

Present: Councillor Naomi Twedde (*in the Chair*),
Councillor Biff Bean, Councillor Bill Bilton, Councillor Alan Briggs, Councillor Sue Burke, Councillor Gary Hewson, Councillor Rebecca Longbottom, Councillor Bill Mara, Councillor Mark Storer, Councillor Pat Vaughan and Councillor Loraine Woolley

Apologies for Absence: Councillor Bob Bushell, Councillor Chris Burke, Councillor Liz Bushell, Councillor Edmund Strengiel and Councillor Calum Watt

20. Confirmation of Minutes - 11 August 2021

RESOLVED that the minutes of the meeting held on 11 August 2021 be confirmed.

21. Declarations of Interest

Councillor Biff Bean declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Tritton Road, Lincoln'.

Reason: He lived very close to the proposed siting of the monopole, the subject of the matter to be decided.

He left the room during the consideration of this item and took no part in the discussion and vote on the matter to be determined.

Councillor Pat Vaughan declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Tritton Road, Lincoln'.

Reason: He lived very close to the proposed siting of the monopole, the subject of the matter to be decided.

He left the room during the consideration of this item and took no part in the discussion and vote on the matter to be determined.

22. Update Sheet

An update sheet was tabled at the meeting, which included an additional objection received in relation to Minute Number 6(a) – *192 West Parade, Lincoln*.

23. Work to Trees in City Council Ownership

Dave Walker, Arboricultural Officer:

- a. advised the Committee of the reasons for the 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.

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

24. Confirmation of Tree Preservation Order No163

The Assistant Director for Planning:

- 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 163: 1no Horse Chestnut (*Aesculus hippocastanum*) tree on the southern boundary of 51 Meadowlake Crescent, Lincoln, LN6 0HZ, adjacent to 53 Meadowlake Crescent, Lincoln, LN60HZ
- 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 10 November 2021
- d. confirmed that the reason for making a Tree Preservation Order on this site was at the request of the Arboricultural Officer, who was made aware of an intention to remove this tree and carried out a site visit to assess the tree for a Tree Preservation Order on this basis
- e. added that the Arboricultural identified the tree to be suitable for protection under a Tree Preservation Order; it had a high amenity value, and its removal would have a significant effect on the aesthetic appearance of the area
- f. advised that following an extended 51-day period of consultation, there had been an objection received to the order from the occupants of 53 Meadowlake Crescent, as detailed within the officer's report citing concerns over:
 - The size of the tree and particularly the proximity to their conservatory roof
 - Leaves that fell from the tree regularly blocked the guttering which resulted in damp on the internal conservatory walls, they also fell to the adjacent path, making it slippery and a potential hazard
 - Conkers that regularly fell onto both the conservatory roof and the adjacent path, causing concern of potential damage to both property and person
- g. added that an objection had also been received from the occupants of 51 Meadowlake Crescent, where the tree was located, having raised concerns that the tree was extremely large, close to the bungalow, with some low hanging branches and potential for damage should they fall

- h. reported that following the review of the objections by the Arboricultural Officer it was felt that the concerns raised could be dealt with by remedial works to the tree; that most of the points raised were part of the natural lifecycle of a tree and that the large size of the tree and the amenity value that it added to the local area were the primary incentives to placing this Tree Preservation Order, which would ensure both the trees retention and correct management in the future
- i. advised 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.

Members commented/questioned the Arboricultural Officer as follows:

- Question: Was it possible to take action to address the issues identified within the consultation letters submitted?
- Response: The primary objective was for the tree to be protected and works would be undertaken to mitigate the issues highlighted.
- Comment: This was a magnificent tree with an enormous girth. The Councillor in question had visited the site and noted that the tree was in good shape. Previous work had been undergone to the tree and although the specimen needed to be kept in check it should be preserved.
- Response: Yes, work had been completed on the tree before. The canopy was asymmetrical, and work would be scheduled to keep it in shape.

RESOLVED that Tree Preservation Order No 163 be confirmed without modification and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

25. Change to Order of Business

RESOLVED that the order of business be amended to allow the report at 6 (c) of the agenda entitled 'Tritton Rad, Lincoln' to be considered as the last agenda item.

