

**Present:** Councillor Naomi Twedde (*in the Chair*),  
Councillor Bob Bushell, Councillor Debbie Armiger,  
Councillor Biff Bean, Councillor Liz Bushell, Councillor  
Gary Hewson, Councillor Rebecca Longbottom,  
Councillor Bill Mara, Councillor Mark Storer and  
Councillor Edmund Strengiel

**Apologies for Absence:** Councillor Chris Burke

**54. Confirmation of Minutes - 30 November 2022**

RESOLVED that the minutes of the meeting held on 30 November 2022 be confirmed and signed by the Chair as a true record.

**55. Declarations of Interest**

Councillor Biff Bean declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Site of Victory Hotel, 50 Boultham Park Road, Lincoln'.

Reason: He knew one of the objectors to the proposed development as a County Councillor and personal friend.

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 Bob Bushell declared a Personal Interest with regard to the agenda item titled 'Site of Victory Hotel, 50 Boultham Park Road, Lincoln'.

Reason: He served as a member on the Upper Witham, and Witham 3rd Drainage Boards.

He had duly considered whether this interest was a pecuniary interest under the member code of conduct. When taking into consideration the reasonable member of the public test, as outlined in the code of conduct, and the assessment of how much this application would affect the Drainage Boards, he did not consider that his interest was a pecuniary interest. He would therefore be participating in the meeting as a member of the Committee.

Councillor Calum Watt declared a Personal Interest with regard to the agenda item titled 'Site of Victory Hotel, 50 Boultham Park Road, Lincoln'.

Reason: He served as a member on the Upper Witham Drainage Board.

He had duly considered whether this interest was a pecuniary interest under the member code of conduct. When taking into consideration the reasonable member of the public test, as outlined in the code of conduct, and the assessment of how much this application would affect the Drainage Board, he did not consider that his interest was a pecuniary interest. He would therefore be participating in the meeting as a member of the Committee.

Councillor Debbie Armiger declared a Personal Interest with regard to the agenda item titled 'Site of Victory Hotel, 50 Boultham Park Road, Lincoln'.

Reason: She served as a member on the Upper Witham Drainage Board.

She had duly considered whether this interest was a pecuniary interest under the member code of conduct. When taking into consideration the reasonable member of the public test, as outlined in the code of conduct, and the assessment of how much this application would affect the Drainage Board, she did not consider that her interest was a pecuniary interest. She would therefore be participating in the meeting as a member of the Committee.

Councillor Debbie Armiger declared a Personal and Pecuniary Interest with regard to the agenda item titled '20 Avondale Street, Lincoln'.

Reason: She knew one of the objectors to the proposed development as a personal friend.

She 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 Gary Hewson declared a Personal Interest with regard to the agenda item titled 'Site of Victory Hotel, 50 Boultham Park Road, Lincoln'.

Reason: He served as a member on the Upper Witham, Witham 1st and Witham 3rd Drainage Boards.

He had duly considered whether this interest was a pecuniary interest under the member code of conduct. When taking into consideration the reasonable member of the public test, as outlined in the code of conduct, and the assessment of how much this application would affect the Drainage Boards, he did not consider that his interest was a pecuniary interest. He would therefore be participating in the meeting as a member of the Committee.

Councillor Gary Hewson declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Site of Victory Hotel, 50 Boultham Park Road, Lincoln'.

Reason: He knew one of the objectors to the proposed development as a County Councillor and personal friend.

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 Liz Bushell declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Site of Victory Hotel, 50 Boultham Park Road, Lincoln'.

Reason: She knew one of the objectors to the proposed development as a County Councillor and personal friend.

She 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 Rebecca Longbottom declared a Personal Interest with regard to the agenda item titled 'Site of Victory Hotel, 50 Boultham Park Road, Lincoln'.

Reason: She served as a member on the Upper Witham Drainage Board.

She had duly considered whether this interest was a pecuniary interest under the member code of conduct. When taking into consideration the reasonable member of the public test, as outlined in the code of conduct, and the assessment of how much this application would affect the Drainage Board, she did not consider that her interest was a pecuniary interest. She would therefore be participating in the meeting as a member of the Committee.

