

Present: Councillor Naomi Twedde (*in the Chair*),
Councillor Biff Bean, Councillor Bill Bilton, Councillor
Chris Burke, Councillor Liz Bushell, Councillor
Thomas Dyer, Councillor Gary Hewson, Councillor
Rebecca Longbottom, Councillor Bill Mara, Councillor
Mark Storer and Councillor Calum Watt

Apologies for Absence: Councillor Bob Bushell and Councillor Edmund Strengiel

6. Confirmation of Minutes - 30 June 2021

RESOLVED that the minutes of the meeting held on 30 June 2021 be confirmed.

7. Declarations of Interest

No declarations of interest were received.

8. Update Sheet

An update sheet was tabled at the meeting, which included an additional objection received in relation to Minute 12(a) – *The Moorland Centre, 3 Moorland Way, Lincoln.*

9. Confirmation of Tree Preservation Order No.160

The Planning Team Leader:

- a. advised members of the reasons why a temporary tree preservation order made by the Assistant Director for Planning under delegated powers should be confirmed at the following site:
 - Tree Preservation Order 160: 2 Thuja Trees and 1 Hornbeam Tree in the rear garden of The Orangery, 5 Manor House Gardens, Ancaster Avenue, Lincoln LN2 4AY
- b. provided details of the individual trees to be covered by the order and the contribution they made to the area
- c. reported that the initial 6 months of protection would come to an end for the Tree Preservation Order on 14 October 2021
- d. confirmed that the reason for making a Tree Preservation Order on this site was at the request of the occupants of the property
- e. added that the Arboricultural Officer following a site visit with the occupier of the property had identified the trees to be suitable for protection under a Tree Preservation Order, stating that the trees were of a high amenity value and that their removal would have a significant effect on the aesthetic appearance of the area
- f. advised that following an extended 11-week period of consultation, no objections had been received to the making of the order

- g. reported that confirmation of the tree preservation order here would ensure that the trees could not be removed or worked on without the express permission of the council which would be considered detrimental to visual amenity and as such the protection of the trees would contribute to one of the Councils priorities of enhancing our remarkable place.

Members asked/commented as follows:

- How much more work was involved in protection of trees under a Tree Preservation Order in comparison to trees situated in a Conservation Area?
- It seemed unusual for the owners of the property to request the imposition of a Tree Preservation Order on their land as it may affect the future sale of their property.

Simon Cousins, Planning Team Leader advised that protection of a tree under a Tree Preservation Order fell under different legislation to that of a tree in a Conservation Area. A Tree Preservation Order protected the specimen indefinitely and identified the tree as being of extra significance. A tree needed to be of sufficient special interest, of good health, be to public benefit and sufficient in size to be protected in this way.

RESOLVED that Tree Preservation Order No 160 be confirmed without modification and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

10. Confirmation of Tree Preservation Order No.161

The Planning Team Leader:

- a. advised members of the reasons why a temporary tree preservation order made by the Assistant Director for Planning under delegated powers should be confirmed at the following site:
 - Tree Preservation Order 161: 1 Purple Leaved Beech (*Fagus Sylvatica* 'Purpurea') Tree in the front garden of 18 Drury Lane, Lincoln LN1 3BN
- b. provided details of the individual tree to be covered by the order and the contribution it made to the area
- c. reported that the initial 6 months of protection would come to an end for the Tree Preservation Order on 14 November 2021
- d. confirmed the reason for making a Tree Preservation Order on this site due to the tree providing a contribution to the visual amenity of the area and that the unauthorised removal of the tree would be detrimental to visual amenity
- e. added that the Arboricultural Officer having received a request to impose the Tree Preservation Order, located within Conservation Area No 1- Cathedral and City Centre, had identified the tree to be of extremely high amenity value (using the Helliwell System) and therefore considered to be suitable for protection under a Tree Preservation Order and that its

removal would have a significant effect on the aesthetic appearance of the area

- f. advised that following an extended 55-day period of consultation, no objections had been received to the making of the order
- g. reported that confirmation of the tree preservation order here would ensure that the tree could not be removed or worked on without the express permission of the council which would be considered detrimental to visual amenity and as such the protection of the tree would contribute to one of the Councils priorities of enhancing our remarkable place.

RESOLVED that Tree Preservation Order No 161 be confirmed without modification and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

11. Confirmation of Tree Preservation Order No.162

The Planning Team Leader:

- a. advised members of the reasons why a temporary tree preservation order made by the Assistant Director for Planning under delegated powers should be confirmed at the following site:
 - Tree Preservation Order 162: 2 Mulberry (Morus Nigra) Trees in the rear garden of 3 Greestone Place, Lincoln LN2 1PP
- b. provided details of the individual trees to be covered by the order and the contribution they made to the area
- c. reported that the initial 6 months of protection would come to an end for the Tree Preservation Order on 10 November 2021
- d. confirmed the reason for making a Tree Preservation Order on this site due to the tree providing a contribution to the visual amenity of the area and that the unauthorised removal of the tree would be detrimental to visual amenity
- e. added that the Arboricultural Officer had received a request to impose the Tree Preservation Order, located within Conservation Area No 1-Cathedral and City Centre; following a site visit with the occupier of 3 Greestone Place he had identified both trees to be of high amenity value and therefore considered to be suitable for protection under a Tree Preservation Order and that their removal would have a significant effect on the aesthetic appearance of the area
- f. advised that following an extended 51-day period of consultation, no objections had been received to the making of the order
- g. reported that confirmation of the tree preservation order here would ensure that the trees could not be removed or worked on without the express permission of the council which would be considered detrimental to visual amenity and as such the protection of the trees would contribute to one of the Councils priorities of enhancing our remarkable place.