26. Applications for Development
27. 192 West Parade, Lincoln

The Assistant Director for Planning:

- a. advised that permission was sought for demolition of an existing garage to accommodate a one-bedroom property with one off road parking space, comprising a double bedroom, bathroom, and open plan kitchen/living area
- b. described 192 West Parade, a large House in Multiple Occupation (HIMO) situated on the corner of West Parade with Hampton Street, the proposed dwelling to be located to the rear of 192, however, it would front onto Hampton Street
- c. advised that the land in between the rear of these properties and the site formed the service yard to 116 High Street, including a single storey metal

clad store and some air conditioning units, to be accessed from Gaunt Street between no's 7 and 11 across the existing service yard

- d. confirmed that the site was situated within the West Parade and Brayford Conservation Area
- e. referred to a previous planning application for the site for demolition of the existing garage to accommodate erection of two dwellings and creation of a new vehicular access, withdrawn on 29 June 2021, due to officer concerns regarding the proposed design of the scheme; pre-application advice had since been sought on a scaled back scheme which could be supported by officers
- f. provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework
 - Central Lincolnshire Local Plan LP26
- g. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Principle of Use
 - Visual Amenity
 - Impact on Neighbours
 - Technical Matters
- h. outlined the responses made to the consultation exercise
- i. concluded that:
 - The application proposed a one-bedroom property in a plot between 192 West Parade and 1 Hampton Street.
 - The proposal would not increase the size of the existing HMO at 192 West Parade and would be a modest residential unit for occupation by anyone other than students.
 - Its design was appropriate given the surrounding context and it would result in no adverse impacts on residential neighbours.
 - It was therefore considered to be in accordance with local planning policies LP25 and 26.

Helen Hancocks, local resident, addressed Planning Committee in objection to the application, making the following points:

- She resided at 1 Hampton Street.
- The proposed development would cause parking issues.
- There were 13 houses on Hampton Street with provision of a maximum of 5 on-street car parking spaces, when people parked sensibly.
- The introduction of a dropped curb to facilitate the development would result in 1 to 2 of these car parking spaces being lost.
- On-site parking at the current property would be lost
- The application site was situated at a blind spot for drivers/pedestrians and was especially dangerous for local school children during the school run.
- There were already four houses numbered 'No1' on Hampton Street, what number would this residence be given?

- The proposed development exerted pressures on existing amenities.
- 192 West Parade was occupied by students as a HMO, the development would result in loss of valuable garden space for them to relax, get fresh air, or even hang out washing. Outside space was vital to maintaining mental health in these difficult times.
- Should the HMO wish to revert back into a family home this would not happen due to having no garden space.
- The telephone box in front of our property would have to be moved; no consultations had taken place on this matter.
- The off-street car parking ground was on a bumpy elevation was likely to be water permeable, causing potential of dampness in her property.
- There were a lot less family homes in the area, it would be nice to retain the current community feel and spirit.
- Trees would be affected by the development in this Conservation Area.
- The visual amenity of the area did not match the aesthetics of the proposed development.

Councillor Neil Murray addressed Planning Committee as Ward Advocate representing local residents. He covered the following main points:

- He was sorry to see this application before Planning Committee this evening.
- It could be the first of many such applications should it be granted permission.
- The Authority had made steady progress through Article 4 to re address the imbalance of HMOs in the West End of the city.
- The proposed development would threaten the momentum generated if it were to go ahead, setting a precedent for the future of the area.
- He could see more and more garden areas disappearing.
- Development of garden space increased rental income for landlords but was not helpful to residents.
- Local people wanted each property to retain a decent garden in this nice residential area without extensions/additional builds on green space.
- No one would buy a family house at 192 West Parade without a garden, and it would remain an HMO for good.
- This planning application represented over development right on the edge of the existing HMO area.
- It would have a negative impact on the amenity of neighbours.
- It was also on a traffic junction which caused additional issues.
- There was a negative effect on parking in the area hence the reason why residents parking was provided.
- There would be additional awkward vehicular manoeuvres on an already busy road, particularly during peak school run hours.
- The proposed development set the signal that it was okay to site flats in peoples back gardens.
- As a Planning Authority we should not be sending this signal especially in an HMO area.

Gareth Johnson addressed Planning Committee on behalf of the agent for the application, covering the following main points:

- He represented the architect for the planning application.
- He thanked members of Planning Committee for allowing him the opportunity to speak on behalf of his client.

