is low. It is an indication that natural drainage into the ground with surface water is poor and so go adding concrete, paving slabs and block paving no matter how porous and permeable has the potential to make the risk higher rather than lower.

I am also pleased to see a sedum roof to the cycle storage however this measure is unlikely in the event of a heavy deluge likely to greatly reduce any risk of flooding. It could be a consideration that should the bin storage area be built in brick that a further sedum roof be added as another small measure to

reduce surface rain water and the risk of flooding. This along with water butts connected to the rainwater downpipes while a good idea as a way of being able to keep any communal plants healthy is unlikely to slow the flow of rainwater unless the water butts are completely empty at the time of heavy rainfall. There can be no guarantee that this will be the case unless there is a designated weather watcher who empties the water butts when rain is forecast.

The ground floor properties will incorporate 'robust resilient construction techniques in order to minimise the damage caused by water entry and also to reduce the time taken to return the property to use after a flood'. I would expect nothing less. This will offer to protect those properties but where will the water go instead?

We all know that water runs downhill and if the proposed properties are to be built raised up as across the road at Ellison Place then where is that water going to go. Ellison Place has a balancing pool to prevent flooding from this potential situation. This proposed development doesn't have a balancing pool and no large amount of grassed area either so when it rains heavy it will have to go somewhere. Would the author of the flood risk assessment like to assess where that is likely to be. Along with answering how they propose that the potential owners of the proposed development buy new lower water demand white goods.

Part 9.1 of the flood risk assessment says to remove impermeable areas. I was wondering where these such areas currently are.

Also part 9.2 mentions rain gardens yet I fail to see these rain gardens on the plans. Could this be clarified as to where they are to be situated? Rain gardens require specific planting I have read. So as much as I do like the species of trees that have been chosen to eventually screen the proposed development I would hate to think that they were indeed part of the rain garden if they may not be suitable. It would serve no purpose to plant trees to have them not thrive.

- **Parking.** I do not think that there is adequate parking provision. For 27 flats to have only 17 parking spaces is laughable especially when we all know that most couples seem to have a car each these days. You only have to take a look across the road at Ellison Place where each property has an allocated parking space on their drive and or a garage and you will still see cars parked up half on the path and half on the road. So if each flat had just one car where are they going to park? Glenwood Grove is the closest street to park and that is already full to capacity. Sunningdale Drive where I live is also an option but with the road being so narrow cars that come and park there have to park half on the grass verge/path and half on the road to allow access to other vehicles. This could cause a problem for the larger vehicles that visit the business premises of Priestly and Cockett.

There is also the issue of traffic from the residents coming out of the proposed development as well as turning into it. With so many potential cars coming and going my concern is at school times for pedestrians and peak times for the flow of traffic while waiting to turn off across Boutham Park Road.

I have noted that an On-street car parking survey has not been carried out. I request that you seriously consider having one done before making any decisions. It is all well and good making statements saying that as a council you encourage the use of public transport, walking and cycling but the reality is people have cars and use them for ease and convenience.

- Looking at the plans I see there are amenity areas to the rear of block B and to the side of block C. Could we clarify if these areas are communal clothes drying areas and if so why has block C not got such a basic facility. The size of the proposed flats are hardly tumbler dryer friendly and its not environmentally friendly to use such an appliance and the need to have them ventilated by either dangling a pipe out of the window or piped out through the wall or they would need to be of the condensing type. I have noted that some of the kitchens where it would most likely to situate a tumble dryer are not near windows and are built against an internal wall so the type of dryer would be very restrictive if indeed there was room. Inadequate ventilation leads to condensation and that leads to mould. Ask your Housing Standards team who will support this argument.
- The previously submitted plans of 2015 were for 10 houses and 4 shops with flats above. For the size of the piece of land that seemed a good option and design. We were not overlooked as the windows that backed onto our property were for the bathroom and so obscure glass. This proposed development has windows overlooking our property reducing our privacy. I have noted that there will be a line of trees that will screen the view eventually but unlikely to do so in my lifetime. We all know developers put in small trees as it keeps the cost down it doesn't however acts as the nice green barrier that the plans would have us believe.
- Having briefly read the financial viability statement that shows why a contribution towards affordable housing is not an option I have a question for the planning committee. Please forgive my ignorance for I am not knowledgeable in matters of planning. Do you get to see full projected figures or just the information that is available for the public to see? I ask this because I would like to know what the £753,950.54 other site costs are. Have you had site of these other costs as they obviously contribute largely to reducing the % of profit which means that there will be no contribution towards affordable housing.
- I understand the need for housing and I am not against the previous planning application of 2015 as it offered good housing and space for the home owners by way of a garden and parking. This new application doesn't come close to ticking those boxes. I was bemused by point 44 of the planning, design and access statement. All of the dwellings would have access to communal gardens set within the site, with units in Block A also enjoying Juliette balconies. Hartsholme Country Park, South Commons and Boultham Park are all a short

drive away. A short drive away for the 17 cars that have a parking space. The communal gardens are not gardens but communal areas. Lord Justice Moses said: 'The Oxford English Dictionary states that a garden is **an enclosed piece of ground devoted to the cultivation of flowers, fruit or vegetables**. The word garden is used on the plans incorrectly.

- On a personal note. The fencing which is the boundary along the rear of the properties of Sunningdale Drive is the responsibility of the current owner Mr Shammon who has replaced the previous block wall with wooden fencing. As we know wooden fencing will in time need replacing. I assume as the proposed development of the properties will be leasehold and so the freeholder will continue to maintain their boundary. Could this be clarified? As we know boundary issues are always cause for concern and a major cause of neighbour disagreements.
- Finally I wish to express my disappointment that the following Lincoln City Council Code of Practice for Publicity of Planning Applications September 2016 was not adhered to.

'Neighbour Notification The legal requirements for neighbour notification are set out in Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended. 15(5) and by giving requisite notice – (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or (b) by serving the notice on any adjoining owner or occupier. 15(10) In this article – "adjoining owner or occupier" means any owner or occupier of any land adjoining the land to which the application relates 'Adjoining the land to which the application relates' – This is not further defined, but we are interpreting that as including land that adjoins a boundary of the land to which the application relates. 'To which the application relates' will include all adjoining land where the development is located. So for a front dormer application or a front extension to a house, an adjoining property to the rear would count as land to which the application relates. Letters remain an effective method of notification, when properties may be affected and the owners/occupiers are unknown. They are considered necessary for hard to reach communities and residents without access to the internet. For this reason, even though they are more expensive to administer than site notices, we will use letters for adjoining land to which the application relates and any others close by that are directly affected. (Wherever an e-mail address is known, e-mail will be used for notification in preference to a letter, as it is much quicker and can provide a link to the relevant documents on the web site)'

I have not received any notice by post, neither have the neighbours that I have spoken with. I have checked daily to see if a notice has been attached to a lamppost or fence on Boultham Park Road but I cannot find one there either. How can people be expected to voice an objection or comment on the application if they do not know of its existence? Especially when it is such a

substantial change to the original plans of 2015. I was certainly sent notification within the 18 months about another planning application where the boundary adjoins mine. May I suggest that notices are sent out ASAP to give others who may wish to comment the opportunity in line with your code of practice.

Customer Details

Name: Mrs Cath Betts

Address: 55 Clive Ave Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Where are the rest of the cars going to park ? On the main road causing obstructions.

We need more affordable housing not expensive flats.

Customer Details

Name: Stuart Smith

Address: 1 boultham park rd Lincoln

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Not even 1 parking space per property

From: Michael Gibson [REDACTED]

Sent: 13 May 2022 15:46

To: Technical Team (City of Lincoln Council) <Technical.Team@lincoln.gov.uk>

Subject: Environmental issues.

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.

Glenwood grove has a significant number of elderly residents,the disruption of building activity that will last for months will be problematic to all residents, not to mention the effect this will have on the local wildlife which includes hedgehogs, foxes,and bats of which have been resident in our property for years,environmental issues and people's welfare come before profit making ventures.

Customer Details

Name: Mr Dan Race

Address: Taylor Lindsey Ltd 98 Searby Road Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We own 25 Glenwood Grove, adjacent to the subject property. Whilst we have no objection, in principle, to the redevelopment of this site for housing we do have concerns about the specific proposals submitted:

Overlooking:

Block C, the three storey building at the rear of the site, has windows in the north and south elevations, overlooking several two storey properties and their gardens. This is neither desirable nor necessary; windows (for at least the principle living spaces) should be in the eastern elevation, looking into the site and preserving privacy and residential amenity for the adjacent residents.

Parking:

The proposal is for 27 flats, 22 of which are two-bedroom (49 bedrooms) but with only 17 parking spaces. This will lead to additional parking on Boutham Park Road (causing obstruction to traffic flows) and increased pressure for on-street parking in the nearby side roads. A greater number of on-site spaces are required for this density of development.

Customer Details

Name: Mrs Jenny Connell

Address: 54 Boutham Park Road Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We would like to submit objections that we feel are relevant to the plans for the development of the Victory site.

Highway safety and congestion concerns:

Potential parking issues resulting from an insufficient number of parking spaces on site.

There are an unrealistic number of 17 car spaces planned for the requested 27 flats, of which 22 flats have 2 bedrooms.

Which for that amount of flats in reality could mean 1-3 cars per flat plus personal work vehicles and visitors cars. Also where will the work vehicles park during construction of the buildings. Surely this indicates there being a need for many many more than the 17 proposed parking spaces.

It is a small piece of land on an already busy, dangerous road, where the speed limit is often exceeded and the paths are used for parking.

Boutham Park Road, Glenwood Grove and Sunningdale Drive are already chaotic and congested causing air and noise pollution issues for the residents and passing public.

Scale and Height of blocks A B & C

Block A due to it being 3 storey, projecting out beyond the building line and above the roof lines, would dwarf our property and the surrounding properties along Boutham Park Road. The sheer scale of the building is vast and overly ambitious. It is a small piece of land and all of the Blocks would stick out like a sore thumb.

Overlooking

We will experience considerable loss of light, due to Block A's close proximity to our kitchen and bathroom windows. This is a huge concern for us.

The proposed pathway alongside Block A which runs along "our " brick wall at the side of our property, will allow people to look directly into our kitchen, causing us privacy and safety concerns. We are also concerned that there would be a risk of the passage being used as a toilet , with litter and noise issues.

One would question the need for a passage at all, when access would surely be from the front door, or the other side of the block.

Also who would maintain the tiny "garden" to the front of Block A? Or will it become an overgrown litter filled mess

Elevated flood risk;

Due to the 3 building's footprint and hard landscaping we are concerned for a heightened risk of flooding, which would directly affect our house. Have there been sufficient green, soak away areas to assist with this?

Safety Concerns

We have safety concerns over our wall and fencing which runs front to back of our property, in that twice it has been driven into. The proposed car parking is positioned right up to our fence causing a possible danger of someone driving straight into our garden.

We would have to insist there be a new higher brick wall built, alongside our own, which would give us added protection and screen out Block A's Juliet balconies and the overlooking Block B.

Mr Shammon does not own our boundary wall, or fencing.

Air Pollution

Probable malodorous smells emanating from the bin storage area, situated at the end of our fence. It will be a communal amenity, therefore who will be accountable for keeping the area clean to reduce the occurrence of odours and vermin.

All of these will prevent us and our neighbours from enjoying our gardens.

Our observations are: The flats internal dimensions are small, especially those on the third floor which leads us to wonder just how saleable they would be or if they would be bought by investors, for rental, resulting in the potential further deterioration of the area.

The Boutham Area has been home to most of its residents for many years and its population is ageing. What housing is needed are more bungalows with small gardens, to accommodate them and free up their houses for families.

Customer Details

Name: Mr Terance Connell

Address: 54 Boultham Park Road Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Planning application reference number - 2022/0352/FUL - Site of Victory Hotel - 50 Boultham Park Road, Lincoln, Lincolnshire

We would like to provide our objections to the above planning application.

Scale, height, and positioning of the proposed development

Block A on the plans is a three storey building. Not only would this stand higher than our property, the plans suggest that this will also stand further forward towards Boultham Park Road and will not be in line with our property or any other existing properties. The combined height and positioning will undoubtedly dwarf our property , together with others in the surrounding area.

This will look out of place and not in character with the area.

With the development being positioned further forward, we will also completely lose our view looking north up Boultham Park Road. When looking out of our windows we will see an unattractive brick wall.

