

**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, Councillor  
Ronald Hills and Councillor Edmund Strengiel

**Apologies for Absence:** None.

**33. Confirmation of Minutes -15 August 2018**

RESOLVED that the minutes of the meeting held on 15 August 2018 be confirmed.

**34. Declarations of Interest**

Councillor Biff Bean wished to declare that he had been working with the community in his capacity as a resident regarding trees in the Hartsholme Ward relating to minute number 35 below.

**35. Work to Trees in City Council Ownership**

The Assistant Director of Communities and Street Scene:

- a) Advised members of the reasons for proposed works to trees in City Council ownership and sought consent to progress the works identified as set out in Appendix A of the report.
- b) Explained that Ward Members had been notified of the proposed works.

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

**36. Applications for Development**

**(a) Yarborough Leisure Centre, Riseholme Road, Lincoln**

The Planning Manager:

- a) Advised that the application sought permission for an artificial grass pitch to accommodate an 11 aside football pitch which would measure 106 metres in length and 70 metres in width.
- b) Reported that the pitch would be capable of accommodating a combination of youth football pitches, mini soccer pitches and training areas.
- c) Reported that the proposal also sought the installation of associated fencing to include 4.5 metre high ball stop fencing to the artificial grass pitch perimeter and a 3.5 metre acoustic fence.
- d) Advised members that the site was located on the existing grass sports pitches to the rear of Yarborough Leisure Centre and that residential developments adjoined the site from the properties on Anzio Crescent,

with Lincoln Castle Academy and Yarborough Leisure Centre located to the south-east.

- e) Highlighted that the application was brought before the Planning Committee as the applicant was the City of Lincoln Council.
- f) Provided details of the policies pertaining to the application as follows:
  - National Planning Policy Framework;
  - Central Lincolnshire Local Plan;
  - LP23 – Local Green Space and other Important Open Space;
  - LP26 – Design and Amenity.
- g) Outlined the responses made to the consultation exercise, including a petition which included in excess of 200 signatures.
- h) Advised members of the main issues to be considered as part of the application, as follows:
  - Principle and Policy Context;
  - Visual Amenity;
  - Highways;
  - Sport England.
- i) Concluded that the proposed artificial grass pitch would be located on an area of grass which was currently used for informal playspace. The proposal formalised the space with an all-weather pitch and associated infrastructure which meant it could be used all year round. Appropriate measures had been taken to mitigate the impact on adjacent neighbours and it was considered that the use was appropriate given the surrounding context of existing sports uses.

Jinny Niven, nearby resident, spoke against the application and made the following points:

- the noise impact assessment was not carried out whilst games were being played during the football season when the noise was at its loudest;
- operation of this site for up to 98 hours a week would significantly increase the time that residents experienced increased noise levels, together with poor language and behaviour that was often heard by current use of the existing facility;
- the noise impact assessment was not carried out within 150 metres of homes around the pitch and not on a Sunday morning when usage was at its highest;
- the noise impact assessment was undertaken at ground level rather than at first floor height;
- the application was within a residential area;
- residents with hearing aids would be significantly impacted due to amplified noise;
- increased levels of noise could result in people's dogs reacting to the disturbance, resulting in a further noise problem for residents;
- a few hours of usage per day could be tolerated by residents, but usage of up to 98 hours per week on the site could not be tolerated;

- the Central Lincolnshire Local Plan stated that local amenities must not be unduly harmed by development and it was her view that amenities would be unduly harmed by this proposal, with people no longer being able to enjoy their homes and fellow residents having suggested that they would no longer wish to live in the area;
- car parking was already challenging in the area and this would only get worse as a result of this proposal;
- current iconic views of Lincoln Cathedral could be distorted for residents as a result of the proposal;
- children, night workers and people who used the land for recreational purposes would all be detrimentally impacted as a result of this proposal, particularly in respect of the hours of use for the site which it was noted could operate until 10pm.

Simon Colburn, representing the applicant, spoke in favour of the application and made the following points:

- the proposal represented part of a £1.8 million project to build two new artificial grass (3G) pitches;
- lack of physical activity was linked to one in six deaths in the United Kingdom and nearly a quarter of children in Year 6 were obese, so the project and this application sought to put in place new facilities to address this issue. The main objective was therefore to get more people active in different ways;
- the existing facilities in the area had been under review for some time with the fitness gym at Yarborough Leisure Centre having been renovated, together with the re-development of Leisure Centre at Birchwood;
- there had been a proven demand for better facilities in this area, with a feasibility study indicating a specific demand for artificial grass pitches;
- this application would provide opportunities to offer more demographics such as women's football, disability football and walking football potentially;
- the facility would be properly managed and run;
- officers had recently met with local residents following a consultation event, which sought to alleviate any concerns;
- charter clubs would be operating on the site, which would tackle any poor behaviour.

