

PLANNING COMMITTEE

**Wednesday, 30 October
2024**

5.30 pm

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

Membership:	Councillors Bob Bushell (Chair), Gary Hewson (Vice-Chair), Debbie Armiger, Chris Burke, Liz Bushell, Martin Christopher, Annie Currier, Rebecca Longbottom, Bill Mara, Callum Roper and Calum Watt
Substitute members:	Councillors James Brown, Neil Murray and Emily Wood
Officers attending:	Simon Cousins (Planning Team Leader), Democratic Services, Kieron Manning (Assistant Director, Planning and City Services), Louise Simpson (Legal Services Manager) and Dave Walker (Arboricultural Officer)

The Planning Committee comprises democratically elected members who will be presented with a recommendation from the professional officers for each application on the agenda. After each application has been presented, those interested parties who have registered to speak will then be given 5 minutes to verbally present their views, and, following this, the committee will debate each proposal and make the decision, having considered all relevant information.

Clearly the process of making a decision will inevitably cause some people to feel aggrieved, but it is hoped that all interested parties will feel that their views have been considered as part of the process.

Please ensure that your mobile phones are switched off or set to silent throughout the meeting and please refrain from attempting to speak from the public gallery unless you have formally registered to speak on an application, in which case the Chair will call you to the table at the relevant time.

A G E N D A

SECTION A	Page(s)
1. Confirmation of Minutes - 02 October 2024	5 - 12
2. Update Sheet	To Be Tabled
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. Work to Trees | 13 - 20 |
| 5. Applications for Development | |
| (a) 57 Newland Street West, Lincoln | 21 - 40 |
| (b) 391 - 392 High Street, Lincoln | 41 - 48 |

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 2023
 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 Bob Bushell (*in the Chair*),
Councillor Debbie Armiger, Councillor Chris Burke,
Councillor Liz Bushell, Councillor Martin Christopher,
Councillor Annie Carrier, Councillor
Rebecca Longbottom, Councillor Bill Mara, Councillor
Callum Roper and Councillor Calum Watt

Apologies for Absence: Councillor Gary Hewson

17. Confirmation of Minutes - 7 August 2024

RESOLVED that the minutes of the meeting held on 7 August 2024 be confirmed and signed by the Chair as a true record.

18. Update Sheet

An update sheet was circulated to members of Planning Committee 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.

19. Declarations of Interest

No declarations of interest were received.

20. Work to Trees

(Please note that a revised 'Works to Trees Schedule 5' in relation to Item No 4 'Work to Trees' was published separately from the main agenda for this meeting of Planning Committee to be held on Wednesday, 2nd October 2024 at 5.30 pm in Committee Rooms 1 and 2, City Hall, Beaumont Fee, Lincoln, LN1 1DD, which replaced the original version issued).

Tom Gissing, Arboricultural Officer:

- a. advised Planning Committee that the main purpose of his report provided reasons for proposed works to trees predominantly in the City Council's ownership, although it may include other trees at times where special circumstances applied and officers were both able to do so and thought it was helpful
- b. sought consent to progress the works identified, as detailed at Appendix A of his report
- c. highlighted that the list did not represent all the work undertaken to Council trees, it represented all the instances where a tree was in City Council ownership and identified for removal, or where a tree enjoyed some element of protection under planning legislation, and thus formal consent was required

- d. explained that ward councillors had been notified of the proposed works.

RESOLVED that the tree works set out in the revised schedule published separately to the report be approved.

21. Application for Development:14 Queens Crescent, Lincoln

The Planning Team Leader:

- a. referred to the application premises, a two-storey semi-detached property located on Queen's Crescent, previously used as a house in multiple occupation having been granted a Use Class C4
- b. advised that planning permission was sought for change of use from Use Class C4 to a children's home (Use Class C2)
- c. highlighted that an application for the adjoining property (No.12) was recently granted planning permission for change of use to a children's home under application 2024/0250/FUL
- d. provided details of the policies pertaining to the application, as follows:
 - Policy S1: The Spatial Strategy and Settlement Hierarchy
 - Policy S2: Growth Levels and Distribution
 - Policy S23: Meeting Accommodation Needs
 - Policy S53: Design and Amenity
 - National Planning Policy Framework
- e. provided details of the issues to be assessed in relation to the planning application, as follows:
 - Principle of Use
 - Impact on Residential Amenity
 - Highway Safety
- f. confirmed that the use of the property was required to be OFSTED registered and would offer accommodation for up to three children at any one time between the ages of 7 and 17
- g. outlined the responses made to the consultation exercise
- h. referred to the Update Sheet circulated at the meeting which contained further responses received after the agenda bundle had been despatched
- i. concluded that:
 - In planning terms, the proposal was for residential accommodation in a residential area, albeit for care purposes and as a business enterprise.
 - There were no planning policies which prevented such uses from being located within residential neighbourhoods, in fact policy resisted such uses in isolated locations.
 - In this case the number of children and the use could be controlled by conditions, therefore it was considered appropriate and compatible with the residential area.

- The use, when appropriately managed, should not result in undue harm to the amenities of neighbouring occupants.
- The LCC has raised no objections in terms of parking or impact upon highway safety.
- Officers were therefore satisfied that the use would meet the requirements of CLLP Policies S2, S23 and S53 and the National Planning Policy Framework.

Dr Mark Hanheide, local resident, addressed Planning Committee in objection to the proposed planning application. He covered the following main points:

- He spoke in objection to the proposed development on behalf of the community of Queen's Crescent.
- The application threatened the very fabric of his community.
- The community had supported various changes to properties in the area, including HMO's, flexible uses and extensions in order to embrace a diverse community, however this recent rapid intensification was unsustainable.
- A month after C2 use was approved for number 12, we now faced another application next door. Both applications had been staggered to obscure their true impact and to mislead the community.
- It seemed that our broken care system was being exploited for financial gain.
- He referred to National Planning Policy Framework (NPPF) stating that developments needed to 'meet an identified local need' Why had the applicant not provided evidence why further density increase was required when there was already another C2 property less than 0.2 miles away?
- NPPF paragraph 135f stated that developments must create places that were safe, inclusive and accessible to promote health and well-being, a high standard of amenity and community cohesion. We were now seeing this cohesion eroded and well-being impacted.
- He referred to his long-term neighbour whose property sale, agreed subject to contract had fallen through solely due to C2 permission being granted to number 12, which affected her well-being and showed how these changes were affecting our community's character and composition.
- The applicants motives were clear. Their Statement of Purpose was copied from another care home and a history for neglecting property maintenance raised doubts as to their integrity (reference made to further supplementary material provided within tonight's Update Sheet).
- Had Planning Committee seen evidence that the applicant was registered with OFSTED as claimed?
- As stated within NPPF, the size, type and tenure of housing should be reflected in planning. Was this the case with the application property?
- The application represented a 100% increase in care business capacity on this small street, which doubled traffic and parking issues, particularly during the school run.
- The applicant's statement that parking was available on the driveway of 14 Queens Crescent raised access concerns for the residents of 14a and 14b, who currently accessed their homes through the property's grounds. The residents already used this claimed space for parking and would need to move to the street.
- The objections here were about maintaining a delicate balance in their neighbourhood, and ensuring developments served the need of the community and those they claimed to help, in line with NPPF standards.

