

Application Number:	2021/0358/CXN
Site Address:	T A Centre O I C, Sobraon Barracks, Burton Road
Target Date:	23rd July 2021
Agent Name:	None
Applicant Name:	Patricia Akers
Proposal:	Variation of condition 2 (plans) of planning permission 2018/1416/FUL and 2020/0238/CXN to include relocation of bike store, gas cage and oil tank, pedestrian/cyclist pathway, alterations to road and footpath layouts, POL store, relocation of fire exit door and installation of 2 flues. (Revised Description)

Background - Site Location and Description

The application is made under Section 73 of the Town and Country Planning Act (as amended) to amend the approved plans conditions (condition 2) of planning permission reference 2018/1416/FUL and 2020/0238/CXN the application proposes the relocation of the approved bike store, gas cage and oil tank, pedestrian/cyclist pathway, road and footpath layouts and POL store, the relocation of a fire exit door and installation of 2 flues.

The application premises is the Sobraon Barracks Burton Road. Burton Road is a main approach road into the City. The site is located within a residential area with dwellings located opposite and to the side a playing field is located to the rear.

The application has been subject to discussions during the application process securing revisions to the proposal in particular the retention of trees proposed for removal and the further re-positioning of the gas cage.

Site History

Reference:	Description	Status	Decision Date:
2018/1416/FUL	Demolition of existing garages and erection of replacement garage, workshop and training centre. Relocation of main entrance to North West of site.	Granted Conditionally	19th March 2019
2020/0238/CXN	Variation of Condition 2 (Plans) of Planning Application 2018/1416/FUL - fencing and gates, cycle store, fire exit doors, bin stores, roof lights, air conditioning units and flues.	Granted Conditionally	5th June 2020
2020/0179/RD	Submission of details to approve Condition 3 (Investigation and Risk Assessment), Condition 4 (Remediation Scheme), Condition 6	Approved	30th April 2020

	(External Materials) and Condition 7 (Drainage Strategy Report) of planning permission 2018/1416/FUL.		
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Case Officer Site Visit

Undertaken on 11th February 2019.

Policies Referred to

- Policy LP26 Design and Amenity
- National Planning Policy Framework

Issues

The application seeks to vary the approved drawings (condition 2) of planning permissions 2018/1416/FUL and 2020/0238/CXN to include the changes outlined below in this report. Under the terms of a Section 73 application, recognising that the approved development has lawfully commenced, it is only the impact of the proposed minor changes that are before Members for consideration. The consideration of the principle of the development, will not be revisited as it has already been approved. As such, it is considered that the key considerations are the effect the changes would have on:

- Design including Visual Impact; and
- Residential Amenity.

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

All representations received on the application are copied in full at the end of this report and are available to view on the website:

<https://development.lincoln.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=QJA4LFJFISD00>

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received
Lincoln Civic Trust	Comments Received

Lincolnshire Police	Comments Received
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Public Consultation Responses

Name	Address
L Thurgood	34 Mons Road Lincoln LN1 3UG
Sharon Wilson	16 Mons Road Lincoln Lincolnshire LN1 3UD
G Broderick	45 Dunkirk Road Lincoln Lincolnshire LN1 3UJ
William Yick	47 Dunkirk Road Lincoln Lincolnshire LN1 3UJ
Mr Owen Pickett	57 Outer Circle Drive Lincoln LN2 4JH
Mr Stephen Ablett	12 Sastangate House Rasen Lane Lincoln Lincolnshire LN1 3HE
Mrs Ania Hewis	2 Mons Road Lincoln Lincolnshire LN1 3UD
Ms Emilia Hewis	2 Mons Road Lincoln Lincolnshire LN1 3UD
Miss Michelle White	9 Mons Road Lincoln Lincolnshire LN1 3UD
Miss Jade Neate	Marne Garden Lincoln LN1 3UQ

Mrs Anna Hewis	2 Mons Road Lincoln Lincolnshire LN1 3UD
Mrs Pia Holden	24 Falklands Close Lincoln Lincolnshire LN1 3XH
Sharon Wilson	16 mons road Lincoln LN1 3UD

Consideration

The approved building measures approximately 53.5 metres deep x 19.1 metres wide x 10.6 metres high creating 485 m2 of additional floor space (1085m2 total) from the building demolished to accommodate this proposal. The finished building is clad in black steel cladding.

The following main amendments are proposed under this application:

- Bike store moved near the main entrance gate behind the existing electrical services building and main fence and gate.
- Dedicated pedestrian/cyclist pathway and pedestrian right of way between the new building and main entrance to other parts of the barracks that building users are likely to use to comply with the DREAM requirements (MOD equivalent to BREEAM).
- Road and Footpath Layouts
- Position of the gas cage and oil tank
- Lubricants store building substitute a new purpose made unit
- Re-location of fire exit door

Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it.