This positioning, combined with the height will also make our property considerably dark inside, with the development blocking out large amounts of natural light. This is a significant concern due to the closeness of the development to our kitchen/living/ dining room and bathroom windows. In addition, the development will take away all the enjoyment we have in sitting in our garden with the development blocks towering above us.

With regard to the layout of the flats, these appear to be very small, especially those on the third floor. This raises the question as to how saleable these will be to individuals / families, or whether they will be bought by investors for rental, potentially leading to a lack of care by tenants and further deterioration of the area.

No privacy

The plans suggest that there will be a pathway in the very small space between Block A and our property. This will result in people looking directly into our kitchen and dining/ living area windows.

In addition, this path runs directly below two of our bedroom windows. With people using this path at all hours, it is likely we will get woken up during the night. This is unacceptable!

The location of the pathway will also naturally attract litter and could also be used as a toilet for those passing by as seen in many other similar pathways across the city.

We would question whether a passageway would be required at all when access would surely be from the front door or the other side of the block.

In addition to Block A concerns, we are also extremely concerned that those on the Juliet balconies will look directly into our garden resulting in us having no privacy at all in this personal space. This is also unacceptable and cannot happen!

Flooding concerns and lack of green space

The scale of the development on such a small site is also a significant concern to us. The large amounts of hard landscaping will naturally bring a heightened risk of flooding across the site and surrounding area. As you will be aware, this development is located in a flood risk area. Covering significant amounts of this land with concrete and tarmac, with very little green space or soakaway area is very worrying. In addition, we have concerns as to who would maintain the tiny "garden" at the front of Block A. There is a risk that this will become an overgrown area filled with litter, reducing the appeal of the area.

The lack of green space is also disappointing and is not in line with the council's own priority to address the challenge of climate change, as stated within its Vision 2025 strategic plan

Safety concerns

Within the plans there are only 17 car parking spaces planned, however, there are 27 flats proposed of which 22 have two bedrooms. In reality this could mean one to three cars per flat plus personal work and visitor vehicles.

This indicates that there needs to be many more parking spaces than the 17 proposed. It is a very small piece of land on an already extremely busy road, where paths are used daily for parking and the speed limit is regularly exceeded.

The location of this proposed development is also very close to a significant traffic junction. Not only would cars parking on the footpaths increase congestion, they would also make the area very dangerous especially for those crossing the road. School children would be at particular risk with many crossing the road between parked cars on their way to school. We see this regular basis already.

The surrounding residential areas including Glenwood Grove, Sunningdale Drive and Marjorie Avenue are also already chaotic and congested and this development would only escalate the growing problem.

In addition, due to the proximity of car parking and the road through the site to our property and specifically our bedroom windows, it is extremely likely that vehicles coming and going at all hours will disrupt our sleep / wake us in the night.

We are also concerned that the proximity of the road and parking spaces to our property could cause a risk to us with vehicles accidentally driving into / through our fence into our garden. We have experienced vehicles driving into our wall when the site was a pub. We expect this will be no different.

As a result, we would expect to see a new higher brick wall built alongside our own wall, which

would give us extra protection and screen Block A's Juliet balconies and the overlooking Block B. The applicant does not own our boundary wall or fencing.

Pollution

With an increased number of vehicles parked on the roadside, cars standing in congested traffic, and moving into and out of the proposed development, unavoidably there will also be an increased level of pollution. As above, this is also not in line with the council's own priority to address the challenge of climate change.

In addition to pollution caused by vehicles it is extremely likely that smells emanating from the bin storage area situated at the end of our fence will make sitting in our garden and opening our windows impossible, especially during the summer months. This will also be the case for our neighbours located on Sunningdale Drive.

The positioning is also likely to attract vermin to the area - who would be responsible for keeping this area clean?

Building on the site

With regard to the actual building on the site, due to the height and scale of the development, we are very concerned that the construction could damage our property through vibrations, especially when digging the foundations, which due to the size are likely to be substantial, especially for Block A. Who would cover the costs for any damage to our property?

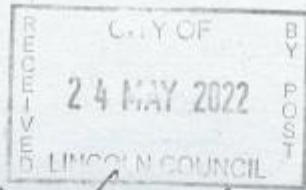
Summary

Overall, we are very concerned with the proposed development and the negative impact this will unavoidably have on our lives and our property.

Should the development go ahead, all our concerns raised will undoubtedly reduce the value of our property and those in the area, especially with the height and positioning of the development outside of the boundary line.

We strongly urge that you take all our concerns seriously and put yourselves in our position.

Thursday 19/5/22. 46^A Boultham
Park Rd.



Lincoln,
LN6 7BS

Dear Sir/Madam,

I am very concerned that the new development on the site of the Victory Hotel, 50 Boultham Park Rd. will result in the removal of very mature trees which overlook the block of flat of which I have been a resident for many years.

With the realisation of the importance of trees and a greener environment in more recent times, I ask you to make sure that the developers are made aware of how much these trees mean to all of us and treat them sympathetically and with the respect that they deserve.

I remain,
yours sincerely

Customer Details

Name: Mr Chris Smith

Address: 2 Sunningdale Drive Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I fully agree with all the objections pointed out by my wife regarding this development. Having read the Water Board's concerns regarding drainage I have further concerns over why the original submission of a few years ago (of 14 dwellings) required garages to raise the living areas in the event of flooding where as now, with more than double the dwellings, the application sees fit to build at ground level. The site plans also show a much larger area of possibly non-permeable material (road network, car standing areas and paved areas) which is surely going to cause localised flooding in heavy rain - I am struggling to see how this is being dealt with in the plans. This is in contrast to across the road where a balancing pool and grassed/soil areas are used to reduce the chance of problems with standing water.

I further object to these plans regarding the bin storage area - not just because it is directly behind our boundary line but due to lack of information about it. The information seems to be limited to a quick reference on the site plan of "6 x 1100l bins housed with sliding doors. Again, this arrangement seems, to me, to invite problems with litter and smells that are far greater than the previous application due to the much larger number of dwellings. 6 x 1100l bins is no small amount of rubbish and given the proposed location I imagine may be too far from Block A for its residents to take their rubbish to (just my thoughts).

Regarding privacy - I feel most neighbours to this site will be overlooked particularly the residents to the south in Sunningdale Drive, yet again due to the increased number of dwellings creating a third floor of living space. Looking at the CGI renders produced by the design company I'm guessing that the last picture titled "View looking from the southern adjoining gardens" maybe trying to reduce the impact of concerns of privacy by the following:

1 - the scale proportion of my garden seems to place block B further away from the viewpoint (I'm

sure my garden isn't as deep as portrayed).

2 - The use in the picture of mature trees in full leaf maybe correct for a view years down the line but certainly not for a good while and given that plans also state deciduous trees are to be used so privacy reducing will be only for half the year.

3 - Maybe just to confuse the residents on the "southern joining gardens" the architect has thrown a sunflare into the picture. I'm sure I have never been blinded by the sun as it tracks around the north casting shadows of trees down our garden (here in Lincoln we live in northern hemisphere)!

Lastly, and yet again objecting to the quantity of dwellings, I have great concerns over the number of car standing areas compared to the number of proposed residents on this site. In this day and age it seems unrealistic to allocate less than at least 1 car space per home (ideal and optimistic maybe but not realistic). I believe that parking in the side streets and even along Boultham Park Road is going to be a problem even before the site has extra visitors or when Lincoln City FC play at home.

I am not opposed to the site being developed as that is just progression but these proposed plans leave so many questions and potential problems mostly caused, in my opinion, by the much higher number of dwellings.

Customer Details

Name: Mrs Sally Atkinson

Address: 10 SUNNINGDALE DRIVE LINCOLN

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Huge concerns about the minimal amount of parking for such a large number of flats. There is no other parking available locally which is likely to have an impact on residents of neighbouring streets. Local streets already used for people using city centre and football ground. The North end of Boultham Park Road is always full on weekdays and match days. Very poor bus services and expensive parking in city centre means people are likely to need parking spaces. There could potentially be 2 cars for each property. The flats could be great but maybe 10 less flats and 10 more parking spaces!

Customer Details

Name: Mr Ben Richards

Address: 27 Glenwood Grove Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:When it rains heavily our garden already floods , we are worried this will increase with the proposed building on this site , can anyone confirm the likelihood of this ? Or the steps that are being taken to prevent it ?

Neighbour consultation responses to revised plans

Customer Details

Name: Mrs Jenny Connell

Address: 54 Boutham Park Road Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:We must reiterate our concerns submitted May 2022 over the proposed development of the Victory site next door to our property. Our concerns are as follows;

Considerable loss of light.

Due to the close proximity and size of Block A to our property. It will affect the light levels in our Kitchen/ Living/Dining areas and bathroom.

Scale.

As it appears on the new plans Block A is even higher and projected further forward than the previous plans and not keeping within the building line, therefore dominating the road and our property. Another concern is the Elevated flood risk due to the proposed developments' footprint and hard landscaping.

Highway Safety and Congestion

Concerns remain for this development, as it is a busy and dangerous road. The traffic generated from the flats occupancy would result in an increase of vehicles on the road and the possibility of vehicles parked on the roadside of Boutham Park Road due to the inadequate provision of parking spaces.

Overlooking

Due to the proximity of Block A's passageway and from Block B windows
We have many concerns over the proposed fence between our brick wall and Block A. On the plan (number 009-Street scene) the fence appears shoulder height for people using the passageway. If this were to be the case people could look directly into our Kitchen/ Living/Dining room. Which is unacceptable.

Conservation of buildings and effects on trees

The proposed wooden fencing also appears to do little to screen us out from the bedrooms of Block B on its front and side elevations. Presently we have a 7 foot fence with trees and shrubs on the victory site . These provide a haven for birds and wildlife and most importantly screening and privacy for us.

Wooden fencing is temporary and requires maintenance, it would provide little protection if a car were to accidentally drive into our fence/garden (which has happened in the past) damaging it or someone sitting on the other side.

We would also like assurances that the integrity of our Wisteria, concrete post fencing and brick wall will be protected. We had our house re-rendered this year at great cost and if it were to be damaged by the development we would expect the developers to repair or replace any damage to our property, walls, fencing and trees at no cost to ourselves.

Customer Details

Name: Mrs Lorraine Smith

Address: 2, Sunningdale Drive Lincoln

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish it to be noted that I still object to the current amended plans.

I am sorry if you find my response lengthy but this is my opportunity to have my voice heard and I respectfully ask that you take your time to read my 3 main reasons for objection. However everything that I wrote in the previous objection still stands and it is there for you to read if you can be bothered.

Risk of Flooding:

It was noted that 'a small part of the site has a patchy area of ponding noted in the EA low risk scenario.' This to me says that while it has been identified as a low risk in its current environment the risk is low. It is an indication that natural drainage into the ground with surface water is poor and so go adding concrete, paving slabs and block paving no matter how porous and permeable has the potential to make the risk higher rather than lower.

Block A is to be built raised so that it can have ground floor living accommodation to maximise the profits for the developer. This was done across the road from this proposed development at Ellison Place. As we know water runs downhill and to prevent flooding from Ellison Place there is a large grass area and a balancing pool. As I previously stated my garden and that of 54 Boutham Park Road along with the properties on Glenwood Drive would most likely be affected by surface water following its natural downwards flow. Particularly 27 Glenwood Grove who mentioned in their previous objection that their garden already gets flood due to poor natural drainage.

I have checked on the Government website <https://check-long-term-flood-risk.service.gov.uk/risk> and my property is stated as being a medium risk of surface water flooding as it stands now without the proposed development. Whether this will increase the risk if the proposed development goes ahead I do not know I can only assume it will. The Upper Witham, Witham First District &

Witham Third District objects and also voices its concerns on 3rd November 2022. You have to search for this objection as it is hidden away in the consultee comments.

Parking:

Even with the reduction in proposed flats with one allocated parking space per flat I can still see parking being an issue. One car per household is not a reality. As previously stated go look in the evening and at weekends at Ellison Place where they have limited parking per house. Cars are parked on half on the path and road. Photographic evidence can be provided.

Overlooked:

The previously submitted plans of 2015 were for 10 houses and 4 shops with flats above. For the size of the piece of land that seemed a good option and design. We were not overlooked as the windows that backed onto our property were for the bathroom and so obscure glass. This proposed development has windows overlooking our property reducing our privacy.

