

Present: Councillor Bob Bushell (*in the Chair*),
Councillor Gary Hewson, Councillor Debbie Armiger,
Councillor Chris Burke, Councillor Liz Bushell, Councillor
Martin Christopher, Councillor Rebecca Longbottom,
Councillor Bill Mara, Councillor Callum Roper and
Councillor Calum Watt

Apologies for Absence: Councillor Annie Currier

35. Confirmation of Minutes - 29 January 2025

RESOLVED that the minutes of the meeting held on 29 January 2025 be confirmed and signed by the Chair as a true record.

36. 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 responses received for Members' attention in relation to 15, St Andrew's Drive, Lincoln, and additional suggested planning conditions relating to Biodiversity Net Gain in respect of Land Adjacent To Lindum And Minster Practice, Cabourne Court, Lincoln.

RESOLVED that the update sheet be received by Planning Committee.

37. Declarations of Interest

Councillor Calum Watt declared a Personal Interest with regard to the agenda item titled '15 St Andrews Drive, Lincoln'.

Reason: He was known to one of the objectors, however, not in any personal capacity.

Councillor Chris Burke declared a Personal Interest with regard to the agenda item titled '15 St Andrews Drive, Lincoln'.

Reason: His son lived on St Andrew's Gardens.

Councillor Gary Hewson declared a Personal Interest with regard to the agenda item titled '15 St Andrews Drive, Lincoln'.

Reason: He was known to one of the objectors, however, not in any personal capacity.

Councillor Liz Bushell declared a Personal Interest with regard to the agenda item titled '15 St Andrews Drive, Lincoln'. Reason:

She was known to one of the objectors, however, not in any personal capacity.

38. Confirmation of Tree Preservation Order 188

Simon Cousins, Planning Team Leader:

- a. referred to the revised report circulated recently to members which replaced the original report published as Item No 4 of the main agenda for the meeting
- b. advised members of the reasons why a temporary tree preservation order made under delegated powers by the Assistant Director for Planning should be confirmed at the following site:
 - Tree Preservation Order 188: 2no Acer Pseudoplatanus (Sycamore) tree situated within the grounds of Pottergate Lodge, Lindum Road, Lincoln LN2 1NS
- c. provided details of the individual tree to be covered by the order and the contribution it made to the area
- d. reported that the making of any Tree Preservation Order was likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees, however, this was contained within existing staffing resources
- e. reported that the initial 6 months of protection for this tree would come to an end for the Tree Preservation Order on 7 April 2025
- f. confirmed that the reason for making a Tree Preservation Order on this site resulted from an application received to fell the two trees, located within Cathedral and City Centre No.1 Conservation Area
- g. reported that the Councils Arboricultural Officer visited the site to inspect the trees and using the Arboricultural Association approved 'Helliwell System' of Visual Amenity of Trees and Woodlands, considered the trees to be of high amenity value, both in full leaf, showing no signs of dieback, pests or diseases and both mechanically balanced at the time of the visit
- h. advised that consultations had been carried out with both the landowner and an adjoining property and no objections to the order had been received
- i. advised that confirmation of Tree Preservation Order 188 would ensure that the trees could not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the tree would contribute to one of the Councils priorities of enhancing our remarkable place.

RESOLVED that Tree Preservation Order No 188 be confirmed without modification and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

39. Applications for Development
(a) 15 St Andrews Drive, Lincoln

The Planning Team Leader:

- a. referred to the application property, a two storey, 5 bedroomed dwellinghouse located on the south side of St Andrews Drive
- b. advised that the application sought planning permission for change of use from an existing dwelling (C3) to a flexible use between a Dwelling (C3) and a House in Multiple Occupation (C4)
- c. advised that a city wide Article 4 Direction was adopted from the 1st March 2016 removing the permitted change from C3 to C4, necessitating the formal requirement for planning permission for this change of use; The Supplementary Planning Document (SPD) provided criteria for determining planning applications for the development of HMOs
- d. highlighted that the applicant previously applied for a HMO use for the property in 2022, but later withdrew the application after being advised that marketing information was required
- e. reported that this application had been brought to the Planning Committee due to the number of objections received from neighbouring residents
- f. detailed the history to the application site within the main body of the officer's report
- g. provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework
 - Supplementary Planning Document - Houses in Multiple Occupation
 - Policy S25: Sub-Division and Multi-Occupation of Dwellings Within Lincoln
 - Policy S53: Design and Amenity
- h. provided details of the issues to be assessed in relation to the planning application, to consider whether the application met the requirements of the Houses in Multiple Occupation Supplementary Planning Document (SPD) and Local Plan Policy and assess the proposal with regard to:
 - Accordance with National and Local Planning Policy
 - HMO Concentration
 - Marketing Considerations
 - Impact on Residential Amenity
 - Impact on Visual Amenity
 - Parking and Highway Safety
 - Cycle and Bin Storage
- i. outlined the responses made to the consultation exercise
- j. referred to the Update Sheet which contained further responses received in relation to the planning application subsequent to the agenda papers being published
- k. concluded as follows:

- The application had demonstrated that the property had a lack of demand as a family dwellinghouse currently and its change of use to allow a flexible use between a dwellinghouse or a HMO would not result in an unduly harmful impact on the overall balance of the community, residential or visual amenity, in accordance with Policies S25 and S53 of the Central Lincolnshire Local Plan and the Supplementary Planning Document.
- There would not be a harmful effect on visual amenity and the property provided adequate provision for external communal areas for amenity, cycle storage and bin storage for either the use as a dwelling or a HMO.
- It was therefore considered that the flexible use of the property was acceptable and would be in accordance with the requirements of Local Plan Policy, the SPD and guidance contained within the NPPF.

Rosie Fairweather, local resident, addressed Planning Committee in objection to the proposed planning application. She covered the following main points:

- She spoke on behalf of herself and the residents of St Andrews Drive.
- This was a family street close to two day nurseries and a primary school.
- There was also an additional school and a secondary school in the area.
- The application property was a family home which needed to be preserved.
- Properties of 4+ bedrooms were at a premium demand.
- There were plenty of single use and HMO unoccupied properties to choose from.
- There would be issues of noise pollution from HMO use.
- HMO properties tended to attract a transient population.
- The potential change of use would alter the demographics of the local area and set a precedent for future use of other properties.
- The property had only been marketed for four weeks at a reduced price of £1,600 p.c.m for rental use.
- The marketing photograph of the property had been taken during darkness which did not show the full outlook of the property.
- The property had been subject to limited rental advertisement, there had been no advertisement board displayed.
- The monthly income for the owners of the property as a HMO would amount to £2,500 for five rooms.
- Families would be pushed out.
- One local resident had been shocked to read that the property had been unoccupied for six months, this was inaccurate information as people had been seen resident there in November 2024.
- There was limited capacity for additional cars on the driveway, which would exacerbate existing parking issues.
- This property should remain as a family home.

Ms Yanube Ogedengbe, sister of the applicant, addressed Planning Committee in support of the proposed planning application. She covered the following main points:

- She understood the concerns raised by local residents.
- The property had been marketed for rent for 7 months without success.

- Family members had been living there, however, they had to move due to personal circumstances and tenancy/income for the house to pay the mortgage was needed.
- The applicant wished to help people in housing crisis by offering C4 HMO use which could be rented out for multiple occupancy and shared living costs.
- This type of use also offered ideal accommodation to professional people such as doctors and nurses.
- Some tenants could not afford £1,800 rental costs per month and chose to live together to save cost.
- This was a residential area, however, some families could not afford rental charges and chose to live together to save cost.
- The cost of utility bills also had to be taken into consideration.
- The property had been advertised for rent via social media without success.
- The use of the property as a HMO would help people on low incomes with families, having very good schools nearby.

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

- The area was used predominantly for family accommodation.
- It was close to schools, nurseries, doctors' surgeries and local amenities.
- A 'for sale' or 'to rent board' had not been seen at the property.
- The marketing issue should be reconsidered again here, giving further opportunity for the property to be sold or rented out.
- The member in question had moved to Lincoln and lived in a HMO with young professionals. There was indeed a need for these types of homes, however, there was not enough evidence in this case for lack of demand for this house as a family home.
- It could be seen that the property was still for sale via internet access, however, the estate agents were not local to the area or a substantial business.
- The member was sympathetic to the application as a HMO, however, there should also be an advertisement board for marketing to those people without internet access. There was evidence to suggest the marketing issue had not been fully addressed.
- It had not been satisfied that the property had been sufficiently marketed for rent as a family home.
- Was this road and property really suitable for HMO use? It was in the right area to be marketed for potential sale or rent having 5 bedrooms.

