

Present: Councillor Naomi Twedde (*in the Chair*),
Councillor Biff Bean, Councillor Bill Bilton, Councillor Alan Briggs, Councillor Kathleen Brothwell, Councillor Gary Hewson, Councillor Ronald Hills, Councillor Rebecca Longbottom, Councillor Edmund Strengiel and Councillor Pat Vaughan

Apologies for Absence: Councillor Bob Bushell and Councillor Chris Burke

58. Confirmation of Minutes - 29 January 2020

RESOLVED that the minutes of the meeting held on 29 January 2020 be confirmed.

59. Declarations of Interest

Councillor Biff Bean declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Application for Development: 86 Wolsey Way, Lincoln'

Reason: He was known to the agent of the proposed development. He left the room during the discussions on this item and took no part in the vote on the matter to be determined.

Councillor Edmund Strengiel declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Application for Development: 86 Wolsey Way, Lincoln'.

Reason: He was known to the agent of the proposed development. He left the room during the discussions on this item and took no part in the vote on the matter to be determined.

60. Work to Trees in City Council Ownership

The Arboricultural Officer:

- a. advised members of the reasons for proposed works to trees in the City Council's ownership and sought consent to progress the works identified, as detailed at Appendix A of his report
- b. highlighted that the list did not represent all the work undertaken to Council trees, it represented all the instances where a tree was either identified for removal, or where a tree enjoyed some element of protection under planning legislation, and thus formal consent was required
- c. explained that Ward Councillors had been notified of the proposed works.

Members requested further clarification on the reference within the schedule of work to trees in Abbey Ward located at the Allenby Road junction with Rookery Lane?

The Arboricultural Officer apologised for quoting the wrong location for the trees, which were actually located close to Wickes Building Supplies on the Allenby Road junction.

Members referred to the reference within the work to trees at Hartsholme Country Park and asked why pollarding works had been requested on a tree with a substantial defect?

The Arboricultural Officer advised that the tree in question was a mature specimen approximately 15 meters tall. The tree had a large open crack 5 metres in length and was starting to degrade. Pollarding would allow the retention of the tree whilst also reducing the risk of catastrophic collapse. It was hopeful the tree may regenerate and be saved.

RESOLVED that tree works set out in the schedules appended to the report be approved.

61. Application for Development: Land Adjacent to Yarborough Leisure Centre, Riseholme Road, Lincoln

The Planning Team Leader:

- a) described the application site on land in front of Yarborough Leisure Centre allocated as a site for residential development in the adopted Local Plan, currently owned by the City of Lincoln Council with agreement to sell the land to the applicants
- b) advised that planning permission was sought by Bishop Grosseteste University (BGU) for the erection of a three storey building for new teaching space and erection of five buildings for student accommodation made up of three, four and five storeys, with vehicular access from Riseholme Road and provision of 40 car parking spaces
- c) provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework; Chapters
 - 2: Achieving Sustainable Development
 - 4: Decision Making
 - 5: Delivering a Sufficient Supply of Homes
 - 6: Building a Strong Competitive Economy
 - 11: Making Effective Use of Land
 - 12: Achieving Well-Designed Places
 - Central Lincolnshire Local Plan. Policies
 - LP1: A Presumption in Favour of Sustainable Development
 - LP10: Meeting Accommodation Needs
 - LP26: Design and Amenity
 - LP32: Lincoln's Universities and Colleges
 - LP29: Residential Allocations-Lincoln
- d) outlined the responses made to the consultation exercise

e) advised members of the main issues to be considered as part of the application to assess the proposal with regard to:

- National and Local Planning Policy
- Visual Appearance and Impact
- Impact on Adjacent Residents
- Traffic and Pedestrian Safety
- Trees, Open Space and Ecology
- Drainage, Archaeology, Ground Conditions

f) concluded that:

- The application before Planning Committee had been carefully considered and was sensitive to the context of the local area.
- The site had an allocation for housing in your adopted Local Plan and the use proposed, whilst not conventional housing, provided significant residential accommodation.
- The proposal allowed BGU to continue to develop and ensured that there was little impact on their neighbours and the wider City.
- The design of the new buildings, their scale, location and the materials with which they were to be built were appropriate to this part of the City and the use would not cause harm to the amenity of local residents.
- The tree cover and landscaping of the site had gone through detailed consideration and an acceptable solution could be agreed.

g) recommended that planning permission be granted subject to the conditions outlined at page 21 of the officer's report, together with additional conditions requiring the implementation of a surface water drainage scheme and the formation of a new vehicular access.

