

**Present:** Councillor Jim Hanrahan (*in the Chair*),  
Councillor Naomi Twedde, Councillor Biff Bean,  
Councillor Bill Bilton, Councillor Alan Briggs, Councillor  
Kathleen Brothwell, Councillor Chris Burke, Councillor  
Bob Bushell, Councillor Gary Hewson and Councillor  
Ronald Hills and Councillor Hilton Spratt

**Apologies for Absence:** Councillor Edmund Strengiel

**1. Confirmation of Minutes - 22 March 2018**

RESOLVED that the minutes of the meeting held on 22 March 2018 be confirmed.

**2. Declarations of Interest**

The Solicitor to Planning Committee advised that one of the objectors to item number 5(c) Garage, Rosebery Avenue may be known to labour members through links with their political party. She gave legal advice stating that for members to meet him at party events did not necessarily mean that person was a close associate. If a member considered his/her relationship with the person concerned to be more than an acquaintance this would be sufficient grounds for him/her to declare a personal and pecuniary interest in the matter to be discussed.

Councillor Biff Bean declared a Personal Interest with regard to the agenda item titled 'Application for Development: Garage, Rosebery Avenue, Lincoln'.  
Reason: He knew one of the objectors, but not as a close associate.

Councillor Bill Bilton declared a Personal Interest with regard to the agenda item titled 'Application for Development: Garage, Rosebery Avenue, Lincoln'.  
Reason: He knew one of the objectors, but not as a close associate.

Councillor Bob Bushell declared a Personal Interest with regard to the agenda item titled 'Application for Development: Garage, Rosebery Avenue, Lincoln'.  
Reason: He knew one of the objectors, but not as a close associate.

Councillor Chris Burke declared a Personal Interest with regard to the agenda item titled 'Application for Development: Garage, Rosebery Avenue, Lincoln'.  
Reason: He knew one of the objectors, but not as a close associate.

Councillor Gary Hewson declared a Personal Interest with regard to the agenda item titled 'Application for Development: Garage, Rosebery Avenue, Lincoln'.  
Reason: He knew one of the objectors, but not as a close associate.

Councillor Jim Hanrahan declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Application for Development: Land At Westbrooke Road, Lincoln'.  
Reason: His son owned a property on Westbrooke Road and rented garage space to the developer as the show home office.

He left the room during the discussion of this item and took no part in the vote on the matter to be determined.

Councillor Jim Hanrahan declared a Personal Interest with regard to the agenda item titled 'Application for Development: Garage, Rosebery Avenue, Lincoln'. Reason: He knew one of the objectors, but not as a close associate.

Councillor Kathleen Brothwell declared a Personal Interest with regard to the agenda item titled 'Application for Development: Garage, Rosebery Avenue, Lincoln'. Reason: She knew one of the objectors, but not as a close associate.

Councillor Naomi Tweddle declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Application for Development: Land At Westbrooke Road, Lincoln'.

Reason: Her close friend owned a house on the LN6 development.

She left the room during the discussion of this item and took no part in the vote on the matter to be determined.

Councillor Naomi Tweddle declared a Personal Interest with regard to the agenda item titled 'Application for Development: Garage, Rosebery Avenue, Lincoln'. Reason: She knew one of the objectors, but not as a close associate.

### **3. 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.

Members queried why the felling of a monkey puzzle tree in the front garden of 97 Holly Street was not to be replaced with a 'like for like' species.

The Arboricultural Officer advised that a monkey puzzle tree was not an appropriate replacement species for the area in terms of the local street scene/amenity value, therefore a Maple tree would be replanted in a suitable location.

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

### **4. Confirmation of Tree Preservation Order 156**

The Planning Team Leader:

- a. advised members of the reasons why a tree preservation order should be confirmed at the following site:

- Tree Preservation Order 156: Group of trees comprising 49 mixed species located adjacent to the car park at the Lincolnshire Poacher, Bunkers Hill, 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 supporting letter had been received to the making of the order from the occupant of 20 Sympson Close, requesting some changes to the trees included in the tree preservation order in relation to his property; following consideration by the City Arboriculturist the plan had been revised to incorporate some of the suggestions made in that letter amending the number of trees included from 49-47
  - d. added that 3 additional letters of support had been received from residents of Sympson Close, and no objections
  - e. reported 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 156 be confirmed with modifications as shown on the revised plan to include a group of 47 mixed species trees and that delegated authority be granted to the Planning Manager to carry out the requisite procedures for confirmation.

## **5. Change to Order of Business**

RESOLVED that the order of business be amended to allow the report on the Garage, Rosebery Avenue, Lincoln to be considered before the remaining agenda items and the report on 1 St Paul's Lane to be considered after the item on 98 Newland (Viking House) and 100, 102 and 104 Newland Lincoln.