- The original application had been withdrawn as two residential units had not been considered as appropriate and would not be supported.
- The planning application was now resubmitted as a modest single storey development.
- This would be a self-contained dwelling.
- There was no proposed access or sharing of amenities with 192 West Parade.
- The Highways Authority had raised no issues in relation to safety, capacity, or parking.
- An S184 agreement would be entered into for the construction of, site access and the existing dropped kerb would be reinstated.
- His client was happy to sign a 106 agreement to prevent occupation by students should members of Planning Committee consider this to be appropriate.

The Committee discussed the content of the report in further detail.

The following comments were put forward in support of the proposals:

- This additional dwelling would provide variety in the area for a couple or single person.
- The design was intended to look like the outbuilding it was replacing.
- The amount of garden space lost was in the member's view not substantial and replaced in part the original build.
- The development proposed was modest in size.
- The Highways Authority had raised no concerns.
- The development was in a Conservation Area; however, Planning Officers had worked together with the agent for the application to produce an option for this site moving forwards.
- There would be no student occupation.
- The trees referred to would be protected.

The following matters of concern in relation to the planning application were raised by members:

- Had the proposed development been on the footprint of the existing garage it would be acceptable, however, it set a precedent for similar development in an already densely populated area.
- Concerns were raised relating to properties being squeezed into green space.
- Although the city was in desperate need of additional housing, we also required green life around us.
- Residents' concerns regarding the design of the build would be assisted by the introduction of a condition requiring site of further detail on materials to be used and how the build fitted into the local area.
- It was hoped the build would be set back a little.
- Concerns that the proposed development did not fit into the local area.
- It was hoped that off-street parking provision would allow surface water to pass through it.

The Assistant Director of Planning offered the following point of clarification to members:

- The use of materials would be a condition of grant of planning permission to include minimum details of red brick with a slate roof. Samples of materials to be used could also be added as an additional condition.
- The proposed development was set back slightly.
- In terms of provision of off-street parking, materials to be used and surface materials could be conditioned accordingly to allow adequate drainage.

A motion was proposed, seconded and:

RESOLVED that a condition on the use/samples of materials be included as an additional condition imposed subject to grant of planning permission.

RESOLVED that the application for planning permission be refused.

Reasons:

1. The proposed dwelling would have a harmful impact on the character and appearance of the conservation area by virtue of its position and therefore relationship with the street.
2. This relationship combined with the removal of garden space for 192 West Parade would strike a discordant note in paragraph 72 of the street scene contrary to LP 26 and paragraphs 197 of the NPPF and Listed Building Act.

28. Todson House, Beaumont Fee, Lincoln

The Assistant Director for Planning:

- a. advised that permission was sought for partial demolition of an existing building including retention of its front façade and an extension to form 41 self-contained residential apartments with shared kitchen and lounge facilities, adding 5 dormers to the roof of the building
- b. described the location of the site on the eastern side of Beaumont Fee, occupied by Todson House with associated outbuildings to the rear, the Pathway Centre to the south; a three-storey building providing accommodation and support for homeless and vulnerable adults, and recently completed Iconic Student Accommodation to the north consisting of a 3-5 storey development and refurbishment of a former school building
- c. reported that the current application was submitted by Park Lane Group, the same applicant as the previous development to the north, proposing student accommodation also managed by Iconic
- d. confirmed that the site was situated within the Cathedral and City Centre No.1 Conservation Area
- e. added that the existing building was not listed, although Friends Meeting House, a Grade II listed building was situated on the opposite side of Beaumont Fee
- f. advised that pre-application discussions had taken place with the applicant/architect involving other design options considered for the site including full demolition, although a development which incorporated

retention of the front façade as the main entrance to the building was considered to be the most appropriate

- g. provided details of the history relevant to the site of the proposed development as detailed within the officer's report
- h. provided details of the policies pertaining to the application, as follows:
 - Policy LP2 The Spatial Strategy and Settlement Hierarchy
 - Policy LP6 Retail and Town Centres in Central Lincolnshire
 - Policy LP7 A Sustainable Visitor Economy
 - Policy LP13 Accessibility and Transport
 - 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
 - National Planning Policy Framework
- i. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - National and Local Planning Policy- The Principle of the Proposed Mixed-Use Development
 - Assessment of Harm to the Character and Appearance of the Conservation Area
 - Residential Amenity
 - Archaeology
 - Highways and Drainage
 - Contamination
- j. outlined the responses made to the consultation exercise
- k. concluded that:
 - The development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, and design.
 - The proposals would bring a vacant site back into use with the retention of the front façade of the building, which would ensure the character and appearance of the Conservation Area was preserved.
 - Technical matters relating to noise, highways, contamination, archaeology, and drainage were to the satisfaction of the relevant consultees and could be dealt with as necessary by condition.
 - The proposals would therefore be in accordance with the requirements of CLLP Policies and the NPPF.

