

Present: Councillor Bob Bushell (*in the Chair*),
Councillor Gary Hewson, Councillor Debbie Armiger,
Councillor Liz Bushell, Councillor Martin Christopher,
Councillor Rebecca Longbottom, Councillor Bill Mara,
Councillor Neil Murray, Councillor Mark Storer, Councillor
Edmund Strengiel and Councillor Dylan Stothard

Apologies for Absence: Councillor Chris Burke

25. Confirmation of Minutes - 6 September 2023

RESOLVED that the minutes of the meeting held on 6 September 2023 be confirmed and signed by the Chair as a correct record.

26. Update Sheet

An update sheet was circulated 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.

27. Declarations of Interest

Councillor Bill Mara declared a Personal and Pecuniary Interest with regard to the agenda item titled '18A - 20 High Street, Lincoln'.

Reason: He was known to one of the objectors to the planning application although not present this evening as a friend.

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

28. Member Statement

In the interest of transparency, Councillor Rebecca Longbottom requested it be noted in relation to the application for development Agenda Item No 6a 18A-20 High Street, Lincoln, that she was known to one of the objectors, however, not in a personal capacity and there was no conflict of interest after discussion with the legal advisor

.

29. Work to Trees in City Council Ownership

Lee George, Open Spaces 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.

30. Consultation on Proposed Felling Licence: Application 017/4016/2022

Lee George, Open Spaces Officer:

- a. presented a report to provide advice relating to the proposed management of priority heathland habitat located within Swanholme Lakes SSSI, by the implementation of limited targeted deforestation and thinning of specified areas
- b. advised that Swanholme Lakes was designated as a Site of Special Scientific Interest in 1985 and became a Local Nature Reserve in 1991
- c. described the location of Swanholme Lakes Nature Reserve which fell within the City Boundary adjacent to Hartsholme Country Park, owned by the City Council and subject to Tree Preservation Order, Doddington Road No1 – Hartsholme Wood
- d. highlighted that the site was open to public access and comprised of a variety of habitats including woodland, heathland, and several lakes, which were originally pits formed during the extraction of sand and gravel in the last century
- e. stated that tree species forming the woodlands were predominantly Birch, Willow, Pine, Alder, and Oak; the site supported wet and dry heathland, both important habitats supporting a variety of wildlife and the lakes provided suitable conditions for the benefit of several uncommon aquatic species of flora and fauna
- f. reported that presently, pioneer species, such as Birch and Willow were encroaching onto the heathland sites, additionally other species such as Pine and Alder were having detrimental effects on the heathland habitat located in the vicinity of the area known as Acid Pools, which, if left unmanaged would negatively affect the underlying nature of the heathland habitat, leading to the loss of mosses lichens and other desirable heathland species.
- g. added that trees growing adjacent to the lakeside banks were currently producing significant shading, minimising the habitat potential of the marginal zones
- h. advised that lakeside trees also influenced the level of eutrophication which occurred within individual water bodies due to the shedding of leaves, the deposition of leaves could also have the effect of altering the water chemistry of individual lakes, which in turn could adversely affect the ability of rare plants and marginal species to utilise an otherwise suitable niche

- i. requested permission to selectively fell, coppice and prune some of the Birch, Willow, Alder, Pine and Oak encroaching onto the existing heathland or in close proximity to the lakeside edges for the benefit of the area as detailed at paragraph 3.2 of the officer's report
- j. clarified that the existence of the Tree Preservation Order prevented any unconsented tree works being undertaken without the consent of the local authority, and was also controlled via the Forestry Commission; in this case as the proposed tree removal would produce more than 5 cubic metres of timber per calendar quarter, the City Council had a legal obligation to apply to the Forestry Commission for a felling licence to undertake its planned works within the Nature Reserve
- k. stated that as the site in question also had SSSI designation the City Council had submitted a Supplementary Notice of Operations (SNO) to the Forestry Commission, this included detailed information on the protective measures we would utilise to protect the SSSI interest while tree felling operations were undertaken, and enabled Natural England to decide whether to give its SSSI consent to the tree felling work
- l. advised that the purpose of a Felling Licence was to ensure that there was no uncontrolled loss of tree cover within designated areas, and if granted would negate the requirement of the City Council to apply for tree work via the usual Tree Preservation Order route.

