

Present: Councillor Peter West (*in the Chair*),
Councillor Biff Bean, Councillor Kathleen Brothwell,
Councillor Bob Bushell, Councillor Paul Gowen,
Councillor Gary Hewson, Councillor Ronald Hills,
Councillor Tony Speakman, Councillor Edmund Strengiel
and Councillor Naomi Twedde

Apologies for Absence: Councillor Jim Hanrahan

63. Confirmation of Minutes - 08 November 2017

RESOLVED that the minutes of the meeting held on 8 November 2017 be confirmed.

64. Declarations of Interest

No declarations of interest were received.

65. 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.

66. Allotment Capital Development Programme - Removal of Trees (Phase Two)

Bruce Kelsey, Allotment Strategy Officer:

- a. provided a report to advise elected members of the proposed removal of trees required as phase 2 of the allotment capital improvement programme, none being the subject of a Tree Preservation Order or located within a conservation area
- b. identified those trees in the opinion of the Arboricultural Officer and the Allotment Strategy Officer that needed to be removed, including a further four trees at Clarence Street A allotment identified as requiring removal and/or maintenance work during phase 1 of the programme, as detailed within the schedule attached as Appendix 1 to the report
- c. gave further information regarding the improvement programme as detailed at Appendix 2 of the report

- d. outlined the background to consultation carried out with all allotment tenants as detailed at paragraph 4 of the report
- e. gave details of the main thrust of the works to make improvements to site security to reduce incidents of break-ins and theft of property from allotment sites, and make improvements to site drainage to reduce incidents of flooding and increase light to many plots, which would markedly enhance growing opportunities
- f. advised that throughout the programme the council would aim to retain and subsequently maintain as many mature and well established native species as possible to retain the overall amenity value, feel and look of each site
- g. requested that members approve the list of trees to be removed as detailed at Appendix 1 of the report.

Members discussed the content of the report in further detail

RESOLVED that the removal of trees identified at Appendix 1 to the report be approved.

67. Confirmation of Tree Preservation Order 155

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 155: 14 Oaks, 6 Birch, 2 Copper beech, 2 Field Maple, 1 Cherry, a group of trees comprising 12 No. Limes and a group comprising mixed woodland of mainly Birch, Oak, Maple and Sycamore located at Tritton Road/Moorland Avenue, Lincoln as shown on attached schedule
- 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, no objections had been received to the making of the order
- d. 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.

Members thanked officers for their work in progressing this matter.

RESOLVED that tree preservation order no 155 be confirmed without modification and that delegated authority be granted to the Planning Manager to carry out the requisite procedures for confirmation.

68. Change to Order of Business

RESOLVED that the order of business be amended to allow the reports on the Site of Former Superbowl, Valentine Road, Lincoln, and 1 Shearwater Road, Lincoln to be considered before the remaining agenda items.

69. Application for Development: Site of Former Superbowl, Valentine Road, Lincoln

The Planning Manager:

- a. advised that planning permission was sought for the erection of 77 no 6 bedroom townhouses to provide a total of 462 en suite bedrooms to be occupied as Houses in Multiple Occupation (HMOs), sited to the south west of the city centre on land formerly occupied by Lincoln Superbowl, which closed in 2015
- b. described the design of the townhouses arranged in a series of four storey linear blocks overlooking private and secure landscaped courtyards, with controlled access to the development at the entrance to the new access road, which served a 90 space car park
- c. highlighted that the submitted Design and Access Statement predicted a shortfall in student accommodation for September 2018 together with an increasing demand for student accommodation; this application aimed to meet this demand with a joint venture between the applicant and the University of Lincoln
- d. reported that the site was owned by the City Council and therefore the application was being presented to members of Planning Committee for consideration and determination
- e. 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 LP10: Meeting Accommodation Needs
 - Policy LP13: Accessibility and Transport
 - Policy LP16: Development on Land Affected by Contamination
 - Policy LP18: Climate Change and Low Carbon Living
 - Policy LP25: The Historic Environment
 - Policy LP26: Design and Amenity
 - National Planning Policy Framework
- f. outlined the responses made to the consultation exercise
- g. referred to the update sheet which contained a letter of support for the application from the University of Lincoln and the following statement from officers regarding flood risk and drainage:

'The committee report identified that the agent was still in discussions with the Environment Agency (EA) regarding the proposal. Since writing the report further discussions and a meeting have taken place, as well as the consideration of a revised Flood Risk Assessment (FRA) and additional technical information. The EA has raised no objection in principle although require a further revision to the FRA before submitting a final response with conditions. Officers therefore request that this matter be delegated to

officers to finalise to the satisfaction of the EA, as well as the Lincolnshire County Council as Lead Local Flood Authority’.

h. highlighted the main issues relating to the proposals as follows:-

- The Principle of Use
- Visual Amenity
- Residential Amenity
- Access and Highways
- Flood Risk and Drainage
- Contaminated Land
- Trees and Landscaping
- Network Rail

i. concluded that:

- The principle of the use of this unallocated site for residential purposes was considered to be acceptable and the development would contribute towards the continued growth of the University.
- The design of the development had been well thought out, improving on the architectural style of the local surroundings.
- There were no residential properties in the vicinity that would be impacted upon by the proposal and the amenities for future occupants had been carefully considered through noise and light assessments.
- The site was in an accessible location, also providing cycle and car parking to meet an identified need.
- The Highway Authority had raised no objection in principle to the access or parking arrangements.
- Matters relating to contamination, archaeology, the railway/level crossing and refuse could be dealt with appropriately by condition.
- Subject to further details of flood risk and drainage being to the satisfaction of the relevant consultees it was considered that the proposal would be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP10, LP13, LP16, LP18, LP25 and LP26, as well as guidance within the National Planning Policy Framework.

Mr Simon Parkes, Deputy Vice-Chancellor, University of Lincoln, addressed Planning Committee in support of the proposed development, covering the following main points:

- The University of Lincoln offered its support to this planning application.
- HMO style accommodation was in demand and somewhat constrained in the city.
- This type of accommodation was suitable for students. It incorporated limited car parking spaces.
- The University of Lincoln continued to grow requiring additional accommodation.
- The proposed development met the needs of the University in ways that others did not.
- He looked forward to hearing the members’ recommendation.

Members discussed the content of the report in further detail, raising individual concerns in relation to:

- The lack of recognisable benefits to the local community in respect of this type of scheme who had to cope with extra traffic/people on the streets in their local area. It was hoped that monies gained would be used to solve problems of limited car parking space for local communities.
- Whether the student accommodation was ideally placed within a predominantly trading estate area.
- Whether the design of the building was suitable in terms of scale/massing/having a flat roof.
- The disappearance of trees/hedging within the scheme and its effect on wildlife in the area.
- Issues in respect of the ratio of car parking spaces to residents at the development.
- The lack of traffic infrastructure to cope with these types of development especially having to compete with commercial traffic in the area.

Members offered support to the scheme raising the following comments:

- The need for additional student accommodation in the city was recognised.
- Cosmopolitan change would come along as the city expanded which was not a bad thing.
- The development was beneficial in that it provided purpose built accommodation suitable for students which took away the pressure from family homes therefore improving community life.
- The Highways Authority had raised no issues in relation to the proposed development. The city enjoyed the benefits of a thriving University. Asking students to commute from the perimeter of the city would only cause a problem there. However, it was important to involve the community in matters that affected them.
- The accommodation would not be seen from the main road similar to the previous use of the land as a Superbowl.
- The size/massing of the building was acceptable amongst other existing warehouse buildings.

The Planning Manager offered the following points of clarification:

- The concerns raised regarding highway impact centred on the level of parking provision for the development and impact on the highway network.
- During its previous use of the land as the Superbowl, its car park had a 200 vehicle capacity. Other use could create a similar amount of cars, whereas this proposal offered an improved position.
- The proposed accommodation was close to the University and was serviced by a cycle track/footpath into the city close by.
- The design of the building was subjective. It was important for members to filter out their own personal preferences to focus on whether it was appropriate in the context of the large retail units in the area.