- He urged that Planning Committee in consideration of new and previous evidence provided, resident's concerns and the long-term impact on the community rejected this application to protect the safety, character and cohesion of Queens Crescent.

Councillor Neil Murray addressed Planning Committee in relation to the proposed planning application in his capacity as Ward Advocate, covering the following main points:

- He spoke on behalf of local residents in the area of the application site.
- This was another application for the same C2 use as the property granted planning permission next door very recently.
- This was unacceptable.
- There was clearly a tactic to obtain planning permission for these type of uses in a quiet residential area.
- Residents disagreed with the claim that planning permission granted to No.12 Queens Crescent would not affect amenity, we now had before us a second C2 use application which doubled the change of use here.
- This application consisted of a private company wanting to make financial profit from vulnerable children.
- The view of existing residents was that two children's homes in their street was one too many.
- There would be harm to existing residential amenity.
- The officer's report referred to a maximum of four staff being on site at any one time, the minimum number of staff should also be mentioned. The care home should not be understaffed at any time, to avoid any private company making savings at the risk of the children's safety.
- The planning application should be refused on the grounds of protecting the amenity of existing residents.

Councillor Emily Wood addressed Planning Committee in relation to the proposed planning application in her capacity as Ward Advocate, covering the following main points:

- She thanked members of Planning Committee for allowing her the opportunity to speak.
- She was here to represent local residents and to formerly object to another care home in their street.
- The broader impact on the local community should be taken into consideration.
- There were already parking issues, an additional children's home would exacerbate this problem.
- There were potential safety hazards for children, families and pedestrians.
- The property once granted C2 use permission would not become a family home again. The loss of these types of homes should be preserved.
- This was not the correct place for a children's home.
- It was crucial for Planning Committee to consider the long-term impact of the proposed use on the local community, parking issues, loss of a family home and lack of open space available.
- There was a tactical reason why both planning applications for C2 use were not submitted at the same time.
- She requested that planning permission be turned down.

Councillor Lucinda Preston addressed Planning Committee in relation to the proposed planning application in her capacity as Ward Advocate, covering the following main points:

- This application was the second from the same company requesting permission for change of use from a HIMO to private children's home.
- Children's homes were a vital facility but not in small residential areas.
- This application had been submitted after the decision had been made granting planning permission for the first property next door.
- An interest in the adjacent property was not indicated at all in the first application. The applicant knew that a double application would be turned down due to accumulated noise, traffic and parking issues.
- She would deal with each issue in turn.
- Noise
- The company had been open about the difficulties of these children.
- Special needs children would be noisier in this type of 'property living' due to its cramped position and lack of outside space.
- Traffic
- There would be an increase in traffic in the area due to visits to the children's home by various professionals e.g. social workers, counsellors, psychologists, social services staff, and families visiting day and night.
- No wonder both applications hadn't been submitted together.
- Suitability of Site
- This was a small street. The proposals would change it permanently as a whole.
- Part of both premises would be in 'one use'.
- There were other properties available in the area, however these were larger and more expensive.
- The business would be run for profit rather than ultimate care.
- This was a new company without guarantee the utopian position would be as suggested.
- She urged that members of Planning Committee reject this planning application on the grounds of impact on the local community.
- There were other concerns relating to OFSTED registration.

Mr Mark Blagden, applicant, addressed Planning Committee in support of the proposed planning application. He covered the following main points:

- There was a difference with this property compared to the planning permission already granted next door in that it contained a rear yard with two existing independent car parking spaces in addition to resident's parking at the premises.
- The company may be new, however, it had 30 years' business experience in high quality care and competency.
- It had other properties in its ownership close by which offered increased open space.
- No objections to the proposals had been made by the Environmental Health Agency or Highways Authority in relation to cumulative impact.
- There was no credible evidence or sustainable grounds for refusal to be defended.
- A park and ride scheme would be available to staff free of charge.
- The two adjacent properties would be run independently. OFSTED would not allow them to be run jointly.
- The application for approval was pending with OFSTED.

- The operator was happy to work with local residents to talk through any concerns.
- He requested that planning permission be granted.

Members discussed the content of the report in further detail.

Members thanked the public audience for their attendance/comments and engagement in the planning process.

The following concerns were raised in respect of the planning application:

- It was concerning that this second application had not been mentioned earlier.
- Residents had serious concerns of it affecting the delicate balance of their community.
- We must remind ourselves why the local community felt so strongly.
- Article 4 was brought into operation to address the cumulative effect on local communities and loss of family homes.
- The best children's homes were those with plenty of space to play. Even though the company had 2/3 additional properties we were not aware of which offered increased play areas, this was still not enough.
- All three Ward Councillors had raised issues with parking in the area, which officers did consider to be discernibly different from the current use.
- The application was valid but was in the wrong area.
- The staggered application raised concerns, at the risk of it being disingenuous.
- A potential reduction in traffic movements was mentioned, however, it was disputed how this conclusion was arrived at.

The following comments were received in support of the planning application:

- The applicant had a desire to provide services to children and there was no reason to doubt that.
- Concerns regarding parking and open space should be dismissed. A Residents Parking Scheme was applied fairly across all the properties. There was a walkway very close by which gave access to open space.
- It was questionable whether the increase of three additional children at this property bringing to six in total together with the house next door, would have any great additional impact on the community.
- This application was different to the previous one in that it provided parking space and park and ride for staff members.
- If the two homes had come through as a single application it would not have alarmed the member concerned.
- There would not be a loss of two family homes as they would become the homes of the children, with the staff as their surrogate parents. Simply a different type of family home.
- The West End community was a fantastic environment in which to live, the children would benefit greatly from this.
- The property would be restricted to a maximum of three children and four members of staff living there.
- Any noise issues could be levelled at HIMO's potentially, the behaviour of occupants could not be predicted and there were avenues in place to deal with any issues in this regard.

- The premises still required its registration from OFSTED which was pending, a further check in place.
- There was safeguarding measures in place and six weekly visits from Social Services.
- It was questionable whether there was any additional cumulative impact compared to an HIMO.
- The property could not revert to a HIMO if planning permission was granted for C2 use unless a further planning application was submitted. It was more likely to return to a family home.
- There was no evidence of concerns regarding staff reductions. OFSTED would ensure adequate safeguarding measures were in place.
- The property was situated close by the Wong and West Common for open play opportunities/activity.
- This type of accommodation was needed in these supportive communities.

The following questions emerged:

- How did this planning application affect the cumulative impact on the community and the operation of the children's home?
- Could officers give clarification as to the type of access provided to 14a and 14b Queens Crescent and whether they were rented properties. This may make them difficult to re-let in the future. What would be the impact?
- If planning permission was granted, could a future application be submitted to combine both properties including No 12?
- How many people would be living at the property currently used as HIMO'S compared to the number of staff/children in the new venture?