The one thing that I would like to say is the bin storage facilities have been moved away from the area at the back of the fence at the rear of my garden. Although I did have to query this with Marie because the plans even though they had been amended did show on one of the drawings the bins still along the fence but not in the same position as the original plans. This will mean that I can enjoy sitting in my garden without the odorous smell from other people's bins. Thank you for listening to one of my previous objections and taking it on board.

From: CllrK Clarke <CllrK.Clarke@lincolnshire.gov.uk>
Sent: 28 October 2022 17:50
To: Smyth, Marie (City of Lincoln Council) <Marie.Smyth@lincoln.gov.uk>
Subject: FW: 50 BPR Victory site

You don't often get email from cllrk.clarke@lincolnshire.gov.uk. [Learn why this is important](#)

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.

Morning apologies for previous email actually found the said documents however slightly confused whether if all the documents are relevant to the development due to different dates

The main concern is still off-street parking, reading the documents supplied dated May5 2022 -transport planning associates ,paragraph 7.6 ,clearly addresses this issue and therefore wish the document to be followed, I would like

1

to be informed of what actions will the city council take if the permission is granted but paragraph 7.6 is ignored by the company.

Finally on a previous application think the sum of £17,000 will be presented by the developer to the local school Sir Francis Hill ,is this going to be the case if this development goes ahead

Thanks again
County Councillor K.Clarke

NHS Lincolnshire Clinical Commissioning Group
Application Number: 2022/0352/FUL
Location: Site of Victory Hotel, 50 Boutham Park Road, Lincoln

Impact of new development on GP practice	<p>The above development is proposing 27 apartments which, based on the average of 1 person per dwelling for the one-bedroom apartments and 2.3 people per dwelling for the two-bedroom apartments people per dwelling for the City of Lincoln Council area, would result in an increase in patient population of 56.</p> <p>The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.</p> <p>Consulting room GP (1 Bedroom)</p> <table border="1"> <tr><td>Proposed population</td><td>5</td></tr> <tr><td>Access rate</td><td>5260 per 1000 patients</td></tr> <tr><td>Anticipated annual contacts</td><td>$0.005 \times 5260 = 26$</td></tr> <tr><td>Assume 100% patient use of room</td><td>26</td></tr> <tr><td>Assume surgery open 50 weeks per year</td><td>$26/50 = 0.5$</td></tr> <tr><td>Appointment duration</td><td>15 mins</td></tr> <tr><td>Patient appointment time hrs per week</td><td>$0.5 \times 15/60 = 0.1$ hrs per week</td></tr> </table> <p>Consulting room GP (2 Bedroom)</p> <table border="1"> <tr><td>Proposed population</td><td>51</td></tr> <tr><td>Access rate</td><td>5260 per 1000 patients</td></tr> <tr><td>Anticipated annual contacts</td><td>$0.051 \times 5260 = 266$</td></tr> <tr><td>Assume 100% patient use of room</td><td>266</td></tr> <tr><td>Assume surgery open 50 weeks per year</td><td>$266/50 = 5.3$</td></tr> <tr><td>Appointment duration</td><td>15 mins</td></tr> <tr><td>Patient appointment time hrs per week</td><td>$5.3 \times 15/60 = 1.3$ hrs per week</td></tr> </table>	Proposed population	5	Access rate	5260 per 1000 patients	Anticipated annual contacts	$0.005 \times 5260 = 26$	Assume 100% patient use of room	26	Assume surgery open 50 weeks per year	$26/50 = 0.5$	Appointment duration	15 mins	Patient appointment time hrs per week	$0.5 \times 15/60 = 0.1$ hrs per week	Proposed population	51	Access rate	5260 per 1000 patients	Anticipated annual contacts	$0.051 \times 5260 = 266$	Assume 100% patient use of room	266	Assume surgery open 50 weeks per year	$266/50 = 5.3$	Appointment duration	15 mins	Patient appointment time hrs per week	$5.3 \times 15/60 = 1.3$ hrs per week
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¹ Source: Lincolnshire Research Observatory 2011 Census Data

	<p>Treatment room Practice Nurse (1 Bedroom)</p> <table border="1"> <tr> <td>Proposed population</td> <td>5</td> </tr> <tr> <td>Access rate</td> <td>5260 per 1000 patients</td> </tr> <tr> <td>Anticipated annual contacts</td> <td>$0.005 \times 5260 = 26$</td> </tr> <tr> <td>Assume 20% patient use of room</td> <td>5.3</td> </tr> <tr> <td>Assume surgery open 50 weeks per year</td> <td>$5.3/50 = 0.105$</td> </tr> <tr> <td>Appointment duration</td> <td>20 mins</td> </tr> <tr> <td>Patient appointment time hrs per week</td> <td>$0.105 \times 20/60 = 0.0\text{hrs per week}$</td> </tr> </table> <p>Treatment room Practice Nurse (2 Bedroom)</p> <table border="1"> <tr> <td>Proposed population</td> <td>51</td> </tr> <tr> <td>Access rate</td> <td>5260 per 1000 patients</td> </tr> <tr> <td>Anticipated annual contacts</td> <td>$0.051 \times 5260 = 266$</td> </tr> <tr> <td>Assume 20% patient use of room</td> <td>53.2</td> </tr> <tr> <td>Assume surgery open 50 weeks per year</td> <td>$53.2/50 = 0.165$</td> </tr> <tr> <td>Appointment duration</td> <td>20 mins</td> </tr> <tr> <td>Patient appointment time hrs per week</td> <td>$0.165 \times 20/60 = 0.4 \text{ hrs per week}$</td> </tr> </table> <p>Therefore an increase in population of 56 in the City of Lincoln Council area will place extra pressure on existing provisions, for example- extra appointments requires additional consulting hours (as demonstrated in the calculations above.) This in turn impacts on premises, with extra consulting/treatment room requirements.</p>	Proposed population	5	Access rate	5260 per 1000 patients	Anticipated annual contacts	$0.005 \times 5260 = 26$	Assume 20% patient use of room	5.3	Assume surgery open 50 weeks per year	$5.3/50 = 0.105$	Appointment duration	20 mins	Patient appointment time hrs per week	$0.105 \times 20/60 = 0.0\text{hrs per week}$	Proposed population	51	Access rate	5260 per 1000 patients	Anticipated annual contacts	$0.051 \times 5260 = 266$	Assume 20% patient use of room	53.2	Assume surgery open 50 weeks per year	$53.2/50 = 0.165$	Appointment duration	20 mins	Patient appointment time hrs per week	$0.165 \times 20/60 = 0.4 \text{ hrs per week}$
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Financial Contribution requested	<p>The contribution requested for the development of £15,290.00 (£1,375.00 x 5 apartments plus £13,915.00 x 22 apartments)</p> <p>Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.</p>
Trigger point	<p>After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure.</p> <p>To ensure that there is sufficient time carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.</p>

Lincolnshire Clinical Commissioning Group
11th May 2022

NHS Lincolnshire Integrated Care Board
Application Number: 2022/0352/FUL
Location: Site of Victory Hotel, 50 Boultham Park Road, Lincoln
AMENDMENT TO REDUCE FROM 27 TO 18 DWELLINGS

Impact of new development on GP practice	<p>The above development is proposing 18 dwellings which, based on the average of 2.3 people per dwelling for the City of Lincoln Council area, would result in an increase in patient population of 41.</p> <p>The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.</p> <p>Consulting room GP</p> <table border="1"> <tr><td>Proposed population</td><td>41</td></tr> <tr><td>Access rate</td><td>5260 per 1000 patients</td></tr> <tr><td>Anticipated annual contacts</td><td>$0.041 \times 5260 = 216$</td></tr> <tr><td>Assume 100% patient use of room</td><td>216</td></tr> <tr><td>Assume surgery open 50 weeks per year</td><td>$216/50 = 4.3$</td></tr> <tr><td>Appointment duration</td><td>15 mins</td></tr> <tr><td>Patient appointment time hrs per week</td><td>$4.3 \times 15/60 = 1.1$ hrs per week</td></tr> </table> <p>Treatment room Practice Nurse</p> <table border="1"> <tr><td>Proposed population</td><td>41</td></tr> <tr><td>Access rate</td><td>5260 per 1000 patients</td></tr> <tr><td>Anticipated annual contacts</td><td>$0.041 \times 5260 = 216$</td></tr> <tr><td>Assume 20% patient use of room</td><td>43.2</td></tr> <tr><td>Assume surgery open 50 weeks per year</td><td>$43.2/50 = 0.864$</td></tr> <tr><td>Appointment duration</td><td>20 mins</td></tr> <tr><td>Patient appointment time hrs per week</td><td>$0.864 \times 20/60 = 0.3$ hrs per week</td></tr> </table> <p>Therefore an increase in population of 41 in the City of Lincoln Council area will place extra pressure on existing provisions, for example- extra appointments requires additional consulting hours (as demonstrated in the calculations above.) This in turn impacts on premises, with extra consulting/treatment room requirements.</p>	Proposed population	41	Access rate	5260 per 1000 patients	Anticipated annual contacts	$0.041 \times 5260 = 216$	Assume 100% patient use of room	216	Assume surgery open 50 weeks per year	$216/50 = 4.3$	Appointment duration	15 mins	Patient appointment time hrs per week	$4.3 \times 15/60 = 1.1$ hrs per week	Proposed population	41	Access rate	5260 per 1000 patients	Anticipated annual contacts	$0.041 \times 5260 = 216$	Assume 20% patient use of room	43.2	Assume surgery open 50 weeks per year	$43.2/50 = 0.864$	Appointment duration	20 mins	Patient appointment time hrs per week	$0.864 \times 20/60 = 0.3$ hrs per week
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¹ Source: Lincolnshire Research Observatory 2011 Census Data

<p>GP practice(s) most likely to be affected by the housing development</p>	<p>Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity.</p> <p>The development will impact Boultham Medical Practice, Heart of Lincoln Medical Group (Portland & University) and Brayford Medical Practice, as the development is within their catchment area.</p>
<p>Issues to be addressed to ensure the development is acceptable</p>	<p>This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands.</p> <p>Lincolnshire Clinical Commissioning Group (LCCG) wishes for the Section 106 contribution from the development of 27 apartments on the Site of Victory Hotel, 50 Boultham Park Road to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the APEX and Lincoln Health Partnership Primary Care Networks (PCNs) at Boultham Medical Practice and/or Heart of Lincoln Medical Group (Portland). Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.</p> <p>The strategic direction both nationally through the development of PCN and locally through the Sustainability Transformation Plan is to provide primary care at scale, facilitating 100% patient population primary care and services delivered in the community in an integrated way. Included within the PCNs this is the introduction of additional roles to enhance the delivery of primary care, including a Clinical Pharmacist, Physiotherapist and Social Prescriber.</p> <p>Nationally the NHS Long Term Plan, published in January 2019, seeks to improve the quality of patient care and health outcomes. The plan builds on previous national strategies, including the General Practice Forward View (2016), includes measures to:</p> <ul style="list-style-type: none"> • Improve out-of-hospital care, supporting primary medical and community health services; • Ensure all children get the best start in life by continuing to improve maternity safety including halving the number of stillbirths, maternal and neonatal deaths and serious brain injury by 2025; • Support older people through more personalised care and stronger community and primary care services; • Make digital health services a mainstream part of the NHS, so that patients in England will be able to access a digital GP offer. <p>The Boultham Medical Practice and Heart of Lincoln Medical Group (Portland) are within the LCCG APEX and Lincoln Health Partnership PCNs where the housing is being developed; there is a huge variation in the type; age and suitability of premises within the PCN of the planned development.</p>

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	Total per resident					275
Total per dwelling (resident x 2.3) –					632.50	
<p>The table above shows the contribution formula which is based on the needs of a Primary Care Health Team and associated administration support. By applying average national list sizes to these groups and identifying the required area and furnishings, a total cost of £632.50 per patient is determined. This figure is multiplied by 2.3 (the average number of persons per dwelling for City of Lincoln Council) to provide a funding per dwelling of £632.50.</p>						
Financial Contribution requested	<p>The contribution requested for the development of £11,385.00 (£632.50 x 18 dwellings)</p> <p>Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.</p>					
Trigger point	<p>After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure.</p> <p>To ensure that there is sufficient time carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.</p>					

Lincolnshire Clinical Commissioning Group
11th May 2022

NHS Lincolnshire Integrated Care Board
10 November 2022

City of Lincoln Council
 Development Control
 Planning Department

Corporate Property Team
 Lincolnshire County Council
 County Offices
 Newland
 Lincoln LN1 1YL

Email: Property_Strategy@lincolnshire.gov.uk

My Ref: S106/COLC/2022/0352/FUL/2022
 16th May 2022

Dear Mary Smyth,

Development - Erection of 27no. flats within three buildings. Associated external works including soft landscaping, pedestrian and vehicular access, car parking and bin storage. Site Of Victory Hotel 50, Boutham Park Road, Lincoln, Lincolnshire,
Application Number – COLC/2022/0352/FUL

Thank you for your notification of 06th May 2022, concerning the proposed development at the above site. I have now had the opportunity to consider the impact on the local schools reasonably accessible from the development. Please see below overview in relation to the impact, and details for primary, secondary and sixth-form that follow.

