

Present: Councillor Naomi Tweddle (*in the Chair*),
Councillor Bob Bushell, Councillor Biff Bean, Councillor Sue Burke, Councillor Liz Bushell, Councillor Gary Hewson, Councillor Rebecca Longbottom, Councillor Bill Mara, Councillor Mark Storer, Councillor Edmund Strengiel and Councillor Emily Wood

Apologies for Absence: Councillor Debbie Armiger and Councillor Chris Burke

64. Confirmation of Minutes - 25 January 2023

RESOLVED that the minutes of the meeting held on 25 January 2023 be confirmed and signed by the Chair as a true record.

65. Declarations of Interest

No declarations of interest were received.

66. Member Statements

In the interest of transparency the following Members requested it be noted that they recognised persons present in the public gallery at tonight's meeting in relation to the application for development Agenda Item No 4(a) 18A-20 High Street, Lincoln, however, not in a personal capacity:

- Councillor Bean
- Councillor Hewson
- Councillor Longbottom
- Councillor S Burke

67. 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.

68. 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.

69. Applications for Development
70. 18A - 20 High Street, Lincoln

The Planning Team Leader:

- a. described the location of the site on the west side and corner of the High Street, and Henley Street, occupied by a three storey building fronting High Street, previously a restaurant at ground floor with associated residential accommodation above with garages to the rear accessed from Henley Street also included
 - b. explained that a site visit was conducted by members of Planning Committee and planning officers earlier this afternoon to help offer familiarity to the location of the proposed development
 - c. described the Golden Eagle Public House to the north of the application site attached to the building at first/second floor with an arch at ground floor, which led into its car park to the rear with a grassed outdoor seating area/garden located beyond to the west
 - d. referred to terraced properties sited to the west on the north and south side of Henley Street
 - e. advised that the site was situated within the St Catherine's Conservation Area No 4
 - f. reported that planning permission was sought for the erection of a commercial unit at ground floor with 10 residential apartments above and to the rear; the building fronting High Street would be extended upwards by raising the existing eaves and ridge height to provide accommodation within the roof space and a three storey extension would be added to the rear of the existing building to provide further residential accommodation
 - g. confirmed that pre-application discussions had taken place with the architect and further discussions had continued throughout the application process, resulting in revisions having been submitted to address officer concerns regarding the scale of the building on High Street; improvements had also been made to the fenestration proportions and design and treatment of the extension on Henley Street
 - h. reported that the application was brought to Planning Committee given the number of objections received
- a) 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 LP13: Accessibility and Transport
 - Policy LP14: Managing Water Resources and Flood Risk
 - Policy LP25: The Historic Environment
 - 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 Area
- Policy LP35: Lincoln's Regeneration and Opportunity Areas
- National Planning Policy Framework

b) 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
- Impact of the Proposed Development on the Character and Appearance of the Conservation Area and Visual Amenity
- Impact on Residential Amenity and Impact on Adjacent Premises
- Highways and Drainage
- Contamination

c) outlined the responses made to the consultation exercise

d) referred to the Update sheet which included further representations received in respect of the proposed planning development and the following additional proposed officer conditions subject to planning permission being granted:

- Further details shall be submitted including sections of the proposed shop front.
- The shopfront shall be implemented before the occupation of the first apartment.
- Corridor windows in the north elevation to be obscure glazed.

e) 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, contamination 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.

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

- He represented members of the public in attendance this evening in the public gallery.
- He was the current landlord and business owner of the Golden Eagle Public House.
- This was a community pub which also supported the local music community, holding open mic nights, free live music events, parties and large gathering events without a single noise complaint to date.

- The business had survived by changing the way it operated to include such live music events.
- It also embraced the local football team in the City and everyone was made welcome from the community, including match days.
- Should the proposed development go ahead, it posed major concerns.
- The design of the development would cause entrapment of sound/an echo effect from the premises being unavoidable, resulting in noise complaints being received and major restrictions placed on the business which would result ultimately in closure.
- The pub premises benefitted from double glazing, however, in the summer months when the windows were opened local residents may be able to hear the noise.
- The single entrance to the pub was located directly opposite the proposed development which was also key to ventilation in the bar area.
- The Golden Eagle Public House was an historical asset listed as No 1 on Lincolns building and structures of local importance, and also situated in Conservation Area 4 - St Catherine's.
- The report was misleading as the current development site premises were indeed still operating as a Cantonese and takeaway restaurant.
- The proposed development would reduce natural light to the premises and also to external area
- There were issues with loss of light/ privacy to his daughter's bedroom.
- There were issues of overbearing/structural issues resulting from the proposed development's building height.
- Proposed buildings to the rear were not in character with the street scene/local area.
- There were issues with lack of off street parking/traffic concerns.