The following comments were noted in relation to the proposed planning application:

- Many of the objections received from local neighbours did not relate to material planning considerations.
- The Highway Authority commented that this site in an urban area with local services was within a reasonable distance to be accessed via walking, cycling and public transport. More cars on the street would worsen the situation.
- It was incredible to think that a property of this type could not be let, although comments by the owners that they wanted to look after all kinds of people were appreciated.

- Article 4 legislation had been intended to give more control over the planning process in local communities in relation to HMO's.
- The property could still be operated as C3 or C4 use and it was possible it could be used again in the future as a domestic property.
- It was not paramount to have an advertising board outside the property as long as the marketing requirements had been met.
- The concerns were justifiable taking into account HMO properties in other areas not properly maintained, however, this could happen with family properties as well as other uses.
- The housing situation in the city had changed considerably and more people rented properties or rooms in mixed occupancy.

The Planning Team Leader offered the following points of clarification:

- Supplementary Planning Documents set out the qualifying criteria for C4 HMO's and flexible uses.
- This application had met most of the criteria in 2022, apart from lack of marketing.
- It was for Committee to determine whether or not the owners had justified that a HMO was the only option for occupancy of the property rather than a rentable house for family use.
- Any part of the city was appropriate for HMO use.

A motion was proposed that the application be granted according to the recommended officer conditions listed on page 32/33 of the report.

The motion failed to receive a seconder, and fell. Planning permission was therefore refused.

The meeting was adjourned for a short period of time to allow for settlement and dispersal of the public audience. It was then resumed.

RESOLVED that planning permission be refused on the grounds of:

- Policy S25: Sub Division and Multi-Occupation of Dwellings Within Lincoln. It had not been sufficiently demonstrated there was no demand for sale or rent of this property.

(b) Land Adjacent To Lindum And Minster Practice, Cabourne Court, Lincoln

The Planning Team Leader:

- a. advised that planning permission was sought for a 59 bed care home (Class C2) which would be located within a new building fronting Nettleham Road, accessed through the existing access, Cabourne Court, incorporating parking for the care home and additional spaces for the existing adjacent medical practice
- b. described the location of the existing Lindum and Minster Medical Practices to the west, Cathedral View Court (retirement housing) located to the north, and residential properties located on the south east side of Nettleham Road
- c. reported on the current use of the site, an area of green space accessible to the public with unrestricted access via a footpath to the doctors' surgeries, with other uses on Cabourne Court of a pharmacy, sport injury

clinic, a chiropractic clinic, a dental practice and hearing specialist

- d. added that the site consisted of currently two areas of grassland bordered by a hedgerow containing a single tree; there were more substantial trees on the Nettleham Road frontage outside of the site which would be unaffected by the proposal
- e. advised that the principal of development of the site was previously established through a previous planning application for student accommodation on the site; application 2016/0389/FUL granted planning permission for a 70 bedroomed student development within three buildings 2 and 3 storeys high
- f. highlighted that the application before us proposed a building of three storeys, arranged in an L shape with its main elevation facing Nettleham Road, together with provision of an additional 30 car parking spaces, cycle parking and new landscaping
- g. stated that the agent had provided a detailed Design and Access Statement and there have been positive pre-application and post submission discussions with the architect in relation to the design which has resulted in changes being made which had improved the proposal significantly
- h. detailed the history to the application site within the main body of the officer's report
- i. provided details of the policies pertaining to the application, as follows:
 - Policy S1: The Spatial Strategy and Settlement Hierarchy
 - Policy S6: Design Principles for Efficient Buildings
 - Policy S8: Reducing Energy Consumption – Non-Residential Development
 - Policy S21: Flood Risk and Water Resources
 - Policy S53: Design and Amenity
 - Policy S56: Development on Land Affected by Contamination
 - Policy S57: The Historic Environment
 - Policy S60: Protecting Biodiversity and Geodiversity
 - Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains
 - Policy S66: Trees, Woodland and Hedgerows
 - National Planning Policy Framework:
 - Para 10 – Presumption in Favour of Sustainable Development
 - Para 61 – Promoting Housing Choice
 - Para 124 – “Good design is a Key Aspect of Sustainable Development
- j. provided details of the issues to be assessed in relation to the planning application, as follows:
 - Principle of Development and Compliance with National and Local Planning Policy
 - Impact on Amenity of Adjacent Residents
 - Impact on the Visual Amenity of this Part of the City

