

## PLANNING COMMITTEE

**Wednesday, 19 April 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 and Edmund Strengiel
Substitute members:	Councillors Neil Murray and Joshua Wells
Officers attending:	Simon Cousins, Democratic Services, Kieron Manning, Becky Scott and Dave Walker

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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.

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## A G E N D A

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<b>SECTION A</b>	<b>Page(s)</b>
1. Confirmation of Minutes - 22 March 2023	<b>5 - 14</b>
2. Update Sheet	<b>To Be Tabled</b>
3. 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.

4. Applications for Development

- |  |                |
|--|----------------|
| (a) Corner Of Sincil Street & Waterside South, Lincoln                         | <b>15 - 70</b> |
| (b) Adjacent To Post Office, Parklands Food Store, Boultham Park Road, Lincoln | <b>71 - 92</b> |

5. Confirmation of Tree Preservation Order No 174	<b>93 - 116</b>
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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 Tweddle (*in the Chair*),  
Councillor Bob Bushell, Councillor Biff Bean, Councillor  
Sue Burke, Councillor Liz Bushell, Councillor  
Gary Hewson, Councillor Rebecca Longbottom,  
Councillor Bill Mara, Councillor Mark Storer, Councillor  
Edmund Strengiel and Councillor Emily Wood

**Apologies for Absence:** Councillor Debbie Armiger and Councillor Chris Burke

**64. Confirmation of Minutes - 25 January 2023**

RESOLVED that the minutes of the meeting held on 25 January 2023 be confirmed and signed by the Chair as a true record.

**65. Declarations of Interest**

No declarations of interest were received.

**66. Member Statements**

In the interest of transparency the following Members requested it be noted that they recognised persons present in the public gallery at tonight's meeting in relation to the application for development Agenda Item No 4(a) 18A-20 High Street, Lincoln, however, not in a personal capacity:

- Councillor Bean
- Councillor Hewson
- Councillor Longbottom
- Councillor S Burke

**67. 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.

**68. 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.

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

**69. Applications for Development**  
**70. 18A - 20 High Street, Lincoln**

The Planning Team Leader:

- a. described the location of the site on the west side and corner of the High Street, and Henley Street, occupied by a three storey building fronting High Street, previously a restaurant at ground floor with associated residential accommodation above with garages to the rear accessed from Henley Street also included
  - b. explained that a site visit was conducted by members of Planning Committee and planning officers earlier this afternoon to help offer familiarity to the location of the proposed development
  - c. described the Golden Eagle Public House to the north of the application site attached to the building at first/second floor with an arch at ground floor, which led into its car park to the rear with a grassed outdoor seating area/garden located beyond to the west
  - d. referred to terraced properties sited to the west on the north and south side of Henley Street
  - e. advised that the site was situated within the St Catherine's Conservation Area No 4
  - f. reported that planning permission was sought for the erection of a commercial unit at ground floor with 10 residential apartments above and to the rear; the building fronting High Street would be extended upwards by raising the existing eaves and ridge height to provide accommodation within the roof space and a three storey extension would be added to the rear of the existing building to provide further residential accommodation
  - g. confirmed that pre-application discussions had taken place with the architect and further discussions had continued throughout the application process, resulting in revisions having been submitted to address officer concerns regarding the scale of the building on High Street; improvements had also been made to the fenestration proportions and design and treatment of the extension on Henley Street
  - h. reported that the application was brought to Planning Committee given the number of objections received
- a) 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 LP13: Accessibility and Transport
  - Policy LP14: Managing Water Resources and Flood Risk
  - Policy LP25: The Historic Environment
  - Policy LP27: Main Town Centre Uses - Frontages and

#### Advertisements

- Policy LP29: Protecting Lincoln's Setting and Character
- Policy LP33: Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- Policy LP35: Lincoln's Regeneration and Opportunity Areas
- National Planning Policy Framework

b) advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:

- Principle and Policy Background
- Impact of the Proposed Development on the Character and Appearance of the Conservation Area and Visual Amenity
- Impact on Residential Amenity and Impact on Adjacent Premises
- Highways and Drainage
- Contamination

c) outlined the responses made to the consultation exercise

d) referred to the Update sheet which included further representations received in respect of the proposed planning development and the following additional proposed officer conditions subject to planning permission being granted:

- Further details shall be submitted including sections of the proposed shop front.
- The shopfront shall be implemented before the occupation of the first apartment.
- Corridor windows in the north elevation to be obscure glazed.

e) concluded that:

- The development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design.
- The proposals would bring a vacant site back into use and would ensure the character and appearance of the Conservation Area was preserved.
- Technical matters relating to noise, contamination and drainage were to the satisfaction of the relevant consultees and could be dealt with as necessary by condition.
- The proposals would therefore be in accordance with the requirements of CLLP Policies and the NPPF.

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

- He represented members of the public in attendance this evening in the public gallery.
- He was the current landlord and business owner of the Golden Eagle Public House.
- This was a community pub which also supported the local music community, holding open mic nights, free live music events, parties and large gathering events without a single noise complaint to date.

- The business had survived by changing the way it operated to include such live music events.
- It also embraced the local football team in the City and everyone was made welcome from the community, including match days.
- Should the proposed development go ahead, it posed major concerns.
- The design of the development would cause entrapment of sound/an echo effect from the premises being unavoidable, resulting in noise complaints being received and major restrictions placed on the business which would result ultimately in closure.
- The pub premises benefitted from double glazing, however, in the summer months when the windows were opened local residents may be able to hear the noise.
- The single entrance to the pub was located directly opposite the proposed development which was also key to ventilation in the bar area.
- The Golden Eagle Public House was an historical asset listed as No 1 on Lincolns building and structures of local importance, and also situated in Conservation Area 4 - St Catherine's.
- The report was misleading as the current development site premises were indeed still operating as a Cantonese and takeaway restaurant.
- The proposed development would reduce natural light to the premises and also to external area
- There were issues with loss of light/ privacy to his daughter's bedroom.
- There were issues of overbearing/structural issues resulting from the proposed development's building height.
- Proposed buildings to the rear were not in character with the street scene/local area.
- There were issues with lack of off street parking/traffic concerns.

Richard Havenhand addressed Planning Committee on behalf of the applicant in favour of the proposed development, covering the following main points:

- He had been asked to speak on behalf of the owner of the restaurant who had owned the property since the 1980's.
- Due to the high running costs of the business, the owner wished to relocate to smaller premises in the City.
- The redevelopment proposals for this site would improve the surrounding area.
- The bottom floor of the development would be mainly residential and retail use.
- Many changes had been made to the design of the proposals to reflect feedback from officers and throughout the public consultation process.
- Most of the windows would be obscure glazed to address any issues of overlook.
- The owner in no way wished to restrict the enjoyment of musical entertainment at the pub.
- The owner had always enjoyed good relationships with the local community and he hoped this would continue.

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

The following concerns were raised by members:

- There were concerns as to how the new building would impact on the existing public house and beer garden.

- A noise assessment report would need to be submitted.
- The aim here was to improve the existing building to enable it to be sold.
- The height of the building had been reduced but its ridge was still higher than that of the existing building.
- The garages to the rear of the development would be replaced by a flat top building.
- The building was high and ugly.
- The height at the top of the chimneys seemed to be out of character being so large.
- Noise was a natural part of a pub holding music events.
- The noise impact on the new residents of the development should also be taken into account.
- The Highways Authority did not take into account the pressures of parking due to the availability of public transport in the area, however, in the real world it would cause additional problems.
- The design of the proposed development was not in keeping with the remainder of the street or the Conservation Area.
- The security of properties/installation of window locks was important.
- Having 3 storeys would maximise profit when the premises were sold.
- The impact of the height of the offshoot on Henley Street at 3 storeys would have a significant impact on the public house
- Issues of overbearing/over development/height of building.
- The public house should be protected as a community asset.
- There would be an adverse impact from the development on the character of the Conservation Area.
- The proposed development would have an adverse impact on adjacent properties.

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

- Members would not wish for the public house to lose trade, however, the remit of Planning Committee was to look at what was before us this evening, and there was always an aspiration for additional residential accommodation above the shops in the City.
- New residents would know they were moving into accommodation adjacent to a public house.
- There was a desperate need for additional housing in the City. We were a member of the Central Lincolnshire Planning Authority, with a remit to build an additional 37,000 houses across West Lindsey, North Kesteven and City of Lincoln Council in a 25 year period. Our part of the housing project covered only a small area.
- There were 1,040 people on the Council house waiting list.
- Sound proofing measures could be put in place to limit any noise impact and overlooking to the side windows with the use of obscure glass.
- The new build would represent a visual improvement to the existing garages to the rear.
- Parking was already an existing problem on the adjacent High Street.
- The new shop front should be installed on site before the residential properties were occupied.
- There was a need for additional housing in the City. This development would provide ten units of accommodation.
- The appearance of the development had been carefully designed and would offer improvement to the area .

- Unattractive garage fronts would be replaced.
- Materials used would be carefully conditioned.
- Windows would be replaced and remodelled.
- It was pleasing to see that the original occupation of the ground floor for retail use had been retained.
- There were no objections from the Highways Authority.
- This was a dense residential area. This development was unlikely to generate additional complaints more than from any other people moving into the area.
- The height of the building was not inappropriate.
- The original scheme had been modified to take into account resident and officer concerns.

The following questions were raised by Members:

- Would there be any parking at the rear side of the development?
- Could further clarification be given as to the distance from the windows of the existing to the new development.
- Was the actual location of the bin storage suitable for use by the commercial property?
- Would external cycle storage be provided as there would be insufficient storage space within the flats?
- Did the size of the upper two flats meet planning regulations?
- The gardens on Henley Street were already in existence, had there been any noise complaints from local residents or the public house?

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

- He was not aware of any noise complaints from existing residents or the public house itself.
- In terms of noise mitigation, the City Council's Pollution Officer had assessed the proposal and suggested that a noise impact assessment be submitted prior to commencement of the development to ensure that the proposed development incorporated mitigation measures to reduce noise impacts, such as acoustically enhanced glazing and ventilation.
- The security of the properties was the responsibility of its owners.
- The rear yard of the proposed scheme included amenity space and provision of bin storage and cycle storage facilities.
- Space standards were a material planning consideration. The new flats should be a minimum of 37 square metres. The top one was 36 square metres and the other upper flat was 34 metres square, slightly below planning guidance. However, the 'set back' of the upper floor had been increased, reducing the size of the upper two flats slightly to offer architectural benefit to the building.
- A condition would be imposed on grant of planning permission requiring implementation of the shopfront prior to the first floor accommodation being occupied.
- The distance between the windows of the first floor flat to the existing development were a distance of 10 metres and 12 metres respectively.
- No parking was provided on site and officers did not consider it could be successfully designed into the scheme. There was however sustainable access via walking, cycling and public transport.
- Your Planning Officers and Conservation Officers had discussed and

made amendments to the plans for the scheme to improve the character of the Conservation Area. Officers were satisfied that the style of architecture whilst contemporary, was sympathetic to the Conservation Area.

It was moved, seconded, and voted upon that planning permission be granted.

The motion fell.

RESOLVED that planning permission be refused.

Members having voted against grant of planning permission discussed reasons for refusal.

It was moved, seconded, voted upon and:

RESOLVED that planning permission be refused due to the following reasons:

- Impact on Conservation Area due to the design of Henley Street.
- Space standards were below planning guidance provided.
- Lack of parking.
- Impact on residential amenity of adjacent properties.

**71. 54 Sibthorp Street, Lincoln**

The Assistant Director of Planning:

- a. advised that the application proposed the erection of a single storey rear extension and installation of 2 conservation rooflights on the front elevation to the application property at 54 Sibthorp Street, Lincoln, a two storey mid terrace dwelling
- b. reported that the property had 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.
- c. highlighted that the application had been subject to extensive negotiations with the agent securing revisions to the proposal to overcome some of the concerns raised by officers, neighbours, and the Conservation Officer, following which revised plans had been submitted and a re-consultation exercise conducted.
- d. advised that the site was situated within the City of Lincoln Sibthorp No.7 Conservation Area
- e. described the site history to the application site as detailed within the officer's report
- f. reported that the application was brought before Planning Committee due to the number of objections received
- g. provided details of the policies pertaining to the application, as follows:
  - Policy LP25: The Historic Environment
  - Policy LP26: Design and Amenity
  - National Planning Policy Framework

- g. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- Planning Policy
  - Effect on Visual Amenity and the Character and Appearance of the Conservation Area
  - Effect on Residential Amenity
  - Effect on Highway Safety
- h. outlined the responses made to the consultation exercise
- i. concluded that the proposed development was of an appropriate design that would not materially harm the character and appearance of the building or conservation area, in accordance with the duty contained within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, policies LP25 'The Historic Environment' and LP26 'Design and Amenity' of the Central Lincolnshire Local Plan and guidance within the National Planning Policy Framework.

Members discussed the content of the report in further detail.

Members commented as follows:

- Would the historical issues of drainage at the site impact upon the proposed extension.
- What was the definition of conservation roof lights.
- A wall of all white UPVC windows in the streetscene distracted from the Conservation Area.
- We tended to under value some views in urban landscapes to the back and side of developments.
- The rear of the properties in the street scene held a distinct landscape of outbuildings with gaps where outside toilets used to be situated. Would the break in the link to the outbuildings as a result of the proposed extension destroy the relationship with this very British tradition?
- Were the rooms sufficient in size?

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

- Drainage issues were historic in the site area as identified by neighbours. This problem would be addressed through the building control consent process.
- Conservation roof lights were designed for use in Conservation Areas as they were slightly smaller in size.
- Planning officers shared the members concerns regarding protection of urban landscapes, however, over decades installation of UPVC windows had been carried out without consent, way before our time.
- The gap in the outbuildings would be removed by the link of the extension.

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

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



- No sleeping accommodation in rear extension
- Hours of construction

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<b>Application Number:</b>	2022/0159/OUT
<b>Site Address:</b>	Corner Of Sincil Street & Waterside South, Lincoln
<b>Target Date:</b>	27th May 2022
<b>Agent Name:</b>	Lichfields
<b>Applicant Name:</b>	Lincolnshire Co-operative Ltd
<b>Proposal:</b>	Redevelopment of site to provide a new hotel, together with landscaping and associated works, including demolition of all existing structures on the site and demolition of pedestrian footbridge across Melville Street

### **Background - Site Location and Description**

Application is for Outline planning permission for the erection of a hotel at the corner of Waterside South and Melville Street. Approval is sought for the access, with all other matters; appearance, landscaping, layout and scale, reserved. The proposed hotel is for approx. 150 beds, with front of house and restaurant facilities provided at ground floor level. As submitted the application was for a 7-storey structure.

The proposal was subject to pre application discussions and has also been negotiated during the course of the application and revisions secured and revised plans received. The main changes to the scheme comprise the removal of a storey, and the realignment of the building to move the building line back from Melville Street.

Whilst all matters except access are 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 indicating the potential height, scale, massing and design parameters of the building were required as part of the Outline submission.

The revised proposal is for the erection of a hotel 6 storey's high, on a slightly amended footprint and axis within the site than previously submitted. The revised proposal still aims to provide approx. 120- 150 beds, with front of house, restaurant and hotel services to the ground floor. The proposal will provide 6350m<sup>2</sup> of gross new internal floorspace.

As the application is for Outline permission, the detailed design of the hotel has not been finalised however a design code has been provided as part of the application, along with an indication of height and massing. The final elevational treatment and materials palette to be agreed at the Reserved Matters stage.

Formerly the Coop City Square Shopping Centre and car park, the site is currently vacant. All existing structures on the site will be demolished. The application also therefore proposes the demolition of the existing footbridge which spans Melville Street and lands within the NE corner of the application site. The proposed hotel site is 1911m<sup>2</sup> in area and is located immediately south of the River Witham.

The site is 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.

The site is located within the Cathedral and City Centre and Conservation Area No.1

The site lies within the Central Mixed Use Area.

An application for full planning permission has also been submitted on behalf of McCarthy Stone for a scheme of apartments and 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).

### **Site History**

No relevant site history.

### **Case Officer Site Visit**

Undertaken on 7<sup>th</sup> February 2023.