## **6. Application for Development: Garage, Rosebery Avenue, Lincoln**

The Planning Team Leader:

- a. advised that planning permission was sought for conversion of a single storey garage to a 3 bedroom residential dwelling within Use Class 3
- b. described the location of the application property located to the west side of Rosebery Avenue
- c. stated that the property was located within the West Parade and Brayford No. 6 Conservation Area
- d. provided details of the policies pertaining to the application as follows:
  - National Planning Policy Framework
  - Central Lincolnshire Local Plan, adopted April 2017
  - Policy LP1 A Presumption in Favour of Sustainable Development
  - Policy LP21 Biodiversity and Geodiversity
  - Policy LP26 Design and Amenity

- e. outlined the responses made to the consultation exercise
- f. advised members of the main issues to be considered as part of the application as follows:
  - Accordance with national and local planning policy
  - Impact on residential amenity
  - Impact on visual amenity
  - Highway safety, access and parking
  - Communal space, bin storage and other factors
  - Ecology and the protection of habitats and species
  - Other matters
- g. concluded that:
  - The proposed conversion to a residential dwelling would not have a harmful impact on the amenities of neighbouring properties and would enhance the character and appearance of the conservation area.
  - The application facilitated the conversion of a an existing building into a more sustainable use through the addition of a new dwelling, in accordance with policies LP1 A, LP21 & LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Mr Richard Mair, local resident, addressed Planning Committee in opposition to the proposed development, covering the following main points:

- He resided at 290 West Parade to the south of the proposed development.
- He represented all 21 objectors to the proposals, living both north and south of the garage.
- The developer was trying to squeeze a 3 bedrooomed house into an area which was already full to capacity.
- The Planning Officer seemed to be taking the view that one additional house did not matter, however, it was even more important in a closely knit area and the proposals were not welcomed.
- The developers came from the London area where tighter relationships between properties would be more acceptable.
- Following concerns raised, the window to one of the bedrooms had been removed from the plans, leaving a double bedroom with no window at all. The three storey adjacent properties would look down on the garage and roof lights of its bedroom windows and vice-versa they would also be able to see into our property.
- The roof lights to the north side of the roof would be even closer to the occupant of 1 Rosebery Avenue.
- Local residents would look down on sixty feet of shiny black roof slates. Planning officers should have insisted on the use of traditional planning materials.
- The applicant had no right to use the passageway currently located to the side of the proposed development. Residents had confirmed this with the Land Registry. The passageway was for emergencies only such as in the event of fire. Allowing the applicant to use the passageway for access/egress would result in loss of security and privacy to existing residents.

- Officers stated that the matter of the fire escape was not a material planning consideration, however, would Planning Committee be happy to grant permission for a development which would propose a fire risk?
- This proposal was overdevelopment in a small area.
- The development would damage the amenity of existing residents living there.
- Due to scale/density and layout, the planning application should be refused.

Councillor Neil Murray addressed Planning Committee as Ward Advocate in respect of the proposed development, covering the following main points:

- He was surprised to see officers quoting National Planning Policy in support of the planning application.
- This house would be 'crammed in' with some rooms even without windows.
- The proposed development would be detrimental to amenity being so close to existing residents.
- Lincoln Civic Trust had stated the proposals represented overdevelopment – this type of build was not sustainable in the West End of Lincoln.
- The proposed dwelling was of a curious design with 3 bedrooms and a tiny living area, one bedroom without a window.
- The applicant was trying to maximise monetary value with no respect to the area/local residents.
- This was a tightly built up area with small gardens.
- This was a negative development which would damage the amenity of local residents.
- The passageway did not benefit from shared access arrangements. If the applicant was not being honest about the details of ownership on the plan this was misleading.
- There was no emergency exit. The existing residents owned the land as listed in their deeds.
- He would like to see proof from the applicant of shared ownership of the passageway.
- This was an overdevelopment causing loss of residential amenity.

Miss Elly Krisson, Applicant, addressed Planning Committee in support of the proposed development, covering the following main points:

- She thanked members of Planning Committee for allowing her the opportunity to speak.
- She was no stranger to Lincoln. Her husband's parents had lived here for 40 years and they also wished to settle here.
- Her husband's father had owned the garage property for over 20 years.
- She understood some people did not like change, however, the plans involved very little change in appearance and there was no alterations to the height/footprint of the building.
- They had received an offer to buy, however, she wanted to live there with her husband
- The architect had suggested a larger footprint than the design they had opted for.
- The development would be an improvement to the area.
- High level/unobtrusive opaque windows had been removed from the original plans following neighbour concerns.

- They loved the area, it was a lovely spot, peaceful and calm.
- They hoped planning permission would be granted similar to other dilapidated garages in the area having been turned into homes.
- Her solicitor had advised that the passageway was unregistered land and was not owned by the residents. The right of way had been established from a door in the garage.
- They didn't want a right of way to the passage, just to use it as an emergency exit in case of fire.
- They hoped they could all live together amicably and happily with local residents in this beautiful spot.