Mr Jeremy Wright, addressed Planning Committee in objection to the proposed development, covering the following main points:

- He spoke on behalf of Lincoln Civic Trust which objected most strongly to the planning application and recommended refusal.
- He also spoke on behalf of 30 other local residents who were all against the planning application.
- The location of the proposed development on Riseholme Road, represented the former Roman Ermine Street as the entrance to Historic Lincoln with distant views of the cathedral visible between the trees lining both sides of the road.
- Dwellings were set well back from the road with large front gardens, and an integral feel of a green and well planned City.
- The character of the new development next to the road would contrast massively to the existing area causing a huge impact.
- The proposal was maximum density comprising large buildings.
- Policy LP29 referred to the need to protect the dominance and approach views of Lincoln Cathedral.
- The development proposed was made up of standard student flats and a non-descript office block.
- It would create a new landmark for this area of the City out of symmetry with the surrounding houses.

- There was conflict with Policy LP32 which supported the ongoing development of higher and further education establishments in the City, provided that these were well integrated with and contributed positively to their surroundings.
- The development should be built no higher than 2 storey.
- The addition of a five storey building would dwarf the adjacent Castle Academy and local houses.
- The proposed scheme imposed inadequate access for fire appliances.
- The proposed development had been 'shoe horned' into an inappropriate area.
- The University of Lincoln recently opposed a new development having stated previously that there was sufficient provision for student housing.
- The demand for universities could very quickly alter.
- Several accommodation blocks laid empty on the Riseholme campus and this could happen here too.
- The proposal represented an overdevelopment.
- There was an available site on the existing campus four times larger.
- Access, traffic, walking and parking issues.
- This planning application should be refused and reconsidered.

Mr Bob Walder, addressed Planning Committee in support of the proposed development, covering the following main points:

- He spoke as Chair of the BGU University Council.
- BGU was a successful gold rated teaching University.
- Students came from the City and County.
- The University offered post graduate training through to teaching qualifications and apprenticeships.
- Established in 1862 the University had been in situ before most of the houses.
- BGU took the safety and well-being of its students very seriously and offered quality teaching facilities.
- BGU was not seeking hundreds of more student accommodation, it needed to consolidate what it already had and improve the quality of accommodation.
- Students were dispersed throughout the community at the current time with accommodation becoming tired and in need of modernisation.
- This project had been designed following consultation, community involvement and discussion with officers.
- There was an excellent record of management at the University, with high quality campus facilities.
- BGU was a good neighbour to surrounding properties.
- It strived to meet the desires of students moving forward.
- BGU was able to mitigate potential problems on campus arising from time to time although these were rare.
- BGU made a major contribution to the community in general together with the economic structure of the City.
- This is the reason why this planning application was submitted.

Members discussed the content of the report in further detail, raising individual concerns as follows:

- It was rare for the Lincoln Civic Trust to make negative recommendations.

- The proposals represented overdevelopment in scale/massing.
- The rest of the BGU campus was much lower in density. The proposed development would be sited right up to the road and not set back like the houses.
- The Fire Authority required access to the buildings for fire appliances to meet building regulation standard in order to remove their objection, which would be difficult to achieve if mature trees were to line the access route.
- Buildings of five storey in height were above that of any other development in the area and were out of context/design and style.
- There was room for student accommodation here but not in this form.
- There were issues surrounding parking.
- The density of the proposed accommodation caused concern for local people and indeed the students who would live there.
- There were no ecological measures e.g. green roofs.
- There was more opportunity for Photovoltaic cells (p.v cells) on the teaching buildings but nowhere else on site.
- Loss of greenery. The trees may no longer be in situ if access was required for emergency vehicles.