### **Policies Referred to**

- Policy LP1 A Presumption in Favour of Sustainable Development
- Policy LP17 Landscape, Townscape and Views
- Policy LP26 Design and Amenity
- Policy LP26 Design and Amenity
- National Planning Policy Framework

### **Issues**

- 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
- Effect on Residential Amenity
- Vitality and Viability of the City Centre
- Highways
- Flood Risk/ Drainage
- Land Contamination
- Air Quality
- Fume Extraction
- Trees and Landscaping
- Ecology

### **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

### **Statutory Consultation Responses**

Consultee	Comment
Historic England	Comments Received
Environment Agency	Comments Received

Lincs Bat Group	Comments Received
Lincolnshire Wildlife Trust	No Response Received
Environmental Health	Comments Received
Highways & Planning	Comments Received
Lincolnshire Police John	Comments Received
Councillor Chris Burke	No Response Received
Councillor Sue Burke	No Response Received
Councillor Helena Mair	No Response Received
Lincoln Civic Trust	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Anglian Water	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received

### **Public Consultation Responses**

Name	Address
Mr Mark Wheeler	Mr Mark Wheeler
Mrs Annette Faulkner	65 London Road Spalding PE11 2TN
Mr Paul Scott	Thesiger Street Lincoln LN5 7UL

## **Consideration**

### **Policy**

LP1 is relevant. The Local Plan states that when considering development proposals the local authority "will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The districts will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in Central Lincolnshire. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise."

### **Public Benefits of the Development**

With regard to the planning balance, the proposal will result in a number of improvements within both the immediate area of the application site and the wider city centre and city as a whole. These include-

- supporting the City's status as a visitor destination and helping to meet an identified need for additional visitor accommodation within the city centre;
- Townscape benefits - replacing a largely undeveloped site, gap site.
- Removing the unsightly pedestrian footbridge over Melville Street.
- Increasing activity to Waterside South and Melville Street and adding visual interest to the local area,
- Improvements to the local public realm and function of this part of the Cornhill Quarter;
- Economically providing a significant level of investment within the city with benefits both during the construction phase and going forward with the hotel, thereby helping to enhance the overall vitality and viability of the city centre.

LP25 of the CLLP is relevant 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 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

## Removal of the Footbridge and Highway Implications

The application proposes the removal of the existing footbridge spanning across Melville Street, required in order to facilitate the new hotel building. The removal of the footbridge is also considered to be to the benefit of the townscape, in that the footbridge partially obscures views of the historic hillside.

The Planning Statement indicates that the removal of the footbridge will be undertaken by the applicant, without incurring any costs to the Council or Highway Authority.

A formal response from the Highway Authority on the as revised plans is yet to be received, however an interim response on the as submitted plans raised no objections in principle to the development subject to a number of conditions.

The removal of the footbridge is considered to be an improvement to this part of the city centre in townscape terms. The Highway Authority has stated its support for the removal of the footbridge, with necessary mitigation.

The Highway Authority has however stated that the loss of the footbridge will need to be off set and has requested a Section 106 contribution of £500,000 as mitigation for the removal of the footbridge, to provide improved walking and cycling infrastructure at this location.

The Highway Authority states;

"The footbridge provides a necessary east - west connection across Broadgate and is in regular use as a public highway. This connection is of strategic importance and is reflected in the Lincoln Transport Strategy and the Lincoln Local Cycling and Walking Infrastructure Plan in relation to National Cycle Route 64. This connection is also essential for facilitating future regeneration to deprived areas to the east of Broadgate.

The Lincoln Transport Strategy 2018 - 2036 lists Broadgate Public Realm and Environmental Improvements as a primary infrastructure intervention. The opening of the Lincoln Eastern Bypass has provided opportunity to enhance the area and stimulate economic growth using interventions such as improved walking and cycling facilities and measures to reduce vehicle speeds. The scheme is currently at an early design stage and an essential element of the project will be to improve the east-west connection at Melville Street/Waterside North/Waterside South junction.

Lincolnshire County Council support the removal of the footbridge with necessary mitigation, to support this application and facilitate growth.

In consideration of the emerging Broadgate Corridor scheme, LCC and the applicant wish to avoid the applicant delivering a project immediately which mitigates the removal of the footbridge, but which may act as a constraint for the Broadgate Corridor scheme.

The applicant undertook a Pedestrian Environment Review System (PERS) audit on Broadgate to support this application, which demonstrated that there was no short-term adverse effect on public highway users if the footbridge were to be removed, given the presence of the signalised pedestrian crossings at St Swithins Square and Newton Street as alternate options.

We accept that in the short term, highway users have alternate options to cross Melville Street that are comparable to the footbridge. However, the displacement of highway users to the alternate crossings is a short-term solution as consideration must be given the strategic need for improved walking and cycling facilities at this location.

We request a Section 106 contribution of £500,000 as mitigation for the removal of the footbridge, to provide improved walking and cycling infrastructure at this location.

At this stage, timescales for delivery of the Broadgate Corridor scheme are unknown, though this will be the preferred mechanism to deliver the required improvements which mitigate the removal of the footbridge and achieve the strategic aims outlined in the Lincoln Transport Strategy. If the Broadgate Corridor scheme is not delivered within a suitable timeframe, the Highway Authority will be required to deliver a project to directly mitigate the removal of the footbridge and provide the necessary east-west connection. This will be through the delivery of a signalised pedestrian crossing.

The S106 contribution cost has been based on an uncertainty model for the delivery of a signalised pedestrian crossing on Melville Street at the junction with Waterside South. Preliminary studies undertaken by the applicant indicated that there were services within the eastern footway which would require diversion at significant cost. This has been accounted for in the uncertainty model which is why the expected scheme cost is higher than would usually be expected."

In response, the applicant through the Planning Statement has stated that they do not consider that the requested contribution meets the tests within the NPPF (para. 57), which states that planning obligations must be sought only where they meet all of the stated tests.

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

The applicant justifies this response by indicating that with the removal of the footbridge, highway users will still have alternate options to cross Melville Street that are comparable to the footbridge. Therefore, the requested obligation cannot be said to be necessary in order to make the development acceptable.

A Transport Statement has been submitted with the application.

The submitted TS concludes that there will be no highway issues associated with the development.

As part of the Transport Assessment, the applicant also undertook a Pedestrian Environment Review System (PERS) audit on Broadgate to support the application.

In its formal response the Highway Authority stated;

"The applicant undertook a Pedestrian Environment Review System (PERS) audit on Broadgate to support this application, which demonstrated that there was no short-term adverse effect on public highway users if the footbridge were to be removed, given the presence of the signalised pedestrian crossings at St Swithins Square and Newton Street as alternate options.



We accept that in the short term, highway users have alternate options to cross Melville Street that are comparable to the footbridge. However, the displacement of highway users to the alternate crossings is a short-term solution as consideration must be given the strategic need for improved walking and cycling facilities at this location."

The Planning Statement also concludes that;

"The removal of the footbridge is supported by the County Council, and will be a significant improvement to this part of the city centre in townscape terms, that will be undertaken by the applicant, without incurring any costs to the Council."

A view therefore has to be taken as to whether or not the request meets the tests of para 57 of the NPPF. On balance, Officers have concluded that the request does not meet the tests in that the applicants study indicates that there are alternative arrangements in place within the area which will accommodate the loss of the footbridge. It would also be reasonable to anticipate that expected trip generation from the proposed hotel development would be to and from the nearby transport interchange to the south, being from the Railway Station, Bus Station and Car Park, and then west into the City Centre, and not increasing trip generations East across Melville Street.

### Site Context and Analysis

On site it is clear that the current arrangement of buildings for the former City Square Shopping Centre and the adjacent car park, was that the relationship of the existing built form to both Sincil Street and Melville Street is poor and can be improved both visually and in term of forming a sense of enclosure.

The submitted Landscape Proposals document undertaken by Re-form summarises the existing built form:

"The current plot contributes little to the surrounding footpath and street network turning its back on all surrounding routes. Tall brick walls up to 2m in height prevent views and restrict permeability through the site. Surfacing and materiality is of low quality and largely poorly maintained."

The Design and Access Statement identifies the opportunities the redevelopment of the site could attain including:

- forming consistent frontages along Melville Street,
- increase activity and interest along adjacent streets through active frontages including animating the riverside,
- create new views of the Cathedral,
- creating a gateway building into the city centre,

### Effect on Visual Amenity

As originally submitted, the scheme was a part 6, part 7 storey building located at the back edge of the pavement and resulted in the removal of established street trees. Concerns were raised regarding the impact of the new hotel on established views of the historic hillside and in particular encroaching and partially obscuring views of the Cathedral.

The scheme has now been revised to lower the building by one storey to form a part 5, part 6 storey building, set back the building further from the back edge of the pavement to Melville Street and rotating the building slightly on its axis and replacing the existing street trees within the site application boundary fronting Melville Street with a row of new trees, including four London Plane trees. Previously the row of street trees was to be removed with no replacement trees proposed along Melville Street.

The Design and Access statement concludes that the revised development will "Enhance the character of the surroundings, reflecting both historic form and materials in a contemporary manner, establishing a gateway and destination on a currently underdeveloped site."

Waterside South suffers from a lack of enclosure to the site edge. It is clear on site that the area around and including the application site is poor in terms of urban form, street level activity, local distinctiveness and good architectural design. It is considered that the development provides an opportunity to re-establish historic urban grain and increase density within the area, providing an active frontage to both Riverside South and Melville Street and re-enforcing enclosure to the riverside.

The Planning Statement identifies that "the indicative design of the proposed hotel has been carefully considered to ensure the nature, massing and scale of development is compatible with neighbouring development.

Compared to the current site, the proposed scheme introduces beneficial changes in terms of enclosure, design and materials (controlled by Design Code), activity and building alignment."

Although all matters are to be reserved with the exception of access, a range of indicative plans and a design code have been submitted as part of the Outline application, to explore the potential parameters for a 150 bed hotel building on the site. As the scheme progresses further, detailed architectural and interior design will be developed and illustrated for a future reserved matters application.

The proposed revised hotel scheme (reduced in height and rotated) is considered to be an acceptable new addition within the conservation area. The scheme would be an enhancement to the street scene by developing this gap site whilst retaining the trees and removing the pedestrian footbridge over Melville Street. By replacing a largely undeveloped site and the poor-quality pedestrian footbridge over Melville Street, the submitted Design and Access Statement indicates that the proposed development introduces either neutral or beneficial effects to views.

In relation to townscape and visual amenity, the proposal is considered to be a positive replacement of the vacant car park, while the revised plans maintain the long views of the Cathedral from the South of the city.

The new hotel is positioned at the back of the pavement along Melville Street creating a strong frontage to the street edge. Ground floor uses proposed along Melville Street and Waterside South include communal areas such as the lobby, bar and restaurant offering activity and passive surveillance to the surrounding streetscape, a significant improvement on the current arrangement.

The proposed indicative design has been revised during both pre application and during

the course of the application, further to concerns regarding the proposed height and location of the building and the effect on the historic hillside and Cathedral.

The Design and Access Statement includes the design rationale for the development. The layout of the design is strongly north- south in orientation. It refers to the historic grain of the area and its medieval burgage plot layout.

The building form is a simple linear element reinforcing the highway edge typical of the local urban block form. The overall massing is simple in form which the D&A Statement states reflects the Victorian industrial mills in the area.

The importance of a building 'cap' is explored in the D&A Statement. A distinctive top to the proposed development is desired. This will break down the scale and uniformity of the mass, whilst providing visual interest from long distance views, and a more refined architectural response to the immediate context."

### Design Code

An outline design code submitted with the application explores the details that inform the design, with respect to building form, massing, and the approach to external appearance. The Design Code highlights considerations that are commonly applied to hotel building types and capture fundamental design principles. The Design Code helps identify principles of design.

Principles identified by the Design Code-

### Key Views and Effect on Heritage Assets.

Concerns were raised by both Officers and Historic England to the plans as submitted, in relation to the effect on heritage assets in the area and in particular the effect on the Cathedral by partially obscuring views of this grade I listed building from established viewpoints from the south. In particular from Pelham Bridge and Melville Street, where currently views of the Cathedral are framed by existing built form on both the east and west sides of Melville Street.

Policies LP25 and LP17 are relevant. The proposal for a hotel at this site needs to demonstrate that it will not be harmful to and from key views within the city.

LP17 states that;

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within Central Lincolnshire | Local Plan - Adopted April 2017 A Quality Central Lincolnshire 5 49 landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.

The application is also required to assess the potential effects of the proposed development on the setting and the significance of the heritage assets.

With regard to Heritage Assets, the key feature is the historic hillside and importantly the

grade I listed and Scheduled Lincoln Cathedral. There are also a number of other listed buildings and schedule monuments in the vicinity of as part of the historic hillside including the Lincoln Castle, St Michael on the Mount and the Bishops Palace, King Edward House, 22 and 24 Melville Street, and public houses the Witch and Wardrobe and the Green Dragon.

A Heritage and Townscape Assessment has been undertaken including a consideration of the impact of the development on established views or views from heritage assets within the context of the site. The HTA concludes that there is either minor neutral, negligible neutral or moderate neutral, on views from key sties as a result of the development.

The submitted HTA assess the impact of the hotel on each of these heritage assets and concludes in each case, the setting of the listed buildings will be either enhanced or preserved, and that in all cases, significance will be preserved.

The application submission has included a Design and Access Statement which provides an analysis of the proposed hotel and the potential effect on the historic hillside and Cathedral. A series of photomontages has been utilised to test the impact on townscape from several viewpoints to show the proposed hotel in the context of the existing built form, including a kinetic view sequence from Pelham Bridge and at points along Melville Street.

Concerning the revised proposals, the Planning Statement indicates that "In all cases, significance will be preserved.", in that all the assets identified will not be harmed by the development.

Policy LP17 is therefore considered to be met, whereby the character of the townscape is protected and enhanced with the proposals making a positive contribution to the character of the area. Key local views are also unharmed with the revised proposals.

The HTA concludes that

"Overall, the proposed hotel (reduced in height and rotated) is considered to be an acceptable new addition within the views. The scheme would be an enhancement to the street scene by developing this gap site whilst replacing the trees and removing the pedestrian footbridge over Melville Street."

It should be noted that there is some effect by the proposed hotel, even with the revised proposals on the views of the Cathedral when viewed from this southern viewpoint. From the drawings provided to show the indicative massing, scale and location, the hotel will impinge on the silhouette of the Cathedral and in particular clipping the most westerly side of the west tower to the Cathedral.

The application provides an assessment on the length of this particular view whereby views of the cathedral maybe be partially obscured by the proposed development. As originally proposed the length of view sequence interrupted was approx. 160m, the revised proposal has reduced this to approx. 75m. On balance, with all the other benefits of the scheme considered, the effect is not considered sufficiently harmful to warrant a refusal with the Western tower of the Cathedral remaining largely revealed. The existing effect of Thorngate House is also a material factor when assessing the impact of the new development, with some views of the hillside/ Cathedral already being partially obscured by this previous development which sits in between the application site and the Cathedral.

Historic England has been consulted on the revised proposals. A formal final response on the revised plans has yet to be received.

#### Land Contamination

The proposal has been assessed by the City Councils Scientific Officer. Due to past uses on the site and in the vicinity, there is the potential for contamination to be present and therefore a preliminary risk assessment should be submitted either prior to determination of this application or conditioned for consideration at the RM stage.

#### Air Quality

Whilst not providing on site parking, it is anticipated that guests using the hotel will in part arrive by car and use the adjacent Central Car park, therefore leading to an increased demand for electric charging facilities. A section 106 contribution towards additional charging facilities within the adjacent multi storey car park is therefore requested.

#### Fume Extraction

The proposal has been assessed by Environmental Health. It is assumed that the hotel will be served by a commercial kitchen and extract system. A condition should therefore be included on the outline permission for details of kitchen extraction including details of noise and odour control.

#### Noise

EH state that the development is likely to be significantly affected by existing noise sources such as the adjacent highway, MSCP and the numerous commercial and industrial uses in the vicinity of the site. The new development is also identified as introducing new noise sources into the area. Therefore, a noise assessment is requested should permission be granted, required prior to the commencement of development on site.

Given the potential for issues associated with noise, vibration and dust during the demolition and redevelopment of the site a Construction Environmental Management Plan is also requested by EH to be submitted and approved prior to the commencement of the development to be imposed by condition.

Lincolnshire Police has no objections to the proposal.

#### Flooding and Drainage

The Environment Agency has no comment to make on the application.

The application form states that the surface water drainage of the site will be via a sustainable drainage solution. Details of the drainage are to be considered reserved matters stage. The Highway Authority indicated on the initial response that the scheme should incorporate a SUDs system through details to be submitted at the RM stage. The preference for a sud's scheme was also indicated by AW.

Anglian Water has indicated assets owned by AW are in the area and that the site layout should take this into account, or if not possible to accommodate, sewers will need to be

diverted at the developers cost. prior to the commencement of development. There is capacity in the area for the foul drainage.

