

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

Apologies for Absence: Councillor Edmund Strengiel

92. Confirmation of Minutes- 23 March 2022

RESOLVED that the minutes of the meeting held on 23 March 2022 be confirmed and signed by the Chair as a true record.

93. Declarations of Interest

No declarations of interest were received.

94. Member Statements

In the interests of transparency:

- Councillor Bob Bushell wished it to be recorded in relation to Item No 4 (f) of the agenda, *Hartsholme Country Park, Lincoln*, that Hartsholme Country Park came within his role as Portfolio Holder for Remarkable Place, however, he had not received any updates on the proposed works and had no personal interest in the matter.
- Councillor Bob Bushell wished it to be recorded that he had requested that Item No 4(d) of the agenda, *Telecommunication Station 63673, Firth Road, Lincoln* be brought to Planning Committee in the interests of transparency and consistency.
- Councillor Bean wished it to be recorded that he was a member of Hartsholme Park Advisory Group.

95. Work to Trees in City Council Ownership

Dave Walker, Arboricultural Officer:

- a. advised Planning Committee 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.

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

96. Change to Order of Business

RESOLVED that the order of business be amended to allow the application for development at 471-480 High Street Lincoln to be considered as the next agenda item.

97. Applications for Development
98. 471 - 480 High Street, Lincoln

(Councillor Mara arrived late to the meeting during the discussion of this item. He sat in the public gallery and took no part in the deliberations or vote on the matter to be determined.)

The Planning Team Leader:

- a) advised that an inspection at the application site had taken place earlier that afternoon by Planning Committee members
- b) described the application site, located at the south end of the High Street on the eastern side, currently vacant although previously a Peugeot Garage and was occupied by a former showroom building fronting High Street with garage/workshop buildings to the rear; all to be demolished as part of the planning proposal
- c) described the surrounding area to the application site adjacent to the South Park/St Catherines roundabout, with;
 - Sincil Dyke to the south with residential properties located on the other side of the bank fronting South Park.
 - Former United Reform Church to the north, the subject of a separate planning application.
 - Another garage to the north of the Church which did not form part of the planning application.
 - Vacant land to the east forming a separate application for re-development.
 - Residential properties to the north of the site which lined Spencer Street.
- d) highlighted that the site was situated within St Catherines Conservation Area No 4
- e) advised that whilst the site was vacant in terms of its land use, Bentley's on behalf of the Environment Agency had been undertaking works for several months in relation to the bank on the south boundary of the site, including removal of the trees along the boundary with the bank as part of a scheme of measures to improve flood defences in the area
- f) added that these works did not require planning permission and were not connected to the development proposed under this application; despite the proximity to the Sincil Dyke the majority of the site was within Flood Zone 1 with a small area on the south-western corner of the site located within Flood Zone 2

- g) advised that planning permission was sought for a residential care home comprising 73 en-suite rooms set within a purpose built facility over three floors, to include office space, kitchens, laundry facilities with shared kitchen and lounge facilities
- h) reported that access to the development would be via Cross Spencer Street and the existing access from High Street would be stopped up, pedestrian access would be via the rear of the building into a reception space within the centre of the building and 23 car parking spaces would be provided on-site for staff and visitors' use
- i) referred to pre-application discussions with the applicant and their architect having taken place and further discussions which had continued throughout the application process resulting in revisions submitted to address officer concerns regarding overlooking, design and access
- j) reported that the scheme submitted by Torsion Care had also submitted a separate application for retirement flats on land to the rear of this site including the former United Reform Church to the north (2021/0598/FUL); officers were still in discussions with the applicant on the retirement flat application
- 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 LP9: Health and Wellbeing
 - Policy LP10: Meeting Accommodation Needs
 - Policy LP12: Infrastructure to Support Growth
 - Policy LP13: Accessibility and Transport
 - Policy LP14: Managing Water Resources and Flood Risk
 - Policy LP16: Development of Land Affected by Contamination
 - Policy LP21: Biodiversity and Geodiversity
 - Policy LP25: The Historic Environment
 - Policy LP26: Design and Amenity
 - Policy LP27: Main Town Centre Uses-Frontages and Advertisements
 - Policy LP29: Protecting Lincoln's Setting and Character
 - Policy LP33: Lincoln's City Centre Primary Shopping Area and Central Mixed Use
 - National Planning Policy Framework
- l) advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- Principle and Policy Background
 - Developer Contributions
 - Assessment of Impact to the Character and Appearance of the Conservation Area
 - Impact on Residential Amenity
 - Highways and Drainage
 - Archaeology
 - Contamination