The Planning Team Leader offered the following points of clarification:

- In terms of the staggered nature of the two similar planning applications submitted, we had to determine what was before us this evening. This was not a valid reason to refuse planning permission.
- Officers had looked at the potential cumulative impact of the two properties on the local community and individually. It was considered that the cumulative impact was not significantly different compared to the current occupation of the premises as a HIMO.
- In terms of the relationship between no 12 and 14 Queens Crescent, there was no indication of a physical connection apart from a park and ride scheme for the staff.
- The property was situated within a residents parking area with 2 passes allocated per property. In the event of the change of use being granted, the premises would still only be allocated 2 passes therefore the use wouldn't increase demand within the residents parking area. Unlike the previous application at the neighbouring property, it had the benefit of a driveway and parking area, and the applicant had shown that parking would be available for at least two cars.
- Whilst planning permission would not be required to combine the two properties if the owners so wished, there was still a condition for each property to be restricted to occupation by a maximum of three children.
- The Highways Authority had suggested that traffic would be reduced compared to that of its former use as a HIMO.
- The residents of 14a and 14b had been consulted regarding the impact from the proposed change of use. The properties were occupied as rented

accommodation, both had access through the garden of number 14 Queens Crescent.

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

Standard Conditions

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

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

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

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

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

03) Prior to the implementation of the use, details of safe and secure cycle parking shall be submitted to and approved by the City Council. The approved details shall be provided on site prior to the completion of the development. The cycle parking shall be retained on site at all times.

Reason: In the interests of sustainable travel

04) Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/653) or any Order amending, revoking or re-enacting that Order, no more than 3 children shall at any time occupy the property whilst it is in use as a C2 children's care home.

Reason: In order to protect amenity.

05) The premises shall be used for a children's home within Use class C2; only and for no other purpose (including any other use within Class C2 to the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any subsequent amendment or re-enactment thereof).

Reason: In order to protect amenity.

SUBJECT: WORKS TO TREES

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: STEVE BIRD - ASSISTANT DIRECTOR COMMUNITIES AND STREET SCENE

1. Purpose of Report

- 1.1 To advise Members of the reasons for proposed works to trees. These will be predominantly trees in City Council ownership, which is the main purpose of the report, but it may include others at times where special circumstances apply, and officers are both able to do so and think it helpful.
- 1.2 It is important to note that the attached list does not represent all the work undertaken to trees in Lincoln, in Council ownership or otherwise. It does however cover all the instances where a tree is in City Council ownership and identified for removal, or where a tree enjoys some element of protection under planning legislation, and thus formal consent is required.

2. Background

- 2.1 In accordance with policy, Committee's views are sought in respect of proposed works to trees, see Appendix A.
- 2.2 The responsibility for the management of any given tree is determined by the ownership responsibilities of the land on which it stands. Trees within this schedule therefore predominately relate to trees on land owned by the City Council, with management responsibilities distributed according to the purpose of the land (e.g. 'Housing trees,' 'Park trees'). However, it may also include trees that stand on land for which the City Council has management responsibilities under a formal agreement but is not the owner (e.g. County Council highway trees).
- 2.3 All cases are brought to this Committee only after careful consideration and assessment by the Council's Arboricultural staff (together with independent advice where considered appropriate).
- 2.4 Although the Council strives to replace any tree that has to be removed, in some instances it is not possible or desirable to replant a tree in either the exact location or of the same species. In these cases, a replacement of an appropriate species is scheduled to be planted in an alternative appropriate location. This is usually in the general locality where this is practical, but where this is not practical, an alternative location elsewhere in the city may be selected. Tree planting is normally scheduled for the winter months following the removal.

3. Consultation and Communication

- 3.1 All relevant ward councillors are notified of the proposed works for their respective wards prior to the submission of this report.
- 3.2 The relevant portfolio holders are advised in advance in all instances where, in the judgement of officers, the matters arising within the report are likely to be sensitive or contentious.

4. Strategic Priorities

4.1 Let's reduce all kinds of inequality

It is important to the Council that quality green spaces are accessible to all, and that everyone should enjoy the benefits that a greener environment brings.

4.2 Let's deliver quality housing

Housing is about more than providing a building. Houses represent 'home,' and this feeling is developed on a range of factors about the area of a house, including the environment in which it stands. Tree cover is a significant aspect of shaping how an area of housing feels, and thus the creation of homes.

4.3 Let's enhance our remarkable place

The Council acknowledges the importance of trees and tree planting to the environment. Replacement trees are routinely scheduled wherever a tree has to be removed, in-line with City Council policy. Lincoln's green spaces, including its tree cover, are an asset which has unquantifiable value; they are a key part of the City Council's strategic approach to improving the city for the benefit of all those who live, work or visit the city.

4.4 Let's address the challenge of climate change

The trees in Lincoln's parks and open spaces are often referred to as it's lungs. Care for the trees, and how the Council ensure a healthy quality tree cover, underpins and contributes to biodiversity improvements.

5. Organisational Impacts

5.1 Finance

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

5.2 Legal Implications including Procurement Rules

As trees are assets in the public domain the Council has a legal duty to maintain them, in so far as is reasonably practicable, in a safe condition. This policy supports that requirement, and would add weight to any defence against claims related to injury or damages arising from allegations of negligence of the tree stock.

The Environment Act 21 required an amendment to section 96 of the Highways Act 1980. This placed a duty on a local highway authority to consult the public on the removal of any highway tree (subject to a number of exemption clauses). As the highway trees are all in the ownership of the County Council, this does not technically apply to City Council owned trees. However, the City Council, through this policy, commits to the same principles, and will always report the removal of any tree it owns to the Planning Committee. Where possible this will be in advance, for review, but may have to be retrospectively if circumstances dictate e.g. removal of a tree for health and safety reasons.

Exceptions to consulting via the Planning Report system will be applied as per the legislation and include:

- Trunk less than 8cm at 1.3m height.
- Planning permission has already been granted for its removal.

5.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

This report does not negatively impact equality, diversity or human rights.

5.4 Significant Community Impact &/or Environmental Impact

It is recognised that tree works, not least removals, can impact a community. This is especially true when a large tree of note has to be removed.

Through the processes associated with delivering this report ward councillors are notified in advance, and thereby have the opportunity to request briefings/details relating to any issues of concern.

Whilst officers will always try to flag up any potentially contentious issues in advance, and address them sensitively, this extra level of consultation permits opportunity for members to highlight any concerns, and for these to be considered according.

5.5 Corporate Health and Safety Implications

All works arising from this report are undertaken by the City Council's appointed grounds maintenance contractor. The appointment of contractors is an in-depth and considered process that will not permit the appointment of contractors who are not

considered safe and competent. The assessments remain ongoing throughout the period of their appointment.

All staff are all suitably trained, qualified, and experienced.

6. Risk Implications

6.1 (i) Options Explored

For each tree listed, members may choose to agree, or refuse works. Where they refuse works, then this will have implications which must be understood, on a case by case basis. The preferred approach is agreement to the schedule proffered by arboricultural staff.

6.2 (ii) Key Risks Associated with the Preferred Approach

The work identified on the attached schedule represents the Arboricultural Officer's advice to the Council relevant to the specific situation identified. This is a balance of assessment pertaining to the health of the tree, its environment, and any legal or health and safety concerns. In all instances the protection of the public is taken as paramount. Deviation from the recommendations for any particular situation may carry ramifications. These can be outlined by the Arboricultural Officer pertinent to any specific case.

Where appropriate, the recommended actions within the schedule have been subject to a formal risk assessment. Failure to act on the recommendations of the Arboricultural Officer could leave the City Council open to allegations that it has not acted responsibly in the discharge of its responsibilities.

