

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 Carrier

40. Confirmation of Minutes - 26 February 2025

RESOLVED that the minutes of the meeting held on 26 February 2025 be confirmed and signed by the Chair as a true record.

41. Update Sheet

An update sheet was circulated to members of Planning Committee in relation to planning applications to be considered this evening, which included an additional response received for Members' attention in relation to Application for Development: City Crematorium, Washingborough Road, Lincoln.

RESOLVED that the update sheet be received by Planning Committee.

42. Declarations of Interest

No declarations of interest were received.

43. Work to Trees

The Arboricultural Officer:

- a. advised Planning Committee that the main purpose of the 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 thought it was both helpful and were able to do so
- b. sought consent to progress the works identified, as detailed at Appendix A of the 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.

Members asked:

- Question: In respect of the coppicing of 3 x Hawthorn trees in Abbey Ward, how frequently was this work repeated?

- Response: Coppicing was completed every 3-5 years dependent on the species. The trees were regularly monitored once work was completed.
- Question: In relation to the proposal for extensive removal of trees in Birchwood Avenue, were these trees the subject of a Tree Preservation Order?
- Response: These trees were identified for removal following survey work conducted on Birchwood Avenue. The majority were dead standing and could not remain due to safety implications covered by the Highways Act. Replacement trees would be replanted on Birchwood Avenue itself.
- Question: Had we maintained these dead-standing trees properly?
- Response: The majority were diseased, which was unpreventable, mainly dead Alders and Silver Birch trees.

Members gave thanks to Tom Gissing, Arboricultural Officer as he prepared to leave the employment of the Authority. Gratitude was paid for his hard work and dedication to the City of Lincoln Council and its wonderful trees.

RESOLVED that the tree works set out in the schedule published within the report be approved.

44. Applications for Development

45. City Crematorium, Washingborough Road, Lincoln

The Assistant Director of Planning:

- a. described the location of Lincoln Crematorium on the south-east edge of the City of Lincoln, to the north side of Washingborough Road, occupying an area of approximately 4.7 hectares, set within extensive cemetery grounds largely surrounded by open space and community uses, with minimal residential development nearby
- b. advised that planning permission was sought for the continued use of the secondary eastern chapel that had been erected on site to provide for an increasing demand in service and to ensure continuity of an efficient and respectful service whilst future plans for a permanent chapel were developed
- c. reported that the building was located towards the eastern side of the crematorium grounds and had been designed to operate within the existing infrastructure and layout of the site
- d. added that this evening's proposal included associated drainage provision but did not involve any changes to access, parking, or the surrounding landscape which were previously carried out as part of the original development
- e. reported that the application was brought before Planning Committee as the service was owned and run by the City of Lincoln Council
- f. detailed the history of the application site within the main body of the officer's report
- g. provided details of the policy pertaining to the application, as follows:
 - National Planning Policy Framework

- Policy S6: Design Principles for Efficient Buildings
 - Policy S13: Reducing Energy Consumption in Existing Buildings
 - Policy S50: Community Facilities
 - Policy S53: Design and Amenity
 - Policy S63: Green Wedges
- h. provided details of the issues to be assessed in relation to the planning application, as follows:
- Accordance with National and Local Planning Policy
 - Impact on Amenity of Neighbouring Uses
 - Impact on Visual Amenity
 - Highway Safety, Access, Parking and Surface Water Drainage
 - Impact on Trees and Landscaping
- i. outlined the responses made to the consultation exercise
- j. referred to the update sheet which included an additional response received from Lincolnshire Wildlife Trust after the original agenda documents were issued
- k. concluded as follows:
- The proposal was required to ensure the continued provision of essential services while long-term development plans for the permanent second chapel progressed.
 - The scheme enabled the site to continue to operate at full capacity, meeting current and growing demand efficiently and respectfully, while supporting a smooth transition to future improvements.
 - The proposal would not result in any adverse impact on neighbouring uses or the visual character of the crematorium grounds and surrounding area and was in accordance with the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Members discussed the content of the report in further detail.

The following questions were raised:

- Clarification was requested on the consultation response received from Lincolnshire Wildlife Trust.
- How long could the secondary eastern chapel remain in situ as a temporary structure?
- Were there any plans in place to replace the trees removed to erect the temporary structure?

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

- The representation from Lincolnshire Wildlife Trust referred to biodiversity net gain. As the development in question was completed before 1 April 2021, biodiversity net gain did not apply in this case as mandatory legislation did not come into effect until April 2024. There was no legal obligation to apply such legislation due to the date of the original works.

- Replacement trees were replanted at the time the temporary structure was given planning permission.
- The timescale for the temporary structure was originally set at 5 years. However, a further extension of the temporary consent gave a little more time for the service to run smoothly while long-term development plans for the permanent second chapel progressed and funding was secured.

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

Standard Condition

- Development remains in strict accordance with the approved drawings.

46. 56 Boultham Park Road, Lincoln

The Planning Team Leader:

- a. advised that planning permission was sought for an alteration to a ground floor rear window to 56 Boultham Park Road to incorporate a window vent in association with a new extraction system within the premises
- b. reported that the applicant had stated that the use of the premises would not change and would be operated under E (b) -Sale of food and drink for consumption (mostly) on the premises, therefore there was no change of use to be considered; solely installation of an external fume extraction equipment for use between the hours of 8am and 11pm
- c. advised that the building was previously used as a shoe shop, however was currently empty, with authorised use of Class E; a previous application was refused for a change of use to hot food take away (Sui Generis) (2021/0038/FUL)
- d. described the location of the application site:
 - No. 54 Boultham Park Road was situated to the north, a residential property with a single storey link at ground floor to the application property.
 - A detached shop (Use Class E) was located to the south at ground floor which appeared to have a flat at first floor.
 - Residential properties were located behind the application site and directly opposite the property
 - The area was predominantly residential properties with the exception of the application property, the shop to the south and the car sales garage further north on the opposite side of the road.
- e. detailed the history to the application site within the main body of the officer's report
- f. provided details of the policy pertaining to the application, as follows:
 - Policy S53: Design and Amenity
- g. provided details of the issues to be assessed in relation to the planning application, as follows:

- Local and National Planning Policy
- Impact on Residential Amenity
- Impact on Visual Amenity

h. outlined the responses made to the consultation exercise

i. concluded as follows:

- The application had been accompanied by robust noise and odour assessments, showing appropriate mitigation.
- The system proposed, subject to conditions would not have a detrimental impact on the amenity of neighbouring uses 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.

