

Present: Councillor Bob Bushell (*in the Chair*),
Councillor Gary Hewson, Councillor Debbie Armiger,
Councillor Alan Briggs, Councillor Chris Burke, Councillor
Rebecca Longbottom, Councillor Bill Mara, Councillor
Mark Storer and Councillor Calum Watt

Apologies for Absence: Councillor Liz Bushell, Councillor Martin Christopher,
Councillor Edmund Strengiel and Councillor
Dylan Stothard

67. Confirmation of Minutes: 31 January 2024

RESOLVED that the minutes of the meeting held on 31 January 2024 be confirmed and signed by the Chair as a correct record.

68. Confirmation of Minutes: 21 February 2024

RESOLVED that the minutes of the meeting held on 21 February 2024 be confirmed and signed by the Chair as a correct record.

69. Update Sheet

An update sheet was circulated 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.

70. Declarations of Interest

No declarations of interest were received.

71. Confirmation of Tree Preservation Order 181

The Planning Team Leader:

- a. advised members of the reasons why a temporary tree preservation order made under delegated powers by the Assistant Director for Planning should be confirmed at the following site:
 - Tree Preservation Order 181: 1no Tilia x Europaea (European Lime) tree situated in the grounds of 3 Upper Lindum Street, Lincoln LN2 5RN
- 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 making of any Tree Preservation Order was likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees, however, this was contained within existing staffing resources

- d. reported that the initial 6 months of protection for this tree would come to an end for the Tree Preservation Order on 15 May 2024
- e. confirmed that the reason for making a Tree Preservation Order on this site was as a result of an application to fell the tree, due to damage to an adjacent boundary wall, allegedly caused by this tree, however, there was no evidence such as a structural engineers report submitted to support this
- f. added that on this basis a Tree Preservation Order was sought to prevent the tree being felled, which required consent due to it being in a Conservation Area
- g. advised that following an 8 week consultation period (to account for the Christmas and New Year period) no objections had been received to the order
- h. advised that confirmation of Tree Preservation Order 181 would ensure that the tree could not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the tree would contribute to one of the Councils priorities of enhancing our remarkable place.

RESOLVED that Tree Preservation Order No 181 be confirmed without modification and that delegated authority be granted to the Assistant Director of Planning to carry out the requisite procedures for confirmation.

72. Application for Development - 1 Shearwater Road, Lincoln

The Planning Team Leader:

- a. referred to the application site at 1 Shearwater Road, Lincoln, a detached house located on the corner of Skellingthorpe Road and Shearwater Road
- b. reported that the property was accessed from Shearwater Road although the application proposed an additional access from Skellingthorpe Road and associated works including a dropped kerb, remodelling of the existing boundary wall and gates to create an opening
- c. added that the application also proposed an outbuilding within the rear garden adjacent to the boundary with No.5 Shearwater Close and the rear boundary of the application property
- d. advised that a previous application had been refused because of the outbuildings position close to a protected tree within the garden, the resubmission proposed a repositioning of the access and the outbuilding
- e. provided details of the policies pertaining to the application, as follows:
 - National Planning Policy Framework
 - Policy S53: Design and Amenity
 - Policy S66: Trees, Woodland and Hedgerows
- f. provided details of the issues to be assessed in relation to the planning application, as follows:

- Impact on Residential Amenity
 - Impact on Protected Trees
 - Highway Safety
- g. outlined the responses made to the consultation exercise
- h. confirmed that the material considerations for this application were the impacts of the dropped kerb and erection of the outbuilding only; comments regarding the main use of the property, the need for the proposals or motives of the applicant were not relevant and should not be given any weight in the planning balance
- i. referred to the Update Sheet circulated at this evening's Planning Committee which included additional representations and photographs received after the original agenda was published
- j. concluded that:
- The scale and design of the proposed outbuilding was acceptable and the design would sympathetically complement the local architectural style.
 - The proposals would not cause undue harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
 - Matters in relation to highways and impact on trees had been appropriately considered.
 - The application would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies S47, S53, and S66 and guidance within the National Planning Policy Framework.

Mr John Williams, local resident addressed Planning Committee in objection to the planning application, covering the following main points:

- He thanked members of Planning Committee for giving him the opportunity to speak.
- He represented all those people having submitted objections.
- The issues raised here were concerns in relation to environmental impact, danger to life, safety issues and disturbance to local residents.
- The applicant already had an existing dropped kerb and rear access to the site and his property.
- If the outbuilding was to be used for storage, then why was vehicular access to it required.
- Was it to be used as a self-contained dwelling in the future.
- In relation to Policy S66, irreversible damage to the trees had already been caused and mechanical diggers used to take the roots away.
- Boundaries for the tree protection plan shown on page 70 of the agenda pack had been exceeded.
- The development would encroach on 70% of the trees in the area.
- Had trial excavations been carried out; he couldn't see any evidence of this in the officer's report.
- There were issues of drainage, the proposed exit would cause water displacement and lead to flooding.

- Objectors requested that this planning application be rejected. This was not a personal vendetta.
- It was quoted by the applicant that local residents apparently lived in 5 bedroomed properties that were criminally underutilised.
- Mini excavators had been used in the back garden of the application site which had destroyed/damaged trees.

