

Present: Councillor Jim Hanrahan (*in the Chair*),
Councillor Peter West, Councillor Biff Bean, Councillor
Kathleen Brothwell, Councillor Paul Gowen, Councillor
Gary Hewson, Councillor Ronald Hills, Councillor
Tony Speakman, Councillor Edmund Strengiel, Councillor
Naomi Tweddle and Councillor Jackie Kirk

Apologies for Absence: Councillor Bob Bushell

51. Confirmation of Minutes - 11 October 2017

RESOLVED that the minutes of the meeting held on 11 October 2017 be confirmed.

52. Declarations of Interest

Councillor Biff Bean declared a Personal Interest with regard to the agenda item titled 'Jasmin Green, Jasmin Road Recreational Land, Jasmin Road, Lincoln'.

He had attended briefings in the past regarding the proposed development, however he had in no way predetermined his opinion in relation to the matter to be discussed.

Councillor Edmund Strengiel declared a Personal Interest with regard to the agenda item titled 'Jasmin Green, Jasmin Road Recreational Land, Jasmin Road, Lincoln'.

He wished to exercise his right to address Planning Committee as representative for the applicant in respect of the planning application. He would retire to the public gallery at this stage of the proceedings and not take part in the discussion or vote on the matter to be determined.

Councillor Paul Gowen declared a Personal Interest with regard to the agenda item titled 'Jasmin Green, Jasmin Road Recreational Land, Jasmin Road, Lincoln'. Living on the Birchwood Estate he had given advice to both sides for and against the proposals, however only of a procedural nature. He had in no way predetermined his opinion in relation to the matter to be discussed.

53. Work to Trees in City Council Ownership

The Arboricultural Officer:

- a. advised Members of the reasons for proposed works to tree's in City Council ownership and sought consent to progress the works identified at Appendix A of his report
- b. explained that Ward Councillors had been notified of the proposed works
- c. stated that in some cases it was not possible to plant a tree in the exact location and in these cases a replacement would be replanted in the vicinity.

RESOLVED that the works set out in the schedule at Appendix A attached to the report be approved.

54. Allotment Capital Development Programme- Removal of Trees

Bruce Kelsey, Allotment Strategy Officer:

- a. provided a report to advise elected members of the proposed removal of trees required as phase 1 of the allotment capital improvement programme, none being the subject of a Tree Preservation Order or located within a conservation area
- b. identified only those trees that needed to be removed in the opinion of the Arboricultural Officer and the Allotment Strategy Officer, as detailed within the schedule attached as Appendix 1 to the report
- c. referred to a detailed action plan which identified a site by site programme of proposed works between November 2017 and March 2018
- d. outlined consultation carried out with all allotment tenants as detailed at Appendix 2 to the report
- e. gave details of the main thrust of the works to make improvements to site security to reduce incidents of break-ins and theft of property from allotment sites, improvements to site drainage to reduce incidents of flooding and increase light to many plots, which would markedly enhance growing opportunities
- f. advised that throughout the programme the council would aim to retain and subsequently maintain as many mature and well established native species as possible to maintain the overall amenity value, feel and look of each site
- g. requested that members approve the list of trees to be removed as detailed at Appendix 1.of the report.

Members discussed the content of the report in further detail, raising the following questions:

- Would any sheds erected be properly constructed, monitored and securely locked?
- Were there any ancient specimens of merit, such as apple or other trees to be retained?

Brian Kelsey, Allotment Strategy Officer and Mick Albans, Arboricultural Officer offered the following advice:

- Options for site secure units including lockable key pads would be investigated, subject to available financial resources.
- Most of the trees to be felled were crab apple specimens which had self-seeded. There were no veteran trees.

RESOLVED that the removal of trees identified at Appendix 1 to the report be approved.

55. Application for Development: Jasmin Green, Jasmin Road Recreational Land, Jasmin Road, Lincoln

(Councillor Strengiel sat in the public audience at this stage of the meeting as he wished to exercise his right to address Planning Committee as representative for the applicant in respect of the planning application. He did not take part in the discussion or vote on the matter to be determined.)