RESOLVED that planning permission be delegated to the Planning Manager to grant subject to finalised arrangements for the consideration of a revised Flood Risk Assessment (FRA) and additional technical information to the satisfaction of the Environment Agency, as well as Lincolnshire County Council as Lead Local Flood Authority, and subject to the following conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Samples of materials
- Site levels and finished floor levels
- Noise mitigation strategy
- Off-site lighting assessment
- Highways- reinstatement of footpath, adjustment of double yellow lines and tactile crossing point
- Contamination
- Surface water drainage and management strategy
- Foul sewerage strategy
- Refuse management plan
- Archaeology
- Implementation and maintenance of access gate to turning head
- Landscaping- including Network Rail requirements
- Network Rail- construction safety, drainage and lighting
- Use restriction and requirement for management by higher/further education body
- Electric Vehicle Charging points before occupation

70. Application for Development: 1 Shearwater Road, Lincoln.

(Councillor Hills requested it be recorded that he knew several of the objectors to the planning application, but not as close acquaintances, he had not pre-determined his views in any way or given an opinion on the matter to be discussed.)

The Planning Manager:

- a) advised that the application sought a change of use from a dwellinghouse to a flexible C4/C3 use to enable the property to be used as a House In Multiple Occupation for up to 6 unrelated occupants
- b) reported that the property had originally operated as a 3 bed detached dwelling although a former living area downstairs had been converted to create a fourth bedroom, two of the bedrooms within the property were large enough to be occupied by more than one occupant and whilst the applicant had suggested that he may only occupy the property with 3 people to begin with, he would look to occupy it with the maximum allowed under C4 in the future (6 occupants)
- c) referred to a previous application granted conditionally by Planning Committee on 31st August 2016 for a first floor, front, side and rear extension (2016/0638/HOU), advising as follows:
 - The applicant had been made aware that should the application currently before us be granted and implemented, the previously granted extension could not be added to the C4 property as the extension was granted to the C3 dwellinghouse.
 - Should the applicant wish to extend the property and change the use, then he would need to withdraw the current application and make a resubmission for a change of use and extension under one application.

- The applicant had decided to continue with the current application for a flexible C3/C4 use without extending the property.
- d) highlighted that the applicant had confirmed that he was currently living in the property with his partner and two lodgers, which would fall within the definition of a C3 use, however, in contrast to this, the same applicant had submitted a Certificate of Lawful Use, in an attempt to prove that the property had been operating as a C4 use during the time of the implementation of the Article 4 Direction and continued as such after this time. (considered separately under application 2017/1380/CLE)
- e) provided details of the policies pertaining to the application as follows:-
- Policy LP37: Sub-division and Multi-Occupation of Dwellings within Lincoln 86
 - Supplementary Planning Guidance: Houses in Multiple Occupation
 - Policy LP26 Design and Amenity
- f) outlined the responses made to the consultation exercise
- g) referred to the update sheet which contained photographs provided by the applicant, also confirming that the application for a Certificate of Lawful (CLE) use at 1 Shearwater Road had now been refused on grounds of insufficient evidence being provided to prove that, on the balance of probability the property had been used as a House in Multiple Occupation for 3-6 unrelated people during the introduction of the Article 4 Direction and after this time,
- h) reported on the issues raised by the application principally relating to those raised in the 'Houses in Multiple Occupation Supplementary Planning Document' and Policies LP26 and LP37 of the Central Lincolnshire Local Plan 2017, being:
- Impact on amenity of surrounding properties and character of the area
 - Loss of single family home
 - Concentration of HMOs in area
 - External communal space and cycle storage
 - Highway safety
- i) concluded that the proposal was contrary to the SPD for Houses in Multiple Occupation and to Policies LP26 and 37 of the Central Lincolnshire Local Plan.

