

Present: Councillor Jim Hanrahan (*in the Chair*),
Councillor Bill Bilton, Councillor Alan Briggs, Councillor
Kathleen Brothwell, Councillor Chris Burke, Councillor
Bob Bushell, Councillor Gary Hewson, Councillor
Ronald Hills, Councillor Edmund Strengiel and Councillor
Jackie Kirk

Apologies for Absence: Councillor Naomi Twedde and Councillor Biff Bean

76. Confirmation of Minutes - 27 February 2019

RESOLVED that the minutes of the meeting held on 27 February 2019 be confirmed.

77. Declarations of Interest

No declarations of interest were received.

78. 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, as detailed at Appendix A of his report
- b. explained that Ward Councillors had been notified of the proposed works
- c. stated that in some cases it was not possible to plant a tree in the exact location and in these cases a replacement would be replanted in the vicinity.

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

79. Change to Order of Business

RESOLVED that the order of business be amended to allow the following reports to be considered before the remaining agenda items:

- Application for Development: Lincoln University, Campus Way, Lincoln
- Application for Development: 21-22 Bailgate, Lincoln
- Application for Development: 26-28 Newport, Lincoln

80. Application for Development: Lincoln University, Campus Way, Lincoln

The Planning Manager:

- a. advised that planning permission was sought for the erection of a five storey building to provide a higher education facility (Use Class D1), including ancillary facilities and associated plant, including a biomass boiler, access and servicing, cycle parking and hard/soft landscaping

- b. reported on the location of the proposed development to the South East corner of the Brayford Campus adjacent to the Ropewalk, with the Art, Architecture and Design buildings and the Delph Pond to the West
- c. highlighted that for some time, it had been the University's goal to develop a medical school for Lincolnshire and on 20th March 2018, the Higher Education Funding Council England (HEFCE) and Health Education England (HEE) confirmed that the University of Lincoln's collaborative bid with the University of Nottingham to establish a new medical school was successful
- d. advised that permission was therefore sought to erect a five storey, zero carbon building to accommodate The Lincoln Medical School; the unique internal use of the building had dictated some of its external appearance as had the University's desire for a highly sustainable building
- e. reported on the relevant site history to the proposed development, as detailed within the officer's report
- f. provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework
 - Central Lincolnshire Local Plan
 - Policy LP26: Design and Amenity Standards
 - Policy LP32: Lincolns Universities and Colleges
- g. outlined the responses made to the consultation exercise
- h. referred to the update sheet which contained a further response received from Lincolnshire County Council Transport Planning in respect of the proposed development
- i. presented a video fly-through of the proposed finished scheme to give members an insight to the feel of the external/internal layout of the building
- j. advised members of the main issues to be considered as part of the application as follows:
 - National and Local Planning Policy
 - Design and Appearance
 - Environmental Credentials
 - Landscaping
 - Archaeology
 - Drainage
- k. concluded that:
 - Ongoing development of Universities within the City was supported by Policy LP32 of the Central Lincolnshire Local Plan.
 - Lincoln University had been successful in becoming one of 5 regions chosen to have a new medical school following a long bidding process.
 - The expansion of medical school provision was hoped to provide for

25 % more medical students throughout the UK.

- The proposed Lincoln Medical School would deliver a comprehensive new teaching facility across five storeys and would be an environmentally friendly 'Zero Carbon' building.
- The design integrated a number of environmental principles whilst achieving a high quality, unique design which would further enhance the University campus.

Professor Andrew Hunter, Deputy Vice Chancellor, University of Lincoln, addressed Planning Committee in support of the proposed development, covering the following main points:

- His position included responsibility for the medical school proposals.
- There was a pressing need for the medical school; the first 95 students would register from September 2019.
- By 2021 there would be a total of 250 students and staff.
- The proposed development would be a zero carbon scheme.
- The exact relationship/proportion of windows to light would be used to provide natural day light and natural ventilation to the building.
- Planting would be applied to the upper edges of the external building to soften the skyline.
- Use of materials had been revisited to provide detail and interest.
- An enclosure round the exhaust chimney would be illuminated at night.
- There would be ample public footpaths/cycle ways.
- Staffing numbers would start at 30 rising to 60 in the year of operation.
- Existing car parks already had capacity for staff car parking.
- Staff would be encouraged to walk/cycle; a fleet of E bikes would be provided for staff use.
- The University would continue to work with the Council to minimise any impact on the transport system.
- The proposed development focussed on sustainability as a key design driver.