- Other Issues

m) outlined the responses made to the consultation exercise

n) referred to the Update Sheet which included a response received from the Environment Agency in respect of the proposed development and a Swept Path Analysis relating to access to the site

o) 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 and 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.

Councillor Helena Mair addressed Planning Committee as Ward Advocate representing local residents. She covered the following main points:

- She thanked Members of Planning Committee for allowing her the opportunity to speak.
- She spoke as advocate for Park Ward.
- She was not opposed to the planning application, however she outlined three main concerns.
- The proposed access from Spencer Street/Cross Spencer Street would have an adverse effect on local residents. The houses were built up to the roadside having no front gardens. There would be disturbance caused by cars, lorries and delivery vehicles.
- There would be an effect on the residential amenity of back gardens along South Park. The Environment Agency had already removed trees to the bank on the south boundary of the site in the interests of flood prevention which reduced privacy for residents looking onto the site from the rear of their properties.
- She requested that the height of the proposed development be reduced to two-storey along Sincil Dyke.
- This planning application represented only half of the proposed development with the remaining proposals being considered as a separate planning application.
- She requested that the matter be deferred until both applications could be considered together.

Chris Burns, on behalf of Torsion Care, applicant, addressed Planning Committee in support of the application, making the following points:

- On 21 February 2021 the company became aware of the prospective sale of the application site, which had been vacant for some time.
- Once the site was acquired by the company the best use for the land was discussed.

- It was decided that care of people in the local area would be of great benefit.
- There was an under supply of care in the community; a deficit of 529 bed spaces that following year.
- The proposed use for the application site as a care home would reduce the impact on the NHS by £640,000 a day.
- People preferred to be cared for in locations close to their family homes.
- No further care homes had been built in the City since 1977.
- The proposed scheme would bring an economic benefit of 100 full/part-time jobs to the City.
- Stem Architects had been used for the design process as they had local knowledge of the area.
- The design of the building was modern, engaging, and in sympathy with local architecture.
- He was sorry the Environment Agency had taken away trees, however, unfortunately his company had no influence over this.
- All habitable spaces within the building which could potentially affect overlooking had been taken out.
- There would be no requirement for cars to park on the street as the facility would have its own car park.
- The build incorporated fuel-efficient and environmentally friendly considerations such as electric charging points.
- Provision had been made for bird/bat boxes in terms of ecological considerations.
- Simultaneous construction of both schemes including the additional planning application submitted for retirement flats currently under consideration would take place to minimise any disruption.
- He hoped Members would offer their support to the planning application before them this evening.

The Planning Team Leader advised that additional environmental support improvements including heat pumps could be imposed as a condition on grant of planning permission should members be so minded to do so.

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

The following comments emerged in support of the planning application:

- The site visit conducted earlier today had addressed the individual member's concerns regarding the proposed development, including:
 - The suggestion of a climate control detail condition.
 - The space between Sincil Drain and the properties on South Park.
 - Habitual rooms being minimised to avoid any potential overlook.
 - Spencer Street was wider in reality than at first envisaged and did not present any issues.
- The Highway Authority had not raised any objections.
- Landscaping works could be utilised to provide shelter to the properties on South Park.
- The separate planning application would receive full scrutiny by Planning Committee.
- Parking facilities had been accommodated and the care facility was also on the bus route.