Members discussed the content of the report in further detail.

One member acknowledged the comments raised by the resident objecting to the application but said that consideration needed to be given to all people's interests in the city. He was of the opinion that good facilities needed to be put in place and was interested in the facility's management plan, which would detail specifically how issues such as anti-social behaviour and poor language and behaviour would be addressed. He questioned whether such a facility would see an increase or decrease in anti-social behaviour.

A member noted that questions had been raised in respect of the noise impact assessment and requested further clarity on this point.

The Planning Manager reported that a bespoke and site specific noise impact assessment was undertaken where it was considered that noise levels were acceptable and did not cause harm in accordance with criteria set by the World

Health Organisation. This was dependant on mitigation methods, such as the acoustic fencing, which would be delivered as part of the scheme. It was acknowledged that residents would be able to hear activities taking place on the site and they would also be able to see the illumination of flood lights in the evening, but that the impact would not be so great to consider it as unacceptable. It was noted that the site was already an existing sports facility.

It was noted that Sports England had originally submitted an objection to this application which it had now retracted. Further information was requested on this issue.

The Planning Manager confirmed that Sports England had originally objected due to an absence of clarity regarding use of the facility and sustainability. These issues had since been addressed as part of the report and Sports England was now fully supportive of the scheme.

10pm in the evening was considered to be quite late for the facility to cease its operation, especially considering the residential nature of the area. A question was raised as to how strict that cut off time would be.

The Planning Manager stated that the planning condition associated with the hours of operation would be clearly defined and there would be a full expectation that the lights and use of the facility ceased at 10pm. Enforcement powers could be put in place to ensure that this occurred.

It was suggested that all residents who responded to the consultation process should be provided with a copy of the management plan for the facility, including a contact number that they could report any issues through.

The Planning Manager agreed that this was a good idea, but that it was probably beyond the remit of the Planning Committee to include consideration of this issue as part of any decision and associated conditions.

RESOLVED that the petition be received and that the application be granted conditionally.

### **Conditions**

- Development to commence within three years;
- Development to be carried out in accordance with the plans;
- Contaminated land – unexpected contamination;
- Carried out in accordance with noise assessment;
- Carried out in accordance with lighted details;
- Hours of construction;
- Hours of operation.

### **(b) Birchwood Leisure Centre, Birchwood Avenue, Lincoln**

The Planning Manager:

- a) Advised that the application sought permission for an artificial grass pitch to accommodate an 11 aside football pitch which would measure 106 metres in length and 70 metres in width.
- b) Reported that the pitch would be capable of accommodating a combination of youth football pitches, mini soccer pitches and training areas.

- c) Reported that the proposal also sought the installation of associated fencing to include 4.5 metre high ball stop fencing to the artificial grass pitch perimeter and a 3.5 metre acoustic fence.
- d) Advised members that the site was located on an area of grassed playing field and that residential properties adjoined the site to the north, south and east.
- e) Reported that a former airstrip ran along the north western boundary of the site.
- f) Highlighted that the application was brought before the Planning Committee as the applicant was the City of Lincoln Council.
- g) Provided details of the policies pertaining to the application as follows:
  - National Planning Policy Framework;
  - Central Lincolnshire Local Plan;
  - LP23 – Local Green Space and other Important Open Space;
  - LP26 – Design and Amenity.
- h) Outlined the responses made to the consultation exercise.
- i) Advised members of the main issues to be considered as part of the application, as follows:
  - Impact on Neighbours;
  - Visual Amenity.
- j) Concluded that the proposed artificial grass pitch would be located on an area of grass which was currently used for informal playspace. The proposal formalised the space with an all-weather pitch and associated infrastructure which meant it could be used all year round. Appropriate measures had been taken to mitigate the impact on adjacent neighbours and it was considered that the use was appropriate given the surrounding context of existing sports uses.

Simon Colburn, representing the applicant, spoke in favour of the application and made the following points:

- in reference to the 98 hours per week operating hours, it was noted that in reality the facility would not attract anything like that amount of demand;
- lighting would be turned off at 10pm and no league matches would be played at that time of the night, meaning that there was no risk of matches overrunning;
- despite being allowed to operate until 10pm, the majority of clubs would not opt to use the facility at this time of night;
- management plans would be in place to ensure responsible use of the facility;
- anchor clubs using the facility would be signed up to the Football Association Charter and there would therefore be an impetus for those clubs to ensure that the facility was used sensibly;

- a communications strategy and management plan was in place and contact details would be provided for people to be able to contact the facility's management should any issues arise.