Mr Quyen Truong, Applicant, addressed Planning Committee in support of the proposed development, covering the following main points:

- He had been a long standing resident of 1 Shearwater Road for 16 years and intended to continue living there indefinitely.
- The proposed changes to his property would enhance the neighbourhood.
- The property would always retain its status as a family dwelling with an element of flexibility for C4 use occupied by professional people.
- The development would add value to the wider community.

- Premium quality affordable accommodation would be offered to professionals and not students.
- There was a reliable bus and cycle route close by to commute to work.
- He had demonstrated within the application that he could add six car parking spaces within the site.
- He referred to the photographs on the update sheet.
- Traffic safety would be improved by removing the hedge/wall to the front of his property.
- There were no objections from the Highways Authority or Lincolnshire Police.
- There had been no anti-social behaviour complaints.
- Objections were in the minority.
- He urged members not to let narrow minded objectors in the minority to affect their judgement.

Members discussed the content of the report in further detail, making the following comments:

- It was heartening to see Supplementary Planning Documents applied to this type of residential area.
- The development would cause traffic/parking issues being close to the main road on the corner of the street. Removing the hedge would not alleviate this issue.
- This was a beautiful area which should be retained as accommodation for families.
- Changes in character should be reflected across the whole of the city.
- The law stipulated that the property should be sold on as a family house if it could be to protect community areas such as this.
- Other properties parked their vehicles on the roadside.

The Planning Manager offered the following points of clarification:

- There was nothing essentially to prevent residents parking their cars on the street under C3 use.
- In relation to impact on other residents/road users, it was unlikely for families to have 6 cars parked at any one time.
- Noise disturbance was likely to be greater with 6 unrelated residents carrying out independent living.

RESOLVED that the application be refused

Refusal Reasons:

- 01) The application failed to demonstrate there was an established lack of demand for the single family use of the application property thereby discouraging owner occupation by families and resulted in a loss of a family home, contrary to Policy LP37 of the Central Lincolnshire Local Plan and the Supplementary Planning Document.
- 02) The paving of the front garden to create the amount of parking spaces required for the proposed change of use would be harmful to visual amenity and would negatively change the character of the area to an unacceptable degree. This was particularly harmful given the prominent position of the property, on the entrance to the estate and on the corner of

Shearwater Road and Skellingthorpe Road, a major route within the City. These parking arrangements would not respect the character and identity of the area and would therefore be contrary to Policy LP26 of the Central Lincolnshire Local Plan.

71. Application for Development: Land Adjoining Boultham Medical Practice, Boultham Park Road, Lincoln.

(Councillor Strengiel requested it be recorded that he knew the applicant for the planning application, but not as a close acquaintance, he had not pre-determined his views in any way or given an opinion on the matter to be discussed.)

The Planning Team Leader:

- a. described the application site situated in the north-west corner of Boultham Park, between the Boultham Health Centre to the west and the Park Tennis Courts, Bowling Green and Pavilion to the east, with the rear gardens of residential properties on Western Avenue to the north, and to the south the Park footpath accessed by way of an existing access road which served the adjacent Library and Health Centre, running parallel with the Park footpath
- b. advised that the site was being sold by City of Lincoln Council for development, the application having been submitted by Gusto Developments, the developers of the adjacent Home Grange retirement scheme by Longhurst and Havelock Homes.
- 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 LP10: Meeting Accommodation Needs
 - Policy LP18: Climate Change and Low Carbon Living
 - Policy LP22: Green Wedges
 - Policy LP25: The Historic Environment
 - Policy LP26: Design and Amenity
 - Policy LP29: Protecting Lincoln's Setting and Character
- d. outlined the responses made to the consultation exercise
- e. highlighted the main issues relating to the proposals as follows:-
 - National and local planning policy
 - Impact on visual amenity
 - Impact on residential amenity
 - Impact on designated and non-designated heritage assets
 - Highway safety, access and parking
 - Foul and surface water drainage
 - Potential land contamination and other environmental impacts
- f. concluded that the proposed development would provide much needed accommodation for older people within the city, and had been sympathetically designed taking account of its location within the park boundary close to the bowling green pavilion and neighbouring residential

properties; it would not cause undue harm to the amenities of adjoining residents, the wider residential area, or the environment in accordance with relevant policies and guidance contained within the Central Lincolnshire Local Plan (2017) and National Planning Policy Framework (2012).