- The design of the building was in keeping with the local area.
- Land was a precious resource in the City in terms of sustainability and this type of facility was desperately needed.
- This was a Brownfield site.
- There were vehicles accessing the site previously in its former use as a car dealership.
- The Highway Authority was satisfied that vehicles were able to access Spencer Street for refuse collection.
- Spencer Street was wider than others in the area.
- This was an acceptable use for the site.
- South Park roundabout was a main entrance into the City Centre. An inviting building such as the one proposed would be suited here.
- The site visit had helped focus on the details of the planning application.
- The removal of the wall on Spencer Street would be useful.
- It was pleasing to note that the developer and planning officers had worked together during the process of the application, it was strange to see that a symmetrical gable had been removed in the later application.
- The site visit was useful in appreciating the scale/height/ distance between the proposed development and the buildings on South Park.

The following concerns emerged in respect of the planning application:

- It was true this type of development was needed and that the site needed to be brought into use, however, Spencer Street was unfortunately too narrow for the degree of traffic the scheme would bring.
- The size of the build had not been reduced sufficiently to be a responsible use for the site.
- The additional proposed development would involve an adverse impact on access to Spencer Street.
- There was also an impact on overlooking to the properties on South Park, the proposed development was two-storey, however there were also windows in the roof.
- It was not possible for trees to be replanted this side of the site due to access requirements for the Environment Agency.
- The Environment Agency had used the front access onto High Street during their maintenance work to avoid disturbance to local residents.
- We had only half an application before us this evening.
- It was wished that the needs of local residents had been further accommodated by the developer.
- Concerns were raised regarding potential traffic leaving Spencer Street wanting to turn right onto the High Street.
- Landscaping and bat/bird box conditions needed to be 'married' together taking advice from Lincolnshire Wildlife Trust on encouraging wildlife in urban areas.
- The treatment of the boundary at the garden area at the apex of the site at the patio close to the road was important, in order to shield noise and traffic fumes from residents.
- Habitable accommodation had been removed from the second floor according to the developer, however, there were two rooms remaining which could potentially be converted to bedrooms should the property be transferred into future ownership.
- Rooms would still be overlooked even though they were not bedrooms.
- Better options existed rather than access via Spencer Street.

The Chair reminded members of Planning Committee that it was their remit to consider the planning application in front of them this evening.

Members queried how the height of the development in metres?

The Planning Team Leader offered the following points of clarification to members:

- The height of the building was 8.9 metres, equating to the height of the coping on the United Reform Church against the eaves of the new development. A condition could be imposed on grant of planning permission to specify that the eaves could be no higher than the coping on the United Reform Church if Members were so minded.
- There were two rooms on the second floor which could potentially be converted into bedrooms. Officers had spoken to the applicant to ensure this did not happen, a requirement which could be conditioned if Members were so minded.
- The patio area at the apex to the site would incorporate a six-foot plus high hedge to give additional protection to residents. There was also an additional seating area towards the middle of the development.
- In terms of health of residents and air quality, Environmental Health colleagues were satisfied with the noise assessment submitted by the applicant together with a condition to be imposed on the grant of planning permission requiring a noise mitigation scheme to be submitted.

A motion was moved, seconded and voted upon that the planning application be deferred until the other application for the same site was considered.

The motion was lost.

The following additional proposed conditions to be imposed should planning permission be granted were individually moved, seconded, voted on, carried and:

RESOLVED as follows:

Additional Conditions

- Communal rooms on the second floor, south-side of the development not to be converted to habitable accommodation.
- Climate mitigation sustainability measures to be implemented to the satisfaction of the Local Planning Authority.
- The final eaves height of the building be no higher than the parapet height of the United Reform Church.

The Planning Team Leader confirmed that the existing proposed highway condition would include an increase to the radius of Spencer Street and removal of the wall there.