Overview

Please see below table in relation to the number of places required and available in local schools from/for the proposed development:

Type	Children produced by scheme	Sufficient places available 2024/25 (Y/N/Partial)	Places to be mitigated	Contribution sought
Primary	1	N	1	£ 11,276.00
Secondary	1	N	1	£ 16,991.00
Sixth-form	0	N/A	N/A	£0
			Total	£ 28,267.00

Please note, where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised

County Offices, Newland
 Lincoln LN1 1YL
www.lincolnshire.gov.uk

at the reserved matters stage. All section 106 agreements should include indexation using the Tender Price Index of the Royal Institute of Chartered Surveyors Building Cost Information Services (RICS BCIS TPI).

The above contributions would be spent on the following:

Type	Amount	Scheme
Primary	£ 11,276.00	Towards Education Provision Within Lincoln South Primary Planning Area
Secondary	£ 16,991.00	N/A - CIL
Sixth-form	£ 0	N/A - CIL

Following the removal of Regulation 123 from the Community Infrastructure Levy Regulations on 01 September 2019, requests for items formerly on a Regulation 123 list are now permitted; the Central Lincolnshire Developer Contributions Supplementary Planning Document (2018) still restricts secondary and school-based sixth form to CIL only. Requests can also be made toward more than one scheme to provide the ability to extend the most appropriate school to mitigate the impacts of development at the time those impacts are felt.

Detail

The below table indicates the number of pupils generated by the proposed development. This is on the basis of research by Lincolnshire Research Observatory utilised to calculate Pupil Production Ratio (PPR) multiplied by the number of homes proposed.

House Type (if known)	No of Properties	PPR Primary	Primary Pupils	PPR Secondary	Secondary Pupils	PPR Sixth Form	Sixth Form Pupils
2 Bedroom	22	0.09	1.98	0.09	1.98	0.018	0.396
3 Bedroom	0	0.17	0	0.17	0	0.034	0
4+ Bedroom	0	0.33	0	0.27	0	0.054	0
Unknown	0	0.2	0	0.19	0	0.038	0
Total (rounded down)	22	-	1	-	1	-	0

Capacity is assessed using the County Council's projected capacity levels at 2024/25, this is the point when it is reasonable to presume that the development would be complete or well on the way.

Type	Local School/School Planning Area	Pupils generated	Sufficient places available 2024/25 (Y/N/Partial)	Places to be mitigated
Primary	Lincoln South Primary Planning Area	1	N	1
Secondary	Lincoln South Secondary Planning Area	1	N	1

Sixth-form	N/A	0	N/A	0
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As the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2019) and fully complies with CIL regulations; we feel it is necessary, directly related, and fairly and reasonably related in scale and kind to the development proposed in this application.

The level of contribution sought in this case is in line with the below table.

Type	Places to be mitigated	Contribution per place*	Sub-total	Local multiplier**	Total contribution requested
Primary	1	£12,257	£12,257.00	0.92	£11,276.00
Secondary	1	£18,469	£18,469.00	0.92	£16,991.00
Sixth-form	0	£20,030	£0	0.92	£0
Total	2	-	£30,726.00	-	£28,267.00

*current cost multiplier per pupil place based on National Cost Survey

**to reduce cost and to reflect Lincolnshire's lower than average build cost compared to national average

***amounts for indicative purposes only, request reduced to £0 in line with Developer Contributions Supplementary Planning Document

We would suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

Please note the County Council retains the statutory duty to ensure sufficiency of school places and this includes capital funding provision of sufficient places at maintained schools, academies and free schools. We would invest the funding at the most appropriate local school(s) regardless of their status, but ensure the s.106 funding is used only to add capacity as this is the only purpose for which it is requested.

I look forward to hearing from you, thank you for your notification of the application and thank City of Lincoln Council for your continued cooperation and support.

Yours sincerely

Strategic Development Officer
Corporate Property Service

(By e-mail)

County Offices, Newland
 Lincoln LN1 1YL
www.lincolnshire.gov.uk

-----Original Message-----

From: Property Strategy <Property_Strategy@lincolnshire.gov.uk>

Sent: 26 October 2022 12:08

To: Technical Team (City of Lincoln Council) <Technical.Team@lincoln.gov.uk>

Subject: RE: Reconsultation on Planning Application

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.

Many thanks for the below consultation. The County Council has no comments on this consultation in relation to education as any impacts were commented on at the outline stage in our response 16 May 2022.

Sam Barlow
Strategic Development Officer
Lincolnshire County Council
County Offices, Newland, Lincoln, LN1 1YL

-----Original Message-----

From: Property Strategy <Property_Strategy@lincolnshire.gov.uk>

Sent: 21 November 2022 15:15

To: Smyth, Marie (City of Lincoln Council) <Marie.Smyth@lincoln.gov.uk>

Subject: RE: Reconsultation on Planning Application

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.

Good Afternoon

The pupil yield from 18 two bedroomed flats in the development remains the same as previously therefore the education contribution would be the same to mitigate the additional children created.

Many Thanks

Sam Barlow
Strategic Development Officer
Lincolnshire County Council
County Offices, Newland, Lincoln, LN1 1YL

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: 2022/0352/FUL

Proposal: **Erection of 27no. flats within three buildings. Associated external works including soft landscaping, pedestrian and vehicular access, car parking and bin storage**

Location: **Site of Victory Hotel, 50 Boultham Park Road, Lincoln, Lincolnshire**

With reference to the above application received 6 May 2022

Notice is hereby given that the County Council as Local Highway and Lead Local Flood Authority:

Requests that any permission given by the Local Planning Authority shall include the conditions below.

CONDITIONS (INCLUDING REASONS)

This proposal is for a mix of 1- and 2-bedroom apartments. The site incorporates parking and communal areas, which will be privately managed and maintained. The proposals demonstrate gated access, with the gate set back 10m into the site to enable vehicles to wait for gates to open clear of running traffic on the carriageway.

The site is in a sustainable location and residents will not be reliant on a private car. 17 car parking spaces are proposed, however there is scope for additional informal parking within the site. 38 secure cycle parking spaces are accommodated, and the applicant has indicated that the first occupier of each apartment will be provided with a bus pass to enable one month of free bus travel, to further encourage sustainable travel. The Highway Authority are supportive of the level of car and cycle parking provision proposed.

Councillor Clarke has raised concern with the level of car parking provision proposed, and the potential for car parking to be displaced onto surrounding residential streets.

The existing southern access into the site will require stopping up and returning to full height footway and kerbs. The existing northern access will require realignment in accordance with the submitted plans, and a tactile crossing should be incorporated into the design.

It is proposed that refuse vehicles will enter the site on collection days, and manoeuvre in the turning head

to egress the site in a forward gear.

Surface water drainage will be managed by rain gardens and permeable paving within the site, incorporating attenuation to discharge at a restricted rate to the mains sewer.

Please note that the street lighting column at the site frontage may require relocation depending on the location of windows on the frontage block, which should be organised by the applicant at their own expense.

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 04

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

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>

Highway Condition 12

Within seven days of the new access being brought into use, the existing access onto Boultham Park Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to Boultham Park Road, in the interests of road safety.

Case Officer:

Date: 25 May 2022

Becky Melhuish

**for Warren Peppard
Head of Development Management**

From: Becky Phillips-Melhuish
Sent: 09 January 2023 08:17
To: Smyth, Marie (City of Lincoln Council)
Subject: RE: 2022/0352/FUL: Site of Victory Hotel, Boultham Park Road

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You don't often get email from becky.phillips-melhuish@lincolnshire.gov.uk. [Learn why this is important](#)

Hi Marie

Yes, the May comments still stand thank you – no concerns with the revised proposals.

Thanks
Becky

Becky Phillips-Melhuish *(pron. Mel-ish)*
Growth Manager (Planning Advice) – Development Management
Lincolnshire County Council
County Offices, Newland, Lincoln LN1 1YL

Teams: [Chat with me](#)
Website: www.lincolnshire.gov.uk





City of Lincoln Council
Development Control
City Hall Beaumont Fee
Lincoln
LN1 1DF

Our ref: AN/2022/133071/01-L01
Your ref: 2022/0352/FUL
Date: 26 May 2022

Dear Sir/Madam

Erection of 27no. flats within three buildings. Associated external works including soft landscaping, pedestrian and vehicular access, car parking and bin storage Site of Victory Hotel 50, Boutham Park Road, Lincoln

Thank you for consulting us on the above application, on 6 May 2022.

Environment Agency position

In the absence of an acceptable flood risk assessment (FRA) and an unacceptable risk to life posed we object to this application and recommend that planning permission is refused.

Reason(s)

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. It does not therefore adequately assess the flood risks posed by the development.

The site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. Notwithstanding the mitigation measures proposed, the risk to life and property, from fluvial inundation (including through a defence breach) would be unacceptable if the development were to be permitted.

The submitted FRA incorrectly states the 2115 0.1% AEP breach event fluvial flood depths; as such the proposed development mitigation measures are inadequate.

Our flood risk data, referred to in the FRA as Appendix A but not included in the FRA, shows the site is at risk of flood depths 1.0-1.6m (up to 5.89mAOD) from both the Trent and Witham, in case of a breach during the 0.1% AEP 2115 events. As such, the proposed ground floor finished floor level would not be set above the flood level. As this development includes self-contained single-storey residential accommodation, we cannot support this application at present due to potential risk to life.

Ceres House, Searby Road, Lincoln, LN2 4DW
Customer services line: 03708 506 506
Email: LNplanning@environment-agency.gov.uk
www.gov.uk/environment-agency

Cont/d..

Calls to 03 numbers cost no more than national rate calls to 01 or 02 numbers and count towards any inclusive minutes in the same way. This applies to calls from any type of line including mobile.

In addition, the FRA fails to adequately:

- consider how a range of flooding events (including extreme events) will affect people and property
- take the impacts of climate change into account. The FRA uses different climate change allowances to assess future flood risk than those advised in '[Flood risk assessments: climate change allowances](#)', without adequate justification. The central 2080s scenario should be used for the Witham catchment which is an allowance of 20%.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

The data request referenced CCN-2021-245059 which was quoted within the FRA should be reviewed and the FRA should use the levels/depths associated with the 2115 0.1% AEP events (including breach scenarios) to propose adequate mitigation measures including but not limited to amended finished floor levels.

It is unlikely that mitigation measures would prevent water from entering the building at ground level over the lifetime of the development, so it is likely that ground floor sleeping and other habitable accommodation will need to be removed. Two-storey homes with no habitable accommodation at ground floor could be considered.

Advice to the local planning authority

Sequential test

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test, which are consistent with the use for which the site was allocated.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

It is for you, as the local planning authority, to decide whether the sequential test has been satisfied, but the applicant should demonstrate to you, with evidence, what area of search has been used. Further guidance on the area of search can be found in the

Cont/d..

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planning practice guidance [here](#) .

If you are minded to approve this application for major development contrary to our flood risk objection, we request that you contact us to allow further discussion and/or representations from us in line with the [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#).

This statutory instrument prevents you from issuing planning permission without first referring the application to the Secretary of State for Housing, Communities and Local Government (via the National Planning Casework Unit) to give them the opportunity to call-in the application for their own determination. This process must be followed unless we are able to withdraw our objection to you in writing. A failure to follow this statutory process could render any decision unlawful, and the resultant permission vulnerable to legal challenge.