Members discussed the content of the report in further detail, raising the following main points:

- Members of Planning Committee should not get involved in the detail of land ownership, it was not their remit. It was assumed that the building regulations officer was satisfied with regard to fire regulations.
- The application should not be passed until the fire risk issue had been resolved.
- Concern was raised as to whether the S106 agreement was time limited to prevent occupation by students and if not whether any request for a variance would need to come back to committee for approval.
- It was the owner's choice as to whether or not they wished to live in a home without a bedroom window.
- Any grant of planning permission should require a bat box to be installed, together with the S106 agreement to prevent occupation by students and suitable materials used.

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

- A condition regarding samples of materials was already included within the officer recommendation.
- The third bedroom had two roof lights similar to those used in an attic room.
- Planning Committee was here to consider material planning considerations. The interior of the property had not been viewed by building regulations as yet, officers in this area dealt with fire risk issues. Should the applicant be unable to utilise the fire exit the interior of the building would need to be redesigned and a new planning application submitted.
- Should members be so minded, the inclusion of a bat box within the conditions for grant of the planning application would be appropriate.

RESOLVED that authority to grant planning permission be delegated to the Planning Manager subject to:

- The receipt of a bat survey and the introduction of any necessary mitigation measures
- The signing of a section 106 agreement to ensure no student occupation of the property
- The conditions listed below.

### **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**

- 03) Samples of all external materials to be used in the development shall be submitted to and approved by the Local Planning Authority before the development commences. The approved materials shall not be substituted without the written consent of the City Council as Local Planning Authority.

Reason: In the interests of visual amenity.

### **Conditions to be discharged before use is implemented**

None.

### **Conditions to be adhered to at all times**

- 04) The construction of the development hereby permitted shall only be undertaken between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms; and

Any deliveries associated with the construction of the development hereby permitted shall only be received or despatched at the site between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time.

Reason. In the interests of the amenity of neighbouring properties.

- 05) In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval, in writing, of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the

approval of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 06) The dwelling hereby granted shall be used as a residential dwelling (Use Class C3) and for no other purpose within the Schedule of the Town and Country Planning (Use Classes) Order 2015 or any subsequent amendment or re-enactment thereof).

Reason: In order to protect amenity.

- 07) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent re-enactment or revocation thereof) the dwelling hereby approved shall not be enlarged, improved or otherwise altered without the prior consent of the City Council as Local Planning Authority.

Reason: In the interests of the privacy and amenity of neighbouring residents.

### **Table A**

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

Drawing No.	Version	Drawing Type	Date Received
ST-267/03	B	Floor plans	15th April 2018
ST-267/04	B	Elevations - Proposed	15th April 2018

## **7. Application for Development: Land At Westbrooke Road, Lincoln**

*(Councillors Hanrahan and Tweddle left the room during the discussion of this item, having declared a personal and pecuniary interest in the matter to be discussed.)*

*It was proposed, seconded, put to the vote and:*

*RESOLVED that Councillor Bushell be appointed as chair for this agenda item.*

Councillor Bushell took the chair.

The Planning Team Leader:

- a. advised that full planning permission was sought by Chestnut Homes for the erection of 29 dwellings for Phase 3 of the Westbrooke Road development known as LN6, with vehicular access through the existing access created for Phases 1 and 2 off the western end of Westbrooke Road
- b. described the location of the site at the rear of properties on St Helen's



Avenue between the former school site to the south and Phase 2 to the North, presently nearing completion, with Tritton Road beyond the western boundary

- c. advised that the site was currently owned by the City of Lincoln Council with certificate B having been served by the applicant
- d. reported that negotiations ongoing throughout the course of the application had resulted in layout revisions to the plans having been submitted, followed by further consultation with those neighbours immediately adjacent to the proposals
- e. described the relevant planning history to the application site as detailed within the officer's report
- f. provided details of the policies pertaining to the application as follows:
  - National Planning Policy Framework
  - Policy LP1: A Presumption in Favour of Sustainable Development
  - Policy LP9: Health and Well Being
  - Policy LP11: Affordable Housing
  - Policy LP12: Infrastructure to Support Growth
  - Policy LP14: Managing Water Resources and Flood Risk
  - Policy L26: Design and Amenity
- g. outlined the responses made to the consultation exercise
- h. referred to the update sheet which contained revised site layout plans, revised ground level plans, a revised boundary treatment plan, together with comments received from the Highways Authority regarding the submitted Transport Statement, further comments received in respect of the application from Lincolnshire County Council as the Flood Risk Authority requesting additional conditions on any grant of planning permission for the development, and comments also from Historic England
- i. advised members of the main issues to be considered as part of the application as follows:
  - Local and National Planning Policy
  - Effect on Residential Amenity
  - Effect on Visual Amenity
  - Highway Safety
  - Flood Risk
  - Ecology
  - Affordable Housing
  - Land Levels
  - Land Contamination
  - CIL and other Contributions
  -
- j. concluded that:
  - The site had an allocation for housing in the CLLP and was located in a sustainable location close to existing services and amenities, with good transport links.