Members discussed the content of the report in further detail.

Members commented/raised questions in relation to the proposed development as follows:

- The Mayor of London had promoted the banning of wood burners for environmental reasons. What impact would a biomass boiler powered by locally sourced wood have on pollution?
- The presentational video of the development looked very impressive.
- It would be good to see a Medical School in the city.
- The school would act as a catalyst to improve healthcare in Lincolnshire.
- Congratulations were offered to everyone involved in the project which offered a highly sustainable building with environmental benefits.

The Planning Manager offered the following points of clarification:

- Officers' understanding in terms of a biomass boiler was that it operated differently from domestic log burning stoves. The building as a whole focussed on carbon neutrality, and although it was not a requirement of the planning authority for it to be zero carbon, it was indeed a positive move for the city.

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

- Carried out within 3 years
- Carried out in accordance with the plans
- Foul water drainage works
- Archaeology
- Finished floor levels
- Contaminated land

81. Application for Development: 21-22 Bailgate, Lincoln

The Planning Manager:

- a. advised that planning permission was sought for the change of use from financial and professional services (use class A2) to restaurant/cafe (use class A3) with ancillary takeaway (use class A5) and associated external alterations at 21-22 Bailgate, Lincoln
- b. described the premises as a two storey end terrace building sited on the corner of Bailgate and Westgate formerly occupied by Lloyds TSB at ground level
- c. highlighted that the building was not listed but located within the Cathedral and City Centre Conservation Area
- d. provided details of the policies pertaining to the application, as follows:
 - Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
 - Policy LP25 The Historic Environment
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework
- e. outlined the responses made to the consultation exercise, which included a signed petition received against the proposed scheme
- f. referred to the update sheet which contained a further response received from Bailgate Guild requesting that the planning application be deferred, although officers were satisfied that all relevant information was before Planning Committee this evening, together with an additional proposed condition in relation to the planning application
- g. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
 - Accordance with National and Local Planning Policy
 - Impact on Neighbouring Uses
 - Impact on Visual Amenity and the Character and Appearance of the Conservation Area
 - Highway Safety
- h. concluded that the change of use would be appropriate for the Central

Mixed Use Area, would add to the mixture of uses in the vicinity and subject to conditions would not cause undue harm to neighbouring properties in accordance with Policies LP25, LP26 and LP33 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

The Chair requested clarification from officers that the correct consultation process had been carried out in light of concerns received within the consultee responses from local businesses.

The Planning Manager confirmed that the normal consultation process had been followed which included a notice displayed on site giving 21 days' notice according to the formal consultation process.

Mr Ben Barber, addressed Planning Committee in opposition to the proposed development, representing consultee responders', covering the following main points:

- He wanted to offer his considerations as to why the planning proposals should not go ahead.
- The takeaway was claimed to be secondary to the main business. However, it would become the main business being a fish and chip shop.
- The size of the building was not conducive to a takeaway being at the back of the property on a narrow, cobbled street.
- This planning application would set a precedent being the first takeaway in the area.
- Other planning applications not suitable for the area may occur.
- Issues of access/egress with very limited parking in the area.
- The proposed opening times until midnight were excessive. Most of the local area shut down at 11.00pm.
- Issues of littering.
- Noise issues from extraction fans.
- Issues of smell extracted metres from the Castle wall, adjacent to the site of St Paul in the Bail with viewing platform/seating for visitors overlooking the historic well.

Members accepted the petition received from local residents.

Members discussed the content of the report in further detail.

Individual members made comments in support of the proposed development as follows:

- The objections seemed to be against the premises being a fish and chip shop.
- A seafood/fish restaurant would have been viewed differently.
- The building could accommodate the proposed use.
- The fact that the business may have a financial effect on others in the area was not a valid reason for it to be refused planning permission.
- Any precedent would not be set as each planning application was judged on its individual merits.
- The ancillary takeaway was adjacent to ample public car parking facilities.
- To have more available eating choice in the area was a positive move.
- The building would not remain empty and would be improved.
- The Highways Authority had raised no objections to the proposals.

- Areas in the south of the city had takeaway outlets.

Other individual members commented as follows:

- A takeaway in the heart of the Cathedral Quarter was not ideal.
- Support was offered to the restaurant to widen the scope for eating choices in the area but not the takeaway.
- A variation to restrict the hours of the takeaway as a licensed premises until 11.00pm was suggested.

