

**Present:** None. (*in the Chair*),  
Councillor Peter West, Councillor Biff Bean, Councillor Kathleen Brothwell, Councillor Bob Bushell, Councillor Thomas Dyer, Councillor Paul Gowen, Councillor Gary Hewson, Councillor Ronald Hills, Councillor Tony Speakman and Councillor Naomi Tweddle

**Apologies for Absence:** Councillor Jim Hanrahan and Councillor Edmund Strengiel

**43. Confirmation of Minutes - 13 September 2017**

RESOLVED that the minutes of the meeting held on 13 September 2017 be confirmed.

**44. Declarations of Interest**

Councillor Kathleen Brothwell made a Declaration of Predetermination with regard to the agenda item titled 'Application for Development: 4 Eastgate, Lincoln'.

Reason: She sat as Chair of the Licensing Sub Committee hearing which awarded Beerheadz a premises licence.

Councillor Naomi Tweddle declared a Personal Interest with regard to the agenda item titled 'Application for Development: 4 Eastgate, Lincoln'.

Reason: As Ward Councillor she had spoken to constituents on matters of protocol in the determination of Planning Committee decisions only. She had in no way predetermined her opinion on the matter to be discussed this evening.

**45. Community Infrastructure Levy (CIL)**

Toby Forbes Turner, Principal Planning Officer:

- a. presented a report to advise Planning Committee on the current programme in respect of progressing Community Infrastructure Levy (CIL) adoption by the Authority as detailed at paragraph 1.1 of the officer's report
- b. advised that further to previous reports to Policy Scrutiny Committee and Executive on the City Council's CIL programme, Planning Committee Members were requested to consider the requirements on effectively the final stages of CIL process, namely adoption of CIL
- c. highlighted that following the CIL Examiner's report (detailed at Appendix 1), which concluded that subject to recommended modifications '*The City of Lincoln Council draft Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area*', and subject to member approval, the City Council was in a position to adopt a CIL Charging Schedule

- d. detailed the five modifications recommended to the Draft Charging Schedule as detailed within paragraph 3 of the report
- e. identified the time line to implementation of CIL subject to Council approval as detailed at paragraph 4 of the officer's report
- f. requested members' comments on the content of the report prior to referral to Executive and Council for final approval.

Members discussed the content of the report in further detail, requesting clarification as to when developers would be liable for payment of both S106 monies and CIL?

Toby Forbes Turner, Principal Planning Officer confirmed that a reasonable period of notice was required between adoption and implementation to allow notification to developers about to submit a planning application and to align with other Central Lincolnshire Charging Authorities. Following the implementation date, developers would be liable for CIL once planning permission was granted.

RESOLVED that

- The proposal for the Council to approve the modifications as set out in the City of Lincoln Council CIL Examination Report (Appendix 1) to the Draft Charging Schedule be noted and recommended to be incorporated into the City of Lincoln Council CIL Charging Schedule by Members.
- The proposal for the Council to adopt the amended City of Lincoln Council CIL Charging Schedule (Appendix 2) be noted by Members;
- The proposal to implement the supporting policies in Appendix 3 (Regulation 123 List, Instalments and In-Kind policies) to be approved by Council be noted by Members.
- The proposal that the CIL Charging Schedule be implemented by the City of Lincoln Council on a date as soon as is practicable on or after 1 January 2018 be supported by Members.

#### **46. Work to Trees in City Council Ownership**

The Arboricultural Officer:

- a. advised Members of the reasons for proposed works to tree's in City Council ownership and sought consent to progress the works identified at Appendix A of his report
- b. explained that Ward Councillors had been notified of the proposed works
- c. stated that in some cases it was not possible to plant a tree in the exact location and in these cases a replacement would be replanted in the vicinity.

RESOLVED that the works set out in the schedule at Appendix A attached to the report be approved.

#### **47. Confirmation of Tree Preservation Order 153**

The Planning Manager:

- a. advised members of the reasons why a tree preservation order (temporary) should be confirmed at the following site:
  - Tree Preservation Order 153: Group of Trees Comprising 3 Yews and 5 Hollies, Eastgate Club, Langworthgate, Lincoln
- b. provided details of the individual trees to be covered by the order and the contribution they made to the area
- c. advised that following the statutory 28 day consultation period, one objection had been received to the making of the order from the neighbouring property at 19 Langworthgate, Lincoln
- d. outlined further details behind this objection as reported within paragraph 4.1 of the report
- e. stated that confirmation of the tree preservation order here would ensure that the trees could not be removed or worked on without the express permission of the council.

RESOLVED that tree preservation order no 153 be confirmed without modification and that delegated authority be granted to the Planning Manager to carry out the requisite procedures for confirmation.