**56. Member Statements**

In the interest of transparency the following Members requested it be noted that they knew the County Councillor having submitted an objection in relation to the application for development Agenda Item No 4(a) Site of Victory Hotel, 50 Boutham Park Road, however, not in a personal capacity:

**Councillors**

N Tweddle  
B Bushell  
C Watt  
D Armiger  
R Longbottom  
E Strengiel

In the interest of transparency, Councillor Tweddle requested it be noted that she knew one of the objectors having submitted an objection in relation to the application for development Agenda Item No 4(b) 20 Avondale Street, Lincoln, however, not in a personal capacity.

**57. Update Sheet**

An update sheet was circulated at the meeting in relation to planning applications to be considered this evening, which included additional information for Members attention received after the original agenda documents had been published.

RESOLVED that the update sheet be received by Planning Committee.

**58. 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.

Clarification was sought as to whether the Cherry Tree identified to be felled within the schedule of works to trees in Glebe Ward was to be replaced.

The Arboricultural Officer advised that the tree in question was a self-set tree which had attained a considerable size and was poorly formed. It was capable of

generating a substantial amount of seed/fruit and poorly sighted adjacent to the footpath and brick-based boundaries, likely to lead to future structural damage. Unfortunately, it was not feasible to replant every self-set tree as there was insufficient space across the City.

The Chair expressed her opinion that it should still be replaced.

Clarification was sought as to the meaning of the term referred to as trees formed into 'snags'

The Arboricultural Officer advised that the term 'snag' was a more up to date description of a dead tree reduced to a trunk monolith, retained for biodiversity value.

Clarification was sought as to why a utility company was being allowed to drill through Tree Preservation Order roots in the Doddington Road area without authority, when permission was required for them to be cut and trimmed.

Kieron Manning, Assistant Director of Planning clarified that contract works were being undertaken in parts of the city by Communication operators, which affected trees.

Operators were entitled to achieve the status of a statutory undertaker to carry out contract works without consent as was the case here. There was no formality in terms of consultation from the companies concerned and the Planning Authority had no powers to intervene.

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

**59. Applications for Development**

**60. Site of Victory Hotel, 50 Boultham Park Road, Lincoln**

*(Councillors Bean, Liz Bushell and Hewson left the room during the discussion of this item having declared a personal and prejudicial interest in respect of the planning application to be considered. They took no part in the discussion or vote on the matter to be determined.)*

The Planning Team Leader:

- a) reported that the application for development related to the site of the former Victory Hotel, 50 Boultham Park Road, an irregular shaped parcel of previously developed land, located on the west side of the road, approximately 50m to the south of the junction with Dixon Street
- b) advised that planning permission was sought for the erection of one 2 storey building fronting Boultham Park Road and two 2½ storey buildings, to accommodate 18 flats, with associated external works including car parking, access gate, cycle and bin storage, and soft landscaping
- c) described the history to the application site as follows:
  - An open site frontage with the width of the site narrowing towards the rear.

- Relatively flat with areas of hardstanding and grass, currently used for vehicle storage.
- Previously occupied by The Victory Public House.
- Consent was granted in 2014 for the demolition of the building and a subsequent planning permission (2015/0038/F) also proposed its demolition to facilitate the erection of three detached buildings comprising 14 dwellings with four ground floor commercial units within the frontage building.
- A further application (2018/0074/CXN) was submitted and later granted for minor alterations to the approved scheme. The pre-commencement conditions associated with this permission had all been discharged and there had been a 'start on site.' This permission had therefore been implemented and, even though work had not progressed any further, this permission could be implemented in full at any point.

d) described the location of the application site as follows:

- The north boundary of the site was defined by approximately 1.8m high fencing with a number of mature trees and conifers adjacent, some within the site boundary and others sitting on neighbouring land.
- The side elevation of 48 Boutham Park Road was beyond this boundary, at the front of the site.
- The remainder of the north boundary, towards the rear of the site, formed the rear boundaries with the gardens of properties on Glenwood Grove. The semi-detached properties along here were occupied as ground and first floor flats (no's 1-23).
- The south boundary of the site was also defined by approximately 1.8m-2m high fencing with some smaller trees and plantings within the site and neighbouring gardens.
- The side elevation of 54 Boutham Park Road sat adjacent to this boundary at the front of the site.