Please re-consult us if a revised FRA is submitted and we'll respond within 21 days of re-consultation.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Nicola Farr
Sustainable Places - Planning Specialist

Direct dial 02030 255023

Direct e-mail nicola.farr@environment-agency.gov.uk



FAO: Marie Smyth
City Of Lincoln Council
Development Control
City Hall Beaumont Fee
Lincoln
Lincolnshire
LN1 1DF

Our ref: AN/2022/133071/02-L01
Your ref: 2022/0352/FUL
Date: 08 November 2022

Dear Marie

**Erection of one 2 storey and two 2½ storey buildings accommodating 18 flats. Associated external works including car parking, access gate, cycle and bin storage and soft landscaping (REVISED DESCRIPTION, PLANS AND SUPPORTING DOCUMENTS).
Site of Victory Hotel 50, Boultham Park Road, Lincoln**

Thank you for re-consulting us on the above application on 25 October 2022 following the submission of amended plans and flood risk assessment.

We have reviewed the updated FRA and consider that it satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore **withdraw our previous objection**, dated 26 May 2022.

Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment prepared by ARK Environmental Consultancy Ltd, dated October 2022 and the following mitigation measures it details:

- All habitable finished floor levels shall be set no lower than 5.48 metres above Ordnance Datum (AOD), this includes the ground floor flats in Block A and first floor Flats in Blocks B and C.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants, in accordance with policy LP14 of the Central Lincolnshire Local Plan, 2017.

Condition 2

The ground floor of Block B and C hereby approved shall only be used as a garage, utility, store, plant room and entrance hall as annotated on drawing number P/005

Environment Agency
Ceres House, Searby Road, Lincoln, LN2 4DW
Email: LNplanning@environment-agency.gov.uk
www.gov.uk/environment-agency

Customer services line: 03708 506 506
Calls to 03 numbers cost the same as calls to standard geographic numbers (i.e. numbers beginning with 01 or 02).

Cont/d..

'Block B&C - Proposed Floor Plans', and for no other habitable accommodation.

Reason

In accordance with the details of the application and to ensure that there is no sleeping or vulnerable living accommodation on the ground floor, in order to protect the inhabitants of the property from the risk of flooding in accordance with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan, 2017.

As you are aware, the discharge and enforcement of planning conditions rests with your authority. You must therefore be satisfied that the proposed conditions meet the requirements of the 6 tests in paragraph 56 of the National Planning Policy Framework. Further guidance on the 6 tests is provided in the planning practice guidance (<https://www.gov.uk/guidance/use-of-planning-conditions>).

Please notify us immediately if you are unable to apply our suggested conditions, to allow further consideration and advice.

Information for your authority

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance (PPG) to the NPPF states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

We would like to note that if a breach were to happen, there may be little to no warning before floodwater reaches the site which should be considered by the LPA when assessing the adequacy of safe access and egress to the site.

Information for applicant

Flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings

Cont/d..

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can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Rebecca Flint
Sustainable Places Planning Adviser



Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 07929 786955 or email planningliaison@anglianwater.co.uk.

AW Site Reference: 189297/1/0146628

Local Planning Authority: Lincoln District (B)

Site: Site Of Victory Hotel 50 Boultham Park Road Lincoln Lincolnshire

Proposal: Erection of 27no. flats within three buildings. Associated external works including soft landscaping, pedestrian and vehicular access, car parking and bin storage

Planning application: 2022/0352/FUL

Prepared by: Pre-Development Team

Date: 12 May 2022

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Canwick Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

This response has been based on the following submitted documents: FRA and SUDS Strategy April 2022. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) **INFORMATIVE** - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) **INFORMATIVE** - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) **INFORMATIVE** - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) **INFORMATIVE**: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal (Section 4)

CONDITION No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Surface water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
 - Development hectare size
 - Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -<http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
 - Connecting manhole discharge location
- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)



Planning Applications – Suggested Informative Statements and Conditions Report

If you would like to discuss any of the points in this document please contact us on 07929 786955 or email planningliaison@anglianwater.co.uk.

AW Site Reference: 189297/1/0157187

Local Planning Authority: Lincoln District (B)

Site: Site Of Victory Hotel 50 Boultham Park Road Lincoln Lincolnshire

Proposal: Erection of one 2 storey and two 2½ storey buildings accommodating 18 flats. Associated external works including car parking, access gate, cycle and bin storage and soft landscaping. (REVISED DESCRIPTION, PLANS AND SUPPORTING DOCUMENTS).

Planning application: 2022/0352/FUL

Prepared by: Pre-Development Team

Date: 30 October 2022

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Canwick Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

This response has been based on the following submitted documents: FRA & SUDS Strategy for Planning Oct 22; The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted document, FRA & SUDS Strategy for Planning Oct 22, and can confirm that the proposed strategy to discharge surface water at a rate of 2l/s is acceptable to Anglian Water. The statement that reads "Anglian Water have confirmed that 5.0l/s would be acceptable regardless" (paragraph 8.2 on page 6) is not correct, and does not fall in line with our policy. A rate of 2l/s only is acceptable to Anglian Water. It is required that these documents be listed as approved plans/documents if permission is granted. Note to applicant – Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

Dear Sir/Madam

REFERENCE: 2022/0352/FUL

DEVELOPMENT: ERECTION OF 27NO. FLATS WITHIN THREE BUILDINGS. ASSOCIATED EXTERNAL WORKS INCLUDING SOFT LANDSCAPING, PEDESTRIAN AND VEHICULAR ACCESS, CAR PARKING AND BIN STORAGE

LOCATION: SITE OF VICTORY HOTEL, 50 BOULTHAM PARK ROAD, LINCOLN, LINCOLNSHIRE

Thank you for the opportunity to comment on the above application. The site is within the Upper Witham Internal Drainage Board district.

The Board Objects in Principle to any development in flood plain (Zones 2 and 3 on the Environment Agency flood maps). However, it is up to City of Lincoln Council as the planning Authority granting planning permission. It is noted that a Flood Risk Assessment is included in the Application. Within the Flood Risk Assessment (8.4) EA breach mapping data is referred to determine the flood level and FFL of ground floor bedrooms at 4.38mAOD. But this is only derived to using flood depth and ground levels, it is not definitive, the limited EA data included does not have any flood levels to AOD, if data to AOD available it should be used. Also there is no freeboard allowance above the level which would be expected. The 4.38mAOD is considerably lower than the Design Flood levels within the main river channel that have been previously used to determine FFL for this and other neighbouring site. It is noted that the Flood Risk Assessment does not include any flood resistant materials or an escape plan.

Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional Surface Water. It is noted there is a proposed rate of 5l/s.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Regards

Guy Hird
Head of Technical & Engineering Services

enquiries@witham3idb.gov.uk

Dear Sir/Madam

2022/0352/FUL

**Site Of Victory Hotel 50, Boutham Park Road, Lincoln, Lincolnshire,
Erection of one 2 storey and two 2½ storey buildings accommodating 18 flats.
Associated external works including car parking, access gate, cycle and bin storage
and soft landscaping. (REVISED DESCRIPTION, PLANS AND SUPPORTING
DOCUMENTS).**

Thank you for the opportunity to comment on the above application. The site is within the Upper Witham Internal Drainage Board district.

The Board Objects to the current proposals.

It is noted that the proposed FFLs (habitable rooms) have been raised to 5.48m AOD from the previous level of 4.38m AOD. However, this level is still below the flood level information provided by the Environment Agency of 5.89m AOD for the FFLs to be above. Therefore the property remains at risk.

The Board Objects in Principle to any development in flood plain (Zones 2 and 3 on the Environment Agency flood maps). However, it is up to City of Lincoln Council as the planning Authority granting planning permission. It is noted that a revised Flood Risk Assessment has been submitted.

It is noted that the proposed surface water discharge is to the Anglian Water Services sewer attenuated to 2l/s.

There are no drawings indicating the proposed finished levels of the site, but they appear to be no ground raising apart from local to Block A. Any ground raising is likely to have an effect on the drainage and surface water flows to the adjacent properties.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Regards

Guy Hird
Head of Technical & Engineering Services



Directorate of Communities & Environment

Simon Walters MBA, ACG, MCMI
City Hall, Beaumont Fee
Lincoln, LN1 1DF

12th May 2022

Your Ref: 2022/0352/FUL

**Town and Country Planning Act 1990
Consultation on Planning Permission**

Site Of Victory Hotel 50, Boultham Park Road, Lincoln, Lincolnshire,

Erection of 27no. flats within three buildings. Associated external works including soft landscaping, pedestrian and vehicular access, car parking and bin storage.

The date by which representations are to be received by the Local Planning Authority:

Lincolnshire Police do not have any objections to this application

Please do not hesitate to contact me should you need further information or clarification.

Please refer to *Homes 2019* which can be located on www.securedbydesign.com Homes 2019.

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

Yours sincerely,

John Manuel MA BA (Hons) PGCE PGCPD Dip Bus.

Force Designing Out Crime Officer (DOCO)

POLICE HEADQUARTERS
PO Box 999, Lincoln LN5 7PH
(Sat Nav: LN2 2LT)
www.lincs.police.uk

☎ 01522 55 8292
☎ 075700 99424
✉ john.manuel@lincs.pnn.police.uk





LINCOLNSHIRE POLICE

POLICE HEADQUARTERS
PO Box 999
LINCOLN LN5 7PH
Fax: (01522) 558128
DDI: (01522) 558118
email
john.manuel@lincs.pnn.police.uk

Your Ref: 2022/0352/FUL

26th October 2022

Our Ref:

Mr K Manning (Planning Manager)
City Hall, Beaumont Fee,
Lincoln, LN1 1DF

**Town and Country Planning Act 1990
Re-consultation on Planning Permission**

**Site Of Victory Hotel 50, Boultham Park Road, Lincoln, Lincolnshire,
Description of the proposed development: Erection of one 2 storey and two
2½ storey buildings accommodating 18 flats. Associated external works
including car parking, access gate, cycle, and bin storage and soft
landscaping.**

(REVISED DESCRIPTION, PLANS AND SUPPORTING DOCUMENTS).

Lincolnshire Police do not have any objections to this development

Please do not hesitate to contact me should you need further information or clarification on the above.

Yours sincerely

John Manuel
Force Designing Out Crime Officer (DOCO)
john.manuel@lincs.pnn.police.uk

Customer Details

Name: Ms Catherine Waby

Address: St Mary's Guildhall, 385 High Street, Lincoln LN5 7SF

Comment Details

Commenter Type: Amenity Group

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTION Overdevelopment. We objected to the original application as we felt that the proposal was too great and we must object again as this application seeks to create too many apartments on the site. There are virtually no buildings in the immediate area that are more than two storeys high and hence it is out of keeping with the environment. The application proposes 27 apartments, 22 being 2 bedded and only 17 car park spaces and only one charging point. This is totally unacceptable as the building is on to the main road with no parking on the road and will force occupants to park in the side streets, creating further congestion. We would suggest that the project be re-submitted with a less ambitious number of apartments.

Application Number:	2022/0784/HOU
Site Address:	20 Avondale Street, Lincoln, Lincolnshire
Target Date:	26th January 2023
Agent Name:	Awake Architects Ltd
Applicant Name:	Mr Tanzeel Rehman
Proposal:	Erection of single storey side and rear extension (Retrospective) (Revised Drawing).

Background - Site Location and Description

The application proposes the erection of single storey extensions to the existing property. The application property is 20 Avondale Street a two storey terraced property with additional accommodation in the roof.

The property has the benefit of a Certificate of Lawful use for its use as a House in Multiple Occupation (HMO) for up to 6 occupants (C4). The use of the property would remain as a HMO. The application is made retrospectively as works were completed without planning permission. Recent works to the property also include internal renovation and the conversion of the loft with a rear dormer window, these are permitted development and do not form part of this application.

The application is brought before Planning Committee at the request of Councillor Smalley and Councillor Christopher.

Site History

Reference:	Description	Status	Decision Date:
2021/1051/CLE	Continued use of property as a House in Multiple Occupation (Class C4) (Application for Certificate of Lawfulness). (Re-submission)	Granted	21st January 2022

Case Officer Site Visit

Undertaken on 17th November 2022.

Policies Referred to

- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

To assess the proposal with regard to:

- National and Local Planning Policy
- Impact on Residential Amenity
- Impact on Visual Amenity
- 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
Councillor Martin Christopher	Comments Received
Councillor Clare Smalley	Comments Received
Highways & Planning	Comments Received

Consideration

Planning Policy

Policy LP26 'Design and Amenity' of the Central Lincolnshire Local Plan (CLLP) 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 Residential Amenity

The property has an existing offshoot and the proposal extends this creating a full width extension projecting 3.1 metres. The proposal also includes an extension to the end of the existing off shoot projecting 3 metres. The majority of the off shoot is located on the boundary with No. 22 Avondale Street which has a matching off shoot. The extension projects 3 metres beyond this although given the single storey nature and minor projection, it is not considered that the extension is unduly overbearing when viewed from No. 22, nor would loss of light to No. 22 be unduly compromised. There are no windows proposed in the elevation facing No. 22 and therefore there would be no issues of overlooking to this neighbouring property.

