

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

Apologies for Absence: Councillor Debbie Armiger

72. Confirmation of Minutes - 22 March 2023

RESOLVED that the minutes of the meeting held on 22 March 2023 be confirmed and signed by the Chair as a true record.

73. Update Sheet

An update sheet was circulated at the meeting in relation to planning applications to be considered this evening, which included additional information for Members attention received after the original agenda documents had been published.

RESOLVED that the update sheet be received by Planning Committee.

74. Declarations of Interest

No declarations of interest were received.

75. Member Statement

In the interest of transparency Councillor Naomi Tweddle, Chair, requested it be noted in relation to the application for development Agenda Item No 5 Confirmation of Tree Preservation Order No.174, that residents had spoken to her in her Ward in relation to this item. However, she had not given an opinion on the application to be discussed and remained with an open mind on this matter. She had simply referred her Ward residents to the Planning Office should they have any technical questions.

76. Change to Order of Business

RESOLVED that the order of business be amended to allow the applications for development 'Adjacent to Post Office, Parklands Foodstore, Boultham Park Road, Lincoln', and 'Confirmation of Tree Preservation Order No.174', to be considered as the following two agenda items respectively.

77. Applications for Development

78. Adjacent To Post Office, Parklands Food Store, Boultham Park Road, Lincoln

The Planning Team Leader:

- a. advised that the purpose of the application was to determine whether prior approval was required for the installation of a 15m high slim-line monopole, supporting 5 no. antennas, 2 no. equipment cabinets, 1 no.

electric meter cabinet and ancillary development including 1 no. GPS module on Boutham Park Road

- b. described the location of the site on the east side of Boutham Park Road, to the north of the roundabout, sat within the public highway, adjacent to the brick boundary wall of the Co-op Parklands food store and Post Office
- c. highlighted that the north/east and south of this section of Boutham Park Road was characterised by commercial premises, some containing residential flats above,
- d. added that Home Grange three storey apartment was located behind the Co-op store with vehicular access taken adjacent to the stores, together with a bus stop directly opposite the site to the north-west with St Peter and Paul Catholic Church beyond
- e. stated that the wider area was characterised by predominately two storey properties
- f. reported that the application was submitted under Part 16 of Schedule 2 (England) Order 2015 (GPDO) as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) (no.2) Order 2016, which set out the permitted development right to install masts of up to 25m above ground level on highway land
- g. clarified that the ground-based apparatus with associated cabinets at the bottom of the monopole was permitted development; however, prior approval was required for the monopole in terms of its siting and appearance
- h. advised that a declaration had been submitted with the application which confirmed that the equipment was in line with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines (ICNIRP)
- i. reported that the application was brought before Planning Committee at the request of Councillor Bob Bushell
- j. provided details of the policies pertaining to the application, as follows:
 - Policy LP26: Design and Amenity
 - National Planning Policy Framework
- k. advised Planning Committee that the only issue to be considered by the Local Planning Authority in determining this prior approval application was the siting and appearance of the proposed telecommunications equipment
- l. outlined the responses made to the consultation exercise
- m. referred to the Update sheet which included further representations received in respect of the planning application
- n. concluded that the siting and design of the telecom's equipment was acceptable, and the proposal would not have an unduly harmful visual impact on the character and appearance of the area, in accordance with

Central Lincolnshire Local Plan Policy LP26 and paragraph 130 of the National Planning Policy Framework.

John Wearing addressed Planning Committee on behalf of local residents with concerns regarding the planning application, covering the following main points:

- He represented 44 residents of Home Grange Retirement complex to the rear of the Co-op store.
- He wished to state that residents were not against the installation of wireless masts.
- However, the siting and position of this mast on the public footpath next to a busy public road, close to a school, pedestrian crossing and church left much to be desired.
- The mast and associated cabinets would take up a third of the public footpath width.
- If the cabinets were opened for maintenance, the footpath width would be restricted by 60%, which was not wide enough for pushchairs and wheelchair/mobility scooter access.
- The Zebra Crossing was to be upgraded to a Puffin Crossing due to safety concerns.
- The applicants had stated they had considered ten sites in the area, but none in close proximity.
- This location was the most inconvenient in the area.
- There were four positions within 24-75 metres of the proposed site which would be reasonable settings i.e. the grassed area in front of the library, the parking area to the rear of the library, the grassed area between the library and Police House and the land between the Police House and Co-op store.
- Home Grange, a 3 storey residential property had been totally overlooked in the planning submission.
- A planning application for a similar mast at Fulmar Road had been refused.
- He asked that the planning application be rejected in its current form.