e) confirmed that the site was located within Flood Zone 3

f) advised that prior to the submission of the application the site was subject to extensive pre-application discussions with the agent, applicant team and planning officers due to a number of concerns in relation to the initial proposal; there has been further discussions and negotiations, and a number of alternative schemes had been considered prior to the formal submission of the current proposals; officers had also engaged with Ward Members during the application process

g) 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 LP12 Infrastructure to Support Growth
- Policy LP13 Accessibility and Transport
- Policy LP14 Managing Water Resources and Flood Risk
- Policy LP16 Development on Land Affected by Contamination
- Policy LP18 Climate Change and Low Carbon Living

- Policy LP25 The Historic Environment
- Policy LP26 Design and Amenity
- Supplementary Planning Document Central Lincolnshire Developer Contributions
- National Planning Policy Framework

h) 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
- Developer Contributions
- Visual Amenity
- Residential Amenity
- Trees and Landscaping
- Parking and Highways
- Flood Risk and Surface Water Drainage
- Climate Change and Low Carbon Living
- Contaminated Land
- Archaeology
- Air Quality and Sustainable Transport

i) outlined the responses made to the consultation exercise

j) referred to the Update sheet which contained an additional consultee response, a tree survey plan, proposed tree planting and landscaping plan, a response by the City Arboricultural Officer, and a revised officer recommendation

k) confirmed the recommended S106 contributions to be made to Health, Education involving a reduced contribution to affordable housing to make the scheme viable following an independent assessment and case officer consultation

l) concluded that:

- The principle of the use of the site for residential purposes was considered to be acceptable and the development would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design.
- The proposals would also not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
- A S106 would secure a financial contribution towards affordable housing, healthcare infrastructure and education.
- Matters relating to parking and highways, flood risk, drainage, contamination and archaeology had been appropriately considered by officers and the relevant statutory consultees, and could be dealt with as required by condition.
- The proposals would therefore be in accordance with the requirements of CLLP Policies LP1, LP2, LP9, LP12, LP13, LP14, LP16, LP18, LP25 and LP26 as well as guidance within the SPD and NPPF.

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

The following concerns were received from members:

- It would be ideal to see all car parking spaces removed in these types of developments to encourage modal shift, however, accommodation for some parking was considered appropriate.
- It was disappointing to see that s106 contributions were not as great as they might have been.

The following comments were received in support of the planning application

- Members thanked case officers for such a high level of consultation in on this planning application to arrive at its current visual amenity considerations.
- The proposed s106 contributions were considered to be reasonably acceptable.
- It was pleasing to see that issues of flood risk had been addressed with the shift to surface water only going into the sewage system as a last resort.
- There had been no objections in respect of flood risk.
- There was a desperate need for additional housing in the city, available space had to be utilised as long as it didn't encroach on existing residents.
- It was correct to support housing schemes on Brownfield sites such as this.

Members received confirmation that permeable bricks would be used in the car parking area.

A motion was moved, seconded, voted upon, and;

RESOLVED that provision of bat boxes, B Bricks and hedgehog houses be included as an additional condition should planning permission be granted.

A further motion was moved, seconded, voted upon and;

RESOLVED that the details of works condition be expanded should planning permission be granted to include the requirement for remaining trees to be coppiced and the gaps filled with native trees, to be traditionally laid.

RESOLVED that planning permission be granted, with delegated authority given to the Planning Manager to secure the financial contribution through a S106 towards affordable housing, health and education; and subject to the following conditions

- Time limit of the permission
- Development in accordance with approved plans
- Samples of materials including hard surfacing
- Existing site levels and finished site and floor levels
- Details of all walls, fences, railings and gates, including to raised walkway to south
- Details of refuse and cycle store
- Windows and doors to be set in reveal
- Assessment of off-site impact of all external lighting
- Hours of construction/delivery

- Bollard/other safety measure adjacent to parking spaces to south boundary
- Details of proposed works to hedgerow to north of the site (G4)
- Remaining trees to be coppiced and the gaps filled with native trees, to be traditionally laid
- Tree protection measures
- Implementation of landscaping scheme
- Closing of existing access
- Habitable finished floor levels no lower than 5.48m above Ordnance Datum
- No habitable rooms to ground floor of Blocks B and C
- Contamination, site characterisation, and remediation measures/implementation
- Provision of bat boxes, B Bricks and hedgehog houses