Councillor Edmund Strengiel addressed Planning Committee in his capacity as Ward Advocate in relation to the proposed planning application. He covered the following main points:

- He was the County Councillor for Birchwood Division in which Shearwater Road and surrounding closes were situated.
- He was also a City Councillor for Birchwood Ward.
- He thanked members of Planning Committee for allowing him the opportunity to speak on behalf of local residents to express their concerns surrounding this planning application.
- Having conducted a site visit himself together with the residents and Councillor Clarkson, he shared their same concerns.
- The proposed planning application seemed more in line with business use. He had concerns that it was another potential step towards further development. Was this the thin edge of the wedge?
- Having served on Planning Committee for a number of years, members knew his views on retrospective or part retrospective planning applications, which 'cocked a snook' at planning regulations and officers, as with the previous application for this site which was rejected in November 2023.
- To a certain degree work had already started in the garden of 1 Shearwater Road, involving diggers and concrete breakers. Was this not another retrospective planning application?
- It was a great shame that one resident had upset so many of his neighbours.
- Damage could occur to trees and their roots, especially the one in possession of a Tree Preservation Order.
- He was disappointed to note that the Arboricultural Officer was not present here this evening.
- There was also issues of extra pollution from increased vehicle numbers and potential road safety issues should planning permission be granted.
- His main concern was the potential danger to pedestrians, cyclists and other road users due to the proposed installation of a dropped kerb allowing access onto a very busy Skellingthorpe Road.
- It appeared there was already access and egress for the site. Section 184 of the Highways Act 1980 stated that one per property should suffice. There was no need for another. He fully accepted resident's safety concerns.
- The proposed slip road exit onto the road appeared to be positioned at almost a 90 degree angle onto the highway. The Highway Authority stated that traffic would only be travelling at 40 miles an hour, however, he had witnessed a devastating fatal accident at Birchwood Avenue at only 30 miles an hour. He felt this was an accident waiting to happen and disagreed with the Highways Authority in their interpretation of safety concerns.
- It appeared that the applicant had no regard for the peace and tranquillity of a quiet residential area.

- He requested the application be rejected on the grounds of road, pedestrian and cycle safety, and not being in keeping with the surrounding neighbourhood.

Councillor David Clarkson addressed Planning Committee in his capacity as Ward Advocate in relation to the proposed planning application. He covered the following main points:

- Skellingthorpe Road was the narrowest main road in the City and a very busy road at that.
- The existing slip lane to Shearwater Road served 110 homes.
- The area was a popular walking and cycling route.
- The area was dark at night.
- He referred to page 89 of the agenda documents which contained a response from a retired police officer expressing road safety concerns regarding the proposal to insert a dropped kerb and driveway at the start of the slip road.
- The location of the dropped kerb would cause serious injuries/deaths.
- He urged that Planning Committee paid attention to the professional experienced concerns of this former police officer having worked in this line of work for many years.
- The applicant already had access to his property and land via an existing dropped kerb.
- Vans/ mechanical diggers could be seen on the photographs at the application site.
- The site already had a suitable access.
- Why was a new access required for a storage building?
- Why was a second dropped kerb necessary on a busy main road?
- How often would the storage building be visited by these vehicles?
- Was the storage facility for private use?
- This application should be rejected due to road safety issues.

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

The following concerns were raised in relation to the planning application:

- The erection of the outhouse had already begun, also a balcony had been erected previously without planning permission.
- The proposed dropped kerb was dangerous.
- Why did the applicant require an additional entrance/drop kerb?
- An experienced former police officer had raised concerns regarding road safety.
- Access onto a busy roadway was a material planning consideration.
- Drainage had been mentioned this evening although there was no mention of this within the officer's report.
- There were safety concerns as this was a very fast road. The dropped kerb increased the risk of accidents.
- The current cycle route was not adequate either.
- On a practical level there was no need for another dropped kerb.
- It was concerning that there was no one here speaking for the planning application.
- Traffic could travel up to 40mph on this part of Skellingthorpe Road.
- The proposed new access/egress was very dangerous being close to that of Shearwater Road.

- This was a narrow footpath making it a road safety issue for school children/ other pedestrians crossing the proposed new entrance.
- A potential catastrophic accident was possible.

The following comments were made in support of the planning application:

- The material planning considerations to be considered tonight were the impact on the dropped kerb, impact from the storage building and tree protection.
- Our Arboricultural Officer had raised no objections to the proposals, neither had the Highways Authority.
- The storage facility was only slightly above the height of the eaves limit to require planning permission.
- The application was not retrospective. It had been discussed with Planning officers and the Highways Authority.
- The use of the storage facility was not a material planning consideration.
- Would one more driveway really make a difference to the road when there were numerous others already.
- It was not for Planning Committee to question why the applicant needed a side entrance to his property.
- The access was set back which allowed vehicles to be off-road on entrance/exit.
- The Arboricultural Officer had provided a plan of action and advice in relation to the trees on the site.
- Impact on tree protection had been mitigated.
- Impact on residential amenity was minimal.

The following questions were raised in relation to the planning application:

- Could clarification be given to the 'no dig' method to be used?
- What protection would have been afforded to the trees if the storage facility had not required planning permission?

The Planning Team Leader offered the following points of clarification in relation to the planning application

- Works on the site had not started. Remedial work had taken place the previous year.
- The necessity for the access was not a material planning consideration.
- Whether or not it was harmful was the matter to be determined.
- The foundations for the storage unit would be installed using a no dig method whereby the ground was pre-laid with a 'raft' and levelled out without digging down into it.
- Lincolnshire County Council as lead flood authority had raised no objections in relation to drainage on site.
- Although many objections had been raised locally, the Highways Authority had not objected.
- In terms of the height of the building, had it not required planning permission, there would have been a separate application covering the works to trees. The Arboricultural Officer was satisfied with the proposed work.

A motion was proposed, seconded, and put to the vote that planning permission be granted. The motion was lost.

RESOLVED that planning permission be refused due to its location on busy Skellingthorpe Road which was fast/dangerous. The addition of another dropped kerb would be an unnecessary extra hazard.