Lincolnshire County Council has no requests in relation to the development and education provision or contributions.

A Preliminary Ecology Appraisal compiled by Inspired Ecology Ltd is submitted with the application. An extended Phase 1 Habitat survey was completed on 20th August 2021 when an ecological walkover survey was undertaken, and a subsequent desktop study undertaken in December 2021.

The nature of the site, being a building and large area of surface carparking, the site was identified as having little potential for amphibians, reptiles and badgers. The trees adjacent to the site provide opportunities for nesting birds. No signs of roosting by bats were found on site. The on-site building was assessed as having low bat roost potential and the ecology report advised will require a single nocturnal bat survey during the active bat season, as it will be removed as a result of the proposals. This can be subject to a condition.

#### Landscaping and Loss of Trees.

A Landscape Strategy Document has been submitted with the application undertake by Reform.

The location of the hotel impacts upon a line of 6 existing established trees and would necessitate their removal. The Landscape Strategy document states that a survey has been undertaken by a qualified arboriculturist, while the City Councils Arboriculturist has also considered the development proposals.

The trees are predominantly early mature to mature London Plane and 1 Lime. The Strategy identifies that the trees all are prominent from busy publicly accessible areas and as such they have high visual amenity value. The trees have occasional minor structural defects yet generally are in good condition and have good prospects.

The revised proposal and the resulting realignment of the building now also allows for replacement trees to be planted along Melville Street, including four London Plane trees, as set out within the updated Landscape Strategy.

This is viewed as a positive change to the original scheme submitted for the Outline application.

The proposed planting scheme although in the Outline stage, identifies a scheme where 4 new single stemmed replacement trees are proposed and another 8 multi stemmed species in between. London Plane and Silver Birch are amongst those proposed, 2m in height at planting This will help off set the loss of the existing trees on site which are to be felled to accommodate the new hotel.

Additional low-level planting is also proposed along the Melville Street frontage, helping to provide a pleasing environment and helping enhance the quality of the street scape to Melville Street.

The indicative Landscaping scheme also proposes a scheme of hard landscaping utilising

block paving in palette of colours and textures, again to the benefit of the visual amenity of Melville Street which is presently a relatively poor environment.

The Civic Trust provided comments on the original proposal prior to the revised scheme. Although welcoming the use, The Trust objected to the application, concerned that the height and location of the development will result in encroachment onto Melville Street and restrict the street scene, loss of the footbridge as a means of crossing, vehicular traffic flow and the loss of the trees.

An objection has also been received from a member of the public regarding the loss of the footbridge.

### **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**

It is considered that the proposed hotel will 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 have 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 is therefore considered to be in accordance with both local and national planning policy.

### **Application Determined within Target Date**

Yes.

### **Recommendation**

That the application is Granted Conditionally, subject to the signing of the section 106 for the provision of electric vehicle charging points within the adjacent Central Car Park.

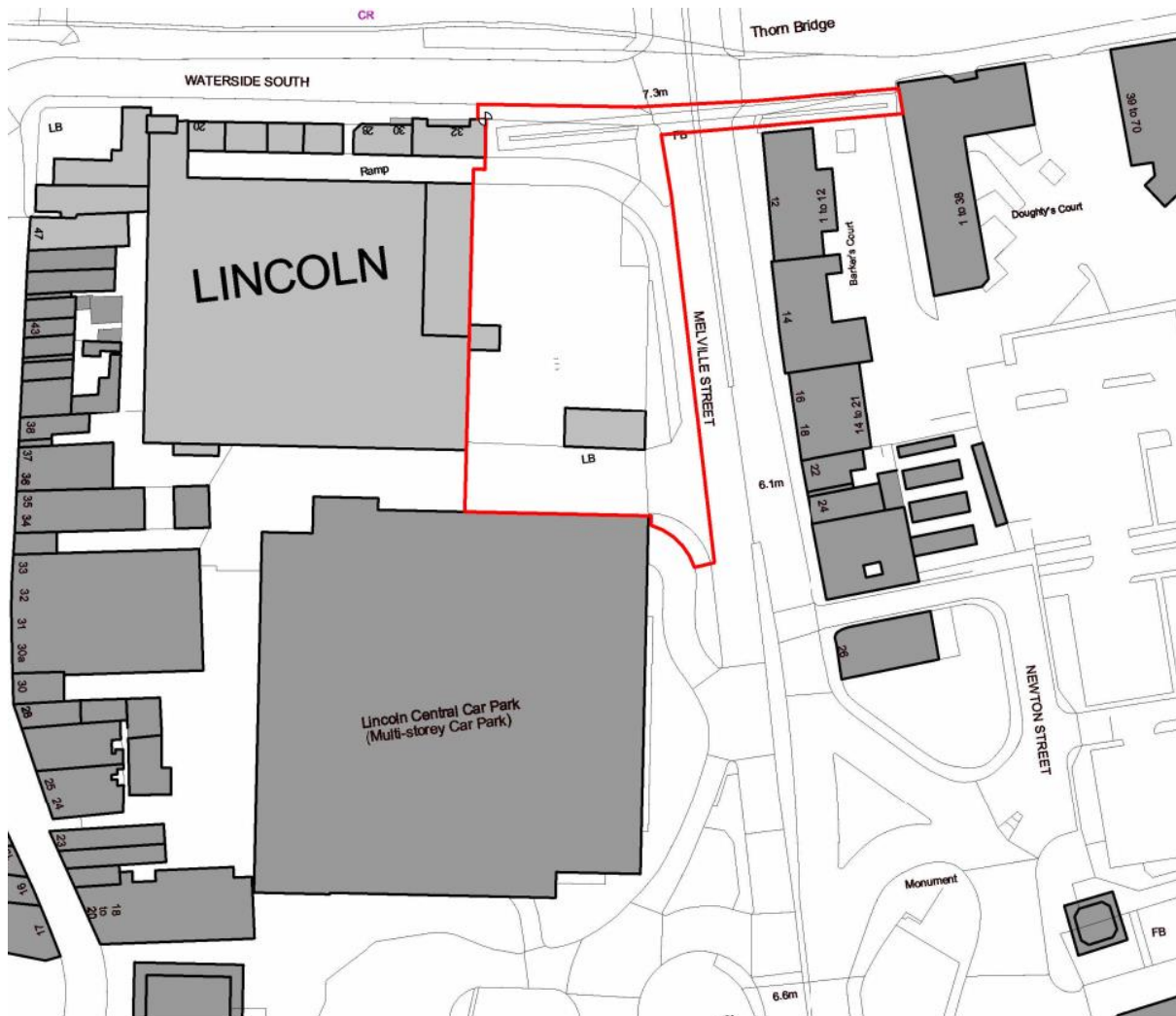
### **Standard Conditions**

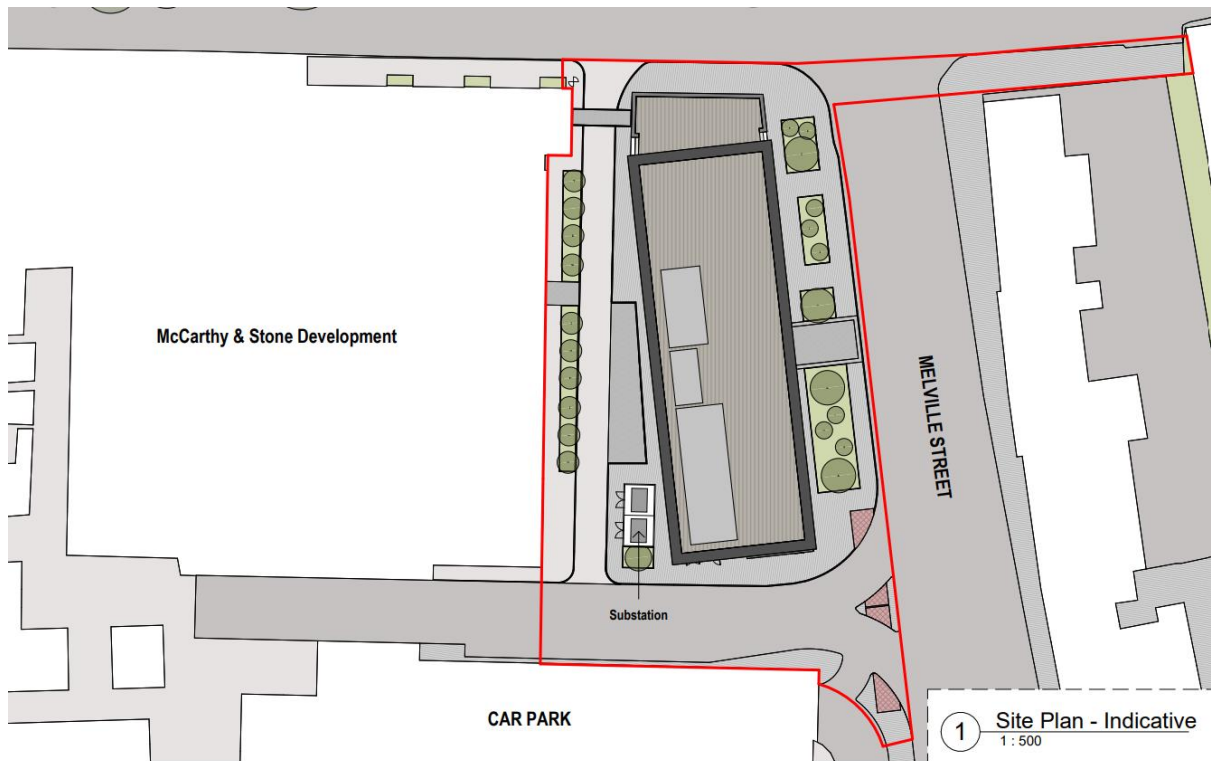
- 1) The development to which this permission relates shall not be commenced until details of the following (hereinafter referred to as the "reserved matters") have been submitted to and approved by the Local Planning Authority.
  - (a) The layout of the Building(s)
  - (b) The scale of the building(s), 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

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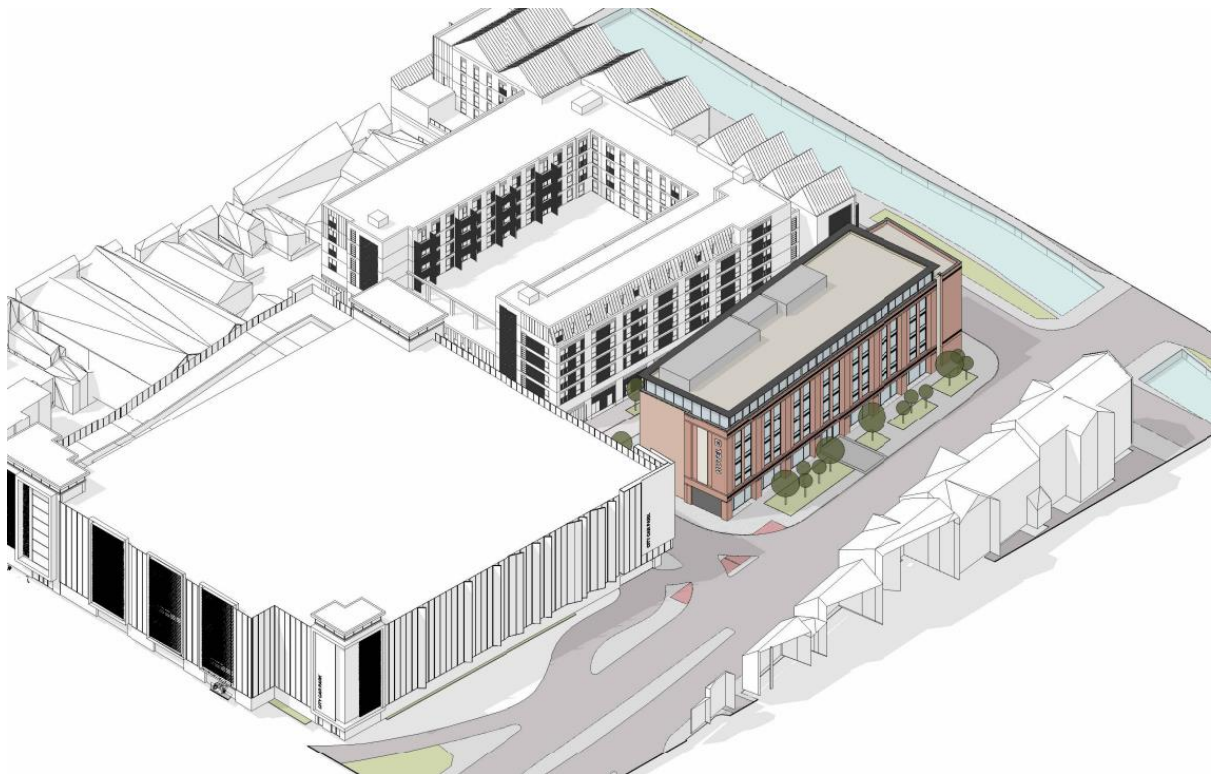




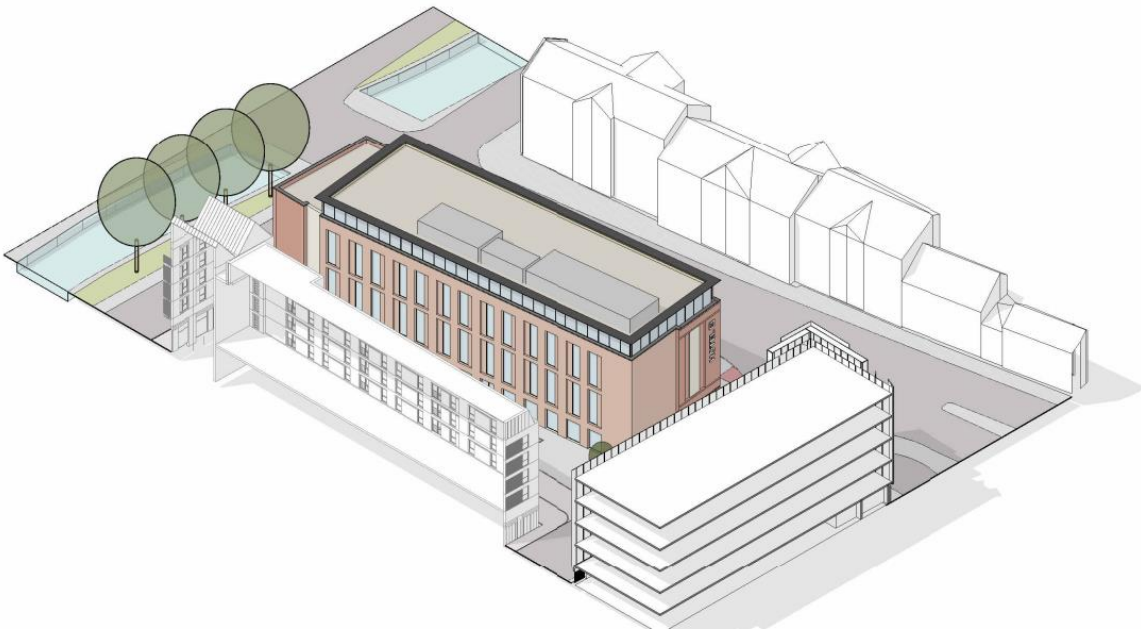
Indicative ground floor layout plan



**1 Indicative Axonometric View 1**









Illustrative Landscaping Scheme



Illustrative CGI of proposed hotel from Waterside North





Indicative View from Melville Street 02



Scheme 0-Empty Site



Option A- Planning Submission



Option B- Planning Submission Rotated



Option C- Rotated, set-back & lowered



Scheme 0-Empty Site



Option A- Planning Submission



Option B- Planning Submission Rotated



Option C- Rotated, set-back & lowered

rhill Quarter – Hotel Site - Lincoln

View 17

**FRANKLIN  
ARCHITECT**



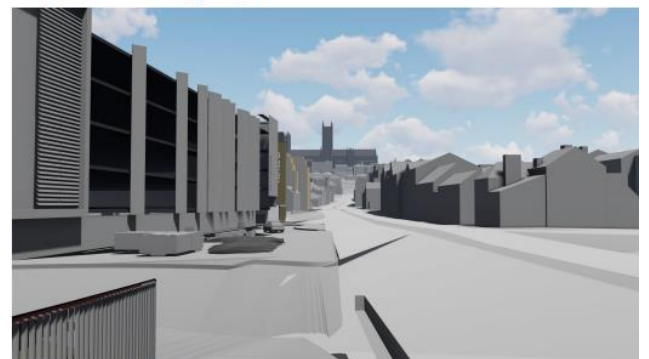
Scheme 0-Empty Site



Option A- Planning Submission



Option B- Planning Submission Rotated



Option C- Rotated, set-back & lowered

rhill Quarter – Hotel Site - Lincoln

View 7

**FRANKLIN  
ARCHITECT**



Scheme 0-Empty Site



Option A- Planning Submission



Option B- Rotated



Option C- Rotated, set-back & lowered

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View of application site from Waterside North, including the existing footbridge



City Square and existing shopping centre





View of application site from the North on Melville Street



Existing street trees to be removed and existing boundary wall to car park at the site



Application site and street trees proposed for removal as viewed from the South on Melville Street



Existing car park on the site





View from Pelham Bridge
















Application site and rear of existing former shopping centre buildings





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## 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](mailto:planningliaison@anglianwater.co.uk).