**61. 20 Avondale Street, Lincoln**

*(Councillor Bean, Liz Bushell and Hewson returned to the meeting and re-took their seats as members of Planning Committee)*

*Councillor Debbie Armiger left the room during the discussion of this item having declared a personal and prejudicial interest in respect of the planning application to be considered. She took no part in the discussion or vote on the matter to be determined.)*

The Assistant Director of Planning:

- a) reported that the planning permission was sought for the erection of single storey extensions to the existing property at 20 Avondale Street; a two storey terraced property with additional accommodation in the roof
- b) reported that the property had the benefit of a Certificate of Lawful use for its use as a House in Multiple Occupation (HMO) for up to 6 occupants (C4) and the use of the property would remain as a HMO
- c) advised that the application was made retrospectively as works had been completed without planning permission
- d) added that recent works to the property also included internal renovation and the conversion of the loft with a rear dormer window, these works were permitted development and did not form part of this application
- e) reported that the application was brought before Planning Committee at the request of Councillor Smalley and Councillor Christopher
- f) described the history to the application site as detailed within the officer's report
- 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 of the main issues to be considered as part of the application to assess the proposal with regards to:
- National and Local Planning Policy
  - Impact on Residential Amenity
  - Impact on Visual Amenity
  - Highway Safety, Access and Parking
- i) outlined the responses made to the consultation exercise
- j) referred to the Update sheet which included further representations received in respect of the proposed planning development
- k) concluded that the proposed extensions were appropriately designed and would not cause unacceptable harm to the character and appearance of the area nor the amenities of all existing and future occupants of neighbouring properties, in accordance with Policy LP26 'Design and Amenity' of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

Annie Griffiths, local resident, addressed Planning Committee in objection to the proposed development, covering the following main concerns:

- She thanked members for allowing her the opportunity to speak.
- She was speaking on behalf of the residents at the bottom half of Avondale Street.
- This was a retrospective planning application. Consultations had not been viewed by local residents.
- Builders had sprayed over resident parking signage to allow parking of construction vehicles.
- Information signage regarding the consultation process had been removed from the area.
- Businessmen were buying up existing HMO's to increase the size of bedrooms to receive more rental income.
- The area was occupied by a large transient population/people passing through.
- Community spirit had all gone.
- Litter and Anti-Social Behaviour was rife in the area.
- Planning Committee members were in control of the development of housing in this area.
- The applicant had failed to submit a planning application before the work commenced.
- Objections had not been submitted because this was a retrospective planning application.
- Residents had enlisted the help of Councillors Smalley and Christopher to represent their views.
- Residents parking signage remained torn out and piles of building material had been left in parking areas.
- The scheme was an overdevelopment
- Over massing issues
- Overlooking issues.
- The proposals were intended to maximise profitability.
- Residents were desperate for action to stop these types of development to existing properties.

Councillor Clare Smalley addressed Planning Committee as Ward Advocate on behalf of local residents, covering the following main points:

- This retrospective planning application was submitted following an investigation by Planning Officers.
- She was concerned that residents had not been allowed to make comments.
- There were issues with contractors working hours, noise and disturbance.
- The extension resulted in a reduction in outdoor space.
- The number of bedrooms would be increased, which impacted on the local community.
- There was already a limit in the number of parking spaces in the street and residents permits were issued.
- This application may set a precedent for remaining HMO's to be extended which impacted on services in the area.

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

The following comments were made by members:

- A lot of the objections focussed on issues dealt with under separate policies e.g. HMO's, Residents Parking, Anti-Social Behaviour, Community Policing, Public Protection and Anti-Social Behaviour Team. Although these were valid issues, they did not form a basis for refusal of planning permission.
- Members shared sympathy with the problems residents had been exposed to.
- Some of the alterations had been made under permitted development. The only matter to be considered today was the extension at the rear of the property.
- The property was already an existing HMO, there was no material reason for refusal of planning consent.
- It was surprising this was a retrospective planning application as the architect who drew up the plans would of informed the applicant that planning permission was needed for the build.

Councillor Strengiel highlighted that he was totally against retrospective planning applications, and that he could not support this planning application.

The following questions were received from members:

- Had the Planning Authority undertaken its normal consultation process involving individual letters sent to affected properties, as there were no local objections to this planning application?
- How large were dormer extensions allowed to be built before planning consent was required?