RESOLVED that

Authority be delegated to the Assistant Director of Planning to grant planning permission upon signing of the S106 for NHS contributions subject to the conditions set out below

Conditions:

- Time limit of the permission
- Development in accordance with approved plans
- Bat/bird boxes
- Layout as granted – in order to protect residential amenity
- Lighting
- Noise mitigation measures to be submitted
- Hours
- Contaminated land
- Anglian Water details of foul drainage to be submitted
- Materials including sample panel
- Surface water drainage
- Landscaping to be submitted
- Boundary walls and fences to be submitted
- Archaeological WSI and foundation design
- Construction of the development (delivery times and working hours)
- Waste collection times
- Highway construction management plan
- Existing dropped kerb to be reinstated to High Street
- Lighting scheme to be submitted
- A scheme for electric vehicle charging points to be submitted
- Communal rooms on the second floor, south-side of the development not to be converted to habitable accommodation.
- Climate mitigation sustainability measures to be implemented to the satisfaction of the Local Planning Authority.
- The final eaves height of the building be no higher than the parapet height of the United Reform Church.

99. 108 Newland Street West, Lincoln

(Councillor Mara took his seat as a Member of Planning Committee for the remainder of the meeting.)

The Assistant Director of Planning:

- a. described the application site, located on a corner plot, with Newland Street West to the north and Nelson Street to the west, within a built up residential area
- b. advised that planning permission was sought to change the use of the ground floor from a public house (Use Class Sui Generis) and existing upper floor flat to form two maisonettes (Use Class C3), which included demolition of the rear outbuildings to facilitate a two-storey extension and the erection of one new dwelling to create 3 residential units in total
- c. provided details of the policies pertaining to the application, as follows:
 - Central Lincolnshire Local Plan
 - Policy LP15: Community Facilities
 - Policy LP26: Design and Visual Amenity
- d. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:

- Principle of Development
- Asset of Community Value
- Loss of the Public House
- Residential Amenity
- Visual Amenity
- Energy
- No Students S106
- Contaminated Land
- Air Quality
- Highways

- e. outlined the responses made to the consultation exercise
- f. explained the background to considerations of Policy LP15 of the Central Lincolnshire Local Plan relating to the loss of an existing community facility which required the applicants to have demonstrated that the application met the tests of LP15 as follows:
- a. The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or
 - b. The service provided by the facility is met by alternative provision that exists within reasonable proximity; what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area; or
 - c. The proposal includes the provision of a new community facility of similar nature and of similar or greater size in a suitable on or offsite location
- g. reported that following the submission of the planning application, 108 Newland Street West had been placed on the Asset of Community Value (ACV) Register (for the second time, after an appeal against a previous ACV was upheld), a process that gave communities a right to identify a building or other land to be of importance to their community's social well-being; should the asset come up for sale communities would be given a fair chance to bid to buy it on the open market
- h. reported that an appeal had been lodged against the current ACV but had not yet been heard
- i. described the process for an Asset of Community Value in further detail within the officer's report
- j. referred to the Update Sheet which included additional responses received in respect of the proposed development
- k. concluded that:
- It was considered that the proposed extension and proposed new build would be an appropriate addition to the street scene and would have no adverse impact on residential amenity.
 - The change of use would also be appropriate given the surrounding residential uses.

- Therefore, the proposal was in accordance with national and local planning policy.

Jamie Bennet, Chairman, Keep the Tap Running, addressed Planning Committee in objection to the planning application, making the following points:

- He thanked Members for allowing him the opportunity to speak.
- He wished to bring it to the Committee's attention that CAMRA had recommended refusal of the planning application due to the policy tests of Policy LP15 and requirements of the National Policy Framework not being satisfied.
- He agreed with this view.
- The applicant's claim that the pub was not viable was untrue.
- The last landlord at the pub had said it was viable.
- The application site had not been offered for sale at a fair rate.
- Criminal activity at the premises was unrecognisable.
- The statement that no group had attempted to run the pub since the last tenant vacated was not true.
- The public house contributed positively to the community area.
- The majority owner also had three pubs in York
- The retention of the public house was supported by community, investors and expert industry, including public houses in the vicinity.
- The West End community would be deprived of one of its most historic, popular, socially and culturally significant amenities.
- Please support the request to Keep the Tap Running.