Planning Committee discussed the content of the report in further detail.

The following comments and questions emerged from members:

- This planning application developed well with the one next door and would bring character to the area.

- The retention of the existing frontage to the building although not protected, would be an added attraction to the area.
- The proposed development was in close proximity to the University and College.
- The proposal by the developer to separate the surface and foul water drainage which currently ran into a combined system was to be commended.
- Clarification of the meaning of a 'Blue Roof' referred to within the officer's report was requested.
- Would the materials from the demolished building be re used?
- What type of materials would be used in the construction of the dormers?

The Assistant Director of Planning offered the following point of clarification to members:

- The term 'Blue Roof' referred to attenuation of rainwater and a potential reduced run-off rate into the drainage system.
- Materials from the existing build would be re-used wherever possible with the front elevation remaining in situ.
- The dormers would be manufactured of best quality workmanship with use of appropriate materials to be negotiated.

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

Conditions

- Time limit of the permission
- Development in accordance with approved plans
- Materials to be submitted including shade of zinc cladding
- Noise Assessment to be submitted
- Contaminated land
- Archaeological WSI and foundation design
- Surface water drainage (as required once LLFA has submitted final comments)
- Construction of the development (delivery times and working hours)
- Highway construction management plan
- Existing dropped kerb to be reinstated

29. Land at Wolsey Way (between Larkspur Road and Windermere Road), Lincoln

The Planning Team Leader:

- a. advised that permission was sought to vary the original wording of Condition 8 of 2016/0842/OUT which stated:

No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

b. reported that it was proposed to replace this wording with:

No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage designs are to be in accordance with the revised Flood Risk Assessment dated 07 May 2021 by Eastwood and Partners. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

c. advised that the change was sought to reflect changes made to the drainage strategy following further consultation with Anglian Water Authority

d. described the location of the application site to the West of Wolsey Way, adjoining the King George V Playing Field to the west, residential development at Westholm Close, Hurtswood Close and Wolsey Way to the north and Larkspur Road to the south

e. stated that the site was granted outline planning permission in 2019 for 14 bungalows with only the access fixed for the development, all other details including layout, landscaping and size of the bungalows being indicative at this stage; along with the appearance of the dwellings these matters would be agreed through subsequent application(s) for Reserved Matters

f. provided details of the policy pertaining to the application, as follows:

- National Planning Policy Framework

g. advised Planning Committee of the main issue to be considered as part of the application to assess whether the proposed wording of Condition 8 was acceptable

h. outlined the responses made to the consultation exercise

i. concluded that the proposed Drainage Strategy was acceptable, and that the rewording of Condition 8 was acceptable to reflect the detail contained within.

RESOLVED that the application to vary the wording of Condition 8 of 2016/0842/OUT be granted subject to the signing of the S106 Deed of Variation Agreement.

30. 43 Queen Street, Lincoln

The Assistant Director for Planning:

- a. advised that permission was sought for a two-storey side and rear extension to 43 Queen Street to provide a garage and living area to the ground floor with two bedrooms and a bathroom created to the first floor
- b. described the location of the property to the north of Queen Street, off High Street, Lincoln, attached to a two-storey property to the west, encompassing an open space with a three-storey property beyond to the east
- c. referred to the previous planning history to the application site as detailed within the officer's report
- d. provided details of the policies pertaining to the application as follows:
 - Policy LP26 Design and Amenity
 - Central Lincolnshire Local Plan Policy
- e. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Principle of the Development
 - Visual Amenity and Design
 - Impact on Neighbours
 - Technical Matters
- f. outlined the responses made to the consultation exercise
- g. gave clarification to the issues regarding land ownership/rights of access in relation to the rear of 45 Queen Street which were not matters within the remit of Planning Committee; these were private issues to be resolved between the parties involved through their own solicitors if necessary
- h. referred to the Update Sheet tabled at the meeting which contained a further representation in relation to the proposed development, received too late for the deadline to register to speak
- i. concluded that the proposed extension would have no adverse impact on neighbouring residents and would be appropriately designed taking into account the surrounding area and it was therefore considered that the proposal accorded with policy LP26 of the Local Plan.