7. Recommendation

7.1 That the works set out in the attached schedules be approved.

Is this a key decision? Yes

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? One

List of Background Papers: None

Lead Officer:

Dave Walker
Dave.walker@lincoln.gov.uk

NOTIFICATION OF INTENDED WORK TO TREES AND HEDGES
RELEVANT TO THEIR CITY COUNCIL OWNERSHIP STATUS.
SCHEDULE No 6 / SCHEDULE DATE: 30/10/2024

Item No	Status e.g. CAC	Specific Location	Tree Species and description/ reasons for work / Ward.	Recommendation
1	N/A	Fenton Place – Housing property	<u>Abbey Ward</u> 1 x Norway maple <u>Remove to ground</u> This tree has suffered recent severe dieback resulting in approximately 90% canopy loss.	Approve Works Replant with 1x Hybrid Lime; to compliment similar specimens within the grounds of Shuttleworth House.
2	N/A	46 Waltham Road – Woodland strip to rear	<u>Birchwood Ward</u> 1 x Alder <u>Remove to ground</u> This tree has suffered partial failure of the rootplate resulting in a creating significant lean towards the garage of the property – removal is advised to prevent the likelihood of collapse.	Approve works Replant with a replacement Alder: to be planted in a suitable position on Fulmar Road roadside verge.
3	N/A	96 Birchwood Ave – Void housing property	<u>Birchwood Ward</u> 7 x Cupressus <u>Retrospective notice of removal</u> These trees formed a poorly managed hedge line which was encroaching heavily on the adjoining properties – management to cut back overhang would have resulted in the formation of an essentially dead hedge row.	To be replaced with the following: to be planted in suitable locations within Birchwood Fields open space. 3 x Silver Birch 3 x Field Maple 1 x English Oak

4	CAC	Westgate Water Tower – proposed works to be undertaken by Anglian Water/Strategic Pipeline Alliance.	<u>Castle Ward</u> 5 x Mature lime <u>Remove to ground</u> Statutory undertakers have identified that these trees will be negatively affected by planned works to replace the main control valve under the central grassland area to the south of the tower. – Tree removals are required to avoid the risk of potential structural failure as a consequence of unavoidable root loss.	Mitigation to reduce the loss of trees is currently being discussed with Anglian Waters approved contractor.
5	N/A	Flats 1-2 Sheridan Close – Housing property	<u>Glebe Ward</u> 1 x Pear <u>Fell to ground</u> This tree has been identified as the probable cause of on-going subsidence reported at this property– a previous heavy reduction of the canopy resulted in no discernible change to the levels of damage experienced – removal of the tree is requested as a final mitigation measure to prevent further structural deformation.	Approve works Replace with 1x Field Maple; to be located in a suitable position within King Georges Playing Field.
6	N/A	46 Outer Circle Drive – Housing property	<u>Glebe Ward</u> 1 x Silver birch <u>Remove to Ground</u> This tree is heavily suppressed with ivy, a survey revealed the presence of several rot pockets which indicate	Approve works Replant with a replacement Birch; to be located within grassland at the Outer Circle Drive and

			the tree is structurally compromised.	Nettleham Road junction.
7	N/A	6 Longdales Road – Highways Tree	<u>Minster Ward</u> 1 x Hornbeam <u>Remove to ground</u> This tree is currently retained with approximately 40% of canopy as deadwood – work to remove the deadwood to make safe would result in the tree becoming unbalanced – given the location of the tree its ongoing retention would pose an unacceptable risk to users of the highway.	It is intended to replace this tree with 1 x Lime cultivar “Green Spire”, to complement the rest of the avenue.
8	N/A	98 Westwick Drive – Housing property	<u>Moorland Ward</u> 1 x Sycamore <u>Remove to ground</u> This is likely a self-set specimen which is damaging boundary fence line – a wide inclusion at base of the main trunk union predisposes the tree to unpredictable failure.	Approve Works Replace with 1 x Hazel; to be located in a suitable position within the grounds of Boultham Park.
9	N/A	20 Leighton Crescent – Housing property	<u>Moorland Ward</u> 1 x Goat willow <u>Remove to ground</u> This tree is causing severe deformation to the property footpath – the required maintenance to remove the current hazard will negatively affect the stability of the tree.	Approve works Replace with 1 x selected Maple cultivar; to be planted within grassland located between the property and adjacent highway.

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Application Number:	2024/0540/HOU
Site Address:	57 Newland Street West, Lincoln
Target Date:	15th November 2024
Agent Name:	None
Applicant Name:	Mr Tanzeel Rehman
Proposal:	Erection of single storey side and rear extension.

Background - Site Location and Description

The application property is 57 Newark Street West. The application property is a two storey mid-terrace dwelling with an existing offshoot to the rear. The property is located on the north side of the road.

The application proposes erection of a single storey, rear extension off the existing offshoot and widening to the existing offshoot at the rear of the dwelling.

The property is currently in use as C3 and C4 flexible use which was granted under application 2024/0371/C4.

The application has been called into Committee by Councillors.

Site History

Reference:	Description	Status	Decision Date:
2024/0371/C4	Change of use from existing HMO (Class C4) to flexible use between HMO (Class C4) and Dwelling (Class C3).	Granted Conditionally	22nd July 2024

Case Officer Site Visit

Undertaken on 16th September 2024.

Policies Referred to

- National Planning Policy Framework
- Policy S13 Reducing Energy Consumption in Existing Buildings
- Policy S53 Design and Amenity
- Policy S13 Reducing Energy Consumption in Existing Buildings
- Policy S53 Design and Amenity

Issues

The proposal has been assessed with regard to

- 1- Accordance with National and Local Planning Policy
- 2- Design and Impact on Visual Amenity
- 3- Impact on the Amenity of Nearby Properties
- 4- Highways Safety, Access and Parking
- 5- Reducing Energy Consumption

Consultations

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

Statutory Consultation Responses

Consultee	Comment
West End Residents Association	No Response Received
Highways & Planning	Comments Received
Environmental Health	No Response Received
Contaminated Land Officer	No Response Received

Public Consultation Responses

No responses received.

Consideration

Accordance with National and Local Planning Policy and Principle of the Development

Paragraph 11 of the revised NPPF outlines that the decisions should apply a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay.

Paragraph 130 states that planning decisions should ensure that developments:

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

community cohesion and resilience.

The application is for alterations to a residential dwelling and therefore Policy S53 - Design and Amenity and S13 - Reducing Energy Consumption within Lincoln of the Central Lincolnshire Local Plan are also relevant.

Policy S53 'Design and Amenity' covers all new development. The Policy is permissive of alterations to existing buildings providing they achieve a high-quality, sustainable design that contributes to local character, landscape and townscape, and supports diversity, equality and access for all.

Extensions should reflect or improve on the original architectural style of the local surroundings or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style and should not result in harm to people's amenity either within the proposed development or neighbouring through overlooking, overshadowing, loss of light or increase in artificial light or glare.

Policy S13 requires that for all development proposals which involve the change of use or redevelopment of an existing building, or an extension to an existing building, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended).

The proposal would create additional floorspace within the rear offshoot to provide additional space to the kitchen/utility and provide an additional shower room. The existing and proposed drawings show that the number of bedrooms remains the same.

The application proposes a single storey extension to the rear to accommodate expanded living space and officers may therefore principally consider the physical and visual impact of the extension upon the neighbouring properties.

Design and the Impact on Visual Amenity.