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

- As Planning Committee could see from the huge public support present this evening, large numbers of residents in Carholme Ward were opposed to this planning application.
- City and County Councillors were against this planning application.
- The only person in support of it was the applicant due to financial considerations and he didn't live in the community.
- The proposed change of use would result in the loss of a historic community pub.
- Additional housing was not good for this community here, it was already very tight for car parking spaces.
- There would be more cars on the street in an already densely populated Residents Parking Zone.
- Those people who didn't live in the area probably did not care.
- He was appalled to see that the only evidence provided regarding viability for the Public House was submitted by the applicant.
- This represented the applicant's opinion only which was not fair.
- It was true that there were alternative venues available such as The Horse and Groom, however, this was now a restaurant with a different offer.
- The Queen of the South was quoted at page 40 of the officer's report as an alternative venue which in fact referred to a football team, the pub in reality was called The Queen in the West which provided a different offer.
- Why was the applicant qualified to decide what should be provided in the West End?
- The campaign to save the Tap had resulted in a huge turn-out this evening.

- It was part of our historic Townscape.
- Why wasn't a balanced input presented from Mr Mackown who had a different view?
- Competitors at the Joiners Arms and Queen in the West public houses were also here in support of the campaign.
- He urged Members to reject this planning application.

Lewis DelaHey, representing the applicant, addressed Planning Committee in support of the planning application, making the following points:

- He thanked Members of Planning Committee for allowing him the opportunity to speak.
- The Public House was no longer a viable trading option.
- The importance was in the company name.
- Mr Mackown was not an investor in the Tap.
- Mr DelaHey wanted this to be known to protect his company.
- The property was bought as the former Vine Inn which had proved unviable.
- He lived on a building site for 5 months whilst it was being renovated.
- The pub opened in 2013.
- After four years it was realised the venture was not viable.
- The financial burden was too great, and Lincoln Tap Pubs was put into liquidation.
- In 2019 the pub was incorporated into the owners' other business 'The Tap House and Kitchen', but this also proved to be economically unviable and both operations closed.
- In 2021 the public house now leased to another tenant was closed due to drug activities.
- He transferred the pub into his name in February 2021 with no formal offer to buy the pub.
- The applicant had spent seven years trying to make the pub viable, however, common sense prevailed, and it was no longer a viable company.
- He urged that the planning application be approved as a viable alternative to preserve the buildings use.

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

The following comments emerged:

Councillor Watt

- Planning officers had worked in a professional manner in respect of this planning application to arrive at a viable option for the building.
- Planning Committee should not be concerned with disputes surrounding the pub's history, viability or ownership. Our remit was to consider the viability of the scheme presented before us.
- We would be taking a risk if the application was refused. Public houses had been protected in the past as an Asset of Community Value and still closed down.
- Residents could potentially be given the chance here to 'use it or lose it.'

Councillor Hewson

- We were elected as Councillors to support our residents.
- This was a difficult situation as it was unclear who owned the assets to the business.
- We must decide whether local residents should be given the opportunity to make the business viable before it was lost for good.

Councillor C Burke

- This was a local pub in a cohesive community.
- As an ACV, Policy LP15 applied.
- Two local public houses were promoting the request to save The Tap although they were competitors.
- Public Houses were being lost at an alarming rate.
- They were vital community meeting places.
- The West End was promoted as an important part of our City.
- There were many written objections to the planning application.
Support should be given to the property as an Asset of Community Value.