AW Site Reference:	186678/1/0142374
Local Planning Authority:	Lincoln District (B)
Site:	Corner Of Sincil Street & Waterside South Lincoln
Proposal:	Redevelopment of site to provide a new hotel, together with landscaping and associated works, including demolition of all existing structures on the site and demolition of pedestrian footbridge across Melville Street
Planning application:	2022/0159/OUT

**Prepared by:** Pre-Development Team  
**Date:** 5 April 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 Carwick Water Recycling Centre that will have available capacity for these flows

### Section 3 - Used Water Network

This response has been based on the following submitted documents: 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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

RE: Consultation on Planning Application



Property Strategy <Property\_Strategy@lincolnshire.gov.uk>  
To: Technical Team (City of Lincoln Council)

**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, LCC has no comments on the application in relation to education.

Sam Barlow  
Asset Advisor  
Lincolnshire County Council  
County Offices, Newland, Lincoln, LN1 1YL

**From:** LN Planning <LNplanning@environment-agency.gov.uk>  
**Sent:** 07 March 2022 14:21  
**To:** Technical Team (City of Lincoln Council)  
**Subject:** RE: Consultation on Planning Application 2022/0159/OUT

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 does not wish to make any comments on this application. It does not appear to meet any of the criteria listed on our External Consultation Checklist and it was therefore not necessary to consult us.

However, if you believe you do need our advice, please call me on the number below.

Kind regards

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

nicola.farr@environment-agency.gov.uk  
External: 020 302 55023



Historic England

Ms Alex Leatherland  
Lincoln City Council  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DF

Direct Dial: 0121 625 6870

Our ref: P01467293

31 March 2022

Dear Ms Leatherland,

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

**CORNER OF SINCIL STREET & WATERSIDE SOUTH, LINCOLN**  
**Application No. 2022/0159/OUT**

Thank you for your letter of 3 March 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

**Summary**

The proposed scheme lies within the setting of Lincoln cathedral (listed Grade I) and within the Cathedral and City Centre conservation area. Views towards the cathedral seen in conjunction with the historic hillside immediately surrounding it contribute greatly to the setting and significance of the cathedral. This includes views from Pelham Bridge.

The proposed scheme is for outline planning permission for a 7 storey hotel. We consider there is an opportunity for a building of significant scale at this location and have no objection to the demolition of modern buildings and structures on this site. However, we consider that as currently proposed the hotel would harm the setting and significance of Lincoln cathedral and the significance, character and appearance of the Cathedral and City Centre Conservation Area. The impact derives from the intrusion in views of the historic hillside when seen in conjunction with the cathedral, and obscuring the west end of the cathedral in some views.

Our advice also reflects policy and guidance provided in the National Planning Policy Framework (NPPF), the NPPF Planning Practice Guidance and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including *Managing Significance in Decision-Taking in the Historic Environment* and *The Setting of Heritage Assets*.

The impact of the proposed scheme would be significantly reduced if the height of the



hotel was reduced so that it would obscure less of the cathedral and historic hillside in key views from Pelham Bridge. Accordingly, we advise that the height of the hotel is reduced by at least the upper storey and the impact is verified in kinetic views from the bridge.

### **Historic England Advice**

#### **Significance**

The proposed scheme lies within the setting of Lincoln cathedral (listed Grade I as one of the 3% of listed buildings which are of exceptional architectural and historic interest) and within the setting of a number of other designated heritage assets. The proposed scheme also lies within the Cathedral and City Centre conservation area which was designated in 1968 (amended in 1975) by your authority.

A key part of the cathedral's significance and setting, located as it is on the north escarpment high above the Witham gap and lower city, is that it dominates the city, skyline and surrounding townscape and landscape. This domination was intentional and meant to glorify God and signify the importance of the Church. The historic townscape on the north escarpment and hillside, including the cathedral and Lincoln castle (a scheduled monument), is amongst the most important historic townscapes in the country. It forms a central part of the Cathedral and City Centre conservation area and includes many other highly designated heritage assets as well as the cathedral.

Views towards the cathedral seen in conjunction with the historic hillside contribute greatly to the setting and significance of the cathedral. The views form part of the identity of Lincoln as a historic city. They also make a strong contribution to the significance, character and appearance of the conservation area. Wider and longer views that encompass larger areas of the historic hillside around the cathedral form some of the most iconic views of Lincoln and the cathedral. This includes views from Pelham Bridge.

The view of the cathedral and historic hillside is recent, although it replaces earlier views from ground level in that location. Nonetheless it is seen by many thousands of people a day who use this busy road and so contributes strongly to people's experience of the cathedral and historic Lincoln.

There are relatively few places in the centre of Lincoln where views of the cathedral within its immediate setting of the historic hillside can be seen. The character of the historic hillside in these views is of an irregular townscape with significant tree cover. Due in part to the sloping ground, the lower city townscape merges seamlessly with the historic hillside in these views and appears mainly as a succession of roofs punctuated by trees as well as the spire of St Swithin's church (listed grade II\*). However, Thorngate House intrudes in some views of the cathedral and historic hillside as an uncharacteristically tall building in the lower city, and within the conservation area. It obscures part of the historic hillside in key views.

#### *Impact of the proposed scheme*

The proposed scheme is for outline planning permission for a 7 storey hotel. Given the scale and form of the multi-storey car park to the south of the site we consider there is an opportunity for a building of significant scale at this location. We also have no objection to the demolition of modern buildings and structures on this site. However, we consider that as currently proposed the hotel would harm the setting and significance of Lincoln cathedral and the significance, character and appearance of the Cathedral and City Centre Conservation Area. The impact derives from the intrusion in views of the historic hillside when seen in conjunction with the cathedral and blocking the west end of the cathedral in some views. The proposed hotel would extend above the multi-storey car park in these key views.

#### *Legislation, policy and guidance*

As you are aware, 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 (s. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority in determining this planning application.

The statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act) must also be taken into account by the local authority in determining this application.

Our advice also reflects policy and guidance provided in the National Planning Policy Framework (NPPF), the NPPF Planning Practice Guidance and in good practice advice notes produced by Historic England on behalf of the Historic Environment Forum including *Managing Significance in Decision-Taking in the Historic Environment* and *The Setting of Heritage Assets*.

Paragraph 194 of the NPPF advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 195 goes on to say that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The importance attached to setting is recognised by the NPPF and in guidance and advice. The NPPF defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced' (Annex 2). Detailed advice on assessing the impact of



development on the setting of a heritage asset is set out within *The Setting of Heritage Assets*. The guidance and advice on setting outlines factors which may influence the contribution of the setting to the significance of a heritage asset which are relevant here (p9-11). The setting advice also highlights aspects of a development which may influence its impact on the setting and significance of a heritage asset (p12-13).

The NPPF is clear in the requirement to take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that conservation of heritage assets can make to sustainable communities (paragraph 197, NPPF).

The NPPF goes on to say 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 199, NPPF). Any harm or loss to significance 'should require clear and convincing justification' (paragraph 200, NPPF).

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

#### **Position**

The application should specifically assess the impact of the proposed scheme on the significance of the cathedral which it doesn't do at present. Whilst there is an opportunity to put a large scale building on this site, as noted above the proposed scheme harms the significance and setting of Lincoln Cathedral and the significance, character and appearance of the conservation area. The harm would be created, in part, by the hotel extending above the multi storey car park. The impact of the proposed scheme would be significantly reduced if the height of the hotel was reduced so that it would obscure less of the historic hillside in key views from Pelham Bridge. We advise that the height of the hotel is reduced by at least the upper storey. We recommend that kinetic views from along the northbound carriageway are produced to fully understand the impact of the proposed hotel in these views and the effect of lowering the height of the hotel. We consider that this can be achieved using model views rather than new photography.

It is essential that the design of a hotel on this site, including detailed design, is of a high quality and a clear, specific Design Code is required in this respect. We advise that the design code included reads more as a justification of the design approach. We recommend that a much more detailed and specific design code is provided in accordance with national guidance.

#### **Recommendation**

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments,



Historic England

safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

David Walsh

**David Walsh**

Principal Inspector of Historic Buildings and Areas

E-mail: david.walsh@HistoricEngland.org.uk



**LINCOLNSHIRE POLICE**

POLICE HEADQUARTERS

PO Box 999

LINCOLN LN5 7PH

Fax: (01522) 558128

DDI: (01522) 558292

email

john.manuel@lincoln.pnn.police.uk

Your Ref: App. 2022/0159

4<sup>th</sup> March 2022

Our Ref: PG/

Planning Department  
City Hall, Beaumont Fee  
Lincoln LN1 1DF

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

**Corner Of Sincil Street & Waterside South, Lincoln**

**Redevelopment of site to provide a new hotel, together with landscaping and associated works, including demolition of all existing structures on the site and demolition of pedestrian footbridge across Melville Street**

Thank you for your correspondence dated 2<sup>nd</sup> March 2022 and the opportunity to comment on the proposed development. I have studied the online plans and would request that you consider the following points that if adhered to would help reduce the opportunity for crime and increase the safety and sustainability of the development on this site.

**Lincolnshire Police has no formal objections to the planning application.**

**Reception / Entrances**

This area should be well illuminated and welcoming with the reception staff able to with a clear view of the approaches to the entrance.

I would recommend that the entrance to the reception is an 'air lock' system whereby two sets of doors are used; the first opening will allow a visitor through into a secure vestibule operated by way of controlled form of access with the capacity for entrance to be gained once the first door is secured. Such a considered system will reduce the opportunity for any 'follow through' access by any unwanted access and would provide safety, security and reassurance to staff and guests. The reception should provide suitable staffing or alternative measures or operating systems to allow for 24/7 supervision of security and access to the hotel.



### **Signage.**

Effective use of directional and informative signage can do much to reduce the opportunity for any persons accessing the site and not knowing where they should be. Site maps and clear directions to the reception or security office will reduce any opportunity for unwarranted trespass on the site.

### **Lighting**

Lighting should be co-ordinated with an effective CCTV system and any light fittings protected against vandalism. The overall lighting scheme should be well considered and evenly distribute light avoiding dark shadows, provide good colour rendition, and not cause glare or light pollution and effectively support formal and informal surveillance within the hotel.

A good lighting system can be cost effective and ensure that there will be a witness to any intrusion. It should allow staff and guests to feel secure and safe. Importantly it should make intruders feel vulnerable and that there is an increased likelihood of being challenged.

#### **Internal Lighting**

It is advised most internal lighting is linked to detection devices that turns lighting on and off as required based on movement activity. This type of system reduces energy consumption and will identify the presence and progress of intruders in the building when closed.

Lighting should be designed to cover all external doors

#### **Landscaping**

Boundaries between public and what is private space should be clearly defined and open accessible spaces should not allow for any unintended purpose which may cause any form of anti-social behaviour or nuisance. I would recommend that these spaces are defined clearly by low level (carefully considered) planting of limited growth height and maintenance shrubbery (maximum growth height of 1m).

#### **External Doors & Windows**

The Secured by Design requirement for all external door sets is PAS 24:2016 (doors of an enhanced security).

All windows must conform to improved security standard BS 7950:1997 All ground floor windows should be laminated safety glazing (BS EN 356 2000 rating P2A) (6.4mm minimum) in windows below 800mm (from floor level) or 1500mm if within 300mm of a doorframe.

All windows should include easily lockable hardware unless a designated fire egress route.

Windows should have secure restraining devices (this is particularly to be recommended on the ground and first floor accommodation to deter and prevent unwanted access. Consideration to top down or bottom-up hinges (subject to fire regulations).

#### **CCTV System**

A comprehensive monitored CCTV should be included throughout the site with appropriate signage.

Should it be considered appropriate a police response monitored system to with installation to EN 50131-1, (PD6662 Scheme for the implementation of European Standards), or BS 8418 for a detector activated CCTV system.

### **Rear Access & Drop Off Zones**

I would recommend that the rear (private) access road and drop off zones is provided with access control at both ends of the private roadway. Such access control should include an appropriate and secure gated system that would restrict anonymous and unwanted access.

Whilst I appreciate the requirements and operational needs of the hotel such access control and security measures should ideally be 24/7 but may be during specified periods in which case mitigation should be provided by the effective use of CCTV and or other measures to control access.

I would strongly recommend that this development incorporates the achievement of a full Secured by Design validation which would support and reflect the highest of standards in terms of the safety and security.

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

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  
Force Crime Prevention Design Advisor



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

To: Lincoln City Council Application Ref: 2022/0159/OUT

Proposal: **Redevelopment of site to provide a new hotel, together with landscaping and associated works, including demolition of all existing structures on the site and demolition of pedestrian footbridge across Melville Street**

Location: **Corner Of Sincil Street & Waterside South, Lincoln**

With reference to the above application received 2 March 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 is an outline application with access to be considered. It seeks permission to demolish the existing buildings within the site curtilage and the footbridge over Melville Street and erect a hotel.

The site is currently a vacant car park and service yard.

It is situated in a highly sustainable location within the city-centre, on the doorstep of the Transport Hub and within easy walking distance of facilities, amenities, and attractions for visitors during their stay.

Vehicular access is provided off Waterside South, with a new private one-way service street created along the western side of the hotel to connect to the existing service yard to the south.

A dedicated vehicular access for hotel guests into the Lincoln Central multi-storey car park is

A drop-off area will be provided at the front of the hotel.  
The service street will also be utilised for deliveries and servicing.

The vehicular access as proposed will be block paved and in-keeping with Waterside South, with a tight visible radius but reinforced paving construction either side as protection from overrun.

There is an existing slip lane on Broadgate which currently serves as an access to the vacant car park, which will require removal with the area being returned to footway.

#### Demolition of the footbridge

LCC as Highway Authority engaged in extensive pre-application discussions with the applicant in advance of the planning submission in relation to the proposed removal of the footbridge.

The footbridge provides a necessary east – west connection across Broadgate and is in regular use as a public highway. This connection is of strategic importance and is reflected in the Lincoln Transport Strategy and the Lincoln Local Cycling and Walking Infrastructure Plan in relation to National Cycle Route 64. This connection is also essential for facilitating future regeneration to deprived areas to the east of Broadgate.

The Lincoln Transport Strategy 2018 - 2036 lists Broadgate Public Realm and Environmental Improvements as a primary infrastructure intervention. The opening of the Lincoln Eastern Bypass has provided opportunity to enhance the area and stimulate economic growth using interventions such as improved walking and cycling facilities and measures to reduce vehicle speeds. The scheme is currently at an early design stage and an essential element of the project will be to improve the east-west connection at Melville Street/Waterside North/Waterside South junction.

Lincolnshire County Council support the removal of the footbridge with necessary mitigation, to support this application and facilitate growth.

In consideration of the emerging Broadgate Corridor scheme, LCC and the applicant wish to avoid the applicant delivering a project immediately which mitigates the removal of the footbridge, but which may act as a constraint for the Broadgate Corridor scheme.

The applicant undertook a Pedestrian Environment Review System (PERS) audit on Broadgate to support this application, which demonstrated that there was no short-term adverse effect on public highway users if the footbridge were to be removed, given the presence of the signalised pedestrian crossings at St Swithins Square and Newton Street as alternate options.

We accept that in the short term, highway users have alternate options to cross Melville Street that are comparable to the footbridge. However, the displacement of highway users to the alternate crossings is a short-term solution as consideration must be given the strategic need for improved walking and cycling facilities at this location.



We request a Section 106 contribution of £500,000 as mitigation for the removal of the footbridge, to provide improved walking and cycling infrastructure at this location. At this stage, timescales for delivery of the Broadgate Corridor scheme are unknown, though this will be the preferred mechanism to deliver the required improvements which mitigate the removal of the footbridge and achieve the strategic aims outlined in the Lincoln Transport Strategy. If the Broadgate Corridor scheme is not delivered within a suitable timeframe, the Highway Authority will be required to deliver a project to directly mitigate the removal of the footbridge and provide the necessary east-west connection. This will be through the delivery of a signalised pedestrian crossing.