Members commended officers on a well written report explaining in detail why the trees needed to be felled. The Open Spaces Officer agreed to pass these comments back to the Arboricultural Officer.

Members asked whether consultation notices were circulated in the area prior to works commencing?

Lee George, Open Spaces Officer advised that notices were put up in the area of the proposed tree felling works. There was a well-structured social media team to assist with communication through the consultation process, and via the planning portal.

Members asked whether some of the Swanholme Lakes Nature Reserve park was in private ownership.

Lee George advised that all the proposed works related to land in the ownership of the City of Lincoln Council.

RESOLVED that consent to the above works be approved and that the officer be authorised to carry out the requisite procedures to confirm to the Forestry Commission that suitable consultation had taken place.

31. Applications for Development
32. 18A - 20 High Street, Lincoln

(Councillor Mara left the room during the consideration of the following item, having declared a personal and pecuniary interest in the matter to be discussed. He took no part in the debate or vote on the matter to be determined.)

The Planning Team Leader:

- a) reported that planning permission was sought for the proposed conversion and extension of an existing restaurant at 18a High Street, Lincoln to form 1no. commercial/ retail unit at ground floor and 9 no. residential apartments (C3) with associated amenity space (Re-submission of Planning Application 2022/0762/FUL)
- b) described the location of the application site on the west side of High Street on the corner of High Street and Henley Street, occupied by a three storey building fronting High Street with a restaurant at ground floor, associated residential accommodation above and the site also included some garages to the rear accessed from Henley Street
- c) reported that the Golden Eagle Pub was located to the north and 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) advised that to the west of the application site were terraced properties on the north and south side of Henley Street, the site was situated within the St Catherine's Conservation Area No 4
- e) reported that the previous application had been recommended to grant by officers but was refused by Planning Committee 22nd March 2023, for reasons as set out within the officer's report; the application had been revised and resubmitted to try and address the previous refusal reasons
- f) advised that the revisions included a reduction to the scheme from 10 apartments to 9, the reduction in apartments had meant that the remaining apartments now met space standards, also, all north facing windows had been altered to be obscured glazed in order to remove overlooking concerns raised in the previous refusal
- g) highlighted that 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
- h) reported that the application was brought to Planning Committee given the amount of objections received
- i) provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework
 - Policy S1: The Spatial Strategy and Settlement Hierarchy
 - Policy S3: Housing in the Lincoln Urban Area, Main Towns and Market Towns
 - Policy S6: Design Principles for Efficient Buildings
 - Policy S12: Water Efficiency and Sustainable Water Management
 - Policy S13: Reducing Energy Consumption in Existing Buildings
 - Policy S47: Accessibility and Transport
 - Policy S53: Design and Amenity
 - Policy S57: The Historic Environment
 - Policy S58: Protecting Lincoln, Gainsborough and Sleaford's Setting

and Character

- Policy NS72: Lincoln Regeneration and Opportunity Areas

- j) outlined the responses made to the consultation exercise
- k) referred to the Update Sheet which included further information received in respect of the planning application after the original agenda papers were published
- l) concluded that:
 - The development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design.
 - The proposal in its revised form would overcome previous reasons for refusal and would ensure the character and appearance of the Conservation Area was preserved.
 - Technical matters relating to noise and 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.

Mr Dean Bruce addressed Planning Committee in objection to the proposed planning application on behalf of Mr Christopher Tyers, local resident, covering the following main points:

- He represented local residents and patrons of the adjoining public house, the Golden Eagle Pub.
- In the current economic climate many public houses were finding it hard to survive.
- The Golden Eagle Pub was an ideal venue to escape the stress of everyday life. It held regular community events/open mic nights.
- Its history dated back to circa 1800's.
- At the moment, natural light within the premises gave much enjoyment to the patrons and negated the need for artificial lighting/heating.
- The proposed development should be refused due to overlooking and loss of light, contrary to Local Plan Policy LP26, for the same reasons it was refused previously.
- Severe loss of light would occur.
- There were issues of overlooking from the windows of the proposed development.
- The privacy of existing bedroom windows at the public house would be affected.
- The introduction of obscure glazing within the proposed scheme was not the answer here, as the windows could easily be opened.
- There could potentially be noise complaints received by the public house from the new residents which could affect its future.
- Habitable rooms within the new development would face the public house and outdoor area.
- There were issues of lack of parking contrary to Local Plan Policy LP33, which the Committee had previously acknowledged.
- The development was detrimental to the amenity of local residents.
- The revised proposals offered one less flat, however, accommodation for the same number of occupants would still be provided.