Members offered individual comments in support of the proposed scheme as follows:

- The concerns of local residents regarding local amenity were understood, however, the needs of all people in the City should be considered and purpose built student accommodation was needed.
- The reputation of BGU was respected and the need for purpose built student accommodation well presented this evening.
- If purpose built accommodation wasn't available then students would take up much needed family accommodation in the City.

Members raised questions as follows:

- How would the University ensure that students from the new accommodation would not park their cars in local streets?
- Where would the students reside in their second year at the University?
- In terms of climate emergency/sustainable aspects of the building, why was there a need for so many car parking spaces taking into account its easily accessible location?

The Planning Team Leader offered the following points of clarification:

- Planning conditions could not influence where students chose to park their cars. However, BGU had stated within their contract for the student accommodation that residents should not bring a car and that it would seek to enforce this as it had done in other areas.
- The access distance between the buildings of the new development would be 8-10 metres. The Fire Service needed an access distance of 3 metres. There was potentially plenty of available space for landscaping between the buildings. Normal building regulations would be complied with.
- PV cells would be provided on the teaching buildings and potentially elsewhere.
- There would be no loss to the number of trees onsite. Trees would be removed, however, they would be replanted using extra heavy standard specimen trees.

- Second year students would live out in the community or other purpose built student accommodation.

RESOLVED that planning permission be refused.

Reason:

The application as proposed would be harmful to the character and local distinctiveness of the site and its surroundings by reason of the height and massing of the proposed buildings contrary to the provisions of Policy LP26 of the Central Lincolnshire Local Plan.

62. Application for Development: 86 Wolsey Way, Lincoln

(Councillors Bean and Strenziel left the room for the discussion on this item having declared a personal and pecuniary interest in the matter to be discussed. They took no part in the decision making process).

The Planning Manager:

- a) advised that planning permission was sought for a two storey front extension to 86 Wolsey Way, Lincoln, a two storey detached dwelling
- b) added that a single storey side extension was also shown on the drawings although it did not require consent as a permitted development
- c) reported that the application was brought before Planning Committee at the request of Councillor Jackie Kirk
- d) provided details of the policies pertaining to the application, as follows:
 - Policy LP26: Design and Amenity
 - National Planning Policy Framework
- e) outlined the responses made to the consultation exercise
- f) referred to the update sheet which provided a further response from the neighbour at 92 Wolsey Way, and a response from Councillor Jackie Kirk including images in consideration of the wider impact the construction of this development would have on the two junctions in close proximity to the property
- g) advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
 - Impact on Residential Amenity
 - Impact on Visual Amenity
 - Impact on Highway Safety
- h) concluded that the proposed extension would not cause unacceptable harm to visual amenity, residential amenity or highway safety, in accordance with the relevant policies of the National Planning Policy Framework and Central Lincolnshire Local Plan.

Mr Ernie Thompson, local resident, addressed Planning Committee in objection to the proposed development, covering the following main points:

- He thanked officers for allowing him the opportunity to speak.
- He settled in the City 20 years ago with his wife due to securing employment here.
- He purchased his bungalow at that time looking forward to a happy home, garden and amenity in retirement.
- He had enjoyed unobstructed light at his property for 20 years.
- He referred to National Planning Policy Framework 2019 and the 2017 Central Lincolnshire Local Plan.
- Loss of light resulting from the proposed extension would affect his ensuite/internal hall/ master bedroom and kitchen.
- Loss of light would be endured in his mature garden.
- The drawings within the officer's report showing indicative shadowing were not to scale.
- The proposals would result in a 2 storey 35 foot wall being created four feet from his perimeter fence.
- The development would enclose his family and overshadow his garden and greenhouse.
- He referred to The Central Lincolnshire Local Plan Paragraph 5.11.3 (and LP26) which in context stated that any development should not impact negatively upon the amenity experienced by neighbours.
- He referred also to paragraph 5.11.4 which stated that developers would be expected to explain how the policy matters had been addressed within their development proposals (where appropriate) in the Design and Access Statement submitted with their planning application.
- He was not against this development, in principal, however, there had been no discussion or compromise on an alternative plan.
- The proposal would block out his natural sunlight and also the heat to his property. This would cost more to keep the property warm.
- Economic considerations of increased heating costs and light needed to be taken into account.
- Issues of ecology/biodiversity.
- Impact on wildlife.
- The health and wellbeing of himself and his wife had not been taken into account.