The S106 contribution cost has been based on an uncertainty model for the delivery of a signalised pedestrian crossing on Melville Street at the junction with Waterside South. Preliminary studies undertaken by the applicant indicated that there were services within the eastern footway which would require diversion at significant cost. This has been accounted for in the uncertainty model which is why the expected scheme cost is higher than would usually be expected.

#### Highway Condition 00

No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

#### Highway Condition 21

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of removing the slip lane on Melville Street and returning the area to footway) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

#### Highway Informative 07

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

#### Highway Condition 33

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
  - provide flood exceedance routing for storm event greater than 1 in 100 year;
  - provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
  - provide attenuation details and discharge rates, as a betterment of the existing brownfield rates;
  - provide details of the timetable for and any phasing of implementation for the drainage scheme;
- and

- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.  
Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

#### Highway Informative 02

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary.

Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

#### 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 [vehicledcrossings@lincolnshire.gov.uk](mailto:vehicledcrossings@lincolnshire.gov.uk)

Highway Informative 08

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

For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Case Officer:

Date: 15 August 2022

*Becky Melhuish*

for Warren Peppard

Head of Development Management



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## **Consultee Comments for Planning Application 2022/0159/OUT**

### **Application Summary**

Application Number: 2022/0159/OUT

Address: Corner Of Sincil Street & Waterside South Lincoln

Proposal: Redevelopment of site to provide a new hotel, together with landscaping and associated works, including demolition of all existing structures on the site and demolition of pedestrian footbridge across Melville Street

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**

#### **OBJECTION**

We have viewed this application in conjunction with 2022/0128/FUL and many of our comments will be the same. We have no objection to change of use from retail and car park into hotel as this seems a sensible use of the site. We would question the viability of the project and would suggest that if the retirement living proposal were to be stretched to cover this site, the height of the proposals could be reduced, the number of car parking spaces could be increased and the access would be more acceptable.

Viewing this application in isolation, our comments are as follows:

1. Although this is an outline application, the suggested building is not in line with the new multi-storey car park and perturbs further into Melville Street creating a narrower corridor and further restricting the street scene.
2. We do not accept any of the arguments put forward for the necessity to remove the pedestrian bridge over Melville Street. We would have no objection to it being re-designed but the total removal takes away a very safe way to cross the main artery that is Broadgate and Melville Street. There have been numerous accidents on the pedestrian crossing near Rumbold Street, as this is a dangerous place to site a crossing with too much going on which distracts drivers. Even with the reduction in traffic facilitated by the opening of the Eastern By-Pass, this route through the city is going to remain a busy and major thoroughfare and completely separating traffic from pedestrians should be the main goal. Removing this bridge is a step in the wrong direction.
3. Traffic flow from the development will have to turn north and hence to travel south, they will have to turn into St Swithins Square then Bank Street and then Silver Street which will bring more traffic into the centre of the city rather than removing it from the area.
4. There appears to be no facility for coaches bringing people to the hotel as the route around the

building looks too tight for coaches to be able to manipulate and no where to park up whilst unloading. The same problem would apply for delivery of supplies to the hotel.

5. We are concerned about the total loss of trees on the Melville Street side with no plans to re-plant



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## Comments for Planning Application 2022/0159/OUT

### Application Summary

Application Number: 2022/0159/OUT

Address: Corner Of Sincil Street & Waterside South Lincoln

Proposal: Redevelopment of site to provide a new hotel, together with landscaping and associated works, including demolition of all existing structures on the site and demolition of pedestrian footbridge across Melville Street

Case Officer: Alex Leatherland

### Customer Details

Name: Not Available

Address: Thesiger Street LINCOLN

### Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:What kind of idiot wants to knock the bridge over broadgate down.

The only person would be someone who has never used it.

I guess like the stuffing up the lower high street the council will just overrule the objections  
In a closed meeting So much for democratic world.

Sending this comment before going further incase this link disappears!

If "something happens" on broadgate like it has before & shut as its a pedestrian bridge going to  
be one big inconvenience of walking round more so if raining

## **Comments for Planning Application 2022/0159/OUT**

### **Application Summary**

Application Number: 2022/0159/OUT

Address: Corner Of Sincil Street & Waterside South Lincoln

Proposal: Redevelopment of site to provide a new hotel, together with landscaping and associated works, including demolition of all existing structures on the site and demolition of pedestrian footbridge across Melville Street

Case Officer: Alex Leatherland

### **Customer Details**

Name: Not Available

Address: 65 London Road, Spalding Spalding

### **Comment Details**

Commenter Type: Member of the Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Thank you for referring this application to Lincolnshire Bat Group for comment. We note this is an outline application, and that the bat part of the Preliminary Ecological Assessment required a nocturnal bat survey to be carried out on Building 1 between May and August 2021. The survey was done in August. Was this carried out?

<b>Application Number:</b>	2023/0182/PAT
<b>Site Address:</b>	Adjacent To Post Office, Parklands Food Store, Boultham Park Road, Lincoln
<b>Target Date:</b>	13th May 2023
<b>Agent Name:</b>	Clarke Telecom LTD
<b>Applicant Name:</b>	N/A
<b>Proposal:</b>	Installation of 15m high slim-line monopole, supporting 5 no. antennas, 2 no. equipment cabinets, 1 no. electric meter cabinet and ancillary development thereto including 1 no. GPS module. (Amended Site Address)

### **Background - Site Location and Description**

The application is for determination as to whether prior approval is 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 on Boultham Park Road.

The proposed site is located on the east side of Boultham Park Road, to the north of the roundabout. The site sits within the public highway, adjacent to the brick boundary wall of the Co-op Parklands food store and Post Office. To the north/east and south of this section of Boultham Park Road is characterised by commercial premises, with some containing residential flats above, Home Grange three storey apartment building is located behind the co-op store with vehicle access taken adjacent to the stores. Directly opposite the site to the northwest is a bus stop with Saints Peter and Paul Catholic Church located beyond. The wider area is characterised by predominately two storey properties.

This application is submitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) (no.2) Order 2016.

Paragraph A.1(1)(c)(ii) of the GPDO sets out the permitted development right to install masts of up to 25m above ground level on land which is on a highway. The proposed monopole would be 15m in height. The proposed ground-based apparatus would not exceed 15m in height. The siting of the associated cabinets at the bottom of the monopole are therefore permitted development. However, prior approval is required for the monopole in terms of its siting and appearance.

A declaration has been submitted with the application to confirm that the equipment is in line with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines (ICNIRP).

The application has been brought before Planning Committee at the request of Councillor Bob Bushell.

### **Site History**

No relevant site history.

### **Case Officer Site Visit**

Undertaken on 21st March 2023.

### **Policies Referred to**

- Policy LP26 Design and Amenity
- National Planning Policy Framework

### **Issues**

In determining this prior approval application the Local Planning Authority can only consider the siting and appearance of the proposed telecommunications equipment.

### **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

### **Statutory Consultation Responses**

Consultee	Comment
Highways & Planning	No objections
Environmental Health	Comments Received

### **Public Consultation Responses**

Name	Address
Mrs Anne Wilson	236A Boultham Park Road Lincoln Lincolnshire LN6 7SU
Mr George Wilson	236A Boultham Park Road Lincoln Lincolnshire LN6 7SU
Mr Paul Draper	38 Faulding Way Grimsby DN37 9SE
Councillor Bob Bushell	
Mr John Wearing (Chairman of Home Grange Residents Association)	Apartment 34 Home Grange Boultham Park Road Lincoln LN6 7ST

### **Consideration**

#### **General Permitted Development Order**

Part 16 of the GPDO permits:

Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of:

- (a) the installation, alteration or replacement of any electronic communications apparatus,
- (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- (c) development ancillary to radio equipment housing.

Part A.3 (4) of the Order states that:

Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

### National Planning Policy Framework

Section 10 of the National Planning Policy Framework (NPPF) outlines the Government's general approach is to facilitate the growth of new and existing communications infrastructure. Specifically, paragraph 114 advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 115 advises that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Furthermore, paragraph 117 advises that for a new mast or base station, the application should be accompanied by evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

Paragraph 130 advises that developments should be sympathetic to local character, including the surrounding built environment.

### Local Policy

LP26 states that development should respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and form. All development proposals must take into consideration



the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place.

### Proposed Development

The application advises that there is a requirement to upgrade the CK Hutchison Networks (UK) Ltd (Three) network to provide improved coverage and capacity, most notably in relation to 5G services. It is noted that the nature of 5G and the network services it provides means the equipment and antennas required are quite different to the previous, and existing, service requirements. New sites will therefore be needed for many reasons, including that the higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded.

The application includes details of alternative site options that have been considered. It also specifies the reasons they have been discounted; due to the location of underground services, that the required coverage would not be achieved and the proximity to residential properties. It is concluded that the only viable solution is the one being proposed. The application specifies that the detailed siting and design has been carefully considered to ensure that the scheme has a limited impact on the locality and general visual amenity.

At the time of writing this report for the planning committee deadline, six days are remaining on the consultation period with neighbours. Objections have so far been received from the occupants of 236A Boultham Park Road, Chairman of the Home Grange Residents Association and 38 Faulding Way Grimsby, citing concerns relating to the impact on visual amenity, noise from the proposed equipment and objections note that the application suggests that other sites in residential areas have been discounted due to the proximity to residential properties. Any further correspondence received during the remaining consultation period before planning committee will be added to the planning committee update sheet for viewing.

In relation to potential noise from the proposed equipment, the City Council's Pollution Control (PC) Officer has considered the application and advised that he has no objections to the proposal. It is therefore considered the proposed equipment would not be unduly harmful to amenity in relation to noise.

The concerns in relation to highway safety due to the cabinets impacting on visibility for pedestrians and road users. Officers would note that the mobile phone industry has permitted development rights to place equipment in the public highway. It is also noted that the Lincolnshire County Council as Local Highway Authority has raised no objections to the application.

In terms of health concerns, officers cannot consider this if, as set out in the NPPF, the proposal meets the International Commission guidelines for public exposure. This is satisfied as the application is accompanied by the necessary ICNIRP declaration.

### Consideration of the Siting and Appearance

The proposed monopole which is being applied for would be 15 metres high, this is the height required to enable 5G, which the applicant states is more prone to shadowing effect from adjacent buildings, structures and tree canopies. The height needs to avoid the obstacles.

The location has been selected as it has a wide adopted area of the highway in a position that will not impede pedestrian flow or the safety of passing motorists. Located at the back edge of the footpath adjacent to the boundary wall with the Co-op Store. Home Grange is located to the rear of the co-op building, approximately 64m from the proposed site. Properties on the adjacent side of the street would be located at the closet point approximately 28m from the site.

There are various items of street furniture in the vicinity of the site along this section of Boultham Park Road including street lighting and telegraph poles. A number of mature and non mature trees are also present within the street scene. It is acknowledged that the new monopole would be of a relatively significant height and whilst it would have an impact on visual character of the area, this should be balanced against the benefits of providing the enhanced technology and capacity of 5G. The proposed mast is of a standard 'slim line' design, reducing in width from the base of the pole. The diameter and overall form is similar to many other masts throughout the city and is not considered to be unduly harmful in this location.

The telecommunications equipment would not result in any excessive visual clutter within the street. The proposal would not have a harmful impact upon the visual quality of the wider street scene and therefore there are no grounds upon which to resist such a development.

### **Conclusion**

The siting and design of the telecom's equipment is acceptable, and the proposal would not have an unduly harmful visual impact on the character and appearance of the area, in accordance with the Central Lincolnshire Local Plan Policy LP26 and paragraph 130 of the National Planning Policy Framework.

### **Application Determined within Target Date**

Yes.

### **Recommendation**

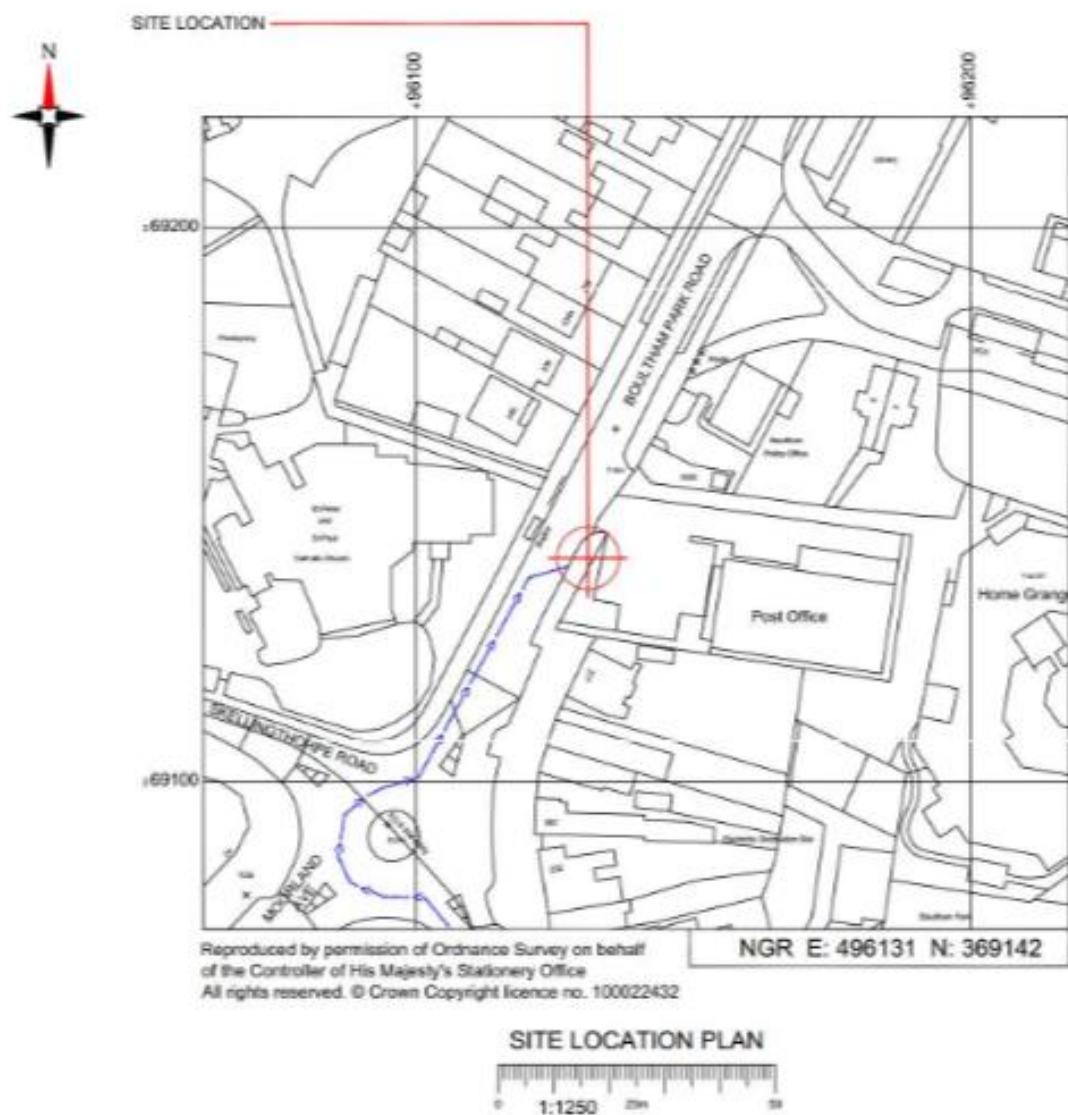
That Prior Approval is required and approved.