- The height of the proposed development was not in keeping with the Conservation area.
- The resubmitted plans had not addressed the previous concerns raised.
- The public house was run as a family business. The proposed development would result in increased expense for the tenants in terms of heating and lighting.

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

- He wished to make a short statement on behalf of the applicant, Mr Pang.
- The application had been considered taking into account local planning policies.
- Previous concerns had now been addressed in the revised application.
- The existing premises had been in the ownership of Mr Pang for 40 years, however, he needed to relocate the business in order to cut costs.
- The viability of the proposed development was tight.
- The applicant had worked within the consideration of current planning regulations and the restraints from the Conservation Area.
- The number of dwellings had been reduced within the revised plans.
- The upper floor had been cut back.
- Obscure glazed windows had been incorporated into the scheme.
- The owner did not wish to upset the patrons and staff at the Golden Eagle or restrict its ability to host community events.
- Mr Pang had enjoyed a happy relationship with his neighbours at the public house over many years.

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

The following concerns were raised in relation to the planning application:

- The reasons for refusal outlined in the previous planning application as outlined at page 23 of the officer's report had not been addressed.
- By virtue of position, mass, and design the proposed development would not fit well in the Conservation Area.
- The proposals still contradicted the Central Lincolnshire Local Plan.
- The issues hadn't changed.
- There were real car parking issues in the area.
- Too many public houses were closing down.
- This revised planning application was little different to the previous submission made.
- One less flat would not make much of a difference to the parking issues already prevalent in the area.
- The proposals were not suitable due to the density of traffic in the area.
- This was the wrong type of planning application for this area.
- We were losing public houses in the City. We did not want to see them infilled with housing.
- There had been many objections received from people living close by whom were worried about the proposed development.

The following points were made in support of the planning application:

- Although Planning Committee did not in any way wish to affect the operation of the Golden Eagle Pub in its capacity as a great asset for community groups, it could not restrict applications from adjacent businesses to the public house.
- The proposed development was more aesthetically pleasing in this Conservation Area than the appearance of the existing three garages to the rear of the site.
- Residential properties would not be affected by the development as there were predominantly shops in the area.
- The Highways Authority had assessed the proposals and raised no objections in respect of parking.
- The area did suffer from heavy traffic use, although the member concerned was not aware of any resident complaints or requests for a residents parking scheme for the area.
- The addition of obscure glazed windows resolved the issue of overlook to the landlord's bedroom.
- It was alleged that light would be lost, however, the lights were already switched on in the internal photographs of the public house provided.
- There was a great need for more housing in the City and this area was designated as a Brownfield site suitable for this type of development.
- The issues in terms of the size of the flats and overlooking seemed to have been addressed.
- The proposals related well to the original reasons for refusal in the Conservation Area in that extension stepped back and had a better relationship with the adjoining properties.
- There was a real need for accommodation in the City although this was not a material planning consideration for this application.
- Question: As referred to within the officer's report, the materials used would be of key importance to the design of the building. Would this element be conditioned as such?
- Noise was an important consideration for the proposed development in a mixed-use area . A noise assessment and mitigation measures to keep noise to a bare minimum was equally important.
- The report stated that the planning application should be read in consideration of the current Local Plan now in existence. There was no mention of parking pressures within the new Local Plan. It did however, mention the need for more sustainable transport, walking and cycling provision.

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

- In terms of parking pressures and LP33, the new policy did increase the emphasis on sustainable/other uses rather than private cars, and, although this could be taken into consideration, it was the discretion of Planning Committee to decide how much weight should be given to this matter.
- Officers were of the opinion that there was not a significant impact on parking issues due to the feedback from the Highways Authority.
- There would be an affect on the public house to the side from the proposed development at ground floor level in relation to available light to the windows of the bar area, however, this was not considered so harmful it being a public bar and not resident occupied.
- Materials to be used as approved by officers was already an existing condition of grant of planning permission.