The Planning Team Leader:

- a. requested outline planning permission for the erection of 62 dwellings and installation of play equipment on part of land known as Jasmin Green, currently owned by the City of Lincoln Council although agreement was made by Executive on 17 July 2017 to transfer the land to the applicant, Birchwood Big Local, for development of the application site
- b. highlighted that although the application was made in outline form with all matters reserved, the applicant had submitted an indicative site plan showing access from Aldergrove Crescent and layout of 36 semi-detached, 2 detached single storey bungalows and a three storey building containing 24 apartments, providing affordable housing for the over 55's
- c. reported that the Birchwood Big Local Group through its Community Land Trust had been allocated funding to invest in local areas
- d. advised that the play areas would be funded initially by the Group using revenue from ground rent generated from an affordable housing provider to maintain the equipment
- e. described the area of land subject to the application, partly allocated as a housing site and partly as Important Open Space within the Central Lincolnshire Local Plan 2017
- f. 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 LP3: Level and Distribution of Growth
 - 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 LP23: Local Green Space and other Important Open Space
 - Policy LP24: Creation of New Open Space, Sports and Recreation Facilities
 - Policy LP26: Design and Amenity
 - Policy LP36: Access and Movement within the Lincoln Area
 - Policy LP56: Gypsy and Traveller Allocations
 - National Planning Policy Framework
- g. outlined the responses made to the consultation exercise, which included a 340 signatory petition in objection to the proposals, in excess of 40 objections and 2 representations in support

h. highlighted the main issues relating to the proposals as follows:-

- The Principle of the Development;
- Visual Amenity
- Residential Amenity
- Trees and Ecology
- Access and Highways
- Flood Risk and Drainage
- Other Matters - Contaminated Land, Air Quality and Sustainable Transport, Education, Health, Archaeology, Crime

i. concluded that:

- The principle of the use of the site for residential purposes was considered to be acceptable and also the development.
- Highways, drainage and matters relating to contamination could be dealt with appropriately by condition along with the reserved matters.
- The proposal would therefore be in accordance with the requirements of Central Lincolnshire Local Plan Policies LP1, LP2, LP3, LP9, LP12, LP13, LP14, LP16, LP23, LP24, LP26, LP36 and LP49, as well as guidance within the National Planning Policy Framework.

Councillor E Strengiel, speaking on behalf of the applicant, Birchwood Area Community Land Trust, addressed Planning Committee making the following points:-

- Birchwood Big Local Group had been granted £1 million lottery funding in 2012, for the whole of Birchwood and half of Hartsholme Ward.
- The consultation on the proposals had included events, meetings, and 6,000 publicity leaflets.
- Consultations within the community had revealed a preference for play facilities, benches and raised flower beds.
- A revenue stream was required to maintain these facilities, and a Community Land Trust was formed.
- The City of Lincoln Council had agreed to gift part of Jasmin Green to the Community Land Trust.
- The ground rent from provision of housing for elderly residents would generate a revenue budget for the Community Land Trust to maintain the play equipment and open space.
- The housing would not be funded by the Community Land Trust.
- The Birchwood Area Community Land Trust had taken over the former Diamond Park play space.
- No further houses in the future would be built on the land in order to protect and enhance its green space.
- There would be no through road to the development which would be built for access only.
- The development would provide a young persons' play area in very pleasant surroundings.
- The provision of housing was a means to an end to provide a revenue budget to maintain the play facilities and green space.
- Local residents would benefit from enhancement of Jasmin Green.

(Councillor Strengeiel left the room during the remainder of the discussion and determination of this item.)

Members discussed the content of the report making the following comments:

- The proposals required full support from the community. It was surprising to see a petition containing over 340 signatories against the proposals.
- Were these new plans compared to the original submission?
- Where was the planned access road?
- Would the presence of bats affect the planning application going forward?
- Concerns regarding tree removal.
- Who would be responsible for maintaining the play equipment?
- An assurance was sought that the green space would be safeguarded for the future in light of changes in personnel.

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

- The plans provided were of an indicative layout. The area shown within the red line represented the area requesting planning permission.
- The green space surrounding the area would be protected in the new Local Plan.
- The Wildlife Trust had stated within the ecology report that the development would be at low risk to wildlife including bats, and was compliant to the Wildlife Conservation Act. There were set times when work would not be completed to protect wildlife.
- The trees along the boundary to the development would be largely retained.

RESOLVED that:

1. The petition submitted by members of the public be received.
2. Planning permission be granted subject to the following conditions:
 - Timeframe of the application (for outline permission);
 - Requirements of reserved matters
 - Details of affordable housing
 - Hours of work restricted
 - Lighting scheme to be submitted
 - Surface water drainage scheme to be submitted
 - Contaminated land information to be submitted
 - Electric vehicle recharging points to be submitted
 - Bat and bird box details to be submitted
3. Points raised by members in relation to getting the community 'on board' with the proposals be passed on by officers to the applicant.

56. Application for Development: Lincoln Social Education Centre, Long Leys Road, Lincoln

(Councillor Strengeiel re-joined his seat as a member of Planning Committee.)