### **Standard Conditions**

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

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## Site location

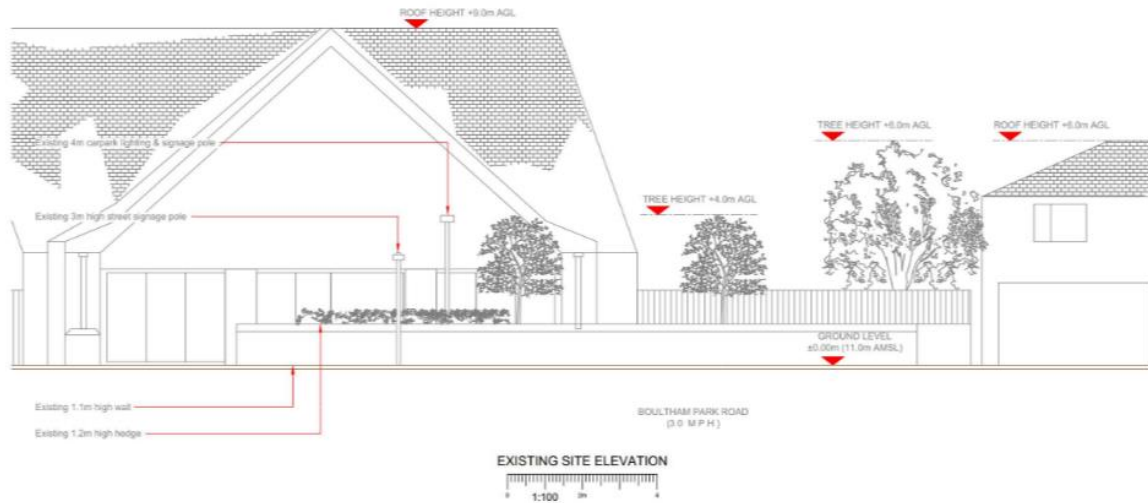


## Existing site plan

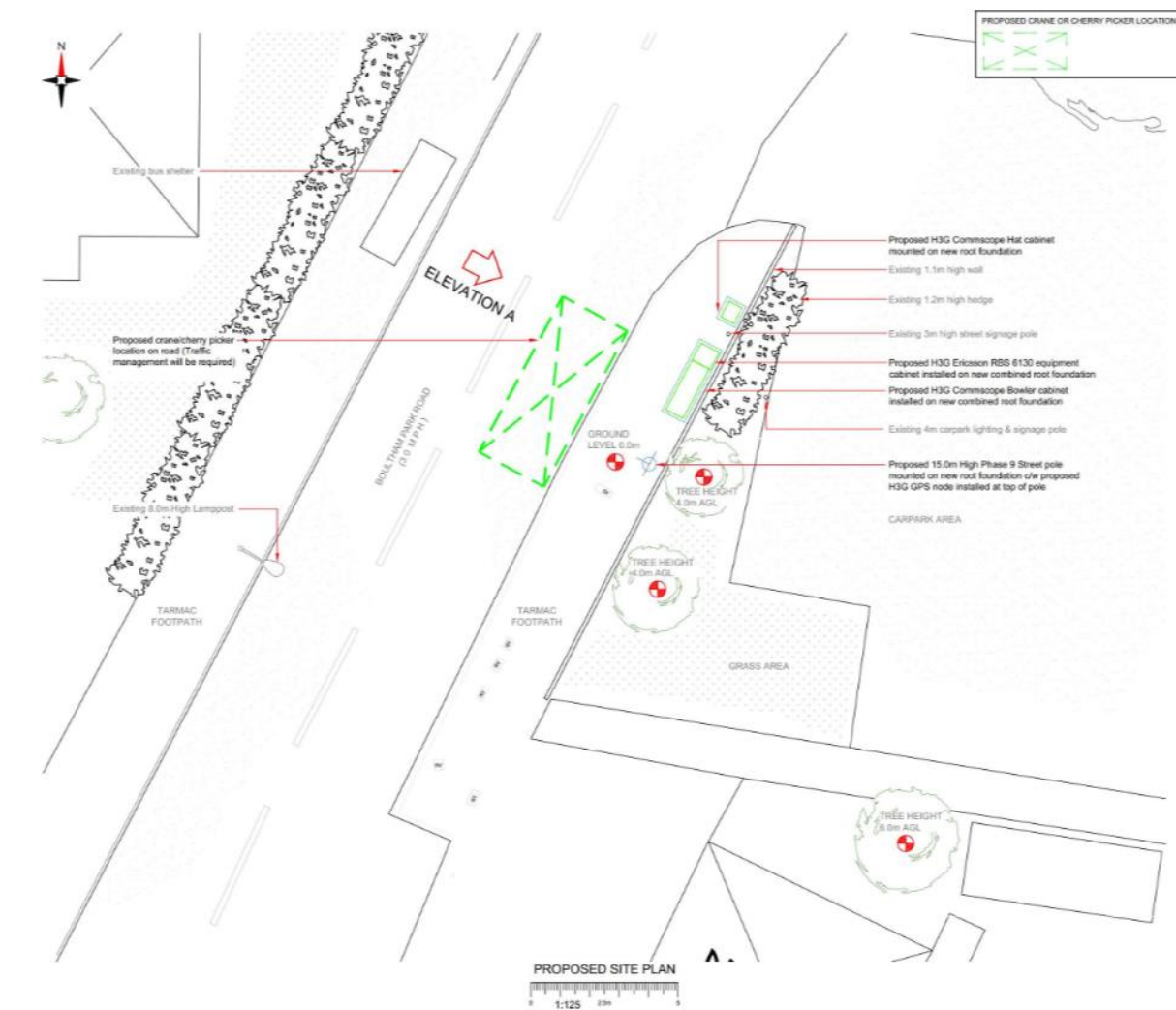




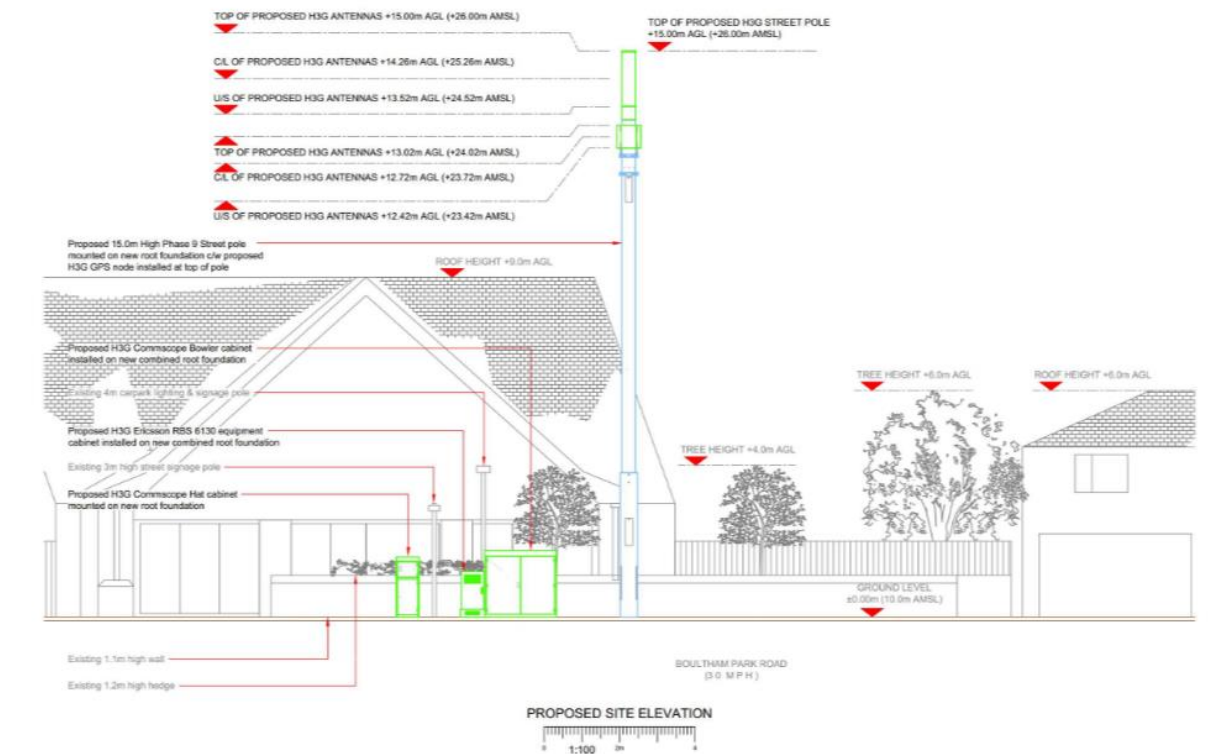
## Existing elevations



## Proposed site plan



## Proposed elevation drawing



Site photographs









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Consultation responses



## **LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

District: Lincoln City Council

Application number: 2023/0182/PAT

Application Type: Prior Approval

Proposal: Installation of 15m high slim-line monopole, supporting 5 no. antennas, 2 no. equipment cabinets, 1 no. electric meter cabinet and ancillary development thereto including 1 no. GPS module. (Amended Site Address)

Location: Adjacent to Post Office, Parklands Food Store, Boultham Park Road, Lincoln, Lincolnshire, LN6 7ST

Response Date: 6 April 2023

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

### **General Information and Advice**

#### **Outline applications and contributions**

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

**Application number:** 2023/0182/PAT

**Application Type:** Prior Approval

**Location:** Adjacent to Post Office, Parklands Food Store, Boultham Park Road, Lincoln, Lincolnshire, LN6 7ST

### **Highway and Lead Local Flood Authority Report**

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

#### **Recommendation: No Objections**

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

#### **Comments:**

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

The proposal is for the installation of 15m high slim-line monopole, supporting 5 no. antennas, 2 no. equipment cabinets, 1 no. electric meter cabinet and ancillary development thereto including 1 no. GPS module, and it does not have an impact on the Public Highway or Surface Water Flood Risk.

#### **Note for Officer:**

If permission is granted, traffic management may prove difficult; the zebra crossing nearby is being upgraded to a signalised pedestrian crossing, the works are outside a Co-op, the location is close to Rookery Lane Roundabout, with a bus stop and school opposite.

#### **Informatives:**

##### **Highway Informative 08**

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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 link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

**Officer's Name:** Justine Robson

**Officer's Title:** Senior Development Management Officer

**Date:** 6 April 2023

## **Consultee Comments for Planning Application 2023/0182/PAT**

### **Application Summary**

Application Number: 2023/0182/PAT

Address: Adjacent To Post Office Parklands Food Store Boultham Park Road Lincoln Lincolnshire  
LN6 7ST

Proposal: Installation of 15m high slim-line monopole, supporting 5 no. antennas, 2 no. equipment cabinets, 1 no. electric meter cabinet and ancillary development thereto including 1 no. GPS module. (Amended Site Address)

Case Officer: Craig Everton

### **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.

**From:** Bushell, Bob (City of Lincoln Council)  
**Sent:** 28 March 2023 11:39  
**To:** Technical Team (City of Lincoln Council)  
**Subject:** Planning application 2023/0182/PAT

**Categories:** Milly

Good morning,

As a Moorland ward councillor I would like to request that this application is discussed at a future full Planning Committee meeting.

Many thanks,

Cllr. Bob Bushell

Sent from [Outlook for Android](#)

**Application Summary**

Application Number: 2023/0182/PAT

Address: Adjacent To Post Office Parklands Food Store Boultham Park Road Lincoln Lincolnshire LN6 7ST

Proposal: Installation of 15m high slim-line monopole, supporting 5 no. antennas, 2 no. equipment cabinets, 1 no. electric meter cabinet and ancillary development thereto including 1 no. GPS module. (Amended Site Address)

Case Officer: Craig Everton

**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.

**Customer Details**

Name: Not Available

Address: 236A Boultham Park Road, Lincoln, Lincolnshire LN6 7SU

**Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Co-op entrance already causes significant dangerous road and foot path issues. The location of the proposed monopole and equipment would create additional distraction for vehicle users and pedestrians, it would significantly damage the visual amenities of the area and street, cause additional traffic issues as well as potential health and safety issues and noise issues from equipment. Installation and future maintenance will also cause significant disruption to a congested area for both vehicles using the road and pedestrians. It has already been highlighted that this area, adjacent a senior school, church and shops pose considerable risks to the general public and school children. I therefore object to this proposal. The location should be to the rear of the shop away from the public highway.



**Customer Details**

Name: Not Available

Address: 236A Boutham Park Road Lincoln

**Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Co-op entrance already causes significant road safety issues, litter and unsightly parking issues as well as anti social issues with alarms sounding and deliveries. The location of the proposed monopole and equipment would further detract from the visual amenities of the area, cause additional traffic issues as well as potential health issues and noise issues from equipment. I therefore object to this proposal. The location should be to the rear of the shop away from the public highway.

**Customer Details**

Name: Not Available

Address: 236A Boutham Park Road, Lincoln, Lincolnshire LN6 7SU

**Comment Details**

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposal will cause additional vehicle and pedestrian safety issues, damage the visual aspect of the street and surrounding area.

Cause health and safety issues from the equipment via noise and radio waves, the installation and future maintenance of the equipment and pole will cause additional risks to both road users and general public as well as school children as the area already suffers from congestion and risks to life from high traffic use. The pole should be located to the rear of the co-op or other area that is not next to a public highway or public foot path

**Customer Details**

Name: Not Available

Address: 38 Faulding Way Grimsby

**Comment Details**

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Here is a excellent link with loads of informative factual videos from reliable sources.

The dangers of this technology is clearly deadly, indiscriminate and it should not be easily accepted as safe.

Please reconsider this application being in a high residential area .the negative health implications of giving 300hertz pass through the body are now gong raised in every medical journals, you're going to have a up rise in cancers , blood disorders, and so on, if you're ready for the damage it will cause .and ill health it will bring

Profits before people's health and safety will not be accepted nor will the excuse I was just doing my job in any court of law when people are held accountable.

<https://actionagainst5g.org/health/health-impacts/>

**Customer Details**

Name: Mr JOHN WEARING

Address: APPT 34 HOME GRANGE BOULTHAM P BOULTHAM PARK ROAD LINCOLN LN6  
7ST

**Comment Details**

Commenter Type: Amenity Group

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: REPRESENTATION by HOME GRANGE RESIDENTS ON THE PROPOSED RADIO  
BASE STATION REF LOC 2023/0182/PAT

Initially we would state that we are not against the installation of wireless masts.

However, we are concerned that the siting of this particular mast leaves much to be desired. The position next to an already busy road and pedestrian area will only lead to more problems in this area. The restricting of the footpath width, especially whilst maintenance on the cabinets is being undertaken, would mean that pedestrians would have to use the road to pass with the increased danger of accidents. There is no where for engineer's maintenance vehicles to park adjacent to the cabinets.

The applicants state that they have surveyed and rejected 10 sites in the area, but they have not considered any other sites in close proximity. Two of the rejected positions, no's 8 and 9 in letter to Councillor C. Watt dated 22 February 2023 ref LCN26742, are both rejected on the basis of that they are surrounded by residential properties. It should be noted that the chosen position is also surrounded by residential properties and especially Home Grange which is a 3 storey, 36 Apartment, Residential property. This has been totally overlooked in the submission. It is situated at the rear of the Coop and is not shown on any plan drawings submitted and is a very significant residential building. It is of a similar height to the Coop.

There does not appear to be any information as to why this particular position has been chosen or reasoning as to why it is the only suitable spot in the area. However, there are at least 4 positions eminently suitable nearby which would cause minimal disruption and be very safe having no need for the cabinets or monopole to encroach upon the footpath. These are: -

1. Grassed area in front of library.
2. Parking area to rear of library.
3. Grassed area between the library and police house.
4. Waste land between police house and Coop store.

We are also concerned that the proximity of Home Grange retirement apartments has NOT been taken in account at all. The building is approximately the same height as the Coop with the 2nd floor apartments especially Nos 34 to 37 inclusive being only 2 metres lower i.e. 7 metres from ground level and in direct uninterrupted line of sight to the proposed monopole aerials. As the lowest aerials will be at height of 11.5 metres (see information supplied by applicant). Thus, the apartments will only be 4.5 metres below the aerials not 11.5 metres.

We feel that this should be addressed with a formal EMF radiation pattern diagram being actioned and be part of the application. The supplied information with regard to radiation levels is purely based on research and theoretical information but not on the actual situation at this position. These apartments are permanently always occupied.

We therefore object to this proposal.

John Wearing

Chairman Home Grange Residents Association

On behalf of Home Grange residents after meeting on 04 April 2023

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<b>SUBJECT:</b>	<b>CONFIRMATION OF TREE PRESERVATION ORDER NO. 174</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>KIERON MANNING, ASSISTANT DIRECTOR - PLANNING</b>

### **Purpose of Report**

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

### **Executive Summary**

A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality.

The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.

The making of Tree Preservation Orders reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.

The proposal is to modify the boundary of the temporary TPO to take account of policy decisions whilst also retaining significant areas of woodland.

### **Background**

Tree Preservation Order 174 was made on 2<sup>nd</sup> November 2022 and relates to 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).

The trees are considered to contribute to the visual amenity of the wider area and the unauthorised removal of the trees would be considered to be detrimental to visual amenity and to the wider amenity of the area.

The initial 6 months of protection would end for the Tree Preservation Order on 2<sup>nd</sup> May 2023.