Members discussed the content of the report in further detail.

A member had spoken to residents regarding this proposal who had raised concerns in respect of lighting, litter and people urinating in public places. There was also uncertainty in the community as to whether Sunday league football could take place at the facility. Having attended the consultation meeting the issue in respect of lighting had been addressed and good management of the facility would relay the other concerns that had been raised. It was noted that the facility could be used for Sunday league football.

A member was pleased to see that the acoustic fencing was in a strategic place to protect the residential area closest to the site.

A member emphasised the importance of providing people with feedback, particularly those who had provided comments as part of consultation.

The Planning Manager explained that whenever a decision was made on a planning application a letter was sent to any individual who had submitted comments as part of the application's consultation process to explain the decision. He agreed to consider reviewing this letter to potentially include further details or signposting for residents should it be necessary.

RESOLVED that the application be granted conditionally.

### **Conditions**

- Development to commence within three years;
- Development to be carried out in accordance with the plans;
- Contaminated land – unexpected contamination;
- Carried out in accordance with noise assessment;
- Carried out in accordance with lighted details;
- Hours of construction;
- Hours of operation.

(c) **Homebase, Lidl Outlet, Topps Tiles and Part of BHS (Units C, D, E), St Marks Retail Park, Lincoln**

*(Councillor Kath Brothwell was not present at the meeting for this item).*

The Principal Planning Officer:

- a) Advised that planning permission was sought for the demolition of existing buildings and development of the site for purpose built student accommodation with commercial floor space, car parking, cycle storage and associated landscaping.
- b) Described the location of the application site which was within the western corner of the wider redevelopment site encompassing the St. Marks Retail Park and Shopping Centre.

- c) Reported that the site was currently occupied by the Homebase, Lidl Outlet and Topps Tiles units and part of the BHS unit and surface parking area in the foreground of these units.
- d) Highlighted that prior approval had already been granted for the demolition of the units.
- e) Highlighted that the outline planning application for this part of the site included a portion of the 150 residential units approved across the development site and up to 1,100 student units, with some commercial uses at ground floor to the northern perimeter.
- f) Reported that the application was for the erection of ten blocks of student accommodation, varying in height from four to ten storeys in height, for a total of 1,372 bed spaces in clusters with shared living spaces.
- g) Reported that the main vehicular access for the site would be from the current service yard access at Firth Road, which joined Tritton Road at the traffic light controlled intersection with Beevor Street. The access would lead into the site for servicing purposes but would be primarily for the collection of refuse from storage areas adjacent and the drop off point for students.
- h) Reported that between the blocks would be a series of spaces with seating, landscaping and cycle stores, which would ultimately permit public access from outside the site through to the remainder of the St Marks development.
- i) 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 LP6: Retail and Town Centres in Central Lincolnshire;
  - Policy LP7: A Sustainable Visitor Economy;
  - Policy LP9: Health and Wellbeing;
  - 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 LP21: Biodiversity and Geodiversity;
  - Policy LP24: Creation of New Open Space, Sports and Recreation Facilities;
  - 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.

- j) Outlined the responses made to the consultation exercise;
- k) Reported that a full Environmental Impact Assessment had been carried out.
- l) Advised members of the main issues to be considered as part of the application as follows:
  - The Outline Planning Application and Consideration of Central Lincolnshire Local Plan Policy;
  - Environmental Impact Assessment;
  - The Principle of the Development;
  - Sustainable Access, Highway Safety and Traffic Capacity;
  - The Impact of the Design of the Proposals;
  - The Implications of the Proposals upon Amenity;
  - Other Matters;
  - The Planning Balance.
- m) Reminded members that the Council, as local planning authority, was duty bound to provide housing delivery information to the government in order to demonstrate that the Central Lincolnshire Authorities were making good on projected housing delivery. The delivery of student accommodation in the past three years, and in going forward, would be important when completing these returns to government, which would count towards the City of Lincoln's housing delivery contributions.
- n) Reported that a further condition was recommended to seek confirmation of the final use prior to the occupation of the building in respect of the commercial premises to the northern edge of the site, within Block A.
- o) 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 three strands of sustainability that would apply to development as set out in the planning balance. Therefore, there would not be harm caused by approving the development and it was considered that the application should benefit from planning permission for the reasons identified in the report and subject to the conditions included within it.