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

- Six bedrooms were proposed here under permitted development whereas 7 bedrooms would require planning consent.
- There was a residents parking scheme currently in operation in the area.

- In relation to the problem of building materials left on the street, there was a requirement for builders to seek a licence from Lincolnshire County Council to position a skip on the highway for refuse disposal.
- A letter had been sent to every property sharing a boundary with the application site and also to Councillors as part of the consultation process.
- There was no requirement for a wider site notice to be erected as the proposed use as a HMO already existed.
- The dormer size of the proposed extension was 40 metres. A future member workshop would be arranged for Planning Committee members to discuss the size of builds classed as permitted development and those requiring planning permission

RESOLVED that planning permission be granted.

## **62. Central Market, Sincil Street, Lincoln**

*(Councillor Armiger returned to the meeting and re-took her seat as a member of Planning Committee)*

The Assistant Director of Planning:

- a) reported that planning permission was sought for the installation of an external furniture store within the service yard to the west of the Central Market building for the purposes of housing the outdoor seating furniture for the Central Market, which was currently being refurbished
- b) confirmed that the property was grade II listed and located within the Cathedral City Centre and Conservation Area No.1
- c) described the location of the site within the Central Mixed-Use Area, owned by the City of Lincoln Council, who was the applicant
- d) reported that an accompanying planning application for listed building consent had also been submitted 2022/0680/LBC, which was considered as a separate agenda item at tonight's Planning Committee
- e) provided details of the policies pertaining to the application, as follows:
  - Policy LP25 The Historic Environment
  - National Planning Policy Framework
- f) advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
  - Local and National Planning Policy
  - Effect on the Setting of the Listed Building
  - Effect on the Character and Appearance of the Conservation Area
  - Effect on Visual Amenity
  - Highway Safety
  - Effect on Amenity
- g) referred to the Update sheet which contained a revised recommended officer Condition No 2 which related to plans listed at Table A, should planning permission be granted

h) concluded that:

- The proposed store was required to aid the successful operation of the refurbished Central Market building.
- The proposed store was not considered to be harmful to the setting of the listed building or to detract from the character or appearance of the Conservation Area, in accordance with both local and national planning policy.

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

The following concerns were received from members:

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

**Standard Conditions**

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

**Conditions to be discharged before commencement of works**

None.

**Conditions to be discharged before use is implemented**

None.

**Conditions to be adhered to at all times**

None.

**Table A**

The above recommendation has been made in accordance with the submitted drawings identified below:

Drawing No.	Version	Drawing Type	Date Received
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0112		Elevations - Proposed	26th August 2022
0107		Layout	26th August 2022

**63. Central Market, Sincil Street, Lincoln (LBC)**

The Assistant Director of Planning:

- a) reported that listed building consent was sought for the installation of an external furniture store within the service yard to the west of the Central Market building for the purposes of housing the outdoor seating furniture for the Central Market, which was currently being refurbished
- b) confirmed that the property was grade II listed and located within the Cathedral City Centre and Conservation Area No.1
- c) described the location of the site within the Central Mixed-Use Area, owned by the City of Lincoln Council, who was the applicant
- d) reported that an accompanying application for full planning permission had also been submitted 2022/0679/FUL, which was considered as a separate agenda item at tonight's Planning Committee
- e) provided details of the policies pertaining to the application, as follows:
  - Policy LP25 The Historic Environment
  - National Planning Policy Framework
- f) advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
  - Local and National Planning Policy
  - Effect on the Special Architectural and Historic Interest of the Listed Building
- g) outlined the responses made to the consultation exercise
- h) referred to the Update sheet which contained a revised recommended officer Condition No 2 which referred to plans listed at Table A, should planning permission be granted
- i) concluded that:
  - The proposed store was required to aid the successful operation of the refurbished Central Market building.
  - The proposed store was not considered to be harmful to the special architectural or historic interest of the listed building, and was in accordance with both local and national planning policy.

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

**Standard Conditions**

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

**Conditions to be discharged before commencement of works**

None.

**Conditions to be discharged before use is implemented**

None.

**Conditions to be adhered to at all times**

None.

**Table A**

The above recommendation has been made in accordance with the submitted drawings identified below:

Drawing No.	Version	Drawing Type	Date Received
0112		Elevations - Proposed	26th August 2022
0107		Layout	26th August 2022