The Principal Planning Officer:

- a. advised that planning permission was sought for the erection of a three storey building to accommodate a 72 bedroom care home accommodating 20 general car parking spaces for staff and visitors, a further two for disabled users and cycle storage
- b. described the application site located on the south-western side of Long Leys Road to the western side of the city, formerly the site of the Social Education Centre with allotments to all sides and mature planting to the northern and south-western corners
- c. advised that the site lay within the St George's Character Area of the Lincoln Townscape Assessment (LTA), predominantly a residential area incorporating some light industrial/commercial buildings extending either side of Long Leys Road further to the east of the site
- d. 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 LP3: Level and Distribution of Growth
 - Policy LP5: Delivering Prosperity and Jobs
 - Policy LP10: Meeting Accommodation Needs
 - Policy LP13: Accessibility and Transport
 - Policy LP14: Managing Water Resources and Flood Risk
 - Policy LP16: Development on Land affected by Contamination
 - Policy LP26: Design and Amenity
 - Policy LP31: Lincoln's Economy
 - Policy LP36: Access and Movement within the Lincoln Area
 - National Planning Policy Framework
- d. referred to the update sheet which contained further images submitted by objectors but omitted from the original responses contained within the officer's report in respect of the application
- f. made reference to the travel plan for the proposed care home submitted on behalf of the applicant, which had been e mailed to members of Planning Committee, paper copies were also available should members wish to view it
- g. highlighted the main issues relating to the proposals as follows:-
 - The Principle of the Development;
 - The Impact of the Design of the Proposals;
 - Sustainable Access, Highway Safety and Traffic Capacity;
 - The Implications of the Proposals upon Amenity; and
 - Other Matters
- h. concluded that:
 - Conclusion whether a development was sustainable was a decision that had to be taken in the round having regard to all of the dimensions that went to constitute sustainable development.

- In this case, officers considered that the development would deliver economic and social sustainability directly through the construction of the development and the jobs created by the development. In addition, the location of care facilities within the city would benefit the health and social wellbeing of those living within the city if they choose to utilise a care home.
- The implications upon the character of the area and the impact of the development upon the general amenities would not have negative sustainability implications for the local community, as they would lead to a development that would be socially sustainable. What was more, with suitable schemes to deal with contamination, drainage and landscaping, the development would be environmentally sustainable.
- Thus, assessing the development as a whole in relation to its economic, social and environmental dimensions and benefits, officers were satisfied that the proposals could be considered as sustainable development and would accord with the Local Plan and Framework.

Mr Chris Hobbs, local resident, addressed Planning Committee in objection to the proposals, covering the following points:-

- He hoped what he was going to say would help councillors come to the right decision this evening.
- The main concerns expressed by residents related to the design of the proposed development.
- The building appeared huge at three storey.
- The mass of the building at the road frontage would impact on the character and aspect of the local area.
- The area was given priority in the Local Plan to be maintained as open space.
- The whole area was open and should remain an open aspect.
- The requirement for staffing a 72 bedded home was subject to resident need and not the design of the building.
- The provision of twenty general car parking spaces for a 72 bedded home was not realistic and would inevitably result in overspill onto residential streets.
- The previous Social Education Centre building was a single low level building which did not detract from the local area.
- The current plans appeared more like an office/industrial warehouse.
- Alternative photographs of more suitable structures had been submitted which he hoped would help to inform tonight's decision.

Councillor Neil Murray addressed Planning Committee as Ward Advocate representing local residents, covering the following main points:

- A care home was a good use for the site, however there were issues of scale/height and massing.
- The existing plans looked like a hotel rather than a care home.
- This was currently a rural setting in a very pleasant area which should be retained.
- A smaller development would be more appropriate.
- The 'invisible' travel plan was very vague.

- The applicant had not made clear numbers of staff required for the development.
- There was no reference to parking for visitors/delivery vehicles.
- Additional parking was required to prevent overspill to residential streets in the area.
- Councillor Murray read out a statement from County Councillor Rob Parker raising issues in respect of parking provision, traffic congestion and highway safety.
- It was imperative to know how many people would require car parking spaces.