Josh Fiteni addressed Planning Committee on behalf of the agent in favour of the proposed development, covering the following main points:

- He spoke on behalf of Three UK, contracted to roll-out 5G network services to offer the latest technologies for residents and businesses in this area.
- This was a mixed-use area however, more people were now working from home following on from the pandemic, agile working and technical improvements were therefore required.
- The proposed mast effectively provided a 5G signal, at a minimum height for the area of 15 metres.
- The mast complied with local and national policy requirements.
- A choice of sensitive street furniture would be used to blend in with the local area.
- There would be no loss of privacy or overlook to properties.
- The only noise to be heard from the mast would originate from the cooling plant for the transmitters in hot weather, which was not an issue as road traffic noise was greater.
- The mast could be accessed for maintenance from the Co-op car park.
- The Highways Authority had raised no objections to the proposals.

- There were no other viable and suitable locations.
- Government and operator requirements had been observed.
- The mast would supply next generation technology.
- He hoped members would support this application and its benefits.

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

The following concerns were raised by members:

- These masts were controversial in terms of appearance and had been rejected elsewhere in the City.
- Siting in commercial locations would be acceptable.
- It would be a shame to install this mast on the public pavement in such a pleasant area of the city.
- The Grange development was impressive in a lovely community environment. The mast would restrict the width of the pavement in an area where wheelchair access was crucial to local needs. The views of Home Grange residents were important.
- There were viable locations elsewhere and close by.
- This application was submitted with commercial interest in mind only and did not take account of the lived-in environment.
- It was correct we needed 4G/5G masts, however, the needs of the local community must be observed.
- There were many alternative sites in the area for this 5G Mast. Further negotiation should be undertaken with relevant land owners to achieve this.
- It was difficult for both applicants and planning officers to find suitable sites for this type of infrastructure.
- Visual amenity was the main concern here
- The footpath was quite large, however, the large cabinets would have a detrimental impact on the street scene and would be open to graffiti.
- National Planning Policy Guidance advised that masts should be kept to a minimum, sympathetically designed to the character of the local surroundings and suitably camouflaged. This location provided a local shopping area with a sense of place and there should be limited impact on visual amenity and lack of visual clutter. This mast would result in a harmful impact on the visual quality of the wider street scene.
- Residents were concerned that the installation of these poles was changing the look of communities and reducing the value of properties in the area.
- In other parts of Europe pylons etc were put under ground.

The following comments were received from members in support of the proposed planning application

- The 5G network was crucial to this rural area.
- There were several masts in Birchwood already installed and only one complaint had been received.
- Residents realised the value of the masts.
- Local residents had complained at a meeting recently how poor the signal was for Wi-Fi.
- It was necessary to move along with technological improvements to look to the future.

- The mast provided the apparatus to allow people to work from home. A balanced approach must be taken.
- It was understood the mast would be located against the wall of the Co-op to allow adequate space for mobility devices to pass.
- Home Grange was a distance from the proposed mast location.
- The application provided the service we were looking for.
- The height of the pole was not an issue here.
- Once installed, people tended not to notice them.
- There was already a bus shelter and a lamp post in the area which took up a great deal of pavement space.
- If the pole did not impact on access in anyway and was not in the middle of the public highway there was no reason to refuse permission.

The following questions were raised by Members:

- Why was the location of the mast in the middle of the footpath?
- Could officers give clarification to the pavement space available for mobility scooters, wheelchairs and pushchairs once the mast was installed to allow members to take an informed decision.

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

- The location of the proposed pole and associated cabinets would be against the wall of the Co-op store and not in the middle of the pathway. The footpath was 2.5 metres in width. The Highways Authority had raised no objection to the proposals.
- The cabinets were already permitted development and did not require planning permission. It was the pole only that required permission.

RESOLVED that Prior Approval be approved.

Standard Conditions

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

79. Confirmation of Tree Preservation Order No 174

Simon Cousins, Planning Team Leader:

- 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 174: Two areas of identified woodland made up of mixed trees consisting mainly of *Betula pendula* (silver birch), *Prunus avium* (sweet cherry), *quercus robur* (english oak), *fraxinus excelsior* (European ash), *acer campestre* (field maple) and *alnus glutinosa* (black alder).
- 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. highlighted that the making of Tree Preservation Orders reduced the risk of losing important trees, groups of trees and woodlands and further allowed the Council to protect trees that contributed to local environment quality
- e. advised that it was proposed to modify the boundary of the temporary TPO as detailed within the officer's report to take account of policy decisions whilst also retaining significant areas of woodland
- f. reported that the initial 6 months of protection for these trees would come to an end for the Tree Preservation Order on 2 May 2023
- g. detailed the background to the consideration of this matter as follows:
 - The reason for making a Tree Preservation Order on this site was a result of a request from local residents who wanted to ensure no loss of trees from any future development on the site.
 - The Arboricultural Officer had carried out a site visit and identified the trees and areas of woodland to be suitable for protection under a Tree Preservation Order stating that the trees had a significant amenity value, forming a prominent feature of the area and their removal would have a harmful effect on the appearance and amenity of the area.
 - Following a four-week consultation period with local residents a copy of the Tree Preservation Order was sent to the registered land-owners.
 - Representations were received from the landowners, from their partners in a potential development of the site and from residents adjacent to the site.
 - The site was still the subject of restoration conditions from its time as a quarry which meant that, the County Council was the planning authority.
 - The planning application itself was therefore a matter for Lincolnshire County Council determination.
 - The detailed survey of the site was reviewed as part of the consultation process and this also took account of the application for outline planning permission that the applicants had made to Lincolnshire County Council for the erection of houses within the quarry.
 - This application, together with the imminent allocation of the site for housing was detailed in the newly prepared Central Lincolnshire Local Plan.
 - The application proposed to use the material located within the bunds on the east and west sides of the quarry as fill prior to housebuilding.
 - Trees had been planted on and beyond bunds created from material taken from the quarry in the first instance to protect local residents from quarrying activity.
 - Trees were planted on and beyond these bunds at the same time however, these trees had since grown unmanaged.

- The Local Plan proposed at the draft stage that the bunds around the quarry were retained to protect the amenities of local residents when the new houses were developed. Since the Examination in Public for the Local Plan, the wording of the policy had been considered further by the Inspector who led the Examination in Public with comments as follows:

Land at Cathedral Quarry, Riseholme Road (COL/MIN/005) includes requirements to retain the bunds around the site and the enhancement of biodiversity. However, keeping the bunds is not the only way of achieving the necessary separation between existing and proposed new housing or of enhancing biodiversity on the site. The bunds could also be reused to help fill the former quarry and a new landscaping scheme could help ensure an overall net gain in biodiversity, potentially including any existing wildlife corridors and protected trees. To ensure that the allocation is effective and justified, both requirements are therefore modified by MM47.

- This statement would form the basis of the wording of a revision to the Local Plan
- h. advised that confirmation of the Tree Preservation Order here would ensure that the tree could not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the tree would contribute to one of the Councils priorities of enhancing our remarkable place.

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

- He represented Minster Ward as Ward Councillor.
- He had been approached by local residents whose gardens backed on to the woodland.
- Planning Committee members did not have a say on the planning application going forward which was to be determined by Lincolnshire County Council.
- The Local Plan ring-fenced the area for housing.
- The modifications to the Tree Preservation Order detailed at Appendix 2 of the officer's report did not inhibit plans for houses on the site.
- The proposed modifications to the existing temporary Tree Preservation Order as permanent pleased residents as it was reduced in size.
- The revisions also protected the woodland and biodiversity.
- It was crucial that residents voices who came to him for support were heard.
- It was hoped the modifications to the Tree Preservation Order would be approved.

Susan Nock, local resident, addressed Planning Committee in support of the modified Tree Preservation Order, covering the following main points:

- She had lived in Riseholme Road for 30 years, her house backed up to the woodland area.
- She herself put forward the application for a Tree Preservation Order at the site the previous year.

- She was pleased the Planning Authority wanted it to be made permanent.
- Objections had been received from Lindum Construction Group, having submitted an application to develop the site, and Lincoln Cathedral, owner of the quarry.
- The objection was based on incorrect information and was a misrepresentation. The Tree Preservation Order was not premature as the planning application submitted was for Outline permission only.
- The objection suggested the land in question was not woodland. However, the objector's own tree report included within their planning submission identified it as woodland.
- The objection questioned whether the trees had any great amenity value, being of limited quality. However, 27 of the categories were classified as moderate quality and only 6 unclassified.
- The planning process was robust. Planning decisions since 1995 had protected the bund and its associated woodland.
- The Tree Preservation Order ensured that protection would continue for the benefit of the local population, wildlife and the environment.
- She was surprised and shocked by the objection, facts needed to be checked and residents views listened to here.

Members considered the content of the report in further detail.

The following comments emerged from discussions held:

- Who would be responsible for the maintenance of the trees?
- It was pleasing to see local residents coming forward in a legitimate way to protect their local environment.
- Members were also pleased that intelligent conversations between residents and the Planning Authority had resulted in a compromise solution being reached.
- The health of the trees would be enhanced, following discussions with any potential developer.
- The potential developer had suggested a reduced Tree Preservation Order, which was perhaps the reason why they had chosen not to attend to speak this evening.