Members discussed the content of the report in further detail, offering general support to the proposed development. Questions were asked as follows:

- Would the access road be adopted by the Highway Authority?
- Would the homes be sold on to the over 55's only?

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

- The access road would be adopted by the Highway Authority up to the point past the library and public car parking spaces. The remainder would be the responsibility of the residents/developer.
- The grant of planning permission would be conditioned by the requirement for the use of the bungalows as retirement dwellings in perpetuity.

RESOLVED that the application 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 report at Table A. 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

- 03) Ecological assessment
- 04) Details of materials
- 05) Foul water strategy
- 06) Surface water strategy

Conditions to be Discharged before Use is Implemented

- 07) Details of numbers and types of electric vehicle recharge points

08) External lighting scheme and assessment of off-site impact

Conditions to be Adhered to at all Times

09) Restriction on use of bungalows as retirement dwellings

10) Archaeology

11) Reporting of unexpected contamination

72. Application for Development: 39 Foster Street, Lincoln.

The Principal Planning Officer:

- a. described the application site situated on the northern side of Foster Street, within the Boultham Ward of the city and within Flood Zone 2, a mid-terrace 3-bedroom dwelling accessed by a shared passageway incorporating a bay window at street level, with a lounge, dining room, kitchen and bathroom at ground level and three bedrooms at first floor level
- b. advised that this application for planning permission proposed to change the use of the house from a single dwelling, which fell within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), to a House in Multiple Occupation (HMO), which fell within Class C4, stating that this had been a permitted change of use until the introduction of the City-wide Article 4 direction as of March 1st 2016, after which time the change of use came under the control of the Local Planning Authority, requiring an application for planning permission
- c. stated that there were no changes proposed to the use of the rooms within the house
- d. referred to the planning history to the application site as detailed within the officer's report
- e. highlighted that this planning application had been brought to committee as the applicant was a relative of an employee of the City of Lincoln Council
- f. provided details of the policies pertaining to the application as follows:-
 - Policy LP37: Sub-Division and Multi-Occupation of Dwellings within Lincoln
 - National Planning Policy Framework
 - Supplementary Planning Guidance (Houses in Multiple Occupation)
- g. outlined the responses made to the consultation exercise
- h. reported that the issues raised by the application related to the Houses in Multiple Occupation Supplementary Planning Document Approved Draft, firstly in relation to the principle of the development and then the impacts of the use itself in terms of amenity and flood risk

- i. highlighted the purpose of the Article 4 direction, as explained within the draft document, *“is not to restrict the supply of HMOs, rather [it is] intended to manage the future development of HMOs to ensure such developments will not lead to or increase existing over-concentrations of HMOs that are considered harmful to local communities.”*
- j. concluded that:
 - Although the use of the property as a HMO would technically result in a new HMO, the property had been utilised in the past on a multiple-occupancy basis so there would not be harm caused to the physical and social character of the residential area in relation to the nature and composition of the local community.
 - Similarly, due to the previous occupation of the property, there would not be a need for marketing in relation to the demand for the property as a family home, as it had not been used as such in the recent past.
 - In addition, the proposals would not cause harm to the amenities that the occupants of nearby properties would expect to enjoy as a result of noise and disturbance or car parking; and control over the number of residents would ensure that the occupants of the property would not be harmed.
 - Finally, given the previous use, it would not be reasonable to impose controls over the use of rooms at ground floor within the property in terms of the risk of flooding to sleeping accommodation.