Councillor B Bushell

- He was not against the retention of the pub.
- He had carried out a site visit today and knew this area well as where he used to live.
- There were so many pubs and shops closed down due to being unsustainable.
- We must consider the application before us. Policy LP15 identified there were alternative venues in the area.
- The Monson Arms had been registered as an ACV however it was now being demolished.
- There was no guarantee the building would re-open as a Public House in the future. There was also confusion as to its ownership.
- The owners did not have to sell the pub to anybody at a specific price.
- We must be realistic as to the potential outcome of what was decided this evening.

Councillor Bean:

- There was huge support for saving the pub here tonight. The community had spoken.

Councillor Longbottom

It was difficult to absorb the 26 extra pages released yesterday in the Update Sheet to be prepared for tonight's meeting. She asked:

- Should the planning application be passed, and the property turned into homes and was then sold on, how would this affect the status of the building as a Community Asset?
- The building was registered as an Asset of Community Value after the planning application was submitted. Why wasn't this taken into consideration as part of the planning application?

- Why wasn't point C mentioned as part of the consideration of Policy LP15 criteria for the loss of an existing community facility?
- She had concerns regarding the viability or otherwise of the pub. Was it sufficient to include one point of view? Non viability had not been proven.
- Did other Planning Authorities have stricter tests of what was considered viable?

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

- Regardless of the status of the planning application, whether or not it was approved, the building would remain on the ACV Register for five years.
- The wording of the policy criteria for Policy LP15 required either point A, B or C to apply and not all three. Little weight had been given to the cross-flow of correspondence regarding ownership and viability of the Public House. Point B had been relied upon in respect of alternative service provision being available within reasonable vicinity to the existing venue.
- Planning officers had no vested interest in the viability of use for the building as housing or otherwise. The policy framework for the Central Lincolnshire Local Plan had to be followed. This was different to other policies in other local authorities; however, it was the framework in which we operated.

A proposer was not forthcoming to support the grant of the planning permission.

RESOLVED that planning permission be refused.

Reasons

Insufficient evidence was available for discharge of Policy LP15 in respect of both of the following two criteria points:

1. The facility is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility; or
2. The service provided by the facility is met by alternative provision that exists within reasonable proximity; what is deemed as reasonable proximity will depend on the nature of the facility and its associated catchment area;

100. 59 Hawthorn Road, Lincoln

The Assistant Director of Planning:

- a. advised that planning permission was sought for the erection of a single storey rear extension to 59 Hawthorn Road, a semi-detached red brick and render property situated on the north side of Hawthorn Road
- b. advised that the application was brought before committee as the applicant was related to a City Council employee
- c. provided details of the policies pertaining to the application, as follows:
 - Central Lincolnshire Local Plan
 - Policy LP26: Design and Visual Amenity

- d. advised Planning Committee of the main issues to be considered as part of the planning application as follows:
- Principle of Development
 - Impact on Neighbours
 - Visual Amenity
 - Technical Matters
- e. outlined the responses made to the consultation exercise
- f. concluded that:
- The proposed development would have no adverse impact on neighbours and would be an appropriate design for the existing dwelling and the surrounding area.
 - Therefore, the proposal accorded with national and local planning

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 submitted plans.

101. Telecommunication Station 63673, Firth Road, Lincoln

The Planning Team Leader:

- a. advised that the original proposal was for the erection of a 20m high monopole situated within the footpath, however following concerns raised by the Highway Authority that the monopole may restrict the footpath for pedestrians, the proposal had been amended by the agent to address this concern
- b. reported that the revised application sought permission for the removal of the existing 12.m high monopole and the erection of a 15m high Hutchinson monopole
- c. advised that due to changes in legislation monopoles below 25 metres high did not require planning permission, however the applicant had decided to continue with this request
- d. described the application site located on the east side of Firth Road, within the grass verge, at the back edge of the footpath; the area around the site was predominantly characterised by large commercial premises with open land surrounding including Siemens and the rear service yard of Tritton Retail Park, and some two storey residential terrace properties located approximately 94m to the north of the site
- e. highlighted that a declaration had been submitted with the application to confirm that the equipment met International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines (ICNIRP)
- f. provided details of the policies pertaining to the application, as follows:
- National Planning Policy Framework