Richard Havenhand addressed Planning Committee on behalf of the applicant in favour of the proposed development, covering the following main points:

- He had been asked to speak on behalf of the owner of the restaurant who had owned the property since the 1980's.
- Due to the high running costs of the business, the owner wished to relocate to smaller premises in the City.
- The redevelopment proposals for this site would improve the surrounding area.
- The bottom floor of the development would be mainly residential and retail use.
- Many changes had been made to the design of the proposals to reflect feedback from officers and throughout the public consultation process.
- Most of the windows would be obscure glazed to address any issues of overlook.
- The owner in no way wished to restrict the enjoyment of musical entertainment at the pub.
- The owner had always enjoyed good relationships with the local community and he hoped this would continue.

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

The following concerns were raised by members:

- There were concerns as to how the new building would impact on the existing public house and beer garden.

- A noise assessment report would need to be submitted.
- The aim here was to improve the existing building to enable it to be sold.
- The height of the building had been reduced but its ridge was still higher than that of the existing building.
- The garages to the rear of the development would be replaced by a flat top building.
- The building was high and ugly.
- The height at the top of the chimneys seemed to be out of character being so large.
- Noise was a natural part of a pub holding music events.
- The noise impact on the new residents of the development should also be taken into account.
- The Highways Authority did not take into account the pressures of parking due to the availability of public transport in the area, however, in the real world it would cause additional problems.
- The design of the proposed development was not in keeping with the remainder of the street or the Conservation Area.
- The security of properties/installation of window locks was important.
- Having 3 storeys would maximise profit when the premises were sold.
- The impact of the height of the offshoot on Henley Street at 3 storeys would have a significant impact on the public house
- Issues of overbearing/over development/height of building.
- The public house should be protected as a community asset.
- There would be an adverse impact from the development on the character of the Conservation Area.
- The proposed development would have an adverse impact on adjacent properties.

The following comments were received from members in support of the proposed planning application

- Members would not wish for the public house to lose trade, however, the remit of Planning Committee was to look at what was before us this evening, and there was always an aspiration for additional residential accommodation above the shops in the City.
- New residents would know they were moving into accommodation adjacent to a public house.
- There was a desperate need for additional housing in the City. We were a member of the Central Lincolnshire Planning Authority, with a remit to build an additional 37,000 houses across West Lindsey, North Kesteven and City of Lincoln Council in a 25 year period. Our part of the housing project covered only a small area.
- There were 1,040 people on the Council house waiting list.
- Sound proofing measures could be put in place to limit any noise impact and overlooking to the side windows with the use of obscure glass.
- The new build would represent a visual improvement to the existing garages to the rear.
- Parking was already an existing problem on the adjacent High Street.
- The new shop front should be installed on site before the residential properties were occupied.
- There was a need for additional housing in the City. This development would provide ten units of accommodation.
- The appearance of the development had been carefully designed and would offer improvement to the area .

- Unattractive garage fronts would be replaced.
- Materials used would be carefully conditioned.
- Windows would be replaced and remodelled.
- It was pleasing to see that the original occupation of the ground floor for retail use had been retained.
- There were no objections from the Highways Authority.
- This was a dense residential area. This development was unlikely to generate additional complaints more than from any other people moving into the area.
- The height of the building was not inappropriate.
- The original scheme had been modified to take into account resident and officer concerns.

The following questions were raised by Members:

- Would there be any parking at the rear side of the development?
- Could further clarification be given as to the distance from the windows of the existing to the new development.
- Was the actual location of the bin storage suitable for use by the commercial property?
- Would external cycle storage be provided as there would be insufficient storage space within the flats?
- Did the size of the upper two flats meet planning regulations?
- The gardens on Henley Street were already in existence, had there been any noise complaints from local residents or the public house?