The Planning Manager offered the following points of clarification:

- Environmental Protection colleagues had no objection to the premises remaining open until midnight, considering that the opening hours of other premises in the immediate area were set to similar times.
- It was within the gift of Planning Committee to vary the opening hours of the premises, although it would not be achievable to have the takeaway component shutting earlier than the restaurant and would need to be applied to the whole premises.
- Any change in closing time would need to take into account the rationale of 'why here' whilst other businesses in the area stayed open later.

RESOLVED that:

1. The petition submitted be received.
2. Planning permission be granted subject to the following conditions.
 - Time limit of the permission
 - Development in accordance with the approved plans
 - Fume extraction
 - Waste collections between 9am and 7pm Monday to Saturday
 - External lighting scheme.

82. Application for Development: 26-28 Newport, Lincoln

The Planning Team Leader:

- a. described the application property, Newport Guest House, 26-28 Newport, Lincoln, formerly two three-storey mid terrace dwellings, converted to one property for use as a Guest House with a three storey extension to the rear of the property approved in December 2013 and implemented on site
- b. reported on the location of the premises adjoined by two other properties, 24 Newport, which was currently used as an Orthodontic Practice and 30 Newport in residential use
- c. stated that the site was situated within the Newport and Nettleham Road Conservation Area No. 9
- d. advised that planning permission was sought for the change of use of the property from Guest House (Use Class C1) to Student Accommodation (15 beds) (Use Class Sui Generis)

- e. provided details of the policies pertaining to the application, as follows:
- Policy LP26 Design and Amenity
 - 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 a map showing the location of Air B & B properties supplied by the agent to the application
- h. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
- Policy Context
 - Lack of Demand and Over Concentration
 - Effect upon the Amenities of the Wider Area
 - Traffic and Parking
- i. concluded that:
- The presumption in favour of sustainable development required by the National Planning Policy Framework would apply to the proposal as there would be no conflict with Local Plan Policies in respect of the principle of the development or in respect of any other implications associated with the nature of the use proposed.
 - Moreover, the use would be similar in nature to the previous in terms of its potential impacts so it would not be harmful in respect of the matters of amenity and access.
 - Similarly, there would not be harm to the immediate character of the area.

Mr James Rigby, Agent, addressed Planning Committee in support of the proposed development, covering the following main points:

- He represented the applicant as a director of Globe Consultants.
- The applicant couldn't be present but had provided additional information for tonight's meeting.
- He would not go over the content of the planning application which had already been satisfactorily covered by the planning officer this evening.
- The owner of the property was finding it difficult to operate the premises as a viable guest house business due to competition from local hotel chains in the city.
- There had been an explosion of Air B & B rooms available on the internet. There were currently 58 available in the city with 151 bedrooms.
- The owner could not sustain his guest house business and for this reason had submitted a planning application for a viable alternative in the form of student accommodation.
- The premises were close to the Bishop Grosseteste University.
- The applicant would control and manage the accommodation as a respectful property for mature students in its new form.
- Students would be encouraged not to bring their cars and travel on foot to the University and City Centre.

Members discussed the content of the report in further detail.

Individual members made comments in relation to the proposed development as follows:

- Trading conditions in the market place were not a planning consideration.
- The area was slightly above the 10% threshold for provision of student housing, however, it was not far away from Bishop Grosseteste University.
- The economic development of the city necessitated the need for student accommodation as long as areas did not become saturated.
- It would be helpful if the premises could be occupied by mature students although not conditioned as such.
- It was not right to put restrictions on the owner of the building, however, there must come a saturation point in the city in terms of student accommodation.
- Businesses paying rates should be encouraged in the city in the interests of entrepreneurialism.
- Purpose built student accommodation relieved the pressure on family homes.
- The property was already out of scope for use as a family house due to its size.
- Bishop Grosseteste University had a good reputation for student management.

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

83. Application for Development: Land at Wolsey Way (Between Larkspur Road and Windermere Road), Lincoln

The Planning Team Leader:

- a. advised that outline planning permission was sought for the erection of 14 bungalows with access only fixed for the development; all other details, including the layout and landscaping of the site and size of the bungalows being indicative at this stage along with the appearance of the dwellings to be agreed through subsequent application(s) for Reserved Matters
- b. described the application site roughly rectangular in shape located to the west of Wolsey Way, adjoining the King George V Playing Field to the west, residential development in Westholm Close, Hurstwood Close and Wolsey Way to the north and Larkspur Road to the south, with a larger residential site being developed on land (lying in West Lindsey) opposite by the applicant
- c. reported that the applicant still retained ownership of fingers of green space projecting into Westholm Close and Hurstwood Close
- d. highlighted that the site was shown without notation within the Local Plan so it was not specifically allocated for housing