- Negotiations had secured revisions to the proposals including the removal of the proposed footpath link to Skellingthorpe Road (phase 4) and revisions to the layout and position of proposed dwellings, in response to concerns regarding residential amenity from the occupiers of existing properties.
- The development would contribute to the housing supply within the city and provide affordable housing in accordance with national and local planning policy.

Rebecca Archer, representing Chestnut Homes, addressed Planning Committee in support of the proposed development, covering the following main points:

- She was employed by Chestnut Homes as Land Development Manager.
- Phase 3 was a continuation of the LN6 development containing 80 dwellings so far.
- Phase 3 proposed an additional 29 dwellings.
- The development currently offered 16 affordable dwellings and 60 market houses with only 1 unit remaining left to sell.
- This land was designated for residential development in the local Plan for this area.
- The design of Phase 3 was similar to that of Phases 1 and 2.
- The tree belt along Tritton Road had been maintained with a footpath link through the development to Tritton Road.
- Separation between adjacent dwellings had been maximised.
- Land levels had been reviewed and lowered to reduce the effect on residential amenity.
- A foul drainage pumping station would be provided.
- French drains would be continued around the boundary.
- New boundary treatment was planned to prevent overlook.
- Further construction would commence in 1 week if planning permission was granted.

Members discussed the content of the report in further detail, raising the following main points:

- Members raised concern that continual expansion of the development would reach a point where traffic considerations would become a big problem. Further development must consider traffic congestion on the Western Avenue/Boultham Park Road junction.
- This quality development had won an award from the City of Lincoln Council and should be highly commended.
- Would the payment for Community Infrastructure Levy (CIL) and S106 have been different if a single planning application had been submitted rather than in phases?
- Would there be a designated drive through for lorries to transport soil to infill the development?
- Would wildlife/deer in the area be disturbed?
- What would be the impact on residents from the operation of the pumping station?
- Would the developer be happy to install stop signs/road markings to slow motorists down at the junction with Westbrooke Road/Western Crescent/Western Avenue?

The Planning Team Leader offered the following points of clarification to members in response to queries raised:

- The applicant was willing to erect traffic signage at the traffic junction with Westbrooke Road/Western Crescent/Western Avenue, however, the Highways Authority as responsible body for making the final decision had previously said this was not necessary. Officers would ask again.
- In addition to the Highways Authority report, the Highways Authority had visited the site several times and raised no objections.
- The requirement for payment of CIL didn't come into force until this year, otherwise, each phase of the development paid S106 monies separately so there would have been no difference in contributions made had a single planning application been submitted.
- An ecological assessment had established that there was no evidence of deer on the site, it may be they were coming from the other side of Tritton Road.
- Tests carried out by Environmental Health officers indicated that the pumping station would not cause issues of noise/smells.
- The County Council as Lead Flood Authority had stated that the surface water drainage system proposed by the applicant was considered to be suitable.
- With regards to infill transport, not a great deal of soil would be brought in as excavation work for drainage would create sufficient soil to move around the existing site.

RESOLVED that planning permission be granted conditionally subject to the signing of a unilateral agreement to cover the provision of affordable housing and a contribution towards Local Green Infrastructure (Playing Field, Play Space and Amenity Space) and subject to the following conditions:

### **Standard Conditions**

1. 3 years
2. Drawing numbers
3. Materials
4. Landscaping scheme
5. In accordance with FRA and finished floor levels
6. Tree protection measures during construction.
7. Any removal of scrub, hedgerows or trees between March to late August to be supervised by an ecologist and mitigation measures applied if required.
8. Sensitive lighting plan.
9. Installation of bat boxes.
10. Noise impact assessment for the pumping station.
11. Archaeology- development to proceed in accordance with the submitted WSI. Fieldwork report to be submitted within 6 months of completion
12. Electric charging points to be installed in accordance with drawing no WLR3 01 Rev E
13. Land contamination-1) Implementation of approved remediation scheme, 2) Reporting of unexpected contamination
14. Removal of pd for plots adjacent to existing residential development
15. Fencing to plots 54,55,56 not to be altered without the prior consent of the Council
16. Standard highway conditions

*(Councillor Hills requested that his vote against this planning application be recorded.)*

**8. Application for Development: Land Including 98 Newland (Viking House) And 100, 102 And 104 Newland, Lincoln.**

*(Councillors Hanrahan and Tweddle returned to the room for the remainder of the meeting. Councillor Hanrahan re took his seat as Chair.)*

The Principal Planning Officer:

- a. advised that full planning permission was sought for change of use of Viking House to student accommodation (Sui Generis) alongside external alterations; erection of partial subterranean building to provide four storeys of student accommodation (Sui Generis) between No. 96 and No. 100 Newland, including glazed link to No. 100 Newland; change of use of No. 100, 102 and 104 Newland to student accommodation (Sui Generis); and associated hard and soft landscaping works including creation of an internal courtyard
- b. described the location of the site occupied by two buildings, No. 98 Newland (Viking House) and the terrace at Nos. 100-104 Newland as detailed within the officers report
- c. advised that access to the buildings was currently a mixture of pedestrian access from Newland with vehicular access from Carholme Road and the traffic lit junction at the foot of the Brayford Way flyover where it met Carholme Road, the ground floor of Viking House currently served as a car park, accessed through the OTB car park and the rear courtyard of 100-104 was also car parking.
- d. described the relevant planning history to the application site as detailed within the officer's report
- 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 LP3: Level and Distribution of Growth
  - Policy LP5: Delivering Prosperity and Jobs
  - Policy LP13: Accessibility and Transport
  - Policy LP14: Managing Water Resources and Flood Risk
  - Policy LP16: Development on Land affected by Contamination
  - Policy LP17: Landscape, Townscape and Views
  - Policy LP25: The Historic Environment
  - Policy LP26: Design and Amenity
  - Policy LP29: Protecting Lincoln's Setting and Character
  - Policy LP31: Lincoln's Economy
  - Policy LP33: Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
  - Policy LP36: Access and Movement within the Lincoln Area
  - Policy LP37: Sub-Division and Multi-Occupation of Dwellings within Lincoln
  - National Planning Policy Framework

- f. outlined the responses made to the consultation exercise
- g. referred to the update sheet which contained further comments received in relation to the application from Lincoln Civic Trust together with an officer response to these comments, and further neighbour correspondence
- h. advised members of the main issues to be considered as part of the application as follows:
  - The Principle of the Development;
  - The Impact of the Design of the Proposals;
  - The Implications of the Proposals upon Amenity;
  - Sustainable Access, Highway Safety and Air Quality
  - Other Matters; and
  - The Planning Balance.
- i. concluded that:
  - The presumption in favour of sustainable development required by the National Planning Policy Framework would apply to the proposals as there would not be conflict with the Framework in respect of sustainability that would apply to development, as set out in the planning balance.
  - It was the conclusion of officers and therefore the recommendation to Members that there would not be harm caused by approving the development so the application should benefit from planning permission for the reasons identified in the report and subject to the conditions outlined below.
  - However, if any new material planning considerations were raised within correspondence received following the writing of this report which would lead to a different conclusion being reached or which would require further consideration and/or planning conditions, officers would provide members with a detailed response on the Update Sheet.
  - This would have regard to any further consultation responses received in the timeframe from the agenda being published and the date of the Planning Committee, or these would be reported directly at the Planning Committee if appropriate.

Chris Spendlove representing the University of Lincoln, addressed Planning Committee in support of the proposed development, covering the following main points:

- He worked as Registrar at the University of Lincoln.
- This development proposed 173 purpose built student bed spaces to satisfy the demand in current and future years.
- The University had received several awards in recognition of its high standards of education.
- The University was currently collaborating with the University of Nottingham to establish a medical school.
- The University had been extremely successful in the recruitment of students both nationally and internationally, numbers being significantly higher than last year.

- There was a demand for an additional 2,800 bed spaces over future years.
- The University must be able to recruit 'to target' to be effective and sustainable.
- There was a deficit of 500 bed spaces forecast for the year 2018/19.
- A strategy had been arranged with developers to build purpose built student accommodation over the next few years.
- The University was in support of the City Council's Article 4 Direction policy.
- Viking House was ideally situated for students being 5 minutes from the City and University.
- There would be no internal link from Viking House to No 1 Brayford or external thoroughfare.
- These proposals were the 1<sup>st</sup> phase of a wider regeneration scheme.
- CCTV screens would monitor the unit from the main University campus.
- The proposal would 'knit back' the street scene along Newland.

Members discussed the content of the report in further detail, raising the following main points:

- A mix of accommodation would be better rather than only student accommodation.
- Why was there a need to consider this application this evening when the consultation period did not finish until 24 May 2018?
- Why was it safe for proposed residents to live below footpath level, whilst in other areas of the city ground floor bedrooms were not permitted?
- This type of purpose built accommodation was not always filled.
- It was reassuring to hear the University of Lincoln's support for Article 4 Direction.
- This was excellent use of a 'run down' area.
- Officers should be commended on negotiations resulting in an impressive scheme.