The Arboricultural Officer offered the following points of clarification:

- He had visited the site.
- Many of the trees included within the Tree Preservation Order were on level ground and unlikely to suffer from destabilisation of root systems.
- The trees had grown together over a period of years and had much greater value as a collective group.

Simon Cousins, Planning Team Leader added the following points of clarification:

- Any damage to the roots of the trees would be protected by the Tree Preservation Order.
- Most of the trees were on private land and as such their maintenance was the responsibility of the individual that owned the land, not the Council.
- Many of the trees were quite young and would be covered by a landscaping scheme as determined by the Planning Authority in the event that future planning permission be granted for the site.

Members asked whether the trees would be pruned to enhance their growth.

The Arboricultural Officer responded that any development would need to be linked to wildlife areas. Pruning to the collective canopies at the current time would be detrimental to their health.

RESOLVED that Tree Preservation Order No 174 be confirmed with the suggested modifications as detailed at Appendix 2 of the officers report and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

80. Corner Of Sincil Street & Waterside South, Lincoln

The Assistant Director of Planning:

- a. advised that outline planning permission was sought for the erection of a hotel at the corner of Waterside South and Melville Street in respect of access with all other matters; appearance, landscaping, layout and scale reserved
- b. explained that the proposed hotel was for approximately 120-150 beds, with front of house and restaurant facilities provided at ground level
- c. advised that the proposal had been subject to pre application discussions and had also been negotiated during the course of the application, with revisions secured and revised plans received; the main changes to the scheme comprised the removal of a storey and the realignment of the building line back from Melville Street
- d. highlighted that whilst all matters except access were reserved, given the location of the site within the Cathedral and City Centre Conservation Area, and the potential effect of the hotel on views of the historic hillside and Cathedral, indicative details of the potential height, scale, massing and design parameters of the building were required as part of the Outline submission
- e. advised that as the application was for Outline permission, the detailed design of the hotel had not been finalised, however, a design code had been provided as part of the application, along with an indication of height and massing with the final elevational treatment and material pallets to be agreed at Reserved Matters stage
- f. reported that the site, formerly the Co-op City Square Shopping Centre and car park was currently vacant, all existing structures on the site would be demolished, including the existing footbridge which spanned Melville Street and landed within the NE corner of the application site
- g. explained that the proposed hotel site was 1911m² in an area located immediately south of the River Witham, part of the wider Cornhill Quarter redevelopment scheme and close to the recent developments of the new Central Car Park and the City Bus Station
- h. confirmed the location of the site within the Cathedral and City Centre and Conservation Area No1 and within the Central Mixed Use Area

- i. advised that an application for full planning permission had also been submitted on behalf of McCarthy Stone for a scheme of apartments, associated parking and living facilities with ground floor retail for the remainder of the City Square Shopping Centre site to the east of the application site (2022/0128/FUL)
- j. provided details of the policies pertaining to the application, as follows:
 - Policy LP1: A Presumption in Favour of Sustainable Development
 - Policy LP17: Landscape, Townscape and Views
 - Policy LP26: Design and Amenity
 - National Planning Policy Framework
- k. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Local and National Planning Policy
 - Demolition in the Conservation Area including existing buildings and footbridge
 - Effect on established key views including the historic hillside and Cathedral
 - Effect on the Character and Appearance of the Conservation Area and Visual Amenity
 - Impact on Residential Amenity
 - Vitality and Viability of the City Centre
 - Highways
 - Flood Risk/Drainage
 - Land Contamination
 - Air Quality
 - Fume Extraction
 - Trees and Landscaping
 - Ecology
- l. outlined the responses made to the consultation exercise
- m. referred to the Update sheet which included further representations received in respect of the proposed planning development and an additional proposed officer condition requiring the submission of an energy statement, subject to planning permission being granted
- n. added that the Highways Authority had requested a Section 106 contribution of £500,000 as mitigation for removal of the footbridge, to provide improved walking and cycling infrastructure at this location, however, officers had concluded that the requested contribution did not meet the tests within NPPF (para 57) as highway users had alternative options comparable to the footbridge to cross Melville Street
- o. reported that an S106 contribution towards additional electric car charging facilities (EVC) at Central Car Park was requested for use of guests using the hotel, which did not have on-site parking
- p. concluded that:

- It was considered that the proposed hotel would help meet the need for visitor accommodation in the city centre, and provide wider public benefits through improvements to public realm and increased activity to Melville Street, investment within the city and contributing to the vitality and viability of the city centre.
- The revised scheme as shown on the indicative plans would be an enhancement to the street scene by developing this gap site and removing the pedestrian footbridge over Melville Street, to the benefit of the character and appearance of the conservation area.
- Revisions to the proposal had secured improvements including maintaining views of the Cathedral and the historic hillside and replacement planting of trees.
- The proposed outline application for the principle of the development of the site for a hotel was therefore considered to be in accordance with both local and national planning policy.