Planning Committee discussed the content of the report in further detail.

Some members of Planning Committee considered that the application for development should be deferred until matters relating to boundary issues had been resolved. Other members took on board officers' advice that the proposed development was acceptable, and that ownership of land was not a matter to be determined here.

The following comments and questions emerged from members:

- The officer's recommendation to locate the existing extension further back into the body of the garden was acceptable as it would have less impact on residential amenity.

- The addition of a window rather than a garage door was of a much better design.

The Assistant Director of Planning advised that the matter of land ownership was not a material planning consideration and would not be the subject of any potential breach of planning control. This was a civil matter between both the applicant and the owner of the adjacent land.

RESOLVED that the application for planning permission be granted subject to the following condition:

- Development to be carried out in accordance with the plans

31. Tritton Road, Lincoln

(Councillors Bean and Vaughan left the room for this final item having declared a personal and pecuniary interest in the matter to be considered. They took no part in the discussion and vote on the matter to be determined.)

The Planning Team Leader:

- a. advised that determination was sought as to whether prior approval was required for the installation of a 20m Phase 8 monopole, C/W wrapround cabinet at the base and associated ancillary works on Tritton Road, Lincoln
- b. described the location of the proposed site on the west side of Tritton Road, to the south of the junction with Doddington Road,
- c. reported that the site sat within the grass verge, between the footpath/cycleway and the road, positioned to the south of an existing traffic light column on land forming part of the adopted highway, the boundary with 127 Doddington Road, a two-storey property, and a bungalow at 35 Wetherby Crescent was located to the west with the wider area characterised by further bungalows and two-storey properties
- d. advised that the application was submitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) (no.2) Order 2016
- e. reported that paragraph A.1 (1) (c) (ii) of the GDPO set out permitted development rights to install masts of up to 20m above ground level on land on a highway; as the proposed monopole would be 20m in height and the ground-based apparatus would not exceed 15m in height, prior approval was only required for the monopole in terms of its siting and appearance
- f. stated that a declaration had been submitted with the application which confirmed that the equipment was in line with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines (ICNIRP)
- g. provided details of the policies pertaining to the application, as follows:

- Policy LP26 Design and Amenity
 - National Planning Policy Framework
- h. advised Planning Committee in determining this prior approval application, that the Local Planning Authority could only consider the siting and appearance of the proposed telecommunications equipment
- i. outlined the responses made to the consultation exercise
- j. concluded that:
- The siting and appearance of the proposed monopole would have a harmful visual impact on the character and appearance of the area by reason of its height, size, design, and position, which was exacerbated by the site's highly visible location.
 - It would appear as an obtrusive, prominent, dominant, and imposing addition in the street scene, contrary to Central Lincolnshire Local Plan Policy LP26 and paragraph 130 of the National Planning Policy Framework.

Planning Committee discussed the content of the report in further detail.

The following comments emerged from Members:

- It was noted that the purpose of the proposed monopole was to increase a telecommunication network strength from 4G to 5G.
- If this site was not considered a suitable location, then where would be, as there were already numerous other masts across the city?
- Concerns were raised in the unfortunate event that a vehicle was to mount the kerb during an accident; this could cause substantial damage to the pole and/or local properties.

The Planning Team Leader responded as follows:

- Everyone wanted 5G Wi-Fi, however, the proposed monopole was so close to the adjacent house it would be unduly dominant.
- Monopoles in other parts of the city were 10-15 metres away from local properties, encompassing a slenderer pole and enclosed head frame.
- This monopole was twice the height of a normal standard street light.
- There were areas in the city considered to be more appropriate for siting such a monopole being further away from other properties.

RESOLVED that Prior Approval be refused.

Reasons:

- The siting and appearance of the proposed monopole would have a harmful visual impact on the character and appearance of the area by reason of its height, size, design, and position, which was exacerbated by the site's highly visible location.
- It would appear as an obtrusive, prominent, dominant, and imposing addition in the street scene, contrary to Central Lincolnshire Local Plan Policy LP26 and paragraph 130 of the National Planning Policy Framework.