Similarly, it is not considered that the extensions are overbearing on the other neighbouring property No. 18 Avondale Street. There is a new window which would replace an existing window on the side facing No.18 resulting in the same number of windows as the current situation. It is therefore considered that overlooking to No. 18 would not be exacerbated beyond the current levels between these two neighbours.

Neighbouring properties were consulted on the proposal and no objections have been received from these properties. Objections have been received from Councillor Smalley and Councillor Christopher and these are attached in full to the report. There are concerns from both Councillors that the extension will lead to an increase in occupants at the property. It is noted that a dormer window has been added recently as part of a loft conversion which has created an additional two bedrooms although this was permitted development. The property remains to be a lawful C4 use which allows up to 6 unrelated people to live at the property.

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.

Impact on Visual Amenity

The proposal has been constructed from brick and tiles to match that of the existing property. It is considered that the palette of materials is appropriate although given the extensions are positioned to the rear, they do not have an impact on the wider area.

It is considered the proposed extensions would complement the original architectural style of the property in accordance with CLLP Policy LP26.

Effect on Highway Safety

The Lincolnshire County Council as Highway Authority has assessed the application and has raised no objections to the proposal. It is considered that the proposal would not be detrimental to highway safety or traffic capacity.

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

No.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposed extensions are 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.

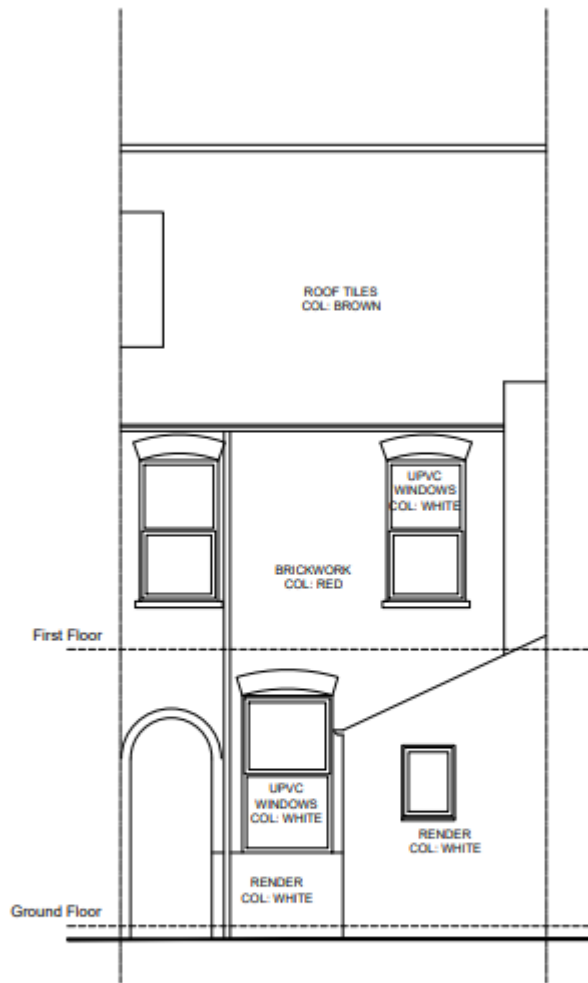
Application Determined within Target Date

Yes.

Recommendation

That the application is granted.

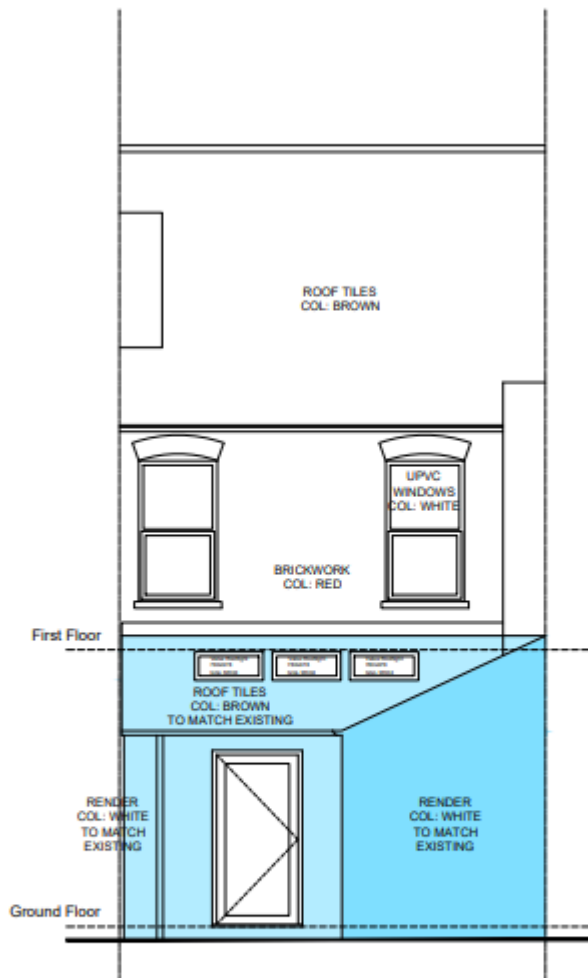




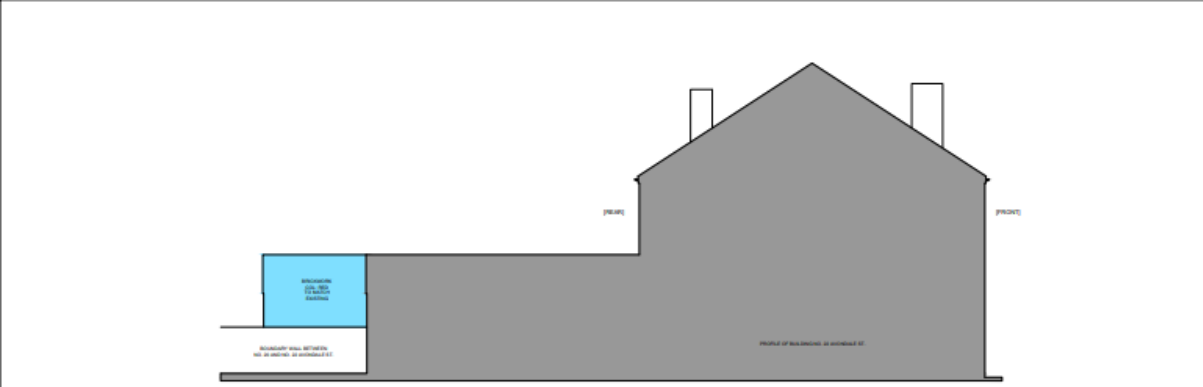
2

ELEVATION - EXISTING REAR

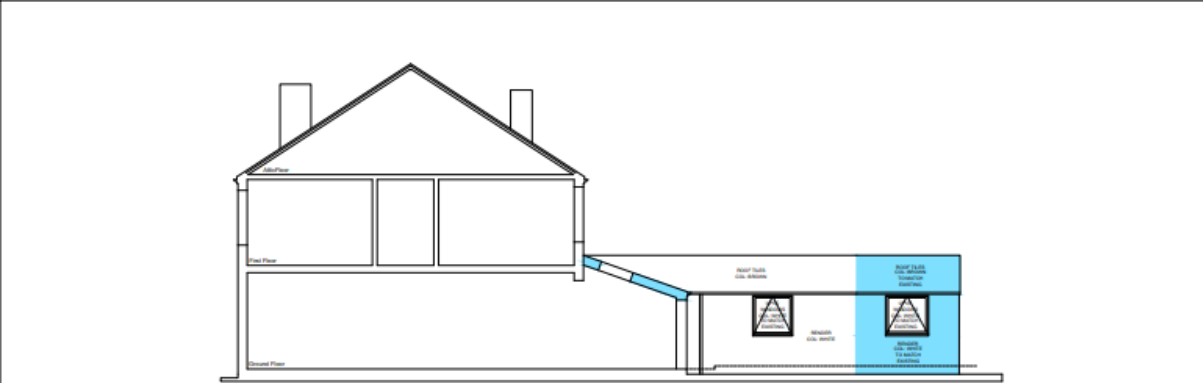
SCALE 1:50 @ A1



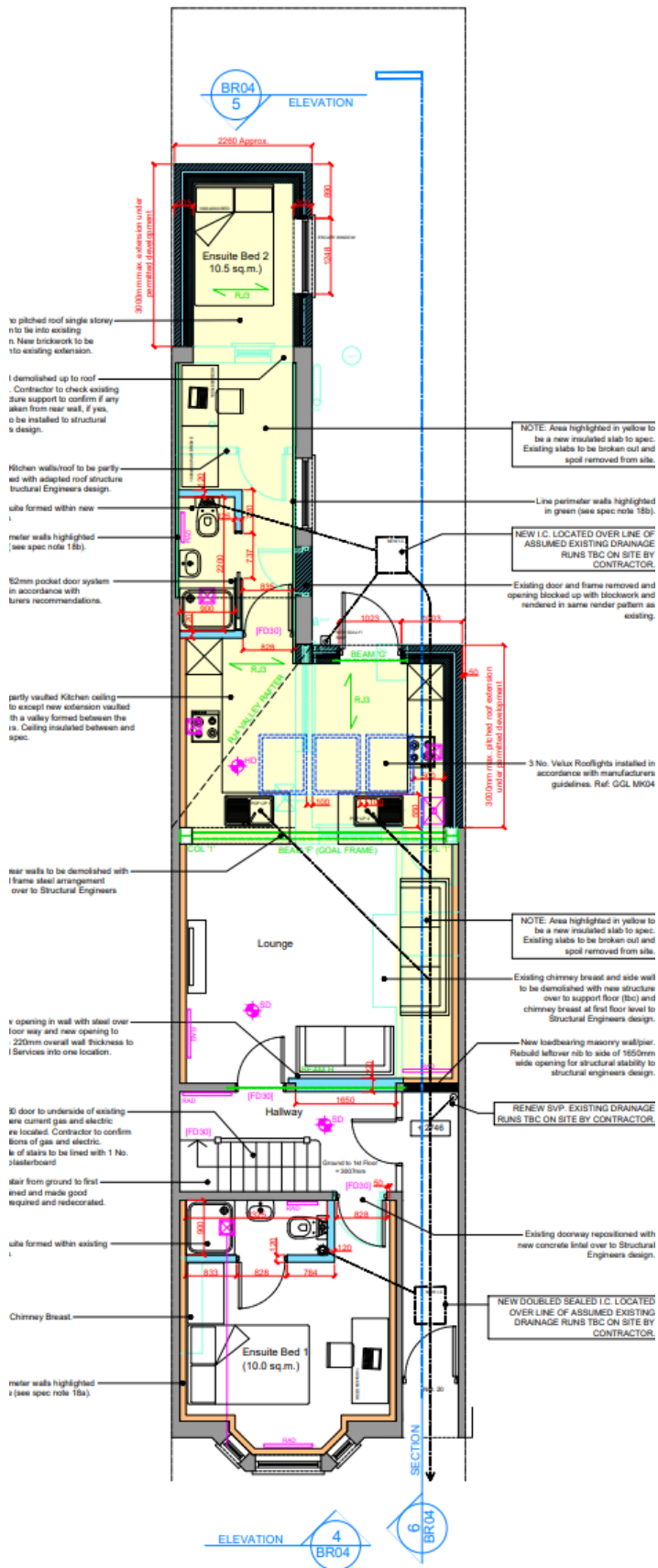
6 SECTION / ELEVATION - PROPOSED REAR
 SCALE 1:50 @ A1