- e. provided details of the policies pertaining to the application, as follows:
- Central Lincolnshire Local Plan
 - 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 LP9: Health and Wellbeing
 - Policy LP10: Meeting Accommodation Needs
 - Policy LP11 Affordable Housing
 - 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 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 LP36 Access and Movement within the Lincoln Area
 - Core Strategy and Development Management Policies of the Lincolnshire Minerals and Waste Local Plan (Adopted June 2016)
 - Policy M11: Safeguarding of Mineral Resources
 - National Planning Policy Framework
- f. outlined the responses made to the consultation exercise, which included petitions received from residents of Hurstwood Close and Westholm Close
- g. referred to the update sheet which contained a revised officer recommendation in respect of the proposed development, to include provision for successful negotiation with the applicant to secure the signing of an S106 agreement to cover education, local green infrastructure and playing fields
- h. advised members of the main issues to be considered as part of the application as follows:
- The Principle of the Development
 - Application of Central Lincolnshire Local Plan Policy
 - Provision of Affordable Housing and Contributions to Services
 - The Design of the Proposals and their Visual Impact
 - The Implications of the Proposals upon Amenity
 - Sustainable Access, Highway Safety and Traffic Capacity
 - Biodiversity and Arboriculture
 - Drainage
 - Land Contamination and Air Quality
 - 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 any of the three strands of sustainability that would apply to development as set out in the planning balance.

- There would not be harm caused by approving the development so it was the recommendation of officers that the application should benefit from planning permission for the reasons identified by planning officers and subject to the planning conditions outlined within the report.

Members discussed the content of the report in further detail.

Members made comments in relation to the proposed development as follows:

- It would be helpful when the indicative plans were before us.
- This land was formerly part of the green wedge, although it now had no protection.
- There was an urgent need for additional housing in the city and a strong imperative to build for this reason.
- This land had been identified as suitable for development of housing under the Local Plan
- This was an overgrown piece of land better used for housing.
- Lincoln Civic Trust stated in their consultation response that the land was designated as important open space on the Central Lincolnshire Plan.

(Councillor Strengele left the room at this stage in proceedings for the remainder of the meeting in order to attend a further engagement.)

The Planning Team Leader offered the following points of clarification:

- Green wedges were still part of the new Local Plan.
- The Local Plan included designations for protecting green and open spaces.
- This land had been identified as playing field land in the previous Local Plan.
- The Planning Inspector had taken the view that the land had never operated as a playing field and for this reason should not attract protection.
- Lincoln Civic Trust was not quite correct on what it proposed for the Local Plan.

RESOLVED that:

1. Petitions submitted be received by Planning Committee
2. Planning permission be granted, subject to the following conditions:
 - Timeframe for Permission (Inclusive of Reserved Matters).
 - The Reserved Matters.
 - Approved Plans.
 - Trees to be Retained and their Protection.
 - Existing and Proposed Land Levels.

Conditions to be Discharged before Commencement of Works

- Scheme for Affordable Housing.

- Construction Management Plan (Inclusive of Working and Deliveries).
- Arrangements for Management and Maintenance of Streets.
- Engineering, Drainage, Street lighting and Constructional Details of the Streets.
- 30% of the Properties to Compliant with Part M4 (2) of the Building Regulations in accordance with Policy LP10.
- Electric Vehicle Recharge Points.
- Boundary Walls and Fences.

Conditions to be Discharged Before Use is Implemented

- Drainage Works (Surface and Foul Water).
- Footways.
- 30 metres of Estate Road from Public Highway.

Conditions to be Adhered to at All Times

- Unexpected Contamination.
- No Removal of Vegetation during Breeding Season.

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

84. Application for Development: Land To The Rear Of 78 Hykeham Road, Lincoln

The Planning Manager:

- a. advised that planning permission was sought for the erection of a single storey dwelling and integral garage
- b. described the application site served by a long access track situated between Nos. 72 and 78 Hykeham Road, adjoining dwellings within Somersby Close and Hykeham Road, currently laid to grass along the entirety of the access and the main site area
- c. reported that the proposals had been revised to a single storey dwelling with a lower conventional roof height/no rooms in the roof space as a result of officer concerns in respect of the scale of the development, its relationship with the gardens of neighbouring properties, and potential overlook from dormer windows
- d. advised that planning permission granted in the early 1990s (under reference LH11/0527/93) for the erection of a bungalow and garage within this site had since expired
- 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 LP13 Accessibility and Transport
 - Policy LP14 Managing Water Resources and Flood Risk
 - Policy LP16 Development on Land affected by Contamination
 - Policy LP21 Biodiversity and Geodiversity