Members discussed the content of the report in further detail, during which the following comments and points were noted:

- regeneration of this site was supported, however, the design of the proposal in its current form was not in keeping with the area, lacked any imagination and, given its prominent location, Lincoln deserved better;
- the Civic Trust had objected to the application, stating that the buildings were too overpowering for the site. Further high-rise buildings in this area would obscure the views of Lincoln Cathedral and Lincoln Castle;
- there was no provision for car parking on the site for student accommodation and it was unclear how students could be prevented from bringing their own vehicles with them;
- this application was concerning in the context of the proposed development of the Western Growth Corridor and the resulting increase in

traffic, with traffic using the roundabout adjacent to the site already often at a standstill during busy periods;

- the close proximity of the site to the University Bridge, the east-west link and the Western Growth Corridor would be catastrophic for the traffic in this area. An independent traffic monitoring survey had been commissioned by a member which indicated that by 2024 the whole area would be gridlocked. The project itself was worthy of support, but it was in the wrong location;
- taking into account the commercial units already operating on the site, there would be much less traffic generated from the site should the application be successful than there was currently;
- students should not bring their own vehicles with them if they knew that there was nowhere to park onsite, with the site being in close enough proximity to the city centre and the University campus to enable them to walk or cycle. However, there was nothing to stop students bringing their own vehicles and in doing so this would impact on the amenities of existing neighbouring residential areas in respect of car parking, which was already limited in certain areas. It was suggested that the introduction of funding for a residential parking scheme may address this;
- this proposed development showed no comparison or resemblance to other buildings in the immediate area such as the Gateway or the University building. The current design gave the impression of industry or office blocks whereas this was supposed to be a residential development which the people of Lincoln would have to live with. Given that this was a prime site and was essentially a gateway to the city, more was expected in respect of the standard of design;
- there was no mention of increased facilities for medical or dental facilities associated with the development. It was expected that 1,372 student units would put some pressure on existing amenities in this respect;
- more student accommodation was required in the city to meet the increasing demand of the expanding University;
- comments received from the Civic Trust and Natural England were concerning in respect of the proposal;
- the main University building opposite the application site reflected modern Lincoln and a modern style in keeping with that area, whereas the design of the proposed development as per the application did not meet the same standards;
- the design of a building was subjective and would be judged by personal opinion, with some people not necessarily in favour of the modern buildings already in place adjacent to the site;
- the proposal had less of an imposing impact due to it being further away from the highway, whereas existing taller buildings in the area were located much closer to the highway and had still been granted planning permission;
- the design of the application provided links to the city's industrial past, with red brick used on purpose as opposed to cladding or glass frontage to be more in keeping with materials used in traditional residential dwellings in Lincoln;
- the proposal represented a high density development which attempted to squeeze as many people in as possible and it was questionable as to whether this would be acceptable should it have been a traditional residential development;
- the proposed development would take approximately three years to complete, meaning that a key part of the entrance and exit to the city

- would be a building site for a considerable time, with students living amongst this onsite for one or two years of the development;
- despite there being no parking provision onsite, 1,372 people would still be required to cross a busy road either to the University campus or the city centre;
  - part of the wider project, which included retail outlets and a privately operated car park, would attract traffic to the area;
  - size and massing of the proposed development was immaterial at this stage of consideration due to this having been approved as part of the outline planning consent.

The Planning Manager provided clarity in respect of those matters that had previously been approved as part of the outline planning consent, which included the size of buildings and overall massing of the development. In addition, as part of the wider highway implications, an agreement was in place to retain an area of land to allow for further widening to occur on the east-west link, as also included in the outline planning consent.

The Planning Manager added that design was a legitimate material planning consideration. He respectfully disagreed with members' negative comments regarding the design of the application, stating that the design had been undertaken in such a way to purposely make the buildings separate from those iconic buildings of the University campus and instead provide more of an emphasis and reference to the lower part of the city, encompassing the red brick materials that many dwellings in Lincoln had been built with. The 'clean-line' design of the proposed buildings was a modern phenomenon but he was of the opinion that its design, and the materials proposed to be used, did relate to Lincoln. He also explained that the design took into account the perspective from the top of the hill looking south of the city and the impact of the development, with the predominant colour being that of red brick from existing dwellings. The application therefore sought to compliment this view and minimise the impact from the hillside.

The Planning Manager highlighted that the location of the site was within the expanding city centre, with sustainable links to the city and the University. There was nowhere on this site for onsite parking, with concerns expressed that there would be a knock-on effect for residential on-street parking. The nearest residential area with on-street parking was some distance away from the site, which therefore made it unlikely that students would seek to use on-street parking to park their vehicles when living in this accommodation.

RESOLVED, that the application be refused.

Reason for refusal – The design of the proposal was contrary to Lincoln's setting and character: and therefore contrary to policies LP25, LP26 and LP29 of the central Lincolnshire local Plan.