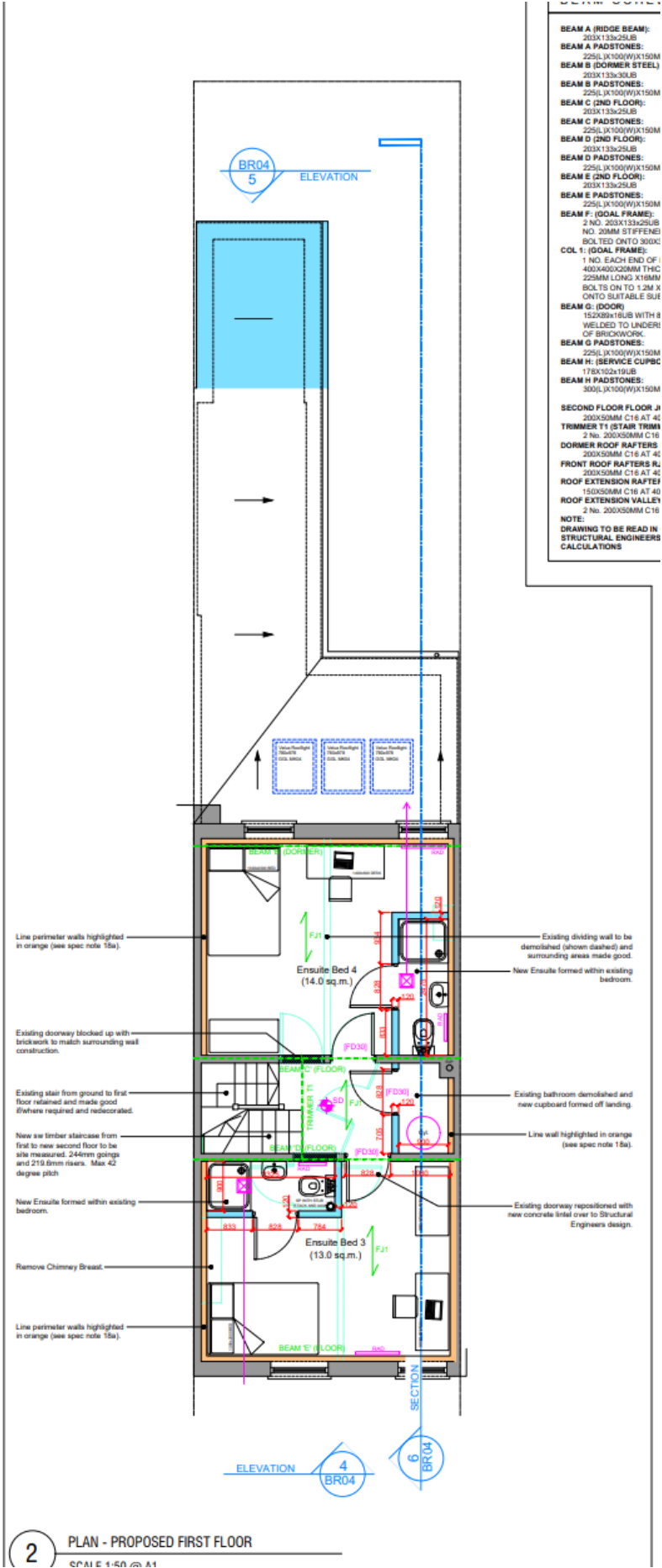


8 ELEVATION - PROPOSED SIDE (VIEWED FROM NUMBER 22 AVONDALE ST)
SCALE 1:100 @ A1



7 SECTION / ELEVATION - PROPOSED CROSS SECTION
SCALE 1:100 @ A1





BEAM A (RIDGE BEAM):
203X133x25UB

BEAM A PADSTONES:
225L X100W X150M

BEAM B (DORMER STEEL)
203X133x30LB

BEAM B PADSTONES:
225L X100W X150M

BEAM C (2ND FLOOR):
203X133x25UB

BEAM C PADSTONES:
225L X100W X150M

BEAM D (2ND FLOOR):
203X133x25UB

BEAM D PADSTONES:
225L X100W X150M

BEAM E (2ND FLOOR):
203X133x25UB

BEAM E PADSTONES:
225L X100W X150M

BEAM F (GOAL FRAME):
2 NO. 203X133x25UB
NO. 20MM STIFFENER
BOLTED ONTO 300X

COL 1: (GOAL FRAME):
1 NO. EACH END OF:
400X400X20MM THIC
225MM LONG X16MM
BOLTS ON TO 1.2M X
ONTO SUITABLE SUB

BEAM G: (DOOR)
1520x1900 WITH 8
WELDED TO UNDER
OF BRICKWORK.

BEAM G PADSTONES:
225L X100W X150M

BEAM H: (SERVICE CUPBC
178X102X19UB

BEAM H PADSTONES:
300L X100W X150M

SECOND FLOOR FLOOR JI
200X50MM C16 AT 40

TRIMMER T1 (STAIR TRIM)
2 No. 200X50MM C16

DORMER ROOF RAFTERS
200X50MM C16 AT 40

FRONT ROOF RAFTERS RL
200X50MM C16 AT 40

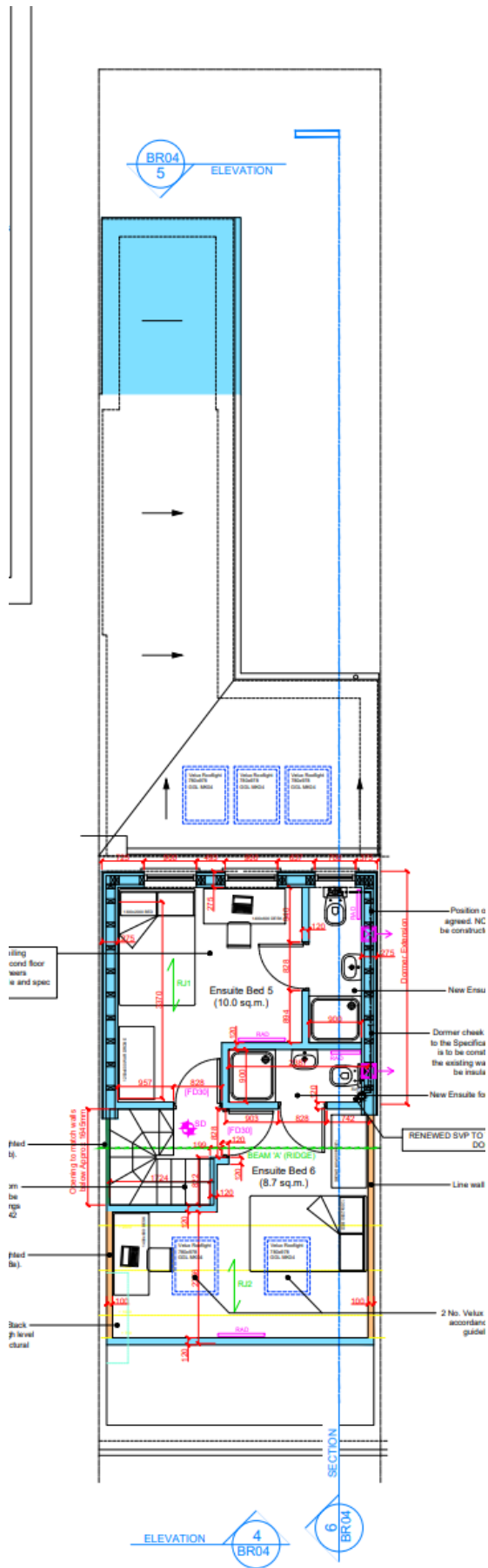
ROOF EXTENSION RAFTERS
150X50MM C16 AT 40

ROOF EXTENSION VALLEY
2 No. 200X50MM C16

NOTE:
DRAWING TO BE READ IN
STRUCTURAL ENGINEERS
CALCULATIONS

2 PLAN - PROPOSED FIRST FLOOR

SCALE 1:50 @ A1



PROPOSED SECOND FLOOR





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Councillor Martin Christopher

Comment Date: Thu 10 Nov 2022

Avondale is already outside of the acceptable levels of HMO properties under article 4. This extension would set a precedent for others in the area to do the same.

The building work has caused great distress to residents in the area suffering from loss of parking spaces whilst building materials took up space in resident only bays for months, there was criminal damage caused to deface parking signs so wardens couldn't ticket the vans of construction workers. Rubbish and damage to the road surface has been exasperated by the activity here. These are issues that could have been dealt with and mitigated if planning rules had been followed, infact it is possible without adequate mitigation of the issues it wouldn't have been possible to go ahead, as such this should revert back to that stage.

This extension also goes way beyond the limits of all other boundaries of the terraces along avondale and accepting it, will create a potential precedent that it is possible for everyone to extend further and further back. This is already a family home spilt into multiple families. The far end of the yards should allow visibility along the rows and this creates a blockage to that ability for all other residents, closing in and already heavily built up area even further. Worse the area so saturated with HMO now meams residents do not engage and are unlikely to voice concerns, their way of life and peaceful enjoyment of their environment slowly destroyed by professional property Companies who are taking advantage of the system.

My other concerns would be the landlord using the extra space to cram even more families into an already busy area and/or house that was not designed for so many.

This is not how business should be conducted, the owner and agent are both very experienced, it is clear they decided to avoid scrutiny by ignoring their responsibility for planning and have caused complaints and hardship to the council and neighbors because of this behaviour. Had rules been followed, the extension making a significant change not seen in any other homes along the terrace would have struggled to remove the issues it creates logistically, I suspect this is why they ignored the official process. How can we trust them not to do the same again if we condone this behaviour.

Councillor Clare Smalley

Comment Date: Mon 31 Oct 2022

Hi,

A comment regarding this planning application.

Whilst I understand that retrospective applications need to be treated the same as normal applications, I do feel that the only reason this application has been submitted is because complaints were made to myself and fellow councillors regarding this work. This is surely a lack of attention, respect, and regard to the requirements for planning, as well as a respect for the neighbours, residents, local area and the community. This work has been completed, in my opinion, and the opinion of nearby neighbours without any due care and attention.

The work has extended this property vastly when you consider the amount of outside space now available this has been incredible limited considering the space extended. I cannot see the number of additional bedrooms, however this is also a concern regarding services, parking requirement, addition bin use, storage requirements etc. The approval also encourages the other 7 HMOs to do similar work which is just not sustainable in a small terrace street.

The residents have suffered with blocked pavements, skips and building supplies taking up resident parking spaces, additional spaces being 'reserved' by cones without permission. This was all again without planning permission.

This street already has a vast number of HMOs (numbers 3, 7, 9, 11, 13, 20, 26, 28) and this address number 20 is already a HMO, and I believe the original size of this HMO should not be extended with this extension.

This extension should not be approved.

I am also not sure if the extension is now finished as I have received reports (two weeks ago) from residents stating that the furniture is already being fitted into the extended property.

Could you also confirm when this will be considered please as I do wish to attend along, I hope with other residents from the street.

Regards,

Clare

Highways & Planning

Comment Date: Fri 14 Oct 2022

No Objections.

Application Number:	2022/0679/FUL
Site Address:	Central Market, Sincil Street, Lincoln
Target Date:	30th January 2023
Agent Name:	John Roberts Architects Ltd
Applicant Name:	Maria Clayton
Proposal:	Erection of an external furniture store within service yard to west of building.

Background - Site Location and Description

Application is for planning permission for the installation of a store for the purposes of housing the outdoor seating furniture for the Central Market which is currently being refurbished.

The property is grade II listed and is located within the Cathedral City Centre and Conservation Area No.1

The site lies within the Central Mixed-Use Area and is owned by the City of Lincoln Council, who is the applicant.

An accompany application for listed building consent has also been submitted 2022/0680/LBC

Site History

Reference:	Description	Status	Decision Date:
2022/0680/LBC	Erection of an external furniture store within service yard to west of building (Listed Building Consent).	Granted Conditionally	

Case Officer Site Visit

Undertaken on 10th October 2022.

Policies Referred to

- Policy LP25 The Historic Environment
- National Planning Policy Framework

Issues

- Local and National Planning Policy
- Effect on the Setting of the Listed Building
- Effect on the Character and Appearance of the Conservation Area
- Effect on Visual Amenity
- Highway Safety
- Effect on Amenity.

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received
Historic England	Comments Received

Public Consultation Responses

No responses received.

Consideration

Policy

Policy 25 and 26 are relevant.

LP25 of the CLLP and states that;

"Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

With regard to Conservation Areas, LP25 states "Development within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce it, as appropriate) features that contribute positively to the area's character, appearance and setting."

Policy LP26 Design and Amenity is also relevant stating "All development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all."

The Proposal

The proposed furniture store is to be located to the exterior of the west elevation. This elevation is now identified as the 'rear' elevation and functions as a service yard for the Central Market building following the approval of an associated bin store, and the electricity sub station also in this location.