The Planning Officer offered the following points of clarification to members:

- The wall along the pavement edge of the new development would envelope the subterranean areas as a flood risk mitigation measure agreed with the Lead Local Flood Authority and was an improvement on the existing situation.
- In relation to the future sustainability of the use of the building, there was no requirement for an applicant to demonstrate a specific need for student accommodation. A mixed use policy supported the wider use of areas of the city including student accommodation.

Members asked whether mitigation measures would be used by developers in the future to allow flood risk areas to accommodate habitable sleeping accommodation on the ground floor.

The Planning Manager clarified that not all flood risk areas were equal dependant on the different levels of flood risk across the city. It may be possible for such mitigation measures to be used in future development if appropriate.

RESOLVED that:

1. As the overall public consultation period for the application did not expire

until 24 May 2018 (as a result of the press and site notices published), authority be delegated to the Planning Manager to issue planning permission subject to the planning conditions listed below.

2. However, should there be any further material planning considerations raised (within correspondence received following the Planning Committee agenda being published) that had not already been considered in this report or that could not be addressed by existing or additional planning conditions, the application would be referred back to the next available Planning Committee for the consideration of Members.

### **Standard Conditions**

- Timeframe of the planning permission
- Approved Plans

### **Conditions to be discharged before commencement of works**

- Materials Schedule and Detailed Plans (Windows etc.)
- Contaminated Land Remediation
- Archaeology
- Site Drainage
- Air Quality and Noise Mitigation

### **Conditions to be discharged before use is implemented**

- Building-wide Management Plan
- Scheme of Landscaping
- Refuse Storage

### **Conditions to be adhered to at all times**

- Construction Working Hours and Deliveries
- Scheme of External Site Lighting

## **9. Application for Development: 1 St Pauls Lane, Lincoln**

The Principal Planning Officer:

- a. advised that retrospective planning permission was requested for installation of perspex dining igloos on the roof terrace of Tap House Bar and Kitchen, situated at the corner of St. Pauls Lane and Westgate
- b. advised that the proposals were to retain two structures described by the applicant as 'dining igloos' in a dome format, however, there were two further unauthorised structures that had been erected prior to and alongside these structures, i.e. a building which had the appearance of a shed and a roof-top bar, all three types of structure having a differing appearance
- c. clarified that the application building was not listed but located within the Cathedral and City Centre Conservation Area (No.1) and adjacent to the ramparts of the Lincoln Castle, a Grade I Listed Building and Scheduled Monument

- d. reported that there was no relevant planning history for the site but it was important to note that the current application was retrospective for the two dome structures shown in the plans attached to this report, moreover, these were erected at different points in time alongside the 'shed' structure and external bar, all without planning permission, although only the domes were shown within this application
- 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 LP3 Level and Distribution of Growth
  - Policy LP5 Delivering Prosperity and Jobs
  - Policy LP7 A Sustainable Visitor Economy
  - Policy LP13 Accessibility and Transport
  - Policy LP17 Landscape, Townscape and Views
  - Policy LP25 The Historic Environment
  - Policy LP26 Design and Amenity
  - Policy LP29 Protecting Lincoln's Setting and Character
  - Policy LP31 Lincoln's Economy
  - National Planning Policy Framework
- f. outlined the responses made to the consultation exercise
- g. advised members of the main issues to be considered as part of the application as follows:
- The Principle of the Development;
  - The Impact of the Proposals upon Heritage Assets;
  - Other Matters; and
  - The Planning Balance.
- h. concluded that:
- The presumption in favour of sustainable development required by the National Planning Policy Framework would not apply to the proposals as there would be conflict with the three strands of sustainability that would apply to development as set out in the planning balance.
  - Therefore, there would be harm caused by approving the development. As such, it was considered that the application should not benefit from planning permission for the reasons identified in the report and within the officer's recommendation.

Barbara Griffin, representing the Applicant, addressed Planning Committee in support of the proposed development, covering the following main points:

- She spoke on behalf of the owners of 1 St Paul's Lane
- This was a small project.
- The dome structures were temporary.
- She read out a statement from the owner:
  - In the winter, the premises needed sustainable business and these pods contributed to help it survive.
  - The pods were popular over the winter months.



- They provided kudos to the Lincoln area.
- The restaurant took bookings from as far away as Malta, China and the United States with worldwide recognition.
- The 2.1 metre wide temporary structures were used in the winter months to help keep the business afloat.
- The use of umbrellas did obstruct the view of the Cathedral when up or down, whilst the domes did not.
- There were other temporary structures around the Castle/Cathedral walls with greater impact, for example the Big Wheel at the Christmas Market.
- These domes had been used in London without issue.
- Please support this local business to encourage more people to visit our historic City.

A motion was moved that the pods be granted planning permission but the other structures demolished.

The Chair advised that this motion would not be possible to implement as the other structures did not have consent and would be dealt with under separate legislation.