The application is for the existing offshoot to rear of the property to be widened, lengthened and redesigned to be all one height. This would be constructed from materials to match existing.

The design outlined in the proposal would be characteristic to the wider area and relate well to the existing dwelling. Similar sized single storey rear extensions are present on nearby dwellings from the existing offshoots of these properties. The design of the extension considers the subservient element with appropriate reference to the hierarchy of the building evolution, as such the design, scale and position of the proposed development is considered appropriate and proportionate to the host dwelling.

The new extension would be positioned to the rear of the existing dwelling, ensuring that the view of the structure would be hidden and not open to public view and therefore will not cause significant harm to visual amenity.

It is therefore considered that the proposal would not result in any significant impact to the appearance or design of the dwelling or wider area in accordance with Policy S53 of the CLLP.

Impact on the Amenity of Nearby Properties/Neighbours.

The proposal would see the erection of a single storey rear extension which would extend beyond the existing offshoot by approximately 2m. The existing offshoot would also be widened slightly by approximately 1m, the overall height of the offshoot will be uniform along the length of the offshoot to match the existing.

Nearby neighbouring properties have similar sized single storey rear extensions over and above the original offshoots, therefore this would not be out of character for the area.

The proposal will be limited to a single storey no higher than the highest part of the existing offshoot at 3.6m , as such Officers consider that this would have minimal impact towards the neighbouring properties, especially given that the proposal abuts the offshoot of the neighbour's property at number 55.

While the widened part of the offshoot will extend towards the boundary of the property to the West, number 59, the limited height of the extension coupled with the relative position of the property would result in any impact being limited. Number 59 currently benefits from a two storey rear offshoot extension. The boundary here is currently defined by a low level brick wall. The proposed extension would be situated so there would be a 1m gap between the proposed elevation and the boundary.

There is no exact rule as to how the impact of development on natural light and outlook should be considered, and each case should be weighted on its own merits. Nevertheless, when assessing planning applications, the 25 degree and 45 degree tools are available to assist in making a judgement.

In order to ensure that neighbouring properties benefit from adequate levels of natural light and outlook, the 25 degree test can be applied to the vertical layout. To pass this test, no facing building should break a 25 degree angle from a horizontal point two metres above ground level when on a level surface. In this case there is a clear unobstructed zone of daylight into the neighbouring property offshoot, therefore ensuring the proposal will allow adequate light into the neighbouring property.

The 45 degree test looks at the horizontal rather than the vertical layout to ensure adequate levels of natural light and outlook. Under this test, no part of a building should break an angle of 45 degree drawn from the centre of a window in a room of primary living accommodation. However, the 45 degree test is fairly basic and does not take into account the height of the proposed development and any assessment will also need to take into account the impact of existing buildings and boundary treatments. In the case of the proposed application, the extension does lie within the angle of 45 degrees of both neighbouring properties. However, the existing structure is also within this angle, therefore any impact would be minimal over and above the impact of the existing structure already on the site.

Careful consideration to window placement has been given to minimise overlooking, insofar as no additional windows will be placed, and two of the door openings will be removed to the side elevation. As such Officers consider that the proposal would not result in unduly harmful development or significantly impact the relationship currently enjoyed between the subject property and neighbouring dwellings.

The house to the East boundary of the site shares a rear offshoot along the boundary, where the proposal is to be extended beyond the offshoot, this may have a slight enclosing effected

on Number 55, however given that the structure would be single storey, and the existing boundary treatment, on balance, it is not considered this extension would be unduly overbearing or enclosing nor cause loss of light to warrant refusal of this application. The facing elevation of the extension is blank; therefore, the extension would not provide the opportunity to overlook and would appear similar to a walled boundary treatment. Officers also consider that the proposal would not appear overbearing nor have significant impact on light given the single storey nature of the proposed structure.

To the rear of the property is the Church, and the proposal would not have an overbearing impact on this.

The extension would offer an enhancement of the existing living space and does not propose to increase the number of bedrooms available; the proposal would not therefore be considered to result in any harmful level of noise or disturbance within an existing residential area. Whilst it is inevitable some level of noise and disturbance will likely be experienced when any building works are undertaken, this would only be for a limited period, and can be conditioned to daylight hours.

It is not considered there would be any other neighbouring properties unduly impacted upon by the proposal. It is considered that the proposed extension would not cause undue harm to the amenities which neighbouring occupiers may reasonably expect to enjoy, in accordance with CLLP Policy S53.

Highways, Safety, Access and Parking

Lincolnshire County Council as Highways and Flood Authority has assessed the application as part of the consultation process and confirmed 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, and therefore have raised no objections to the proposal.

Whilst the extension would enhance the accommodation for the existing property it would not alter its existing permitted lawful C4/C3 flexible use. The proposal is a rear single storey extension, given that the proposal does not affect the parking at the dwelling and is to the rear of the existing property, therefore based on this and the Highways Authority advice Officers consider that the proposal would not be detrimental to highway safety or traffic capacity.

Reducing Energy Consumption

CLLP Policy S13 requires that "for all development proposals which involve the change of use or redevelopment of an existing building, or an extension to an existing building, the applicant is encouraged to consider all opportunities to improve the energy efficiency of that building (including the original building, if it is being extended)". The modern construction of the proposed extension, which will be built in accordance with Building Regulations, is likely to improve the energy efficiency of the property.

Other Matters

Bin Storage

An area for bin storage is not identified on the site plan, however, there is sufficient external

space within the site for this to be accommodated.

Neighbour and Consultee Comments

No Neighbour comments have been received.

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

None.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposal can be recommended for approval and would not have a significant detrimental impact on the residential and visual amenity of neighbouring properties in accordance with policies S53 and S13 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is Granted Conditionally

Standard Conditions

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

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

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

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

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

Conditions to be Discharged Before Commencement of Works

None.

Conditions to be Discharged Before Use is Implemented

None.

Conditions to be Adhered to At All Times

- 03) The use hereby approved shall only be operated between the hours of 08:00 and 18:00 Monday to Saturday and the use shall not be carried out on Sundays or Bank Holidays.

Reason: To protect the residential amenities of properties in the vicinity.

Table A

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

Drawing No.	Version	Drawing Type	Date Received
		Location Plan	20th August 2024
PP/24/0913-02		Elevations - Existing	20th August 2024
PP/24/0913-03		Plans - Existing	20th August 2024
PP/24/0913-01		Plans - Existing	11th September 2024
PP/24/0913-02		Block plans	11th September 2024
PP/24/0913-04		Floor Plans - Proposed	11th September 2024
PP/24/0913-05		Elevations - Proposed	11th September 2024

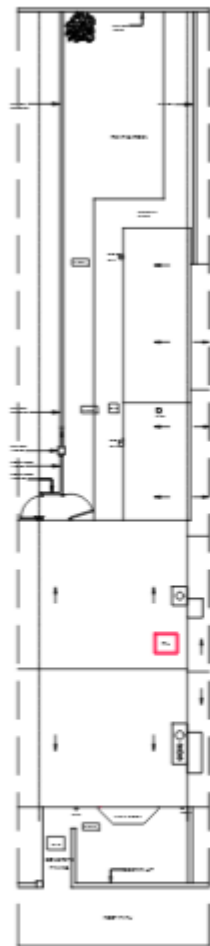
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Site plans and Photographs