The proposed external furniture store is required to be able to realise the aspirations of the previously approved scheme for the refurbishment of the market building and

improvements to the external areas.

The Design and Access Statement identifies that "the store is required to provide the necessary storage facility to support the proposal for external tables and chairs to be sited within the public space around the Lincoln Central Market. The proposal will enable the lifespan of the external furniture to be extended beyond that which would be expected if the furniture was left exposed to the elements."

The furniture store is 3m x 2m x 2.5m high. The furniture store enclosure is constructed in GRP in a neutral grey colour to match that previously agreed for the electricity substation.

The justification for the proposal is that the store is required to be able to support the delivery of the refurbished market building and external spaces and the overall rejuvenation of a landmark listed building within the City. The agent states that "The external furniture store is required to house tables and chairs used within City Square. Whilst it may be possible to house these in the market overnight it would not be possible to do so in the daytime outside the summer months when they would not be placed within the square".

The store is a functional piece of apparatus which has been identified as required for the successful operation of the improved Central Market building.

The housing has been selected to match the adjacent substation in design and materials. The agent has identified that it is not feasible to create an additional timber fenced enclosure around the store to match the adjacent bin store however as there is insufficient room to do so and maintain access. The size of the store has however been selected to be the minimum required to accommodate the furniture.

Given the location of the new store to the rear/ side of the building in the service yard area of the site, public views of the structure are limited. Whilst the store is rather utilitarian in appearance, given the location of the store and the justification for its requirement, the effect on the visual amenity of the area and character and appearance of the conservation area and overall setting of the listed building is limited.

No objections are raised by Environmental Health.

No objections are raised by the County Council as the Highway Authority. The siting of this permanent structure will not impede access to, or manoeuvrability around this servicing area. LCC as HLLFA request that the area where the store is to be located is stopped up, to no longer serve as public highway.

This is done through an application by the applicant to the Secretary of State. The Highway Authority has advised that it is not necessary for the stopping up order to be agreed prior to any grant of the planning application (or listed building consent).

The Environment Agency advised that should the development be within 8m of the River, any work may be subject to permitting under the Environmental Permitting Regulations 2016 and that discussions with the EA should be entered into. The agent was advised of the response and confirmed that no development works are proposed within the 8m easement within this application, and that the re-paving works consented under the original scheme have already been notified to EA and the appropriate fee paid by Lindum.

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 store is required to aid the successful operation of the refurbished Central Market building. The proposed store is not considered to be harmful to the setting of the listed building or detract from the character or appearance of the Conservation Area, in accordance with both local and national planning policy.

Application Determined within Target Date

No, extension of time agreed.

Recommendation

That the application is granted conditionally.

Standard Conditions

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

Conditions to be discharged before commencement of works

None

Conditions to be discharged before use is implemented

None

Conditions to be adhered to at all times

None

Table A

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

Drawing No.	Version	Drawing Type	Date Received
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Proposed Store



Western Elevation

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Sir/Madam - Development Team
City of Lincoln Council
Development Team

Direct Dial: 0121 625 6870

Our ref: **W**: P01542658
8 September 2022

Dear Sir/Madam Development Team

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**CENTRAL MARKET, SINCIL STREET, LINCOLN, LINCOLNSHIRE
Application No. 2022/0679/FUL**

Thank you for your letter of 2 September 2022 regarding the above application for planning permission.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

Yours sincerely

D Walsh

David Walsh
Principal Inspector of Historic Buildings and Areas
E-mail: david.walsh@HistoricEngland.org.uk

Consultee Comments for Planning Application 2022/0679/FUL

Application Summary

Application Number: 2022/0679/FUL

Address: Central Market Sincil Street Lincoln Lincolnshire

Proposal: Erection of an external furniture store within service yard to west of building.

Case Officer: Alex Leatherland

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.

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: 2022/0679/FUL

Proposal: **Erection of an external furniture store within service yard to west of building**

Location: **Central Market, Sincil Street, Lincoln, Lincolnshire**

With reference to the above application received 2 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 proposed location of the external furniture store to serve the Central Markets is within the public highway. The siting of this permanent structure will not impede access to or manoeuvrability around this servicing area. LCC as HLLFA request that this area (within the red line boundary on the proposed site layout) is stopped up, to no longer serve as public highway.

NO OBS

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Case Officer:

Date: 14 September 2022

Becky Phillips-Melhuish

for Warren Peppard
Head of Development Management

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Application Number:	2022/0680/LBC
Site Address:	Central Market, Sincil Street, Lincoln
Target Date:	22nd October 2022
Agent Name:	John Roberts Architects Ltd
Applicant Name:	Maria Clayton
Proposal:	Erection of an external furniture store within service yard to west of building (Listed Building Consent).

Background - Site Location and Description

Application is for listed building consent for the erection of a store for the purposes of housing the outdoor seating furniture at the refurbished Central Market building.

An accompanying application for planning permission has also been submitted 2022/0679/FUL.

The Central Market is a grade II listed building and is located within the Cathedral and City Centre Conservation Area no 1.

The site lies within the Central Mixed-Use Area and the building is owned by the City of Lincoln Council, who is the applicant.

Site History

Reference:	Description	Status	Decision Date:
2022/0679/FUL	Erection of an external furniture store within service yard to west of building.	Pending Decision	

Case Officer Site Visit

Undertaken on 8.11.2022.

Policies Referred to

- Policy LP25 The Historic Environment
- National Planning Policy Framework

Issues

- Local and National Planning Policy
- Effect on the Special Architectural and Historic Interest of the Listed Building

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
Lincoln Civic Trust	Comments Received
Historic England	Comments Received
Environment Agency	Comments Received
Environmental Health	Comments Received

Public Consultation Responses

No responses received

Consideration

Policy

The statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by the City of Lincoln Council as the Local Planning authority in determining this listed building consent application.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation (paragraph 193, NPPF). 'Any harm or loss to significance should require clear and convincing justification' (paragraph 194, NPPF).

Policy LP25 is relevant stating; "Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

Permission to change the use of a Listed Building or to alter or extend such a building will be granted where the local planning authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Permission that results in substantial harm to or loss of a Listed Building will only be granted in exceptional or, for grade I and II* Listed Buildings, wholly exceptional circumstances."

Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building."

The proposed furniture store is to be located to the exterior of the west elevation. This elevation is now identified as the 'rear' elevation and functions as a service yard for the Central Market building following the approval of an associated bin store, and the electricity sub station also in this location.

The Proposal

The proposed external furniture store is required to be able to realise the aspirations of the previously approved scheme for refurbishment of the market building and improvements to the external areas.

The Design and Access Statement identifies that "the store is required to provide the necessary storage facility to support the proposal for external tables and chairs to be sited within the public space around the Lincoln Central Market. The proposal will enable the lifespan of the external furniture to be extended beyond that which would be expected if the furniture was left exposed to the elements."

The furniture store is 3m x 2m x 2.5m high. The furniture store enclosure is constructed in GRP in a neutral grey colour proposed to match the previously agreed electricity substation.

The justification for the proposal is that the store is required to be able to support the delivery of the refurbished market building and external spaces and the overall rejuvenation of a landmark listed building within the City. The agent states that "The external furniture store is required to house tables and chairs used within City Square. Whilst it may be possible to house these in the market overnight it would not be possible to do so in the daytime outside the summer months when they would not be placed within the square".

The store is therefore a functional piece of apparatus which has been identified as required for the successful operation of the improved Central Market building.

The housing has been selected to match the adjacent substation in design and materials. The agent has identified that it is not feasible to create an additional timber fenced enclosure around the store to match the adjacent bin store however as there is insufficient room to do so and maintain access. The size of the store has however been selected to be the minimum required to accommodate the furniture.

The impact of the store should be assessed with regard to the effect on the setting of the listed building through its location, design and appearance, and the partial obscuring of views to a section of the western elevation. Given the location of the new store to the rear/ side of the building in the service yard area of the site, public views of the structure are limited. Whilst the store is rather utilitarian in appearance, given the location of the store and the justification for its requirement, the new store is considered to have less than substantial harm with regard to the special architectural character of the listed building. The furniture store is a relatively light weight structure without foundations and therefore is a reversible addition. The new structure does not physically attach to the listed building.

Given the justification for the store which is required for the successful operation of the newly refurbished building, that the works are ultimately reversible, and that the store is to be located within the rear 'service yard' away from public view, on balance the store is not

sufficiently harmful to warrant a refusal and the public benefits outweigh the limited harm of the proposal.

No objections are raised by Environmental Health or the Civic Trust. No objections are raised by the Highway Authority.

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 store is required to aid the successful operation of the refurbished Central Market building. The proposed store is not considered to be harmful to the special architectural or historic interest of the listed building and is in accordance with both local and national planning policy.

Application Determined within Target Date

No, extension of time agreed.

Recommendation

That the application is granted conditionally

Standard Conditions

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

Conditions to be discharged before commencement of works

None

Conditions to be discharged before use is implemented

None

Conditions to be adhered to at all times

None

Table A

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

Drawing No.	Version	Drawing Type	Date Received
0112		Elevations - Proposed	26th August 2022
0107		Layout	26th August 2022

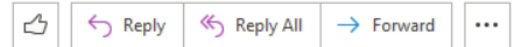
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Furniture Store Central Market 2022/0680/LBC

Consultation on Planning Application



Fazal, Sofia <Sofia.Fazal@HistoricEngland.org.uk>
To: Technical Team (City of Lincoln Council)



Tue 06/09/2022 15:38

You don't often get email from sofia.fazal@historicengland.org.uk. [Learn why this is important](#)

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.

Dear Sir/Madam,

Arrangements for Handling Heritage Applications Direction 2015

Central Market, Sincil Street, Lincoln, Lincolnshire; Reference No 2022/0680/LBC

Thank you for your e-mail of 31 August 2022 regarding the above application for listed building consent. On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

Kind regards

Sofia Fazal
Business Officer, Midlands
Regions Group

Historic England, The Foundry, 82 Granville Street, Birmingham, B1 2LH
Direct dial: 0121 625 6873 Mobile: 07469 377980

Consultee Comments for Planning Application 2022/0680/LBC

Application Summary

Application Number: 2022/0680/LBC

Address: Central Market Sincil Street Lincoln Lincolnshire

Proposal: Erection of an external furniture store within service yard to west of building (Listed Building Consent).

Case Officer: Alex Leatherland

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.

Consultee Comments for Planning Application 2022/0680/LBC

Application Summary

Application Number: 2022/0680/LBC

Address: Central Market Sincil Street Lincoln Lincolnshire

Proposal: Erection of an external furniture store within service yard to west of building (Listed Building Consent).

Case Officer: Alex Leatherland

Consultee Details

Name: Ms Catherine Waby

Address: St Mary's Guildhall, 385 High Street, Lincoln LN5 7SF

Email: Not Available

On Behalf Of: Lincoln Civic Trust

Comments

NO Objection

From: LN Planning <LNplanning@environment-agency.gov.uk>
Sent: 13 September 2022 18:03
To: Technical Team (City of Lincoln Council)
Subject: RE: Consultation on Listed Building Consent Application 2022/0680/LBC

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.

Dear Sir/Madam

The Environment Agency is not a statutory consultee for listed building consent applications.

I note that this site is adjacent to the River Witham. As advised in our response to planning application 2021/0256/FUL, any works within 8m of the river may be subject to permitting under the Environmental Permitting Regulations 2016. It is therefore recommended that the applicant discusses any such proposals with the Environment Agency if they have not already done so. For further details please contact PSOLincs@environment-agency.gov.uk or view the information at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Kind regards

Nicola Farr
Sustainable Places - Planning Advisor
Environment Agency, Lincolnshire & Northamptonshire Area Ceres House, Searby Road, Lincoln, LN2 4DW (Currently working from home)

nicola.farr@environment-agency.gov.uk

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: 2022/0680/LBC

Proposal: **Erection of an external furniture store within service yard to west of building (Listed Building Consent).**

Location: **Central Market, Sincil Street, Lincoln, Lincolnshire**

With reference to the above application received 31 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.

The proposed location of the external furniture store to serve the Central Markets is within the public highway. The siting of this permanent structure will not impede access to or manoeuvrability around this servicing area. LCC as HLLFA request that this area (within the red line boundary on the proposed site layout) is stopped up, to no longer serve as public highway.

NO OBS

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Case Officer:

Date: 14 September 2022

Becky Phillips-Melhuish
for Warren Peppard
Head of Development Management