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

- He was not aware of any noise complaints from existing residents or the public house itself.
- In terms of noise mitigation, the City Council's Pollution Officer had assessed the proposal and suggested that a noise impact assessment be submitted prior to commencement of the development to ensure that the proposed development incorporated mitigation measures to reduce noise impacts, such as acoustically enhanced glazing and ventilation.
- The security of the properties was the responsibility of its owners.
- The rear yard of the proposed scheme included amenity space and provision of bin storage and cycle storage facilities.
- Space standards were a material planning consideration. The new flats should be a minimum of 37 square metres. The top one was 36 square metres and the other upper flat was 34 metres square, slightly below planning guidance. However, the 'set back' of the upper floor had been increased, reducing the size of the upper two flats slightly to offer architectural benefit to the building.
- A condition would be imposed on grant of planning permission requiring implementation of the shopfront prior to the first floor accommodation being occupied.
- The distance between the windows of the first floor flat to the existing development were a distance of 10 metres and 12 metres respectively.
- No parking was provided on site and officers did not consider it could be successfully designed into the scheme. There was however sustainable access via walking, cycling and public transport.
- Your Planning Officers and Conservation Officers had discussed and

made amendments to the plans for the scheme to improve the character of the Conservation Area. Officers were satisfied that the style of architecture whilst contemporary, was sympathetic to the Conservation Area.

It was moved, seconded, and voted upon that planning permission be granted.

The motion fell.

RESOLVED that planning permission be refused.

Members having voted against grant of planning permission discussed reasons for refusal.

It was moved, seconded, voted upon and:

RESOLVED that planning permission be refused due to the following reasons:

- Impact on Conservation Area due to the design of Henley Street.
- Space standards were below planning guidance provided.
- Lack of parking.
- Impact on residential amenity of adjacent properties.

71. 54 Sibthorp Street, Lincoln

The Assistant Director of Planning:

- a. advised that the application proposed the erection of a single storey rear extension and installation of 2 conservation rooflights on the front elevation to the application property at 54 Sibthorp Street, Lincoln, a two storey mid terrace dwelling
- 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); the use of the property would remain as a HMO.
- c. highlighted that the application had been subject to extensive negotiations with the agent securing revisions to the proposal to overcome some of the concerns raised by officers, neighbours, and the Conservation Officer, following which revised plans had been submitted and a re-consultation exercise conducted.
- d. advised that the site was situated within the City of Lincoln Sibthorp No.7 Conservation Area
- e. described the site history to the application site as detailed within the officer's report
- f. reported that the application was brought before Planning Committee due to the number of objections received
- g. provided details of the policies pertaining to the application, as follows:
 - Policy LP25: The Historic Environment
 - Policy LP26: Design and Amenity
 - National Planning Policy Framework

- g. advised Planning Committee of the main issues to be considered as part of the application to assess the proposal with regards to:
- Planning Policy
 - Effect on Visual Amenity and the Character and Appearance of the Conservation Area
 - Effect on Residential Amenity
 - Effect on Highway Safety
- h. outlined the responses made to the consultation exercise
- i. concluded that the proposed development was of an appropriate design that would not materially harm the character and appearance of the building or conservation area, in accordance with the duty contained within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, policies LP25 'The Historic Environment' and LP26 'Design and Amenity' of the Central Lincolnshire Local Plan and guidance within the National Planning Policy Framework.

Members discussed the content of the report in further detail.

Members commented as follows:

- Would the historical issues of drainage at the site impact upon the proposed extension.
- What was the definition of conservation roof lights.
- A wall of all white UPVC windows in the streetscene distracted from the Conservation Area.
- We tended to under value some views in urban landscapes to the back and side of developments.
- The rear of the properties in the street scene held a distinct landscape of outbuildings with gaps where outside toilets used to be situated. Would the break in the link to the outbuildings as a result of the proposed extension destroy the relationship with this very British tradition?
- Were the rooms sufficient in size?

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

- Drainage issues were historic in the site area as identified by neighbours. This problem would be addressed through the building control consent process.
- Conservation roof lights were designed for use in Conservation Areas as they were slightly smaller in size.
- Planning officers shared the members concerns regarding protection of urban landscapes, however, over decades installation of UPVC windows had been carried out without consent, way before our time.
- The gap in the outbuildings would be removed by the link of the extension.

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

- Time limit of the permission
- Development in accordance with the approved plans

- No sleeping accommodation in rear extension
- Hours of construction