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

- Whether or not these domes were acceptable was a subjective view.
- The pods looked exotic and romantic.
- It was surprising that the owner thought planning permission wasn't needed.
- Perhaps further negotiation with officers could come up with an alternative scheme acceptable to both parties.
- The speaker had said the business would fold if the pods weren't allowed, then afterwards had boasted it received worldwide recognition.
- An event held over 3 days such as the Christmas Market was different to structures that had been erected for quite a few months.
- Would any ordinary person think planning permission for this type of structure was required? Probably not.

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

- The applicant had been advised at pre application stage that the proposals wouldn't be supported, however, he still continued.

RESOLVED that the application be refused permission for the reasons outlined below:-

- By reason of their form, external appearance (including materials of construction) and ancillary lighting, the proposals would be incongruous additions to the roof terrace of the building, which introduced visual clutter and impeded and diminished the quality of the views towards the Scheduled and Grade I Listed Lincoln Castle, thereby causing harm to its setting and significance.
- What is more, the impact upon the character and appearance of the Cathedral and City Centre Conservation Area was not preserved by the proposal and diminished the character of the area in a harmful way.
- The proposals would therefore be contrary to the requirements of Policies

LP5, LP17, LP25, LP26, LP29 and LP31 of the Central Lincolnshire Local Plan, as well as the requirements of Sections 7 and 12 and the social and environmental sustainability principles referred to in the National Planning Policy Framework.

*(Councillor Brothwell left the meeting at this point to attend a prior engagement.)*

**10. Application for Development: 27-29 Clasketgate, Lincoln**

The Planning Manager:

- a. advised that planning permission was sought for the erection of a 63no. bedroom Hotel (Use Class C1) and Restaurant (Use Class A3) following demolition of existing building (Revised Description)
- b. described the location of the application site sloping upwards heading north along Flaxengate
- 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 LP7: A Sustainable Visitor Economy
  - Policy LP12: Infrastructure to Support Growth
  - Policy LP13: Accessibility and Transport
  - Policy LP14: Managing Water Resources and Flood Risk
  - 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
  - Policy LP29: Protecting Lincoln's Setting and Character
  - Policy LP31: Lincoln's Economy
  - Policy LP33: Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
  - National Planning Policy Framework
- d. outlined the responses made to the consultation exercise
- e. advised members of the main issues to be considered as part of the application as follows:
  - National and local planning policy
  - Impact on designated and non-designated heritage assets
  - Impact on visual amenity
  - Impact on residential amenity
  - Highway safety, access and parking
  - Foul and surface water drainage
  - Potential land contamination and other environmental impacts
- f. concluded that:
  - The application site was sustainably located within Lincoln's Central Mixed Use Area, where Hotel (C1) and Restaurant (A3) uses were supported in principle, and was considered an appropriate location for visitor accommodation; in accordance with Policy LP2 'The

Spatial Strategy and Settlement Hierarchy' and LP33 'Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area' of the Central Lincolnshire Local Plan (2017).

- The proposed development would contribute positively towards the sustainable growth of Lincoln's visitor economy, and supported and enhanced the City's role as a key destination for tourism and leisure; in accordance with Policy LP7 'A Sustainable Visitor Economy' and Policy LP31 'Lincoln's Economy' of the Central Lincolnshire Local Plan (2017).
- It would deliver an attractive building that would reinforce local distinctiveness and make a positive contribution to the character and appearance of Conservation Area No. 1 'Cathedral and City Centre' and not cause undue harm to the setting of identified listed buildings; in accordance with the duties contained with Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Notwithstanding the above, further work was needed to address the following elements of national planning policy;
  - 1) Potential indirect impacts of the development on the setting and context of the nearby Scheduled Monument, and what level of harm may result (paragraphs 132-134 of the NPPF); and
  - 2) Whether the Roman remains thought to be present on the site were demonstrably of equivalent significance to the nearby Scheduled remains, and therefore themselves subject to the relevant NPPF policies protecting designated heritage assets in accordance with NPPF paragraph 139.
- However, it was considered these requirements could be adequately addressed through the application of appropriately worded conditions that would enable a staged approach to delivering the proposed development.

Members discussed the content of the report in further detail, offering general support to the scheme to bring about improvements to the local area, providing a commercially viable property, with reassurance that archaeological conditions had been imposed.

One member voiced concern about the scale and massing of the proposed development and the continuation of tall buildings along Clasketgate, although the boutique style design was welcomed and he supported the proposals apart from accepting the reservations made by Historic England.