Members discussed the content of the report in further detail, raising concerns in relation to:

- Current legislation which allowed non profitable organisations to run as HIMO's although not classified as such.
- The need for local people to be made aware of this legislation to avoid the planning authority being unfairly criticised.
- The need for more accurate figures on the number of HIMO's in the area as a vast majority of properties operated as such.
- A huge problem with car parking congestion in the area.

The Principal Planning Officer advised that the property had been leased to a charitable organisation by the applicant, however the lease had now expired and the premises no longer came under legislation as a charity.

The Planning Manager offered the following advice:

- This application was a complex case. The consideration was not about use by a charity but the need to pull out these types of usage as a C3 dwelling.
- Each application had to be considered robustly on individual merits.
- There were significant and material differences between this application and others taking out a family home, as this property had already been taken out of family use.
- It was not known how many other properties operated by non-profitable organisations although it was not thought this number would be significant.
- This planning application had been brought to committee as the applicant was a relative of an employee of the City of Lincoln Council in the same directorate as the Planning Section.

RESOLVED that the change of use for 39 Foster Street to a House in Multiple Occupation (HMO), be granted subject to the following conditions:

Planning Conditions

The following Planning Conditions are recommended:-

Standard Timeframe for Implementation (3 years)
Approved Plans

Flexible Use Condition

The use hereby approved is permitted to change from C4 to C3 and back again to C4 without the need for a further application for planning permission for an unlimited number of times for a period limited to ten years hence from the date of this permission. The use of the premises at the expiry of ten years shall then be the use of the premises from that point forwards.

Reason: In order to enable the applicant/owner of the property to respond to market conditions, without the need for multiple planning applications.

Restriction on Occupants when a HMO

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 4 residents shall at any time occupy the property whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the premises is occupied by unrelated individuals who share basic amenities).

Reason: The occupancy of the property by more than four residents could be harmful to amenity.

73. Application for Development: 97 Vernon Street, Lincoln.

The Principal Planning Officer:

- a. described the application site situated on the southern side of Vernon Street, within the Boutham Ward of the city and within Flood Zone 2, the property being a mid-terrace 3-bedroom dwelling accessed by a shared passageway incorporating a bay window at street level, occupied by a lounge, dining room, kitchen, utility and bathroom at ground floor level and three bedrooms at the first floor level
- b. advised that this application for planning permission proposed to change the use of the house from a single dwelling, which fell within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), to a House in Multiple Occupation (HMO), which fell within Class C4, stating that this was a permitted change of use until the introduction of the City-wide Article 4 direction as of March 1st 2016, after which time the change of use came under the control of the Local Planning Authority, requiring an application for planning permission

- c. stated that there were no changes proposed to the use of the rooms within the house
- d. referred to the planning history to the application site as detailed within the officer's report
- e. highlighted that this planning application had been brought to committee as the applicant was a relative of an employee of the City of Lincoln Council
- f. provided details of the policies pertaining to the application as follows:-
 - Policy LP37: Sub-Division and Multi-Occupation of Dwellings within Lincoln
 - National Planning Policy Framework
 - Supplementary Planning Guidance (Houses in Multiple Occupation)
- g. outlined the responses made to the consultation exercise
- h. reported that the issues raised by the application related to the Houses in Multiple Occupation Supplementary Planning Document Approved Draft, firstly in relation to the principle of the development and then the impacts of the use itself in terms of amenity and flood risk
- i. highlighted the purpose of the Article 4 direction, as explained within the draft document, *"is not to restrict the supply of HMOs, rather [it is] intended to manage the future development of HMOs to ensure such developments will not lead to or increase existing over-concentrations of HMOs that are considered harmful to local communities."*
- j. concluded that:
 - Although the use of the property as a HMO would technically result in a new HMO, the property had been utilised in the past on a multiple-occupancy basis so there would not be harm caused to the physical and social character of the residential area in relation to the nature and composition of the local community.
 - Similarly, due to the previous occupation of the property, there would not be a need for marketing in relation to the demand for the property as a family home, as it had not been used as such in the recent past.
 - In addition, the proposals would not cause harm to the amenities that the occupants of nearby properties would expect to enjoy as a result of noise and disturbance or car parking; and control over the number of residents would ensure that the occupants of the property would not be harmed.
 - Finally, given the previous use, it would not be reasonable to impose controls over the use of rooms at ground floor within the property in terms of the risk of flooding to sleeping accommodation.