Site Location



Block Plans

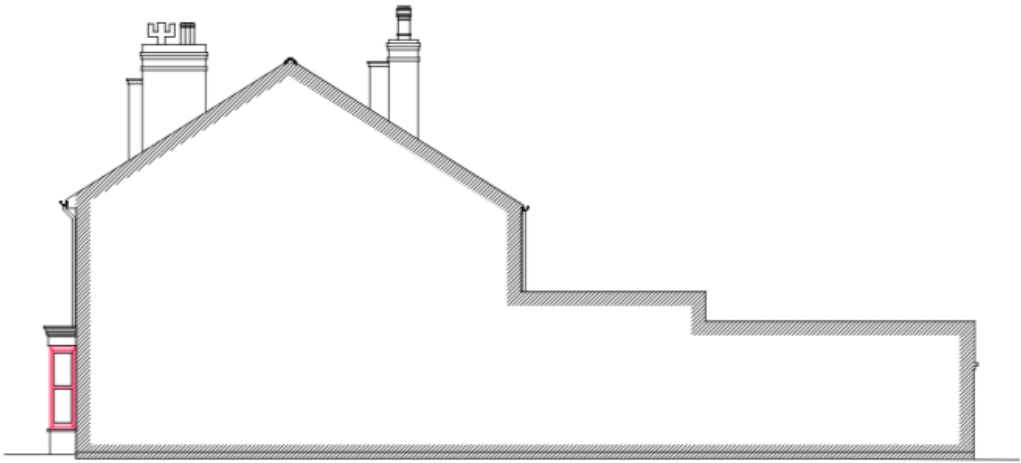


EXISTING BLOCK PLAN
Scale 1:200

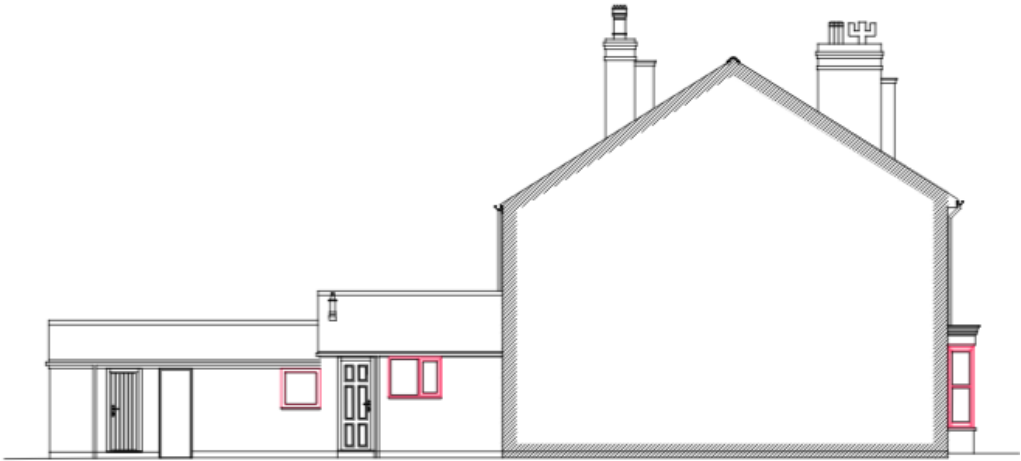


PROPOSED BLOCK PLAN
Scale 1:200

Existing Plans



Side Elevation



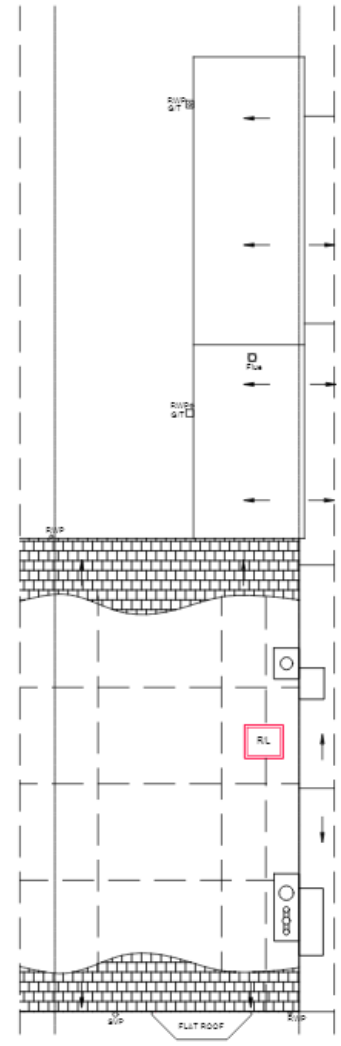
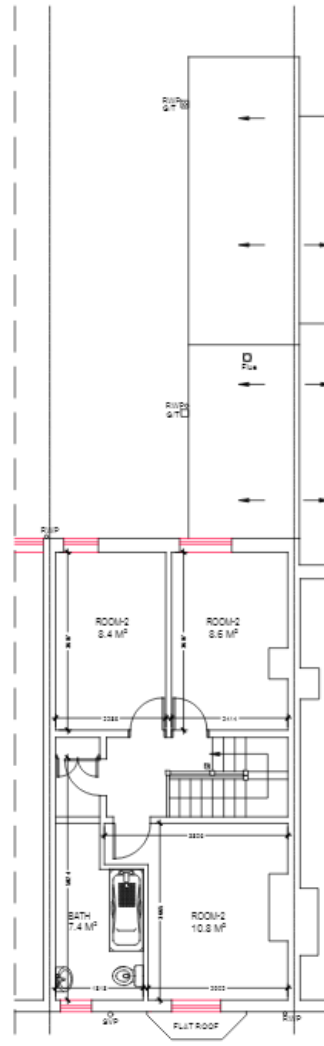
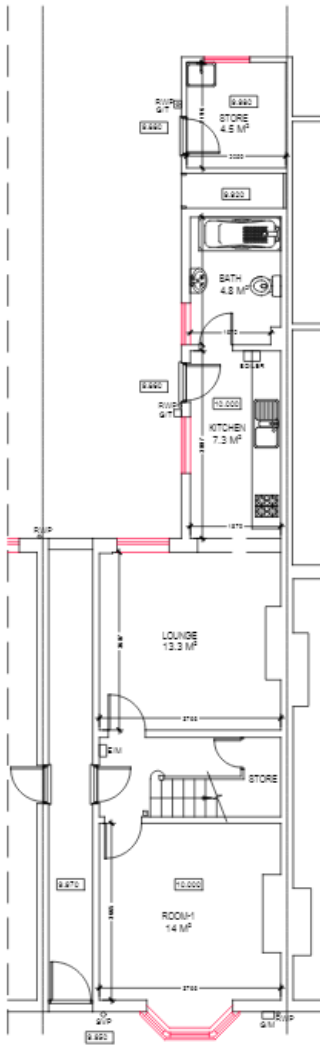
Side Elevation