- Policy LP26 Design and Amenity
- Policy LP36 Access and Movement within the Lincoln Area
- 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 Design of the Proposals;
- The Implications of the Proposals upon Amenity;
- Sustainable Access, Highway Safety and Traffic Capacity;
- Other Matters; and
- The Planning Balance.

h. 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.
- As such, it was considered that the application should benefit from planning permission for the reasons identified in the report and subject to the conditions outlined within the planning officer's report.

Members discussed the content of the report in further detail.

Members queried whether:

- It was possible to impose a condition on the grant of planning permission for removal of development rights in order that the premises remained as a bungalow.
- The trees to be protected were outside the boundary of the application land.
- The pavement access to the site was likely to become muddy, although the Highways Authority had raised no concerns.
- The access to the site was wide enough for emergency vehicles

The Planning Manager offered the following points of clarification:

- It was possible for a condition to be imposed on the grant of planning permission for removal of development rights.
- The trees to be protected were in Somersby Close and therefore outside the control of the applicant, however the Arboricultural Officer had endorsed the content of the tree survey submitted.
- Condition 11 in relation to hard landscaping addressed the requirement to keep the public highway clean.
- An assessment had indicated that an ambulance would be able to access the site, and that the driveway would be sufficiently wide enough for the

first ten metres to enable access to bring the dwelling within firefighting distance.

RESOLVED that:

Planning permission be granted, subject to the following conditions:

Standard Conditions

- 01) Timeframe of Permission (three years to commence work).
- 02) Approved Plan.

Conditions to be Discharged before Commencement of Works

- 03) Contaminated Land (Investigation and Risk Assessment).
- 04) Contaminated Land (Remediation Scheme).
- 05) Contaminated Land (Verification of Remediation).
- 06) Existing and Proposed Land and Finished Floor Levels.
- 07) Surface Water Disposal.
- 08) Foul Water Disposal.
- 09) Tree Protection Measures.
- 10) Materials.

Conditions to be Discharged before Use is Implemented

- 11) Hard Landscaping.
- 12) Soft Landscaping.
- 13) Boundary Walls and Fences.
- 14) Electric Vehicle Recharge Point

Conditions to be Adhered to at all Times

- 15) Unsuspected Contamination.
- 16) Construction Working Hours.
- 17) Construction Delivery Hours.
- 18) Removal of Permitted Development Rights.

85. Application for Development: 241 - 247 Monks Road, Lincoln

The Planning Team Leader:

- a. described the application site located on the south side of Monks Road at its junction with Tempest Street, currently vacant, however, most recently in use as the Monks Road Working Men's Club which closed last year
- b. advised that planning permission was sought for conversion of the building to form 4 units fronting Monks Road (A1-Retail or A2-Financial & Professional Services) and 10 residential apartments, including external alterations and associated works
- c. provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework
 - Central Lincolnshire Local Plan:
 - Policy LP15

- Policy LP26
- Policy LP37

- d. outlined the responses made to the consultation exercise
- e. referred members to the update sheet which contained a further response received from a member of the public in respect of the proposed development
- f. advised members of the main issues to be considered as part of the application as follows:
 - Loss of a Community Facility
 - Visual Amenity
 - Residential Amenity
 - Highways
- g. concluded that:
 - The proposed development would provide 10 self-contained flats in a sustainable location.
 - The external alterations to the building would be in keeping with the surrounding area and would bring an empty building back into a viable use.
 - Additional A1/A2 units fronting onto Monks Road in this area would be an appropriate use with sufficient controls in place on hours of operation.

Members discussed the content of the report in further detail.

Members commented in relation to the proposals as follows:

- It was sad to see the disappearance of another drinking establishment.
- The proposals would bring life into an empty building.
- There was a danger that the development would add to an already dense area.
- The new use would cut down on the number of delivery vehicles visiting the neighbourhood.
- The city was in need of further housing stock.
- There would be an issue with people pulling up to park to use the shopping units.

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

- Works carried out within 3 years
- Construction hours
- Noise mitigation scheme
- Hours of operating (A1)
- Delivery times (A1)
- Waste collection times (A1)
- Electric vehicle charging points
- Proposed shop front materials.
- Highways Construction Management Plan

- Bin storage details