**48. Change to Order of Business**

RESOLVED that the order of business be amended to allow the report on 4 Eastgate, Lincoln to be considered as the next agenda item.

**49. Application for Development: 4 Eastgate, Lincoln**

*(Councillor Brothwell left the room during the consideration of this item having made a declaration of predetermination in relation to the planning application to be discussed. She took no part in the vote on the matter to be determined.)*

The Planning Team Leader:

- a. advised that planning permission was sought for change of use to the ground floor of a two storey red brick building erected in 1895 at 4 Eastgate, Lincoln from an Estate Agency (Class A2) to a Public House (Class A4), namely 'Bearheadz' drinking establishment
- b. advised that the application site sat within Conservation Area No 1 'Cathedral and City Centre' and the setting of several listed buildings, including Lincoln Cathedral
- c. described the relevant site history to the planning application as detailed within the officer's report
- d. provided details of the policies pertaining to the application as follows:
  - Policy LP1: A Presumption in Favour of Sustainable Development

- Policy LP26: Design and Amenity
  - Policy LP33: Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- e. outlined the responses made to the consultation exercise
- f. referred to the update sheet which contained a further response received in respect of the proposed development together with a map showing neighbour consultations
- g. highlighted the main issues relating to the proposal as follows:
- National and Local Planning Policy
  - Potential Impact on Visual Amenity, the Character and Appearance of Conservation Area No 1 and the Significance of other Designated Heritage Assets
  - Potential Impact on Residential Amenity
  - Highway Safety and Parking
- h. concluded that:
- The proposed drinking establishment would not result in the uphill and Bailgate area losing its mixed use character nor harm the local environment or the amenities which occupiers of nearby properties may reasonably expect to enjoy, in accordance with Policy LP33 'Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area' and Policy LP26 'Design and Amenity' of the Central Lincolnshire Local Plan (2017).
  - Furthermore, the proposals were considered to be in accordance with the duty contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 'In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

Paula West, local resident, addressed Planning Committee in objection to the proposed development, outlining the following main concerns:

- She had lived and worked in the Cathedral Quarter for 15 years.
- She represented Bailgate Guild, neighbours and fellow residents.
- The proposed use of the premises would impose a critical difference on the community and set a precedent to the fundamental make-up of the area.
- The Cathedral Quarter was unique in its national importance.
- School children and visitors using the area would be forced to share the pavement outside the premises with clientele exiting the public house to smoke a cigarette.
- Noise nuisance from deliveries/extraction fans/ music playing.
- With a capacity of 70 drinkers, how could the premises be perceived as a calm and gentle place?
- Students would be encouraged to visit the premises.
- The premises would be open until 1.30am seven days a week.
- Residents were witnessing a changing face to Bailgate into a drinking area.

- Issues of Anti-Social Behaviour/street fights, the consequences of which were huge for visitors and residents.
- Should members be minded to grant planning permission, a condition was requested to control opening hours/times of delivery of the premises.

Councillor Liz Maxwell addressed Planning Committee as Ward Advocate, representing local residents in relation to the application, covering the following main concerns:

- She represented local residents and local businesses.
- Anti-Social Behaviour was dreadful in this area.
- There were 12 bars/restaurants operating between Newport Arch and Westgate.
- Most of the premises shut at 11.00pm to avoid noise disruption.
- There were many hen/stag parties in the Bailgate area at weekends.
- Should this planning application be granted, Eastgate would become the subject of Anti-Social Behaviour and another 'horrible place'.
- The pavement in Eastgate was no place for smokers frequenting the proposed public house.
- Issues with deliveries/littering.
- The proposed service area for the public house was in reality a parking plot.
- The alleyway to the side of the premises was a private drive with no access for the public house.
- Many of the bedrooms at the White Hart Hotel opposite overlooked the proposed premises causing a noise nuisance.
- Residents had suffered enough and did not want another public house to add to current Anti-Social Behaviour issues.

Martin Johnson, Operations Director for BeerHeadz addressed Planning Committee covering the following main points:

- Beerheadz was a small local company with premises in Retford, Newark and Grantham. It had a reputation to maintain which it did not wish to lose.
- The premises sold a diverse range of real ale.
- It did not aim to attract drinkers of cheap cider likely to be consumed at hen/stag parties as the prices were too high.
- The company wished to work with the businesses in the Bailgate area and hoped it would be allowed to join the Bailgate Guild at some point in the future.
- 50% of Guild members were in favour of the proposals.
- Most of the customers at his public houses were over 55 years of age, although the business did want to attract students.
- The company took noise nuisance very seriously and it was not anticipated that the operation of the premises would contribute to this. There would be background music only and no cooking taking place at the premises.
- Drinking vessels would not be permitted outside the premises.
- There would be the offer of occasional 'carry out' however this was not a big offer. Should this prove to be an issue the company would cease the sale of beer to take away.
- There would be no night noise as bottle storage was inside the premises.
- All police restrictions had been complied with.
- The company wanted to work with the Bailgate Guild and local businesses not against them.