In response to a question, the Committee was advised that members could individually request that a tree be given a Tree Preservation Order if approached by a member of the public on their behalf.

RESOLVED that Tree Preservation Order No 162 be confirmed without modification and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

12. Applications for Development

(a) The Moorland Centre, 3 Moorland Way, Lincoln

The Planning Team Leader:

- a. described the details of the application for the demolition of the existing Moorland Centre to provide a foodstore, two retail units, and a drive-thru restaurant (all Use Class E), together with alterations to the existing car park, creation of a new car park and associated external works, including landscaping
- b. advised that this application was almost identical to the previous application approved by Members of Planning Committee on 27 January 2021 (2020/0662/FUL)
- c. confirmed that the application had been resubmitted as the Council had received a legal challenge against the previous application, by way of a Judicial Review, brought by Asda Stores Limited (Asda), which held in abeyance the previously approved application
- d. reported that whilst respectful of the Judicial Review and not wanting to pre-empt the outcome, the applicant had chosen to resubmit this application for re-consideration by the Local Planning Authority to address some of the concerns raised by this challenge, namely that an Environmental Impact Assessment (EIA) screening opinion had not been undertaken and that the previous committee report did not refer to the Swanholme Lakes Site of Special Scientific Interest (SSSI), as detailed later in this report
- e. advised that the submitted plans were almost identical to the previous application save some minor changes outlined in the report, namely revised block and site plans received during the process of the application to illustrate the proposed barriers to the car park
- f. added that all of the supporting technical documents were as per the previous submission with the exception of the Planning and Retail Statement and Transport Assessment which included updated data, and the addition of an Archaeological Desk Based Assessment//Biodiversity Net Gain Assessment, however, the conclusions of both reports remained the same
- g. described the existing Moorland Centre building as vacant, formerly occupied by Downtown, which sat at the north corner of the application site with the existing car park to the south; the proposed foodstore, Aldi would sit towards the north corner of the site , together with the two adjoining retail units, however with a significantly smaller footprint than the existing building

- h. stated that a new car park would be created to the front, south east of the building and an additional access point from Moorland Way to the north east, with the proposed drive-thru restaurant located beyond the car park, adjacent to the existing access
- i. advised that the site was located to the north west of Tritton Road, accessed via Moorland Way; the 'entry only' access off Moorland Way to the north east of the site also served the Elite Fish and Chip Shop restaurant to the south east of the application site as well as the M & S Foodhall and Co-operative Travel to the west, with the exit from the main car park, which also could be used as an access was located to the north west of the site, which returned customers onto Moorland Way
- j. advised that this was an acceptable proposal, very similar to the previous application, however, it must be considered on its own merits
- k. 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 LP6: Retail and Town Centres in Central Lincolnshire
 - 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 LP25: The Historic Environment
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework
- l. advised the Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- Policy Context, Principle and Sequential Test
 - Visual Amenity
 - Trees and Landscaping
 - Impact on Residential Amenity and Neighbouring Uses
 - Access, Parking and Highways
 - Flood Risk and Drainage
 - Contaminated Land
 - Archaeology
 - Swanholme Lakes SSSI
 - EIA Screening Opinion
 - Biodiversity Net Gain and Green Infrastructure
 - Other Matters
- m. highlighted that screening for an Environmental Impact Assessment had concluded that as the proposed scheme was not an EIA development an Environmental Statement was not required, also that consultation with Natural England in respect of Swanholme Lakes Site of Special Scientific Interest (SSSI) had resulted in no objections being raised
- n. outlined the responses made to the consultation exercise

- o. referred to the update sheet which contained an additional representation from an objector in respect of the proposed development
- p. concluded that:
- The principle of the uses on this unallocated site was considered to be acceptable and the application had demonstrated that it had met the policy requirements of the sequential and retail impact tests.
 - The layout, scale and design of the development was acceptable, complementing the architectural style of the local surroundings.
 - With appropriate conditions it was not considered that the amenities of neighbouring residential properties or neighbouring uses would be unduly harmed by the proposal, either during its construction or as a result of its operation.
 - Matters relating to highways, surface water drainage, foul water drainage, contamination, archaeology, trees, landscaping, biodiversity net gain and green infrastructure had been appropriately considered by officers and the relevant statutory consultees, and could be dealt with as required by condition.
 - The development would not have a significant adverse impact on the Swanholme Lakes SSSI, a designated site.
 - The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP6, LP13, LP14, LP16, LP21, LP25 AND LP26 as well as guidance within the National Planning Policy Framework.

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

- Time limit of the permission.
- Development in accordance with approved plans.
- Contamination
- Surface water drainage scheme
- Foul water drainage scheme
- Tree protection measures
- Details of materials
- Site levels and finished floor levels
- Landscaping scheme (to include biodiversity net gain recommendations).
- Details of an electric vehicle charging scheme
- Construction Environmental Management Plan
- Restriction on hours for demolition/construction/delivery
- Assessment of off-site impact of lighting
- Details of any extraction/filtration systems associated with the drive-thru use
- Restriction on hours for waste collections
- Delivery Management Plan
- Restriction on opening hours of retail units and drive-thru
- Restriction on retail use
- Removal of trees/hedgerows/shrubs outside of nesting season.