## Consideration

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

A four-week consultation period was undertaken with local residents and 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 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 have 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 in the newly prepared Central Lincolnshire Local Plan proposes to take entry to the site from Riseholme Road. The site is still the subject of restoration conditions from its time as a quarry which means that, very unusually, the County Council is the planning authority. The application proposes to use the material which is located within bunds on the east and west sides of the quarry as fill prior to housebuilding. The bunds were created from material taken from the quarry in the first instance and these bunds were designed to protect local residents from the quarrying activity. Trees were planted on and beyond these bunds at the same time and, as is evidenced by many of them retaining the tree guards that were put in place at the time of planting, these trees have grown unmanaged over the time period since they were planted. The Local Plan has addressed the development of this site directly and 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, when the policy in relation to the quarry was discussed in detail, the wording of the policy has been considered further by the Inspector who led the Examination in Public and he has commented 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 will form the basis of the wording for a revision to the new Local Plan policy.

The consideration of the planning application is not a matter for this Committee; the consideration is whether to confirm the tree preservation order No;174. It is proposed that the original boundary for the TPO (attached at Appendix 1) which was set out in order to protect all of the trees within it and give the necessary time for those trees to be assessed in detail, is amended to the boundary set out in appendix 2. This provides protection to a significant belt of trees along either side of the quarry without inhibiting development that the Local Plan has agreed to allow and most importantly the area of woodland within the revised proposal contains the most significant trees.

Equally members will appreciate that those trees outside of the revised area proposed for the TPO, whilst not protected, do not necessarily need to be removed and this would be a matter for consideration by the County Council when determining the planning application for the houses and for the Cathedral as the owners of the site. Any matters of biodiversity net gain associated with the development of the land would also be considered as part of the planning application.

### **Strategic Priorities**

Confirmation of Tree Preservation Order 174 would ensure that the trees would not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the trees would contribute to enhancing our remarkable place.

### **Organisational Impacts**

Legal Implications – anyone wishing to carry out works to the trees will require consent from the City of Lincoln Council first.

### **Recommendation**

It is recommended that Members confirm the Tree Preservation Order with the suggested modifications to the boundary, and that the Officer carries out the requisite procedures for confirmation.

**How many appendices does the report contain?**

One – plans of original and revised boundary for the woodland TPO.

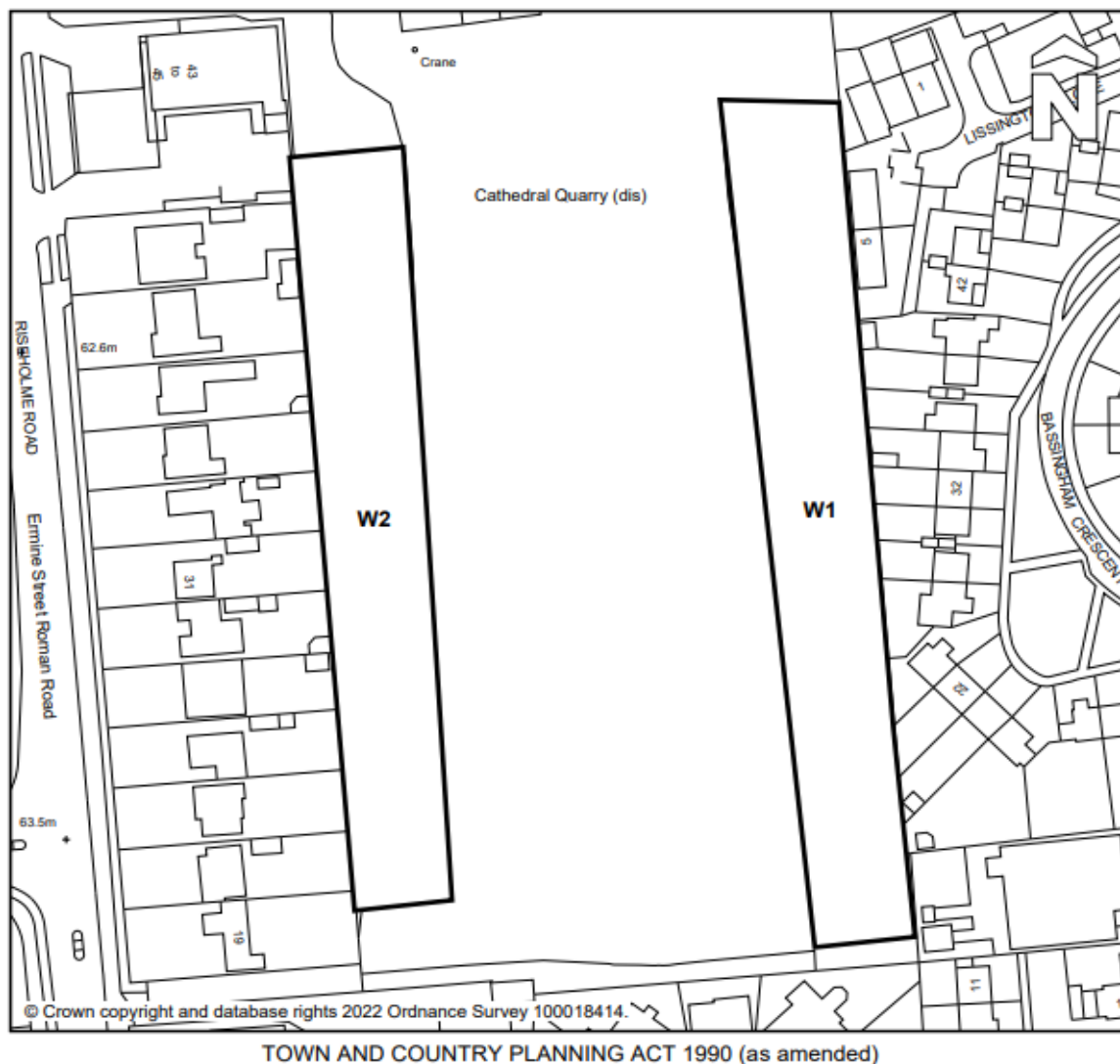
**List of Background Papers:**

Representations received.

**Lead Officer:**

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

## Appendix 1 – Original temporary boundary




### Cathedral Quarry Tree Preservation Order No.1 2022

#### W1

Mixed trees consisting mainly of *Betula Pendula* (Silver Birch),  
*Prunus Avium* (Sweet Cherry), *Quercus Robur* (English Oak),  
*Fraxinus Excelsior* (European Ash) and *Acer Campestre* (Field Maple)

#### W2

Mixed trees consisting mainly of *Betula Pendula* (Silver Birch),  
*Prunus Avium* (Sweet Cherry), *Quercus Robur* (English Oak),  
*Alnus Glutinosa* (Black Alder) and *Acer Campestre* (Field Maple)

 <b>CITY OF Lincoln COUNCIL</b>
City Hall, Beaumont Fee, Lincoln, LN1 1DD
Website: <a href="http://www.lincoln.gov.uk">www.lincoln.gov.uk</a>
Scale: 1:1250 at A4
Version 2: 10-Nov-2022

The map shows a large central area labeled "Cathedral Quarry (dis)". To the west of this area is a row of residential buildings along "RIDGEWAY ROAD". To the east is another residential area with streets labeled "WIDDOWSON CLOSE" and "WIDDOWSON CLOSE". A building labeled "Eve House" is located in the southeast. A "Crane" is indicated in the center. The map is bounded by a red line on the north and east, and a purple line on the south and west. A scale bar at the bottom right indicates distances from 0 to 100 meters. A north arrow is located in the bottom right corner.

1 Proposed TPO Plan  
1:500

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## Cathedral Quarry TPO – Representations and Photographs.



### **LINDUM Group Ltd**

Lindum Business Park  
Station Road, North Hykeham, Lincoln LN6 3QX  
Tel 01522 500300  
Web [www.lindumgroup.com](http://www.lindumgroup.com)

Our Ref: RJJ/TPO

1 December 2022

Kelly Bray,  
Planning Services,  
Department of Communities and Environment,  
City of Lincoln Council,  
City Hall,  
Beaumont Fee,  
Lincoln,  
LN1 1DD

Dear Kelly,

### **Cathedral Quarry Tree Preservation Order No.1 2022**

I write to you on behalf of the Lindum Group in relation to the above Tree Preservation Order (TPO) which took effect on a provisional basis on the 2nd November 2022. The Lindum Group own 49 Riseholme Road and received a letter notifying us of the order on the 14th of November. Please accept this letter as our formal objection to the proposed order in line with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

We have three main grounds for objections to the proposed order, with those three grounds being the prematurity of the order while a planning application is being considered, the classification of the trees within the order as woodland and finally the justification for the order in terms of visual amenity. Each of these grounds are be considered in more detail below.

At the time of writing an outline planning application has been submitted to Lincolnshire County Council and is under consideration. The Outline application is a joint application by the Lindum Group and Lincoln Cathedral and is for the residential development of the site (planning reference PL/0096/22). The application was validated in August of this year and had therefore been running for over 2 months at the date the TPO was made. Regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states that an exception to an implemented TPO is when works are required to implement a planning permission. Given that a planning application on the site is well progressed, we question the timing of the TPO and suggest that it is premature in advance of a planning decision. The removal and retention of trees on site will be considered as part of the development management process with any decision considering and potentially restricting tree removal on site.

For clarity, the planning application includes a combined approach of both retention and removal of trees within the site, together with additional tree planting. The overall principle of the proposals is that the bunds within the site on which some of the trees proposed for inclusion within the TPO will be removed and the bund material used for the infill of the quarry ahead of residential development. Therefore, the TPO is in

direct conflict with our planning application proposals. It is worth noting however that a good proportion of trees proposed within the TPO areas are included for retention in the planning application with those trees being located on the site's periphery, on the boundary side of the bunds.

In addition to the submitted planning application, the site is also included as a residential allocation in the emerging Revised Central Lincolnshire Local Plan which is well progressed and is currently at the examination stage. The hearing session for allocations in the Lincoln Area was held last week and included discussion of the Quarry site. The conclusion reached at the examination was that the specific requirement for the retention of the bunds on site did not need to be included in the allocation policy and a modification to the plan is required to remove this requirement. It translates that if the requirement to retain the bunds is removed from the emerging policy then the trees on top of the bunds are not protected within said policy. This change to the allocation policy should be ratified ahead of the formal adoption of the Local Plan and furthers our objection in terms of the TPO being premature given the planning context of the site.

Our second point of objection is based on the classification of the trees included in the TPO as areas of woodland. No definition of what constitutes a woodland is included in the TPO and I can find no definition in the supporting legislation for TPO's. The Forestry Commission definition for a forest includes for a minimum area of 0.5 hectares under stands of trees with, or with the potential to achieve, tree crown cover of more than 20% of the ground. The two areas identified as woodland in the TPO are not 0.5 hectares and therefore do not conform to this definition. I enclose a drone photograph of the site with this letter that shows the trees on site, the photo clearly shows that the classification of woodland is unjustified. At best the trees on site should be considered as a group and therefore further information should be included in the TPO. This is confirmed in Regulation 3 of the 2012 regulations which states that "where the order relates to a group of trees, shall specify the number of trees of each species in the group". This is not the case in the TPO.

The final part of our objection is based on the justification for the TPO, with the City Council placing the order because "The trees contribute to the visual amenity of the area". We strongly dispute this justification, with our view that the trees in question do not contribute to the visual amenity of the area. At best the trees form a very localised function in terms of visual amenity and can only be seen from directly neighbouring properties. Access to the site is not readily available to the public and therefore views of the trees are not available from publicly accessible areas. Can clarification please be given on how the trees have been accessed in terms of the TPO process as access has not been granted by the landowner.

A tree report has been included as part of the planning application referenced earlier and a copy can be made available as part of the TPO process if required. The Tree Report found no category A trees (High quality trees) on site with a large number of the trees on site identified as either C class trees (low quality trees) or U class trees (trees of negligible significance). The lack of a significant number of high-quality trees within the site furthers our case in terms of the TPO being placed on the site as being unjustified. A very significant number of trees on site are self-set trees that have grown on top of the bunds detailed above. The tree report gives no support or justification to the proposed TPO.

On the basis of the above, we strongly object to the TPO proposed for the Cathedral Quarry site and it is our view that the order should not be confirmed and should not take effect formally. Not only is the TPO premature in planning terms with a planning application currently running, but the classification of the trees as woodland in the TPO and the justification for TPO being placed is in our view incorrect and unwarranted.

As is demonstrated in our planning application and referenced above, a good number of trees on site can be retained as part of our proposals. These trees are located on the boundary side of the bunds and therefore tend to be of a higher quality and significance as they have been in situ for a much greater period of time and were planted as specimen trees. These trees are located closest to neighbouring residents and will provide a

good level of protection of the amenity of neighbouring residents should housing development come forward on the site as planned. Whilst we do not believe any TPO is necessary on site, we would be willing to accept a compromise that included a reduced TPO on site, including the trees located to the boundary side of the bunds. We have produced a plan that shows the trees in question and suggest that this is a more reasonable and appropriate level of trees to be protected.

We would be more than willing to meet with officer on site to discuss further and provide the opportunity for officers to view the trees from within the site boundary. Please let me know if such a meeting is considered worthwhile by the City Council.

Yours Sincerely



**Robert Jays**

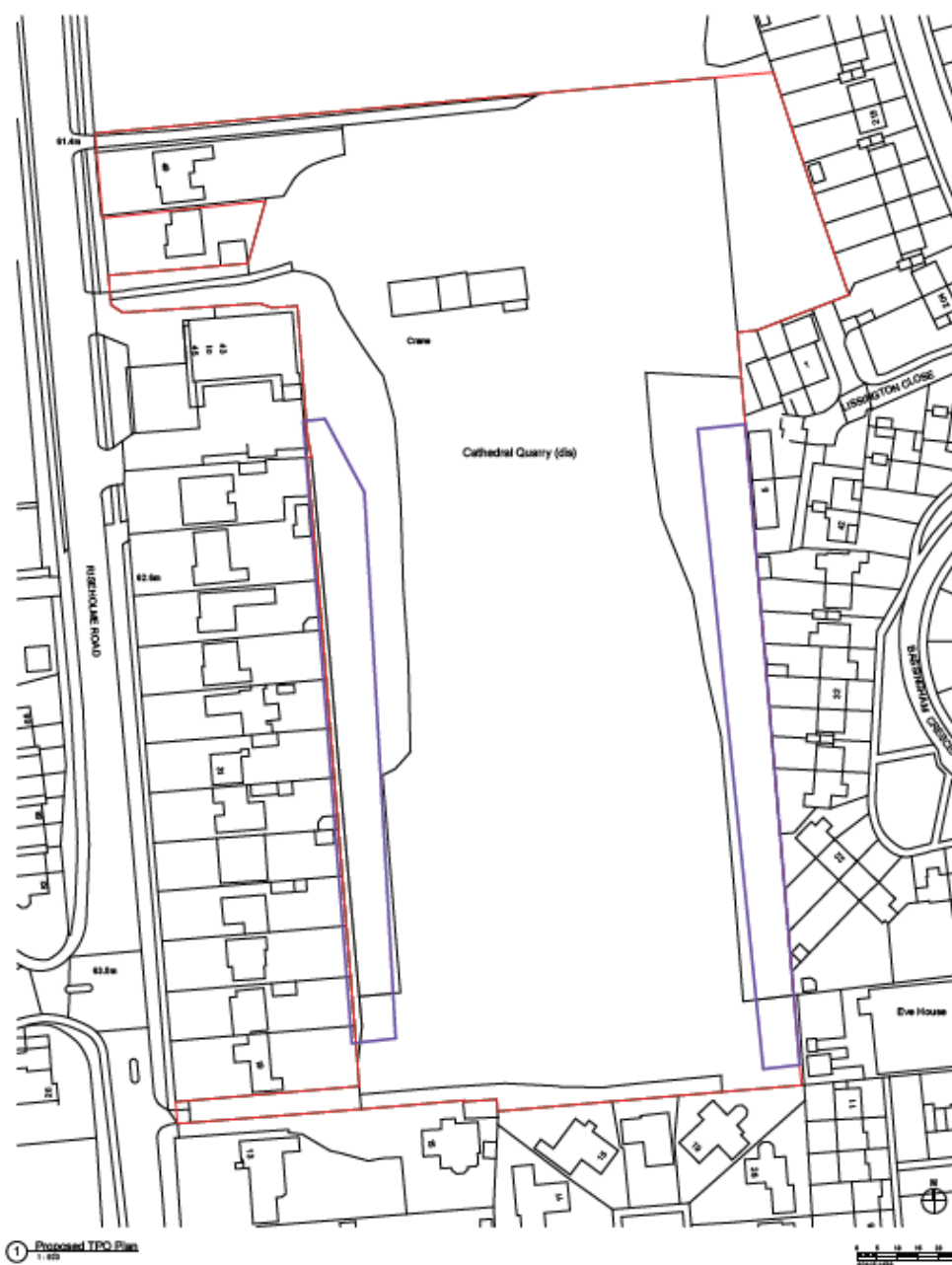
**Land and Planning Manager**









[illegible]





2 December 2022

Kelly Bray  
Planning Services,  
Department of Communities and Environment,  
City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DD

Dear Kelly

**Cathedral Quarry Tree Preservation Order No.1 2022**

I write to you on behalf of Lincoln Cathedral, the owners of the quarry, in relation to the above Tree Preservation Order (TPO) which took effect on a provisional basis on the 2 November 2022. Please accept this letter as our formal objection to the proposed order in line with regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

We have three main grounds for objections to the proposed order, with those three grounds being the prematurity of the order while a planning application is being considered, the classification of the trees within the order as woodland and finally the justification for the order in terms of visual amenity. Each of these grounds are considered in more detail below.