A motion was proposed, seconded, and put to the vote that planning permission be granted subject to the following conditions:

Conditions

- Time limit of the permission
- Development in accordance with plans
- Noise mitigation measures to be submitted
- Contaminated land
- Materials
- Cycle storage
- Construction of the development (delivery times and working hours)
- Existing dropped kerb to be reinstated to Henley Street
- Ground floor unit shall be class E
- Obscure glaze north elevation windows on first and second floors
- Water efficiency
- PV's are implemented on site and retained

The motion was lost.

Members discussed the reasons for refusal of planning permission

A motion was proposed, seconded, put to the vote, and

RESOLVED that planning permission be refused.

Reasons

There were no real material differences in the revised planning application compared to that refused previously due to the following reasons:

(Policy S57 and S53 Of the Central Lincolnshire Local Plan adopted April 2023 replaced Policies LP25 and LP26 of the previous Central Lincolnshire Local Plan.)

- The proposed three storey extension by virtue of its position, mass and design would not relate well to the Conservation Area or the height relative to the existing terraced properties on Henley Street conflicting with the appearance and proportion of the surrounding character. The proposal would neither reflect, improve on nor respect the original architectural style of the local surroundings. Accordingly, the development would fail to preserve the character and appearance of the St. Catherine's Conservation Area. The proposal would therefore be contrary to Central Lincolnshire Local Plan Policies LP25 and LP26 and paragraphs 130 and 197 of the National Planning Policy Framework.
- The proposed three storey extension by reason of its size and position would have a harmful impact on the first floor flat to the north (Flat 21 High Street), creating a harmful overlooking relationship and reducing light into the flat to an unacceptable degree, contrary to Policy LP26 of the Central Lincolnshire Local Plan.
- The proposal to include the creation of 10 flats would increase existing

parking pressures on Henley Street to a level which would be harmful to the amenity of existing residents contrary to Policy LP33 of the Central Lincolnshire Local Plan.

33. 29 Severn Street, Lincoln

(Councillor Mara re-joined his seat for the rest of the meeting.)

The Assistant Director of Planning:

- a. advised that planning permission was requested for a single storey rear extension at this semi-detached dwelling, 29 Severn Street, Lincoln to enable the reconfiguration of the internal arrangements of the existing accommodation and the provision of a 'play room'
- b. detailed the location of the property on the south side of Carholme Road on a high density street, comprising traditional red brick, bay fronted, semi-detached and terraced 2 storey dwellings
- c. highlighted that the application property was located outside of the local West Parade and Brayford Conservation Area and within Flood Zone 2
- d. advised that the application was presented to Planning Committee as it had received more than four objections
- e. reported that no pre-application advice had been sought on the proposal
- f. reported on the planning history of the application property as detailed within the officer's report, which permitted the property currently to be occupied as a C4 HMO for up to six individuals
- g. provided details of the policies pertaining to the application, as follows:
 - Policy S6: Design Principles for Efficient Buildings
 - Policy S53: Design and Amenity
 - National Planning Policy Framework
- h. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Local and National Planning Policy
 - Visual Amenity
 - Residential Amenity
 - Highway Safety and Parking
- i. outlined the responses made to the consultation exercise
- j. referred to the Update Sheet which included further information received in relation to the planning application after the original agenda papers were published
- k. concluded that the proposals would not have a detrimental impact on the residential amenities of neighbouring properties or the visual amenity of the wider area, in accordance with Policy S53 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

Members asked whether the ground floor accommodation should be used for bedrooms being in Flood Zone 2.

The Assistant Director of Planning confirmed that the area was not as high a flood risk as Flood Zone 3 and therefore did not require floor levels to be elevated. Under its powers as a Local Planning Authority, use of the rooms could not be controlled, however would suggest informative guidance was for bedrooms not to be occupied at ground floor level.

A comment by one member suggested the application was spurious and that the intended use of the extension would not be as a playroom.

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

- He accepted the comment made, however, it was not within the jurisdiction of the Planning Authority to stipulate that the space could only be used as a play room.
- If the proposed use was to change in the future then separate planning permission would be required for permitted occupancy of more than six individuals living there.

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

Conditions

- Development commenced within 3 years
- In accordance with the approved plans