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

The following comments were received from members:

- It was pleasing to see the great effort taken during pre-application discussions and the planning process to reduce massing and site lines of the Cathedral.
- More trees would be planted to replace those lost.
- The loss of the footbridge would provide access issues. There was no detail in the report on mitigation measures to address this.
- The Highways Authority had approved removal of the footbridge asking for £500,000 in mitigation of this.
- Officers had worked at an outstanding level to make the scheme viable.
- There were bus/train and car parking facilities close by.
- There were already several places to cross the road when the footbridge was removed.
- Public safety was important during the removal of the bridge.
- This would be a great quality asset for this gateway to the City should reserved matters for the hotel be granted.
- It was pleasing to see EVC points would be installed in the Central Car Park.
- It was hopeful there would be a green wall fronting the hotel onto Broadgate. An extra condition was desirable to encourage the developer to do this.
- The Highways Authority may take a different view on the demolition of the bridge should an s106 payment fail to be awarded.
- Provision of solar panels in aspiration for a greener net zero carbon development was desirable.
- It was good to see the Highways Authority had made comments on the outline planning application.
- More hotels were needed in the City.
- This development would revive an unloved corner of our City.
- Mature replacement trees would be preferred higher than 2 metre specimens.
- The footbridge would not be missed. Had a pedestrian count on its usage been undertaken?
- As part of the Lincolnshire Transport Strategy it was hoped the carriageways would be improved/become calmer.

- The footbridge was originally built to serve pedestrian traffic on Waterside South cycling/walking to multiple engineering businesses.

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

- There was a proposal for a residential scheme adjacent to the application site, however, as yet it was not at a stage to be considered by Planning Committee.
- Regarding the request from the Highway Authority for an S106 contribution of £500,000 as mitigation for removal of the footbridge, officer advice was that it did not meet the tests of necessity and should not be pursued as part of the recommendation to grant planning permission.
- Climate change agenda – Should members be so minded, an additional condition could be added to the proposed grant of planning permission to cover energy conservation within the development, to include measures such as insulation, solar panels on the roof and associated schemes in line with requirements referred to in the Local Plan.
- The decision to be considered by members this evening was whether outline planning permission should be granted for the proposed development. The footbridge was in the ownership of Lincolnshire County Council. Its removal was covered under separate legislation.
- A landscaping condition could be included at Reserved Matters stage regarding energy conservation and replanting of heavy standard tree for specimens.
- The proposals included a significant uplift in the number of trees in the scheme as they stood and lower level landscaping in the interests of visual/environmental and biodiversity considerations.
- A survey undertaken on the numbers crossing the bridge showed that it was not well used. The Highways Authority had not disputed this.

Members complimented officers on their valuable work on the production of the Local Plan.

RESOLVED that outline planning permission be granted, subject to the signing of a section 106 for the provision of electric vehicle charging points within the adjacent Central Car Park.

Standard Conditions

- 1) The development to which this permission relates shall not be commenced until details of the following (hereinafter referred to as the "reserved matters") have been submitted to and approved by the Local Planning Authority.
 - (a) The layout of the Building(s)
 - (b) The scale of the building(s), including the height, massing and internal planning.
 - (c) The external appearance of the building(s), to include details of all external materials to be used, their colours and textures.
 - (d) Means of access to, and service roads for the development, including road widths, radii and sight lines, space for the loading, unloading and manoeuvring and turning of service vehicles and their parking; space for car parking and manoeuvring.
 - (e) A scheme of landscaping for those parts of the site not covered by

buildings to include surface treatments, walls, fences, or other means of enclosure, including materials, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

- 2) Application for the approval of the reserved matters shall be made to the local planning authority within three years of the date of this permission.
- 3) The development hereby permitted shall be begun either within three years of the date of this permission or within two years of the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) Bat survey prior to demolition of the building on the site
- 5) Fume Extraction
- 6) Noise report for both the generation of noise and effect of adjacent noise on the building
- 7) Standard Preliminary Risk Assessment for Land Contamination
- 8) Archaeological WSI to be submitted with the Reserved Matters application
- 9) Construction Environmental Management Plan
- 10) Details of a surface water drainage scheme
- 11) Details of Energy Statement condition
- 12) Landscaping condition to include replanting of 'heavy' standard trees