Joanne Sutcliffe, representing LNT Construction Ltd, the applicant, addressed Planning Committee in support of the proposed development, covering the following main points:

- The scale/massing of the proposed development was appropriate for a community building.
- The building addressed short comings in the street appearance.
- Planning permission for the site was already approved.
- The design of the build had been revised to come up with an improved scheme.
- The revised scheme was smaller than the approved plans.
- The Travel Plan submitted provided details of arrivals/departures at the care home.
- 55 jobs would be created.
- A maximum of 22 staff members would be on site at any one time.
- 84% of staff would live within walking distance of the care home and not need use of a car.
- Car sharing/staff walking to work was taken very seriously by the care organisation and mentioned at interview stage.
- There would be provision of 20 car parking spaces on site and 8 cycle spaces.
- Residents were likely to receive visitors in the evening when there were less staff on site.
- Shift patterns would be set to limit any disturbance to local residents.
- There would be a maximum of 8 delivery vehicles per week.
- Laundering was carried out 'on site'.
- The development would be a community facility with jobs filled locally.
- The care home would offer a greater quality of life for residents and a much needed local service.

Members discussed the content of the report in further detail, commenting as follows:

- There were other 2-3 storey buildings in the area.
- The travel plan was welcomed but needed to be policed.
- Access/egress for deliveries was not depicted well on the plans.
- Extant planning permission already existed for a three storey care home with 3 extra bedrooms.
- Specialist staff would come from further afield to care for residents, not just on foot.
- The bus service to the area was not the best.

- Additional parking spaces would be welcomed to reduce overspill onto residential streets.
- The previous granted application included 36 car parking spaces.
- The Travel Plan gave an indication of parking on other similar operational sites with ample space.

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

- Most of the contention seemed to focus on car parking spaces and the travel plan.
- There was potential to have more car parking spaces on site should the need arise.
- The travel plan was a live document throughout the life of the development. Officers could ask the applicant to update the travel plan with a firm commitment to provide additional car parking spaces in the future if required. Alternatively, delegated powers could be given to officers to ask for such provision to be provided before the application was determined.

A motion was moved and seconded that a condition be imposed on the grant of planning permission requiring additional car parking spaces to be provided as part of the scheme.

The motion was put to the vote and fell.

A motion was moved and seconded that authority be delegated to officers to monitor the need for additional car parking spaces through the travel plan, to be implemented if and when required at a future date.

The motion was put to the vote and carried.

RESOLVED that planning permission be granted subject to:

1. Planning conditions covering the matters listed below:
 - Timeframe of Permission (3 years)
 - Approved Plans
 - Materials
 - Landscaping
 - Contaminated Land
 - Surface Water
 - Foul Water
 - Implementation of Travel Plan
 - Implementation of Boundary Details
 - Construction and Delivery Hours
2. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

3. Authority be delegated to the Planning Manager to monitor the need for additional car parking spaces within the care home site through the travel plan, to be provided if required at a future date

57. Application for Development: 122 Roman Wharf, Lincoln

The Planning Team Leader:

- a. advised that planning permission was sought (resubmission) for the erection of a two storey side extension to this two storey end terrace property to accommodate a study at ground floor, a bedroom and ensuite to an existing bedroom at first floor level, and the re-positioning of a boundary wall to the side of 122 Roman Wharf
- b. provided details of the policies pertaining to the application as follows:-
 - Policy LP14: Managing Water Resources and Flood Risk
 - Policy LP16: Development on Land Affected by Contamination
 - Policy LP26: Design and Amenity
 - National Planning Policy Framework
- d. outlined the responses made to the consultation exercise
- f. highlighted the main issues relating to the proposals as follows:-
 - Visual Amenity
 - Residential Amenity
 - Parking and Highways
 - Flood Risk and Drainage
 - Contamination
- g. concluded that:
 - The scale, mass, form and design of the proposed extension was acceptable and would complement the original architectural style of the property and terrace, also not causing harm to the character of the area.
 - The extension would not cause harm to the amenities which occupiers of neighbouring properties may reasonably expect to enjoy.
 - It was not considered that the proposed wall would cause harm to either the character of the area or the amenity of neighbours.
 - Technical matters relating to highways, flood risk and contaminated land had also been appropriately considered.
 - The proposal would therefore be in accordance with the requirements of the Central Lincolnshire Local Plan Policies LP14 and LP26, and guidance within the National Planning Policy Framework.

Mrs Nicola Rainey, applicant, addressed Planning Committee covering the following points:-

- She had read with interest the objections and comments made in relation to her planning application and wished to respond.
- There had been five objections. One letter of support had been received for the proposals from the only neighbour affected by the extension, for which she was thankful for the support.
- Two of the objections came from owners of houses who were not resident in them.
- She felt that some objectors had not considered the plans properly.
- The architect did not agree that the extension would create a shadow on local residents' properties.
- The ridge height of the new extension was 400mm lower than the existing house.
- The new garden wall to the existing boundary would accommodate extending gates leading to the driveway and garage.
- To say that the size of the extension suggested multiple occupation was totally untrue, it would add only one new bedroom.
- She was surprised at the number of objections. The extension would enhance her family home. Extra space was required for visitors and four grown up children.