At the time of writing an outline planning application has been submitted to Lincolnshire County Council and is under consideration. The outline application is a joint application by the Lindum Group and Lincoln Cathedral and is for the residential development of the site (planning reference PL/0096/22). The application was validated in August of this year and had therefore been running for over two months at the date the TPO was made. Regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states that an exception to an implemented TPO is when works are required to implement a planning permission. Given that a planning application on the site is well progressed, we question the timing of the TPO and suggest that it is premature in advance of a planning decision. The removal and retention of trees on site will be considered as part of the development management process with any decision considering and potentially restricting tree removal on site.

For clarity, the planning application includes a combined approach of both retention and removal of trees within the site together with additional tree planting. The overall principle of the proposals is that the bunds within the site on which some of the trees proposed for inclusion within the TPO will be removed and the bund material used for the infill of the quarry ahead of residential development. Therefore, the TPO is in direct conflict with our planning application proposals. It is worth noting however that a good proportion of trees proposed within the TPO areas are included for retention in the planning application with those trees being located on the site's periphery, on the boundary side of the bunds.

**Lincoln Cathedral**

Registered Address: The Chapter Office, 4 Priorygate, Lincoln, LN2 1PL

Lincoln Cathedral comprises: The Corporate Body of Lincoln Cathedral (Exempt Charity, HMRC Charity Reference Number X7802); Lincoln Cathedral Music Fund (Charity Number 1033089); Lincoln Cathedral Learning, Arts, Culture and Events CIO (Charity Number 1175597); Lincoln Minster Shops Ltd. (Company Registration Number 01015279); Lincoln Cathedral Quarry Ltd. (Company Registration Number 04634976).

In addition to the submitted planning application, the site is also included as a residential allocation in the emerging Revised Central Lincolnshire Local Plan which is well progressed and is currently at the examination stage. The hearing session for allocations in the Lincoln Area was held recently and included discussion of the Quarry site. The conclusion reached at the examination was that the specific requirement for the retention of the bunds on site did not need to be included in the allocation policy and a modification to the plan is required to remove this requirement. It translates that if the requirement to retain the bunds is removed from the emerging policy then the trees on top of the bunds are not protected within said policy. This change to the allocation policy should be ratified ahead of the formal adoption of the Local Plan and furthers our objection in terms of the TPO being premature given the planning context of the site.

Our second point of objection is based on the classification of the trees included in the TPO as areas of woodland. No definition of what constitutes a woodland is included in the TPO and I can find no definition in the supporting legislation for TPOs. The Forestry Commission definition for a forest includes for a minimum area of 0.5 hectares under stands of trees with, or with the potential to achieve, tree crown cover of more than 20% of the ground. The two areas identified as woodland in the TPO are not 0.5 hectares and therefore do not conform to this definition. I enclose a drone photograph of the site with this letter that shows the trees on site, the photo clearly shows that the classification of woodland is unjustified. At best the trees on site should be considered as a group and therefore further information should be included in the TPO. This is confirmed in Regulation 3 of the 2012 regulations which states that "where the order relates to a group of trees, shall specify the number of trees of each species in the group". This is not the case in the TPO.

The final part of our objection is based on the justification for the TPO, with the City Council placing the order because "The trees contribute to the visual amenity of the area". We strongly dispute this justification, with our view that the trees in question do not contribute to the visual amenity of the area. At best the trees form a very localised function in terms of visual amenity and can only be seen from directly neighbouring properties. Access to the site is not readily available to the public and therefore views of the trees are not available from publicly accessible areas. Can clarification please be given on how the trees have been accessed in terms of the TPO process as access has not been granted by the landowner.

A tree report has been included as part of the planning application referenced earlier and a copy can be made available as part of the TPO process if required. The Tree Report found no category A trees (High quality trees) on site with a large number of the trees on site identified as either C class trees (low quality trees) or U class trees (trees of negligible significance). The lack of a significant number of high-quality trees within the site furthers our case in terms of the TPO being placed on the site as being unjustified. A very significant number of trees on site are self-set trees that have grown on top of the bunds detailed above. The tree report gives no support or justification to the proposed TPO.

On the basis of the above, we strongly object to the TPO proposed for the Cathedral Quarry site and it is our view that the order should not be confirmed and should not take effect formally. Not only is the TPO premature in planning terms with a planning application currently running, but the classification of the trees as woodland in the TPO and the justification for TPO being placed is in our view incorrect and unwarranted.

As is demonstrated in our planning application and referenced above, a good number of trees on site can be retained as part of our proposals. These trees are located on the boundary side of the bunds and therefore tend to be of a higher quality and significance as they have been in situ for a much greater period of time and were planted as specimen trees. These trees are located closest to neighbouring residents and will provide a good level of protection of the amenity of neighbouring residents should housing development come forward on the site as planned. Whilst we do not believe any TPO is necessary on site, we would be willing to accept a compromise that included a reduced TPO on site, including the trees located to the boundary side of the

bunds. We have produced a plan that shows the trees in question and suggest that this is a more reasonable and appropriate level of trees to be protected.

We would be more than willing to meet with officer on site to discuss further and provide the opportunity for officers to view the trees from within the site boundary. Please let me know if such a meeting is considered worthwhile by the City Council.

Yours sincerely



**Will Harrison** BA(Hons) MA MSc MCIPR FRSA  
Chapter Clerk

Ref; Tree Preservation Order 1.2022

Response to consultation with reference to the Objections raised by  
Lincoln Cathedral and Lindum Construction

Written by Susan Nock

#### **Contents**

- Introduction
- Summary
- Discussion
- Conclusions
- Appendix 1 TPO Application
- Appendix 2A Position of trees on the bund
- Appendix 2B Images showing tree roots growing up a bank.
- Appendix 3 Tree Schedule taken from the Tree Survey of the Cathedral Quarry Site

#### **Introduction.**

I was surprised and disappointed to hear that the Cathedral and Lindum Construction had objected to the Tree Preservation Order which the City of Lincoln Council had seen fit to award following my application.

However, I was shocked and dismayed to see how information had been misquoted and misrepresented in their attempt to have this application overthrown.

My response follows, and for clarity I have used the same grounds as were contained in their Objection.

#### **Summary.**

This Objection should be discounted because it is based on incorrect information and misrepresentation.

The Objection makes the following incorrect assertions;

#### **The timing of the application is premature.**

The timing of the application was determined by the lack of regard given to the existing planning permissions by the Cathedral and Lindum Construction.

The Regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulation 2012 has been deliberately misquoted to mislead the council regarding the TPO's legality.

#### **The TPO is not necessary**

The Objection denies the fact that the removal of the bund as proposed in the outline planning application will destroy the roots of the trees on the bund resulting in their death.

Therefore, the TPO is necessary to save the woodland from their planned development.

#### **The trees do not constitute a woodland.**

The Tree Report submitted with the outline planning application identified three areas contained in the proposed TPO as woodland however the Objection refutes this.

The information contained in the Tree Report is misrepresented and distorted in the Objection, and does not reflect the true quality of the trees as stated in the report.

This is another attempt to mislead the council.

#### **The justification of the order is incorrect**

The Objection regarding the lack of visual amenity fails to mention that the woodland on the bund will shortly become the boundary to an intense residential development of approximately 75 houses



within a highly developed area of the city. It is a valued amenity as illustrated by the strong local support given to petitions and the number of objections to its removal.

#### **Discussion**

The objection to the Tree Preservation Order by the Lincoln Cathedral and Lindum Construction followed their application for outline planning permission which included the demolition of the bund and thereby the destruction of the associated woodland.

Their Objection is based on the following assertions;

- The timing of the application is premature.
- The TPO is not necessary
- The trees do not constitute a woodland.
- The justification of the order is incorrect

I will deal with each one and reference the relevant paragraphs where necessary for clarity.

#### **The timing of the application is premature.**

The protection of the bund and the associated trees has been the subject of planning permissions since before 1995. Its precise construction is detailed in planning documents as is the planting of trees on the outside of the bund at approximately 2.5 meters apart. Protection has continued through a restoration scheme for the quarry and latterly in the Local Plan for Lincoln.

The Cathedral and Lindum construction chose to disregard all of this protection and submitted an outline planning application in August 2022 which included the demolishing of the bund. This resulted in 48 Objections 41 of which specifically objected to the removal of the trees, destruction of habitat, and / or the removal of the bund, and yet the Cathedral and Lindum construction remain determined to destroy the bund and the associated trees.

It was this continuing blatant disregard for the planning process that prompted my application for the Tree Preservation Order which is contained in Appendix 1

In their Objection Lindum Construction and the Cathedral state that;

“Regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulation 2012 states that an exemption to an implemented TPO is when works are required to implement a planning permission.”

This is a deliberate misquotation of the regulation which actually states;

“Regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulation 2012 states that an exemption to an implemented TPO is when works are required to implement a planning permission (other than an outline planning permission....)”

The Cathedral and Lindum Construction have tried to pervert the planning process, by deliberately misquoting the Planning Regulations which clearly state that regulation 14 does not apply in the instance of an outline planning application.

For this reason alone this Objection should be discounted as a false representation of the truth.

Also they describe their planning application as “well progressed” when in fact the application is for outline permission only and is only at the consultation stage.

For all the reasons given above this TPO cannot be considered as premature.

#### **The TPO is not necessary.**

In paragraph 4 of the Objection they state that they intend to remove the bund but that this will not effect the trees on the boundary side of the bund. As stated earlier these trees are on the bund, and therefore their Root Protection Area includes the bund. See images Appendix 2 A

In an Arboriculture Advisory and Information Service report 130/95/ARB reporting research undertaken for the Department of the Environment it states ; “Tree roots may extend radially a

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distance at least equivalent to the height of the tree and are located primarily in the upper 60 cm of soil."

Tree roots follow the contours of the surrounding land and will therefore travel up and down a bank see images Appendix 2 B.

Demolishing the bund will kill the trees as it will destroy their root systems.

Their argument also discounts the trees and saplings which have grown on the bund since 1995 some of which are now mature specimens.

The TPO is necessary to protect the trees from the demolition of the bund.

**The classification of the trees as constituting a woodland.**

The Objection states that the TPO should rather be for a group than a woodland.

Interestingly the Tree Report submitted with the outline planning application identified three areas contained in the proposed TPO as woodland but this is refuted in the Objection.

The difference between a Tree Preservation Order for a group of trees and a woodland is that one covers just the specified trees and the other covers the area as a whole including saplings and self seeded trees. This is because the purpose of a Woodland Order is to safeguard the woodland as a whole, which depends on regeneration or new planting.

Both orders, whether it be for a group of trees or a woodland are not dependent on the size or number of trees included. It is about the type of protection afforded by the order.

(Gov.uk/guidance/tree-preservation-orders..)

"The woodland category's purpose is to safeguard a woodland as a whole. So it follows that, while some trees may lack individual merit, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions.

In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order. "

In paragraph 8 it is stated that the Tree Report submitted with the outline planning application identified "a large number of trees as identified as C class trees (low quality trees) or U class trees (trees of negligible significance)."

This is incorrect; of the 50 trees identified in the report only 6 were categorized as U, whereas 27 were categorised as B (trees of moderate quality) and the remaining 17 were categorized as C. Of the 3 woodland areas identified in the report one was categorised as B and the others as C. Once again the facts have been misrepresented in order to misdirect the process and mislead the council.

See Appendix 3 for the full tree schedule.

**The justification of the order**

I cannot comment on the procedures followed by the council in awarding this order however I have received assurances about their robustness.

My application for the TPO was based on the Government Criteria and the following headings taken from a briefing by Friends of the Earth which I found very useful;

**Assessing amenity value is not an exact science and is done by considering the following criteria:**

**• The extent to which trees/woodlands are visible from a public place.**

The Objection states that views of the trees are not available from publicly accessible areas.

However the quarry is about to become an intense housing development surrounded on all sides by residential properties and estates. The woodland will be visible to all the new residents as well as the existing community which has watched it grow and thrive and has petitioned for its preservation.



• **Their individual, collective and wider impact, including future amenity potential, rarity, cultural or historic value, relation with the landscape, and their contribution to the character of a conservation area. This could include, for example, a social and personal sense of wellbeing or identity.**

The variety of trees and shrubs are largely British natives and include Field Maple, Ash, Hazel, Hawthorne, Guelder Rose, Yew, Wild Cherry, Silver Birch, Dogwood, and Dog Rose. Over the years they have grown to mature specimens and an important amenity providing enormous amounts of what is now referred to as Vitamin G because of the benefits known to be associated with the presence of trees on our wellbeing.

Whether it is the frost on the boughs in winter, the lime green of fresh growth in the spring, the smell of the hawthorn blossom, the rustle of a summer breeze through the branches, or the glorious autumn colours this woodland enhances the lives of the local population.

The woodland on the bund provides an ark for wildlife in a sea of development and a reminder to anyone experiencing its diversity the joy of nature being allowed to "do its thing".

• **Relevance for nature conservation and in response to climate change.**

We are told that in order to combat climate change we must plant more trees and the council has acknowledged that there is a climate emergency. How many saplings would we need to plant in order to replace the contribution made by just one of these 25 year old trees to climate change, and yet this is the exchange we are being offered by planners.

For full details of my request for the TPO please see Appendix 1

#### **Conclusion.**

My conclusion is that this Objection contains such inaccuracies, and misrepresentations that it should be considered as inadmissible.

Planning decisions since 1995 have repeatedly protected the bund and its associated woodland.

This Tree Preservation Order ensures that the protection will continue for the benefit of the local population, the wildlife, and the environment.



The Bund in Springtime



The woodland on the bund provides an ark for wildlife in a sea of development and will enhance the residential estate on the quarry site.



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Appendix 2A

Images showing position of trees on the bund.



Appendix 2B

Images showing how roots grow up and along the contours of a bank.  
Photos taken at Hubbard's Hills Louth.





17 Thonock Close  
LINCOLN LN1 3SW

21. 11. 22

Kelly Bray  
Planning Services  
Dept. of Communities and Environment  
City Hall  
LINCOLN LN1 1DD

Dear Ms. Bray

Re : Notice of Making of a Tree Preservation Order

I write in response to your recent letter regarding the above Order on the site of the Cathedral Quarry, Riseholme Road, Lincoln.

I am happy to hear of this provisional Preservation Order, however, as I live at the southern end of this proposed development I am at a loss to understand why the properties adjacent to mine have been denied this status when we will be the most impacted by the proposed buildings.

The trees in question were planted in 2006 and are therefore, mature Hawthorn, Rowan etc as are the ones already under the proposed order.

Can you please explain why at the moment they have been excluded? The wildlife enjoyed here and within the trees is vital in 2022 when green spaces are at a premium and it would appear, too readily being destroyed.

I urge you to include this area described in your proposed Preservation Order and await your comments.

Yours faithfully



(ANN HIPKIN, Mrs)

MR. J. A. SAWYER  
2 LISSINGTON CROSS  
ERMINGHAM EAST  
LINCOLN  
LN2 2GZ

Dear Kelly Bray

We've have recieved a letter about the preservation order on the trees in the cathedral quarry riseholme road.

Does this mean that planning permission has been granted for housing.

What are they doing about the wildlife i.e. foxes, squirrels, hedgehogs, rabbits and birds.

Plus another road coming out onto riseholme road it gets congested enough especially at school time and work traffic.

But it seems no matter what the public say as long as they get their way.

We need to keep green space not housing and traffic congestion.

Gaws





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