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

- She represented Glebe Ward residents as Advocate, and neighbour Mr Ernie Thompson.
- Issues with disturbance during construction hours.
- She referred to the update sheet which included additional photographs showing the relationship between the proposed development in proximity to the two junctions on Wolsey Way.
- The existing double garage was located closer to the first roundabout.
- The third photograph on the update sheet showed the driveway of the property on the right hand side between the two major junctions.
- There had been major accidents at the junctions with damage to fencing/hedges.
- She referred to the google map photo on the last page of the update sheet which was hardly what would normally be classed as a cul-de sac, in

reality it was a cluster of three properties in very close proximity to each other with two of the properties sharing the same driveway and all listed as Wolsey Way.

- Shadowing issue - the longest day being the 21 June at the height of summer would cause greater overshadowing than the design diagram provided.
- Policy LP26 called for respect of the existing topography, landscape character and identity, and related well to the surroundings, particularly in relation to siting, height, scale, massing, form and plot widths, together with compatibility with neighbouring land uses.

Mr Rob Bradley, agent for the application, addressed Planning Committee in support of the proposed development, covering the following main points:

- This was an interesting application.
- There had been an in depth objection from the owners of No 92 Wolsey Way, although from no other neighbours.
- Councillor J Kirk had called in the application.
- Councillor Kirk referred in the update sheet to adverse effect on neighbouring properties, especially No 84, however this neighbour had not objected.
- In terms of highway safety, the hardstanding area for vehicles had been increased so that the owner of no 86 Wolsey Way would not need to park on the roadside.
- The applicant was happy for an extra condition to be imposed on the grant of planning permission requiring a Construction Management Plan.
- Trees/shrubs located 3.5 metres high to the south of No 86 offered shadowing part of the day and this would not change. There would be no effect on the trees.
- Surface water- there would be no effect on drainage.
- The extension would not put additional strain on the property or drainage.
- This scheme was unique in that the property was shielded by the existing garage.
- In terms of light, the extension would not cause undue harm to the neighbours' amenity. There would be additional shading to the side of the neighbours' property, however, this contained a bathroom and en suite window in the side elevation facing the proposed extension and not habitable rooms, therefore the impact would be limited.
- The extension would be erected on a piece of land which would be otherwise useless to the occupants.
- The application was supported by officers.
- He hoped members of Planning Committee could also offer their support to the proposals.

Members discussed the content of the report in further detail, raising individual concerns/questions as follows:

- Were there any planning concerns in relation to loss of light to the adjoining property being harmful enough to merit the planning application being refused?
- Had planning permission not been refused for the same site previously?
- If there was a degree of shading to the adjoining property at 9.00am, this would get worse during the day.

- Would the existing mature tree roots be damaged during construction work?
- What conditions were imposed on construction works?
- Where would the materials be stored?

The Planning Team Leader offered the following points of clarification:

- In terms of loss of light there would be a degree of overshadowing to the adjoining property, however, officers considered this was not significant enough to warrant refusal.
- If planning permission had been refused before 1998 this was sufficient time ago not to have any current relevance as it pre-dated existing policies.
- It was not possible for the Planning Authority to have any influence in respect of tree roots in the neighbours garden as it was the owners right to deal with trees within the curtilage of their property originating from next door. It was doubtful that significant damage would be caused during construction work as these were not huge trees.
- Standard conditions would be applied to grant of planning permission including development within three years and in accordance with submitted plans. It was within the gift of members to impose a further condition requiring hours of construction to be controlled if considered appropriate.
- There was ample space to the side of the garage and the garden for storage of materials. This would be no more of a problematic issue than any other property.

A motion was proposed, seconded, put to the vote and carried that a condition be imposed on the grant of planning permission requiring hours of construction to be controlled.

RESOLVED that planning permission be approved subject to the following 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.

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

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.

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

Conditions to be discharged before use is implemented

None.

Conditions to be adhered to at all times

None.