RESOLVED that:

Planning permission be granted subject to the following conditions:

- Time limit of the permission;
- Development in accordance with approved plans;
- Samples of materials;
- Reporting unexpected contamination; and
- Obscure glazing en-suite window to rear.

58. Application for Development:: 51 Montaigne Crescent, Lincoln

The Planning Team Leader:

- a. advised that planning permission was sought for the erection of a single storey side extension to the front, side and rear of this detached bungalow at 51 Montaigne Crescent
- b. highlighted that the application was brought before Planning Committee, the applicant being an employee of the City of Lincoln Council
- c. provided details of the policies pertaining to the application as follows:-
 - Policy LP26: Design and Amenity
 - National Planning Policy Framework
- d. outlined the responses made to the consultation exercise
- f. highlighted the main issues relating to the proposals as follows:-
 - Impact on Visual Amenity
 - Impact on Residential Amenity
 - Impact on Highway Safety

- g. concluded that the proposed extension would not cause unacceptable harm to visual amenity, residential amenity or highway safety, in accordance with the relevant policies of the National Planning Policy Framework and Central Lincolnshire Local Plan.

RESOLVED that planning permission be granted subject to standard time limit and plan conditions.

59. Application for Development: Lincoln Transport Hub Development, Pelham Street, Lincoln

The Principal Planning Officer:

- a. advised that planning permission was sought for installation of perforated metal signage to the new Multi Storey Car Park and Bus Station, part of the Transport Hub development, in the following locations:
- North, East and West elevations of car park
 - 1no. set of internally illuminated lettering and logo to South elevations of car park
 - 1no. fascia sign to South and East elevations of multi-storey car park
 - Installation of 1no. set of internally-illuminated lettering and logo to East and West elevations of Lincoln Central Bus Station
- b. provided details of the policies pertaining to the application as follows:-
- National Planning Policy Framework
 - Central Lincolnshire Local Plan-Policy LP27
- d. outlined the responses made to the consultation exercise
- f. highlighted the main issues relating to the proposals as follows:-
- Relevant Planning Policy
 - Visual Amenity
 - Public Safety
- g. concluded that the advertisement scheme would not have an unduly harmful impact on visual amenity or highway safety in accordance with policy LP27 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

RESOLVED that planning permission be granted subject to standard advert conditions controlling them for a period of 5 years.

60. Brownfield Land Register

Toby Forbes-Turner, Principal Planning Officer:

- a. provided a report:

- To provide Planning Committee with an overview of the new requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017
 - To set out how the Planning Team within DCE would implement the Brownfield Land Register
 - To advise Planning Committee that the Council should amend the Constitution to include decision making associated with its forthcoming Brownfield Land Register
- b. defined Brownfield Land as land which had previously been developed and/or had been occupied by a permanent structure as set out in the Government's definition in the glossary at Annex 2 of the National Planning Policy Framework (NPPF)
- c. confirmed that on 16th April 2017 the Government's Town and Country Planning (Brownfield Land Register) Regulations 2017 came into force which introduced a requirement on Local Planning Authorities to publish and maintain a Brownfield Land Register with a legal requirement for all Local Authorities to comply with the deadline for publication of Part 1 of the register by 31st December 2017
- d. outlined in further detail the background to the introduction of the Brownfield Land Register including arrangements for Part 1 of its implementation and authorisation required by Council for amendments to the Constitution to facilitate this new piece of legislation.

Members discussed the content of the report with officers in further detail.

RESOLVED that:

1. The report on the new requirements of the Town and Country Planning (Brownfield Land Register) Regulations 2017 be noted.
2. The Planning Team within Directorate of Communities and Environment's intention to implement the Brownfield Land Register be noted.
3. The intention that the Council would amend the Constitution to include decision making associated with its forthcoming Brownfield Land Register be noted by Planning Committee.

61. Exclusion of the Press and Public

RESOLVED that the press and public be excluded from the meeting during consideration of the following items of business because it was likely that if members of the public were present there would be a disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

62. Part B Report: Exempt Information

The Heritage and Planning Enforcement Team Leader:

- a. presented a report to bring to Committee's attention a breach of planning regulations and to recommend a course of action for dealing with the breach

- b. gave further details of the report covering the background and options available
- c. recommended a suggested course of action as detailed within the report.

Members discussed the content of the report in further detail, asked questions and received relevant responses from officers thereon.

RESOLVED that the course of action recommended at paragraphs 8.1 and 8.2 of the report be approved.