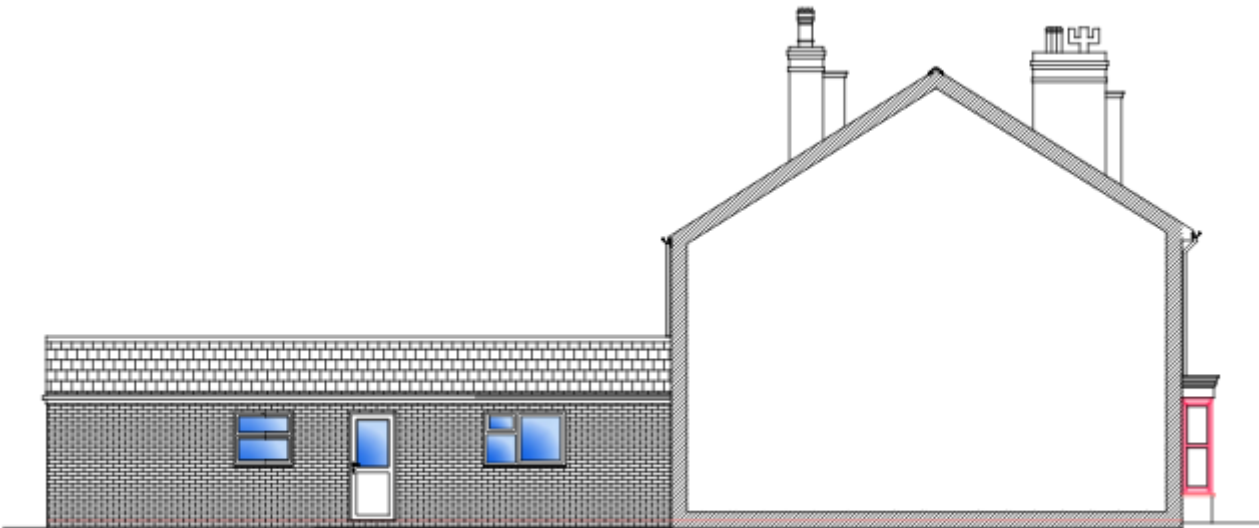
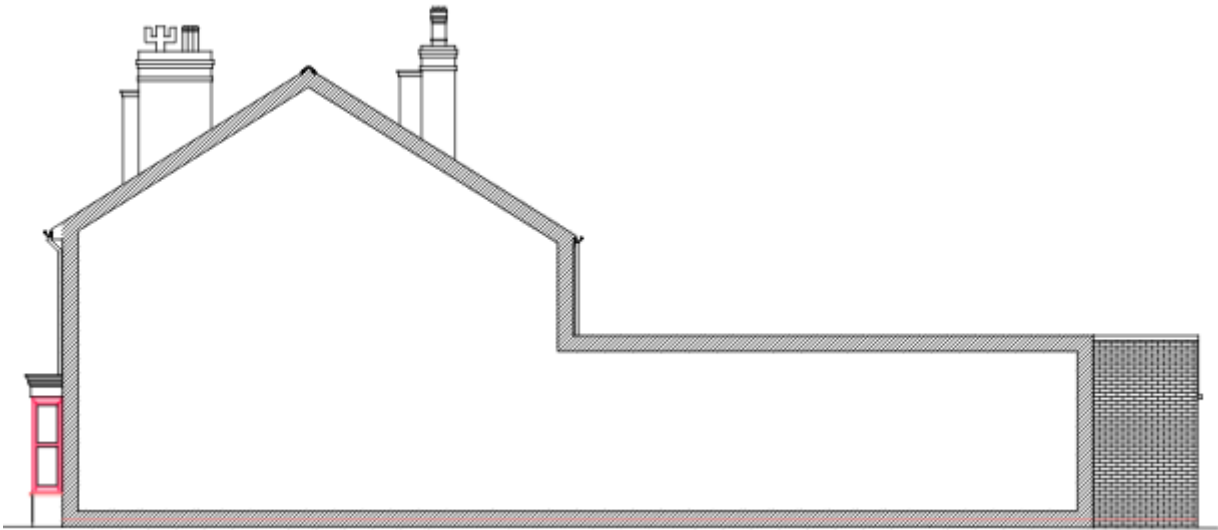
Front Elevation