The following member comments were received:

- Planning Committee should have a say on the hours of operation of the fume extraction system in a residential area.
- This site was no longer a suitable location for restaurant/café use in this predominantly residential area.
- Local residents seemed to have strong feelings about the proposals, and were puzzled about the application, without any background information provided within the report to explain why.
- The application before us did not require planning permission as it would operate under category E. The threshold for the use of the premises was key to the future running of the business.

The following questions were raised:

- How long were properties permitted to stay in the same Class category in planning terms? In this case changes had occurred in the area with a large increase in residential properties.
- As stated, the site would be operated under E (b) -Sale of food and drink for consumption (mostly) on the premises. Was there a threshold figure in existence for 'mostly' on the premises, perhaps 49% v 51%?
- Had an assessment been carried out of the potential impact to neighbours from the operation of the fan in terms of vibration and noise?
- Would the operation of the extractor fan stop neighbours hanging out their washing or sitting in their gardens? Could reassurance be given that the extraction system was a high-quality product and would not impact on peoples quality of life.
- Had there been any complaints received from residential properties along the High Street from the operation of existing fume extraction systems behind their properties?
- How had the operating hours for the fume extraction system of 8am – 11pm been decided and was this a reasonable length of time? Could we control this?
- Was it possible to invite Environmental Health Officers along to future meetings if there were likely to be questions from members of Planning Committee requiring a response?

- There was no mention as to whether the upstairs of the building would be used as a café/restaurant. How were the opening times of the premises to be controlled?

The Planning Team Leader offered the following points of clarification:

- He understood the concerns expressed by Planning Committee members and local residents.
- In terms of how long the current use class for the premises would remain, its use as a restaurant/café was taken up from 2020. It could potentially be in that use as Class E for perpetuity.
- In terms of enforcement, the Planning Authority had the powers to monitor the use of the premises to ensure all conditions were adhered to.
- In relation to threshold figures for the operation of the premises, this wording was non-specific, taken from legislation and was not defined.
- Noise/vibration concerns – A report had been provided by the applicant to deal with these issues. The Environmental Health Officer was satisfied that suitable mitigation measures were to be put in place in this respect.
- Extraction system – A detailed extraction design had been submitted by the applicant, that was to the satisfaction of the Environmental Health Officer, provided it was fully implemented on site. A condition was imposed subject to the grant of planning permission requiring verification documentation to be submitted detailing the mitigation measures employed, to be approved by the Planning Authority following completion of the works.
- As to whether there had been any complaints relating to existing extraction systems in the High Street area, this would be a question for the Environmental Health Officer, who carried out regular inspections and had powers to intervene to make sure extraction systems were operated according to the manufacturer's instructions.
- In terms of hours of business, this could not be controlled under planning legislation; however, food was not able to be prepared outside the hours of operation of the fume extraction facility. Environmental Health Officers had recommended the hour of 8am -11pm for the operation of fume extraction as generally accepted use for premises such as this.
- The first floor of the building was used for storage. The Planning Authority could not control how the building operated as it had no powers over the internal layout of the premises, only its considered authorised use.

The Assistant Director of Planning explained that the Planning Authority could consider inviting a range of consultees and lead colleagues who routinely fed into the planning consultation process to answer questions at Committee, with the caveat there was sufficient an issue/need for such attendance rather than matters that could be dealt with by Planning Officers.

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

Standard Conditions

- 01) The development shall be implemented within 3 years
- 02) The development shall be undertaken in accordance with the approved drawings

Conditions to be Discharged Before Use is Implemented

- 03) The kitchen extract system mitigation measures detailed in applicant's acoustic report (ref. 'Noise Impact Assessment of Revised Proposed Kitchen Extract System at Restaurant with Hot Food Takeaway Facility, 56 Boutham Park Road, Lincoln', prepared by S. & D. Garritt Ltd, dated 17th December 2024); odour assessment report (ref. '56 Boutham Park, Lincoln', prepared by Purified Air, dated 5th March 2025); and drawing ref. 22.07.D1 - 'Existing and Proposed Plans R3' shall be implemented prior to the commissioning of the kitchen extract system. The Planning Authority must be given two weeks written notification of commencement of the mitigation scheme works.

Following the completion of works a verification report documenting the installation of the approved mitigation shall be submitted to and approved by the Planning Authority. The verification report shall clearly demonstrate that the installed mitigation measures achieve the assessment criteria contained in the submitted noise and odour assessments detailed above.

The approved mitigation measures shall remain in place and operated and maintained in accordance with the manufacturers' instructions thereafter.

Reason: In order to protect residential amenity of neighbouring properties.

Conditions to be Adhered to At All Times

- 04) The extraction system shall only be permitted to be operated between the hours of 8.00am and 11.00pm.

Reason: In order to protect residential amenity of neighbouring properties.

- 05) The approved kitchen extraction shall not be used to extract fumes and odours associated with solid fuel cooking appliances.

Reason: In order to protect residential amenity of neighbouring properties properties.