- Local Plan Policy 26
- g. advised Planning Committee that in determining this prior approval application, the Local Planning Authority could only consider the siting and appearance of the proposed telecommunications equipment
 - h. outlined the responses made to the consultation exercise
 - i. concluded that it was considered that the siting and appearance of the proposed monopole would not have a harmful visual impact on the character and appearance of the area or have a harmful effect on residential amenity, in accordance with the Central Lincolnshire Local Plan Policy LP26 and paragraph 130 of the National Planning Policy Framework.

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 submitted plans

102. Birchwood Telephone Exchange, Whisby Road, Lincoln

The Planning Team Leader:

- a. advised that the application sought to establish whether prior approval is required for the installation of the following:
 - A 5m extension to the existing mast
 - The installation of sector & dish antennas on the existing shared mast to be mounted on the new tower extension and headframe.
 - The installation of ground-based radio housing equipment within an existing compound
 - The installation of cabling and associated development
- b. reported that the proposal related to the upgrading of an existing 15m lattice tower and associated ancillary equipment housed within the compound of the Birchwood Telephone Exchange on the eastern side of Whisby Road, close to the junction with Doddington Road, located within the grounds of the BT Exchange with the existing two storey building screening the majority of views of the existing mast
- c. advised that this 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.
- d. highlighted that due to the fixed 56 days in which Local Authorities must inform mast operators of the decision on whether prior approval was required for siting and appearance and to let the operator know of its decision, it had not been possible on this occasion for this prior approval to be presented at committee before determination, however, this report detailed the considerations taken during the application

- e. confirmed that a declaration had been submitted with the application which confirmed that the equipment was in line with the Public RF Exposure Guidelines.
- f. provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework – Section 10
 - Policy LP26
- g. advised Planning Committee that in determining this prior approval application, the Local Planning Authority could only consider the siting and appearance of the proposed telecommunications equipment
- h. outlined the responses made to the consultation exercise
- i. concluded that:
 - It was considered that the siting and appearance of the proposed monopole would not have a harmful visual impact on the character and appearance of the area, in accordance with the Central Lincolnshire Local Plan Policy LP26 and paragraph 130 of the National Planning Policy Framework.
 - The application was therefore determined under delegated powers by the Assistant Director. Prior approval under Class A of Part 16 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2016 (as amended) was thereby approved.

RESOLVED that the contents of the report and decision made be noted.

103. Hartsholme Country Park, Hartsholme Park, Lincoln

The Planning Team Leader:

- a. described the application site, Hartsholme Country Park, as a Grade II Listed Historic Park and Garden
- b. advised that the proposal related specifically to the former Aviary structure located to the west of the Visitor Centre within the park
- c. reported that permission was sought for partial removal of the existing aviary structure and the installation of a storage container to facilitate secure storage and amenity space for staff and volunteers
- d. provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework
 - Policy LP22: Green Wedges
 - Policy LP25: The Historic Environment;
 - Policy LP29: Protecting Lincoln's Setting and Character
- e. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
 - Accordance with National and Local Planning Policy

- Impact on Visual Amenity and the Character or Setting of the Designated Heritage Asset as a Historic Park and Garden

f. outlined the responses made to the consultation exercise

g. concluded that:

- The proposed container would provide secure storage and amenity space for staff and volunteers at the park.
- Whilst the structure was rather utilitarian in appearance, views of the structure were limited by the existing building and landscaping.
- The proposal would therefore preserve and protect the character and setting of the Historic Park and Garden in accordance with policies LP22, LP25 and LP 29 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

RESOLVED that planning permission be granted conditionally.