The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals. It advises where these modifications are fundamental or substantial, a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there is a relevant condition that can be varied. There is no statutory definition within the PPG of a 'minor material amendment' but paragraph 017 reference ID: 17a-017-20140306 states that it is likely to include any amendment where its scale and/or nature does not result in a development which is substantially different from the one which has been approved.

The PPG advises that where an application under section 73 of the Town and Country Planning Act (as amended) is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

The application proposes a 'Minor Material Amendment' to applications 2018/1416/FUL and 2020/0238/CXN which originally granted consent for 'Demolition of existing garages and erection of replacement garage, workshop and training centre. Relocation of main entrance to North West of site.' The original permission will continue to subsist whatever the outcome of this application and the authority can only consider the matter of the variation of the condition. However members should note that the approving of this application would in effect grant a new permission which would run in tandem with the original consent.

Effect on Residential Amenity

In total 13 objections have been received to this application. 6 relate only to the removal of trees on the site.

The further 7 objections relate to the proposed tree removal, height of the proposal, noise and disturbance, design and appearance and loss of natural light. One objection from a neighbour on Dunkirk Road raises concerns about the proposed location of the gas cage, this location has been revised during the application process which the neighbour has been consulted on and raised no further objection to.

The building is located approximately 21 metres from the rear elevation of the properties on Dunkirk Road. The fire exit would be located on the elevation facing Dunkirk Road, given the proposed use as a fire door and that the boundary treatment along the boundaries of Dunkirk Road the door would not introduce any new issues of overlooking.

The gas case cage location has been revised during the application process to ensure it is 5 metres from the boundary of the properties on Dunkirk Road as requested by the occupants on Dunkirk Road. The application proposes a purpose-built POL Hazardous Goods proprietary storage unit 1220mm high rather than the previously approved steel-clad building.

The application proposes the relocation of the bike store near the main entrance gate behind the existing electrical services building this is to comply with the DREAM requirements. The new location is central to the site but can be naturally supervised by all the building users on the site. It is also behind the electrical incoming services building so it is screened from the houses facing the entrance to the site.

The plans include the provision of dedicated safe routes for pedestrians and cyclists across the site to comply with the DREAM requirements. These routes are painted on the ground to show dedicated pedestrian/cyclist pathway between the new building and main entrance and to others parts of the barracks that building users are likely to use, to ensure that people have the opportunity to walk and cycle to the workplace/dining facilities and

other local amenities, and reduce dependence on individual motorised transport means. Officers do not consider that this would increase noise and disturbance to neighbouring residents.

It is considered that the current proposal would not result in any substantive additional impacts compared with the approved schemes, whilst third parties have raised concern about the building itself the scale has already been approved and it is considered refusal could not be justified on this basis. As such, the proposed amendments are not considered to result in harm to the amenities of the neighbouring properties, in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

Effect on Visual Amenity

Given the minor amendments to the layout and alterations are well within the site, it is considered that there would be little impact on the character and overall design concept of the development. It is therefore considered the proposal complies with Central Lincolnshire Local Plan Policy LP26 and the guidance within the National Planning Policy Framework.

Effect on Highway Safety

Lincolnshire County Council as Highway Authority has assessed this application and has raised no objections to the proposal. Therefore, based on this advice it is considered that the proposal would not be detrimental to highway safety or traffic capacity.

Trees

Officers discussed the residents' concerns with the agent regarding the proposal for the removal of further trees on the site, the applicant has agreed to leave the small self-sets trees in place and to only cut their branches to facilitate the installation of the new fence. No further tree removal is proposed as part of this application. Accordingly, the description has been updated to remove this element of the proposal from the description. The City Council's Arboricultural Officer has inspected the site and can confirm that the trees identified for removal approved under the previous permissions have already been removed from the site. The trees located within the vicinity of the site office and storage containers are currently as described and have not been damaged as a result of the installation of these features. The area directly to the rear of 51 Dunkirk Road has been cleared of vegetation and is primed for the installation of replacement trees. These are proposed in addition to the 3 infill trees (2no Aesculus hippocastanum and 1no Aesculus x carnea) which have been added along the old main axis of the parade ground. It was concluded by Officers that there were no trees present on site that were currently in need of any additional physical protection. Officers are therefore satisfied that this matter has been suitably addressed.

Application Negotiated either at Pre-Application or during Process of Application

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

This Section 73 application is not considered to impact on the principle of the original consent while maintaining the character and appearance of the overall development. The proposed development is therefore in accordance with Policy 26 of the Central Lincolnshire Local Plan and the guidance contained within the National Planning Policy Framework.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally.

Conditions

- Development to be commenced by 19th March 2022
- Development to be carried out in accordance with the plans.
- Submission of verification report for contaminated land
- Proceed in accordance with approved materials
- Construction hours
- Reporting of unexpected contamination
- Installation of air-conditioning units in accordance with approved details.
- Planting of trees and hedge in the appropriate planting season
- Implementation and retention of fence along Dunkirk Road boundary.