Members considered the content of the report in further detail, raising both individual comments in favour of the planning application and concerns in relation to the suitability of the proposals.

Members questioned whether Planning Committee had any control over the licensing hours at the premises and whether the granting of planning permission here would set a precedent for future applications in the area.

The Planning Team Leader advised that the licensing of the premises was an entirely different process. Other public houses in the area were licensed to open for varying hours, although this did not mean that they stayed open that long.

The Planning Manager advised that the grant of this planning application did not set a precedent for the future as each planning application was assessed on its own merits.

A motion was moved, and seconded that operating hours shall only be between the hours of 10:00am and 12:00 midnight.

The motion was put to the vote and carried.

RESOLVED that the application be granted subject to the following conditions:

Standard Conditions

1. 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.

2. 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 details submitted with the application. 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

5. The use hereby approved shall only be operated between the hours of 10:00 and 12:00 midnight Monday to Sunday.

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

6. The playing of live and recorded music shall not be permitted at the premises, other than the playing of incidental background music. Any

incidental background music shall not be audible at any other offsite premises.

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

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

Table A

Drawing No.	Version	Drawing Type	Date Received
		Location Plan	14 <sup>th</sup> September 2017
BeerHeadZ Ltd 2017		Floor plans	2 <sup>nd</sup> October 2017
		Elevations – Existing	4 <sup>th</sup> August 2017
		Elevations – Proposed	14 <sup>th</sup> September 2017

**50. Application for Development - (Previous Car Park), Land Bounded By Welbeck Street, Cannon Street And Lytton Street, Lincoln**

*(Councillor Dyer joined the meeting having arrived late during the discussion of the previous item waiting outside of the room.)*

*(Councillor Brothwell re-joined the meeting.)*

The Planning Manager:

- a. advised that planning permission was sought for the erection of seven two-storey dwellings with associated parking on land bounded by Welbeck Street, Cannon Street and Lytton Street
- b. reported that the site was owned by the City of Lincoln Council and therefore presented to Planning Committee for determination, it was fenced on all sides and currently vacant with the exception of a storage container
- c. provided details of the policies pertaining to the application as follows:
  - Policy LP1: A Presumption in Favour of Sustainable Development
  - Policy LP2: The Spatial Strategy and Settlement Hierarchy
  - Policy LP3: Level and Distribution of Growth
  - Policy LP13: Accessibility and Transport
  - Policy LP14: Managing Water Resources and Flood Risk
  - Policy LP16: Development on Land Affected by Contamination
  - Policy LP26: Design and Amenity
  - National Planning Policy Framework
- d. outlined the responses made to the consultation exercise
- e. highlighted the main issues relating to the proposal as follows:
  - The Principle of Use
  - Visual Amenity
  - Residential Amenity;
  - Access and Highways;
  - Flood Risk and Drainage
  - Contaminated Land

f. concluded that:

- The principle of the use of the site for residential purposes was considered to be acceptable and the development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design.
- The proposals would also not cause harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
- Highways and flood risk have been appropriately considered and matters relating to contamination and archaeology could be dealt with appropriately by condition.
- The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP3, LP13, LP14, LP16 and LP26, as well as guidance within the National Planning Policy Framework.

Members welcomed this well-balanced application with ample parking, querying whether:

- The properties were DDA and equality compliant having stairs at ground floor level to the front of each house.
- Electric vehicle charging points would be installed before the properties were occupied.

The Planning Manager offered the following points of clarification to the Committee:

- There were steps to the front of the property to mitigate flood risk, however, the rear garden of the property was 'ramped up' to facilitate access from this point
- The recommended conditions for grant of planning permission included provision of electric vehicle charging points. The Planning Authority would seek to incorporate this requirement into most residential developments and some commercial applications as applicable.

RESOLVED that the application be granted conditionally.

### **Conditions**

- Work to commence within three years;
- Work in accordance with the plans;
- Contaminated Land;
- Noise Assessment;
- Surface Water Drainage Assessment;
- Materials including window frames and brick sample panels;
- Archaeology;
- Window details – profiles and materials for all buildings – new and replacement;
- Brick cleaning specification and sample area to be approved before this work is undertaken.