- Highway Matters
- Impact and Contribution to Biodiversity
- Energy Efficiency and Sustainability
- Site Specific Technical Matters
- S106 Contributions to Local Health Provision

k. outlined the responses made to the consultation exercise

l. referred to the Update Sheet which contained further suggested additional conditions in relation to Biodiversity Net Gain

m. concluded as follows:

- This application was carefully considered and proposed a development that accorded with national and local planning policy.
- The site has previously had planning permission for a three and two storey building and the design of the current proposal was of sufficient merit to be acceptable on this main approach to the City.
- The technical details were well developed and dealt with any issues.
- The application would also make an appropriate contribution to local NHS provision.

Members discussed the content of the report in further detail.

The following comments emerged in relation to the proposed planning application:

- This green space was a good site for a care home for our ageing population.
- The design of the building was pleasing.
- The look of the building would contribute to the area.
- This was a very similar application to the last one for the site but for a different use. The elevation seemed fine.
- It would help to alleviate the current issues with a lack of social care.
- It was pleasing to see the use of solar panels within the development.
- The energy credentials were good.
- There was a planting scheme for the site which included replacement of the hedgerows.
- It was hoped that employees would be encouraged to take part in a travel plan/car sharing scheme rather than total reliance on parking their cars on site.

The following questions were raised:

- Had the S106 payment been agreed?
- Why was there not enough space for air-source heat pumps?
- With the current pathway through the site to be re-routed, how would this affect both the existing site and the new development?
- Would the hedgerows in place adjacent to the Our Lady of Lincoln School be replaced to offer screening to the play area at the school?
- Would Electric Charging Vehicle bays be included within the scheme?

- In terms of Biodiversity Net Gain, was it possible for a financial contribution to be made to offsite ecological enhancement locally to satisfy net gain, perhaps Hope Wood?

The Planning Team Leader offered the following points of clarification:

- The applicants had verbally agreed to a contribution of some £21,000 to the NHS for use at the adjacent medical practice. It just needed formal sign-off.
- In terms of energy efficiency, it was not possible to make the property zero carbon neutral due to the age and needs of the residents, therefore gas boilers would be installed as well as air-source heat pumps.
- The existing footpath would be diverted around the edge of the building.
- In terms of the hedgerows; as a part of the biodiversity regulations a baseline assessment had to be conducted which had to make provision of more than 10% of what was already present. It was for Committee to determine whether it was appropriate for the hedgerows to be conditioned as retained or replaced, subject to grant of planning permission.
- The parking arrangements would supplement what already existed. These buildings had sufficient car parking provision.
- In terms of a Travel Plan, officers awaited final details of a scheme to minimise the use of private cars particularly by members of staff and to encourage cycling and use of public transport where possible. The Travel Plan would be monitored.
- The provision of Electric Charging Vehicle bays was a requirement set under building regulations.
- A great deal of discussion had taken place around off-site provision in relation to Biodiversity Net Gain. The aim through legislation required that Biodiversity loss was compensated on-site wherever possible. In terms of off-site contributions, credits were more expensive the further afield, and had to be registered with Natural England.

A motion was proposed that an additional condition be imposed subject to the grant of planning permission for retention or replacement of the hedgerow adjacent to our Lady of Lincoln School. The motion was seconded, voted upon and carried.

RESOLVED that authority be delegated to the Assistant Director (Planning and City Services) to grant planning permission subject to the satisfactory conclusion of the s106 agreement and in accordance with the following conditions:

1. Hedgerows along border to Our Lady of Lincoln Key Stage 2 Playground to be retained or replaced.
2. Development to commence within three years.
3. Development to be undertaken in accordance with the approved plans and associated technical documents.
4. Landscaping to be completed before development is first occupied.
5. Car parking to be completed and available before development is first occupied.
6. Unexpected contamination and verification of final development to be dealt with in accordance with details to be approved.
7. Standard archaeological conditions.
8. Sample of all facing materials before development above ground is commenced.