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

- 3 year time limit
- In accordance with approved plans and documents
- No demolition of existing building until redevelopment contract in place
- Internal assessment of existing building prior to demolition
- Detailed Written Scheme of Investigation for mitigation of impacts of shallow foundations
- Further intrusive evaluation to establish nature and significance of Roman remains
- Final Mitigation Strategy to address the impacts of piled foundations upon Roman remains

- Final Site Report and deposition of site archive
- Samples of materials
- Window specification and measures to reduce the passage of sound into hotel rooms
- Details of delivery vehicles and times
- Surface water management strategy
- Standard contaminated land conditions
- Scheme for the extraction, filtration and abatement of cooking odours
- Noise impact assessment prior to the installation of any stationary external plant or machinery

**11. Application for Development: 62 Baker Crescent, Lincoln**

The Planning Manager:

- a. described the location of the application site to the east of Fulmar Road in the Birchwood area of Lincoln, at the northern end of Baker Crescent, a two storey semi-detached property with a detached single garage
- b. advised that permission was sought for a two storey extension to the side of the property which would provide additional bedrooms and living accommodation
- c. reported that this application was being presented to members because the applicant was related to an employee of the City of Lincoln Council
- d. provided details of the policies pertaining to the application as follows:
  - National Planning Policy
  - Central Lincolnshire Local Plan:
  - Policy LP26 - Design and Amenity
- e. outlined the responses made to the consultation exercise
- f. advised members of the main issues to be considered as part of the application as follows:
  - Visual amenity and design
  - Residential amenity and impact on neighbours
  - Highways
- g. concluded that:
  - It was considered that the proposed development would be in accordance with local plan policy LP26.
  - The height and scale of the extension was in keeping with the existing and neighbouring properties and would be constructed of materials to match.
  - The amenities which all existing and future occupants of neighbouring properties may reasonably expect to enjoy would not be unduly harmed by the proposed development and as such was considered acceptable subject to the conditions set out below.

Members discussed the content of the report in further detail.

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

- Development to commence within 3 years
- Development to be carried out in accordance with the plans
- Samples of bricks to be approved prior to commencement of development

**12. Application for Development: Skellingthorpe Road Playing Field, Skellingthorpe Road, Lincoln**

The Planning Manager:

- a. reported that retrospective planning permission was sought for the siting of 1no. storage container relocated from Boultham Park, following the sale of land for development
- b. advised that the application related to Skellingthorpe Road Playing Fields, located on the north side of Skellingthorpe Road, opposite the main entrance to Hartsholme Country Park.
- c. confirmed that the application site fell within the boundary of the Western Growth Corridor Sustainable Urban Extension (CL819) as allocated within the Central Lincolnshire Local Plan (2017), however, indicative site layouts suggested that the playing fields would remain undeveloped open space
- d. provided details of the policies pertaining to the application as follows:
  - Policy LP1: A Presumption in Favour of Sustainable Development
  - Policy LP23: Local Green Space and other Important Open Space
  - National Planning Policy Framework
- e. outlined the responses made to the consultation exercise
- f. advised members of the main issues to be considered as part of the application as to whether the development was in accordance with Policy LP23 'Local Green Space and other Important Open Space' of the Central Lincolnshire Local Plan (2017)
- g. concluded that the development had not affected the provision of open space nor resulted in detrimental impacts on the character and appearance of the surrounding area, ecology and any heritage assets; in accordance with Policy LP23 'Local Green Space and other Important Open Space' of the Central Lincolnshire Local Plan (2017) and relevant guidance within the National Planning Policy Framework (2012).

Members discussed the content of the report in further detail, receiving confirmation of the legitimate reason for submission of a retrospective planning application.

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

**Standard Conditions**

- 01) 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	19th February 2018
		Block plans	19th February 2018

**13. Application for Development: Boultham Park Allotments, Hall Drive, Lincoln**

The Planning Manager:

- a. reported that retrospective planning permission was sought for the siting of 1no. storage container relocated from Boultham Park, following the sale of land for development
- b. advised that the application site related to Boultham Park Allotments, located on the east side of Hall Drive, opposite Lincoln Indoor Bowls Club
- c. confirmed that the application site was identified as Important Open Space (IOS) within the Central Lincolnshire Local Plan (2017), and fell within Flood Zone 3 as shown on the Environment Agency's Flood Map for Planning (Rivers and Sea)
- d. provided details of the policies pertaining to the application as follows:
  - Policy LP1: A Presumption in Favour of Sustainable Development
  - Policy LP23: Local Green Space and other Important Open Space
  - National Planning Policy Framework
- e. outlined the responses made to the consultation exercise

- f. advised members of the main issues to be considered as part of the application as to whether the development was in accordance with Policy LP23 'Local Green Space and other Important Open Space' of the Central Lincolnshire Local Plan (2017)
- g. concluded that the development had not affected the provision of open space nor resulted in detrimental impacts on the character and appearance of the surrounding area, ecology and any heritage assets; in accordance with Policy LP23 'Local Green Space and other Important Open Space' of the Central Lincolnshire Local Plan (2017) and relevant guidance within the National Planning Policy Framework (2012).

Members discussed the content of the report in further detail.

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

**Standard Conditions**

- 01) 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	9th February 2018
		Block plans	9th February 2018