Rear Elevation



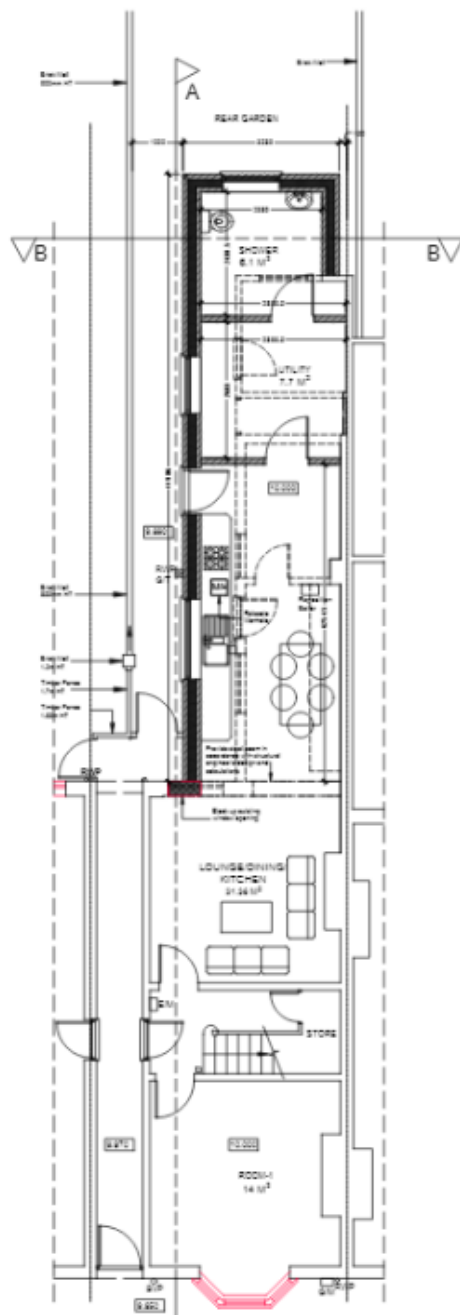
Proposed Plans



Side Elevation



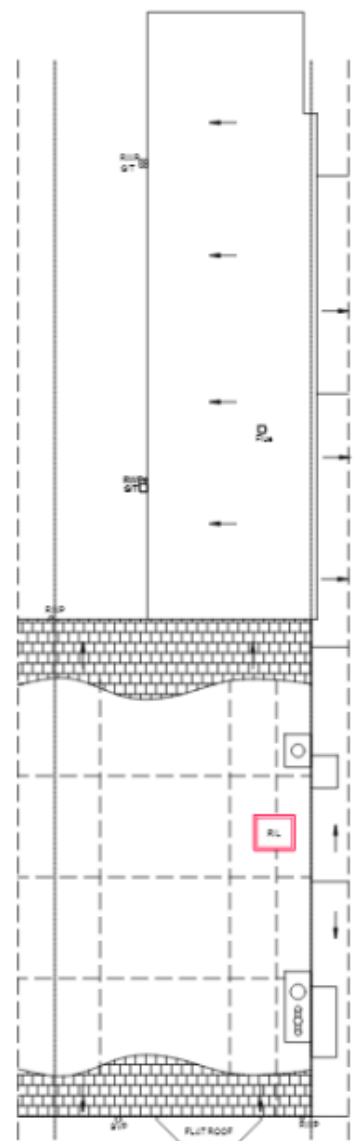
Rear Elevation



Ground Floor Plan



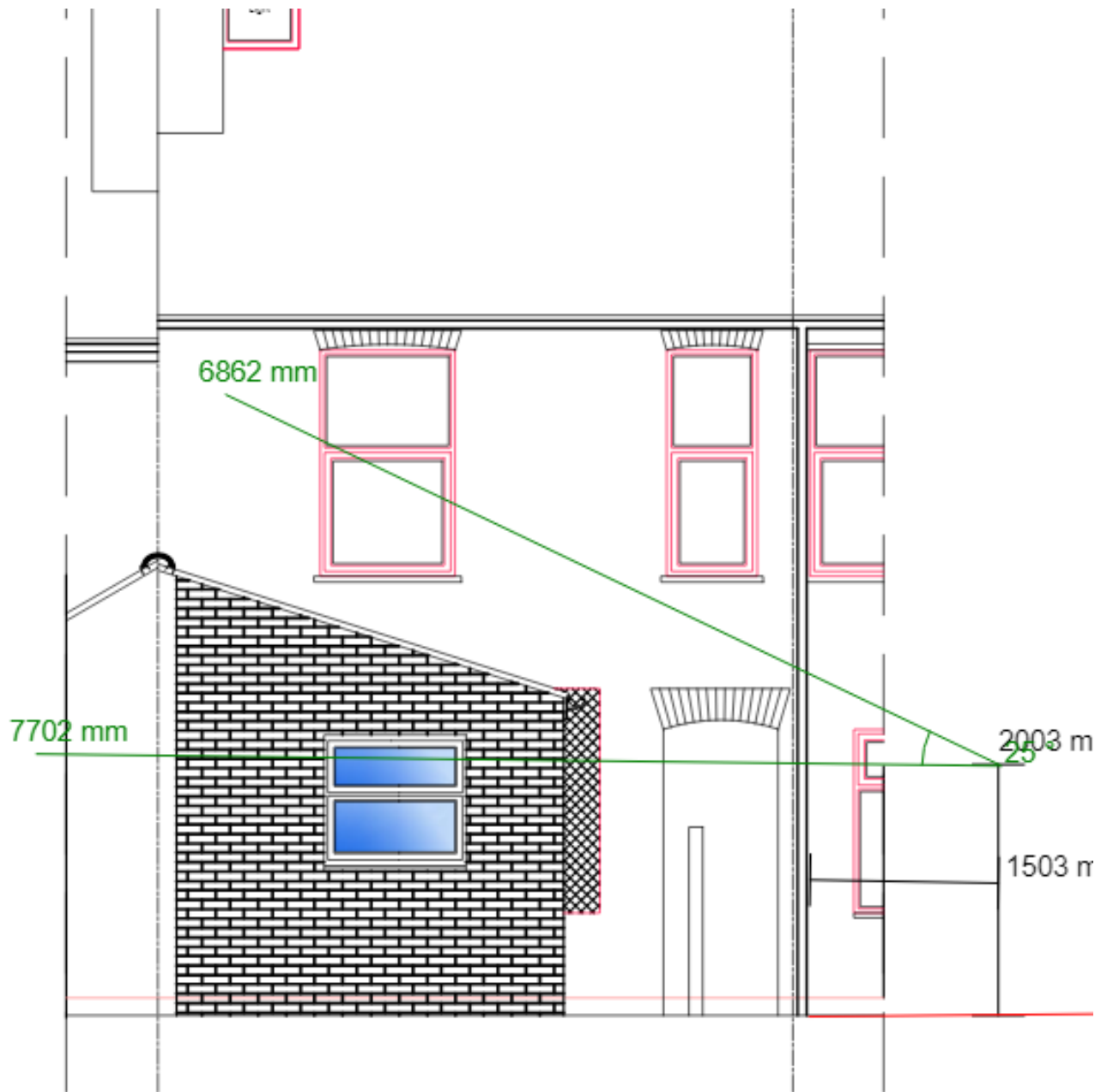
First Floor Plan



Loft Plan

25 Degree Test

Measurement taken from neighbouring properties facing elevation.



Rear Elevation

Site Photographs





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

District: Lincoln City Council

Application number: 2024/0540/HOU

Application Type: Householder

Proposal: Erection of single storey side and rear extension

Location: 57 Newland Street West, Lincoln, Lincolnshire, LN1 1QF

Response Date: 20 September 2024

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

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: 2024/0540/HOU

Application Type: Householder

Location: 57 Newland Street West, Lincoln, Lincolnshire, LN1 1QF

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 and therefore does not wish to object to this planning application.

Comments:

The proposals will not affect the public highway

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

Officer's Name: Laura Rowett

Officer's Title: Senior Development Management Officer

Date: 20 September 2024

Application Number:	2024/0448/RG3
Site Address:	391 - 392 High Street, Lincoln
Target Date:	23rd October 2024
Agent Name:	None
Applicant Name:	City of Lincoln Council
Proposal:	Replacement of 4 timber windows and 2 timber doors with white UPVC to the rear elevation.

Background - Site Location and Description

The application is for the replacement of 4 windows and 2 doors to the rear of 391-392 High Street.

The premises is two storey and located within the St Peter at Gowts Conservation Area. Planning permission is required because the premises is in commercial use. The application is brought before Planning Committee because the building is council owned and is therefore a regulation 3 application.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 15 October 2024.

Policies Referred to

- Policy S53 Design and Amenity
- Policy S57 The Historic Environment
- National Planning Policy Framework

Issues

Visual amenity and character and appearance of the conservation area.

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

Public Consultation Responses

No responses received.

Consideration

National and Local Planning Policy

Paragraph 11 of the revised NPPF outlines that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.

Policy S53 'Design and Amenity' covers all new development. The policy permissive of alterations to existing buildings providing they achieve a high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Extensions should reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style and should not result in harm to people's amenity either within the proposed development or neighbouring through overlooking, overshadowing, loss of light or increase in artificial light or glare.

Policy S57 seeks to protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. 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.

The site is within a conservation area; the NPPF states that "great weight should be given to asset's conservation" and that this is regardless of the level of harm. Where harm is established, paragraphs 201 and 202 are relevant which require a balancing exercise to be undertaken as to whether the public benefits of a scheme would outweigh the harm, in this case to the Conservation Area.

In addition to Planning Policy, there is a duty within the Planning (Listed Buildings and Conservation Areas) Act 1990 that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Visual Amenity and Character and Appearance of the Conservation Area

The application proposes to replace existing ground floor timber doors and windows with UPVC.

The replacements would be positioned to the rear and therefore not open to public view. The windows within the first floor are already UPVC casement windows and the fenestration within the neighbouring row of properties are also predominantly UPVC. It is therefore not considered that the replacements in UPVC would be uncharacteristic or cause harm to the conservation area in this particular location. The glazing bars proposed within the replacement windows and doors would match that of the original fenestration. On this basis, officers have no objection to the proposed replacement UPVC doors and windows.

It is therefore considered that the proposal would relate well to the site and context, as required by Central Lincolnshire Local Plan (CLLP) Policy S53. Accordingly, it is also considered that the proposal would preserve the character and appearance of the conservation area, as required by CLLP Policy S57 and the duty contained within Section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.

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

None.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposal would relate well to the site and context and would preserve the character and appearance of the conservation area, in accordance with CLLP Policies S53 and S57.

Application Determined within Target Date

Yes.

Recommendation

That the application is Granted Conditionally

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

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

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

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

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

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