9. Development carried out in accordance with Arboricultural Report – protection of existing trees adjacent to the site.
10. The Biodiversity Gain Plan shall be prepared in accordance with the [Statutory Small Site Biodiversity Metric] updated [21/02/25] and prepared by [Maddy Carter].
Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 [and CLLP policy 61]
11. No development hereby permitted until a written Habitat Management and Maintenance Plan [HMMP] in accordance with the [Statutory Small Site Biodiversity Metric] updated [21/02/25] and prepared by [Maddy Carter]. is submitted to and approved in writing by the Local Planning Authority. The HMMP shall relate to all 'significant' biodiversity gains on site and must be strictly adhered to and implemented in full for a minimum of 30 years following the initial completion period approved pursuant to condition []. The HMMP must contain the following:
- a non-technical summary;
 - the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP];
 - the details of funding, resources and mechanisms for long term delivery of the [HMMP].
 - the planned habitat creation and enhancement works for the initial [5] completion period to create or improve habitat.
 - the management measures to maintain habitat for a period of 30 years from the completion of development.
 - the monitoring methodology and frequency in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority.
 - reporting to the LPA required for years [1, 3, 5, 10, 15, 20, 25, 30] following the completion period.
 - Reports to the LPA should use the Natural England HMMP Monitoring report template (Word) supplemented with either an updated Statutory Metric showing gains to date or Natural England HMMP Monitoring report template (Excel). Geostamped Photo evidence must also be provided (reports may be produced by those meeting the definition of a competent person as defined by the statutory Small Site Metric user guide).
 - All reports must be submitted no later than September 1st on each reporting year.
 - The mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.
 - Applicants are advised to use the Natural England HMMP Template found at <https://publications.naturalengland.org.uk/publication/5813530037846016>
12. Notice in writing shall be given to the Council within 15 working days of the Initial habitat creation and enhancement works as set out in the [HMMP] being completed.
Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 [and CLLP policy 61]
13. No development must take place until details of species enhancements/mitigations is submitted to and approved by the Local

Planning Authority. Enhancements/mitigations must include, as a minimum, specifications and location details of the following.

- Details of development and construction methods measures to be taken to minimise the impact of any works on habitats/wildlife.
- Details of any precautionary method statements for protected species [must include the pre demolition bat/bird survey by a suitably qualified individual].
- Details of a sensitive lighting strategy.
- 6x integrated swift bird box/brick [installed in groups of three].
- 4x integrated bat box/brick/tube and 1 Bat loft [2x access roof tiles].
- 4 x integrated bee/insect bricks.
- 1 x hedgehog refugia.
- 6 x hibernacula & log pile [in total].

The details approved must be installed prior to use and must be retained as such thereafter.

Reason: In the interest of nature conservation and to accord with the National Planning Policy Framework and local policy S60 of the Central Lincolnshire Local Plan 2023.

(c) 120 Larchwood Crescent, Lincoln

The Planning Team Leader:

- a. described the application property at 120 Larchwood Crescent, a two-storey brick dwellinghouse in the City Council's ownership
- b. reported that planning permission was sought for the change of use of a patch of land to the side of the property which was currently subject to anti-social behaviour risk; the land was currently residential amenity land owned by the City Council and they wished to use this as garden land
- c. advised that the application was brought before Planning Committee because the land was in the ownership of the Council and was therefore a regulation 3 application
- d. provided details of the policies pertaining to the application, as follows:
 - 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:
 - Accordance with National and Local Planning Policy
 - Design and the Impact on Visual Amenity, Character and Appearance
 - Impact on Residential Amenity
 - Highways Safety, Access and Parking
- f. outlined the responses made to the consultation exercise
- g. concluded that the proposals would not have a detrimental impact on the residential and visual amenity of neighbouring properties in accordance

with policies S53 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Members discussed the content of the report in further detail.

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 Table A below.

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

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

Conditions to be discharged before commencement of works

None.

Conditions to be discharged before use is implemented

None.

Conditions to be adhered to at all times

None.

Table A

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

Drawing No.	Version	Drawing Type	Date Received
		Location Plan	17th December 2024