Mr David Allen, Applicant, addressed Planning Committee in support of the proposed development, covering the following main points:

- His properties were not owned by a charitable organisation.
- This property had been owned by his company since 2004.

- The charitable organisation had taken over the property on the assumption that it was already a HIMO.
- Prior to this time the property had been a HIMO and let as C4 since 2004.

Members discussed the content of the report in further detail, raising concerns in relation to this application being in an area well over the 10% threshold for concentration of HIMO's.

The Planning Manager offered advice as follows:

- The HIMO status ran with the property.
- The confusion here was created by national legislation in that occupation of homes by specific charitable organisations were not considered as multiple use properties.
- When the charitable organisation took on this property before 2010, C4 classification did not exist. It was taken over as C3 use but then changed to multiple occupation before planning permission was required. Now the former use by the charitable organisation had been vacated, the property required planning permission to continue as a HIMO.

RESOLVED that permission for change of use for 97 Vernon Street to a House in Multiple Occupation (HMO) be refused.

Reason:

Due to the breach in the threshold for Houses in Multiple Occupation in the area which exacerbated the social imbalance in the area.

74. Application for Development: Lincoln Transport Hub Development, Bus Station, Pelham Street, Lincoln.

The Planning Manager:

- a. advised that the application sought permission to fix additional plant to the external façade of the new bus station in the city along with an enclosure to the rear for the storage of bins
- b. described the development site at the recently approved bus station which formed part of the Transport Hub development
- c. provided details of the policies pertaining to the application as follows:-
 - National Planning Policy Framework
 - Policy LP25: The Historic Environment
 - Policy LP26: Design and Amenity
 - Policy LP29: Protecting Lincoln's Setting and Character
- d. confirmed that there were no responses made to the consultation exercise
- e. reported on the following issues to be considered by members in relation to the planning application:
 - Visual Impact
 - Neighbour Amenity

- f. concluded that the proposed bin store and the mechanical plant did not cause harm to either visual or neighbour amenity.

Members discussed the content of the report in further detail.

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

- Carried out within 3 years
- Carried out in accordance with the submitted plans.

75. Application for Development: 64 Broadway, Lincoln.

(Councillor Strengiel requested it be recorded that he knew the applicant for the planning application, but not as a close acquaintance, he had not pre-determined his views in any way or given an opinion on the matter to be discussed.)

The Planning Team Leader:

- a. described the application premises as a two storey, detached, 3 bedroom residential property located on the north side of Broadway
- b. advised that permission was sought for a first floor extension which would provide two bedrooms, enable the conversion of an existing bedroom to an ensuite, as well as the conversion of the garage for living accommodation
- c. highlighted that this planning application was being considered by members, the applicant being an employee of the City of Lincoln Council
- d. provided details of the policies pertaining to the application as follows:-
 - National Planning Policy Framework
 - Policy LP26: Design and Amenity
- e. confirmed that there were no responses made to the consultation exercise
- f. reported on the following issues to be considered by members in relation to the planning application:
 - Policy Context
 - Impact on Residential Amenity
 - Design and Visual Amenity
- g. concluded that
 - Policy LP26 of the Central Lincolnshire Local Plan required applications for extensions to existing buildings to take into account design principles and amenity considerations.
 - It was considered that the proposal was in accordance with the policy because the extension used appropriate materials and was of a scale and mass in keeping with the property.
 - Similarly the amenities of occupants of neighbouring buildings would not be unduly harmed by or as a result of development.

Members discussed the content of the report in further detail.

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

- Development to commence within 3 years.
- Development to accord with the plans.
- Samples of materials to be submitted.