

Present: Councillor Naomi Twedde (*in the Chair*),
Councillor Bob Bushell, Councillor Biff Bean, Councillor Bill Bilton, Councillor Kathleen Brothwell, Councillor Chris Burke, Councillor Thomas Dyer, Councillor Gary Hewson, Councillor Rebecca Longbottom, Councillor Councillor Bill Mara and Councillor Hilton Spratt

Apologies for Absence: Councillor Alan Briggs and Councillor Edmund Strengiel

73. Confirmation of Minutes - 20 May 2020

RESOLVED that the minutes of the meeting held on 20 May 2020 be confirmed.

74. Declarations of Interest

Councillor Biff Bean declared a Personal and Pecuniary Interest with regard to the agenda item titled 'Application for Development: 86 Wolsey Way, Lincoln'.

Reason: He was known to agent of the proposed development. He left the room during the discussions on this item and took no part in the vote on the matter to be determined.

75. Work to Trees in City Council Ownership

The Arboricultural Officer:

- a. advised members 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 tree works set out in the schedules appended to the report be approved.

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

(Councillor C Burke joined the meeting late, arriving during the consideration of the following item. He took no part in the discussion or vote on the matter to be determined.)

The Assistant Director for Planning:

- a. reported that full planning permission was sought for the erection of 49 dwellings with vehicular access from Aldergrove Crescent and hard and soft landscaping
- b. described the application site area of 2.25 hectares which formed part of a larger green area known as Jasmin Green, land owned by the City of Lincoln Council, although agreement had been made through the City Council's Executive on 17th July 2017 to transfer the site to the applicant, Birchwood Area Community Land Trust Ltd, for development of the application site on behalf of Birchwood Big Local
- c. added that the land to be transferred would include the current application site and land further to the north of the application site, the remaining undeveloped land would stay as public open space with two areas intended for play space in a future proposal by Birchwood Big Local
- d. referred to a a previous extant outline planning permission on the site which granted consent with all matters reserved for 62 dwellings; the application was accompanied by an indicative site plan which showed access from Aldergrove Crescent and layout of 36 semi-detached and 2 detached single storey bungalows as well as a three storey building containing 24 apartments
- e. confirmed that the current application proposed 49 dwellings comprising of 28 bungalows, 5 dormer bungalows and 16 two storey houses as 100% affordable with some housing specifically for the over 55s, and as with the previous application, indicated two areas to the north of the site to be children's play areas
- f. reported that the detailed design of the play equipment would form a separate application when those proposals were finalised, the applicant had stated that ongoing rent from the proposed dwellings would contribute towards the long-term upkeep of the play equipment.
- g. described Birchwood Area Community Land Trust Limited as a non-profit organisation which owned and leased land and buildings on behalf of Birchwood Big Local and the Birchwood Community, The Board of Directors made up of local residents
- h. reported that the area of land subject to this application was partly allocated as a housing site and partly as Important Open Space within the Central Lincolnshire Local Plan 2017
- i. confirmed that community consultation by Birchwood Big Local had started in 2015 before the submission of the outline application, with a further consultation event held in March 2020 by Birchwood Big local in relation to the current proposals; the Planning Statement detailed all of the 24 comments received through pre-application consultation with a response to each comment
- j. 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 LP49 Residential Allocations - Lincoln

k. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:

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

l. outlined the responses made to the consultation exercise

m. concluded that:

- The principle of developing this site for residential development was acceptable and had been previously established with an outline consent as well as being an allocated housing site in the Local Plan.
- The proposal was appropriately designed to sit well within its context whilst respecting the amenity of adjacent neighbours.
- It was therefore considered that the proposed development was in accordance with national and local planning policy and subject to the conditions referenced within this report being applied would be in accordance with local and national planning policy.

(Councillor Strenziel relinquished his seat as a member of Planning Committee for tonight's meeting in order to be able to speak as Ward Advocate for the proposed application.)

Councillor Strenziel addressed Planning Committee as Ward Advocate for the proposed development representing local constituents, covering the following main points:

- He thanked Planning Committee for allowing him the opportunity to speak.
- He had been a Birchwood Councillor for many years and had lived in the Ward for over 30 years.
- The area had grown considerably in size over the years and needed additional facilities, especially play areas.
- Birchwood Big Local was established in the Ward in March 2012, run by local residents.

- The group had secured £1 million funding through the Big Local programme to make a lasting difference in their community.
- Its focus was provision of funding for child deprivation in the area.
- Facilities for children and young people were considered top priority for the group.
- Work had already gone ahead on Diamond Park play area with further enhancements planned, together with many other projects including installation of benches, and events run by the Board.
- Jasmin Green was now the main focus for Birchwood Big Local.
- Lottery funding would provide the play equipment however it would require future maintenance costs.
- Birchwood Area Community Land Trust was then set up serving nothing other than the Birchwood area to facilitate development of Jasmin Green on behalf of Birchwood Big Local.
- The housing development was now in a more advanced stage of planning since given extant outline planning permission in 2017.
- Rent from the proposed dwellings would contribute towards the upkeep of the play equipment.
- Local elderly residents would benefit from moving to purpose built elderly accommodation which would free up larger homes for families to live.
- Young people would also benefit from the new play facilities.
- He hoped members were in a position to offer their support to the proposals.

Daniel Sharp, representing the agent, addressed Planning Committee in support of the application, covering the following main points:

- He spoke for Birchwood Area Community Land Trust in partnership with Birchwood Big Local.
- The proposals had been the subject of extensive public consultation and received the support of local people.
- The site already held outline planning permission for 62 dwellings.
- This full planning application proposed 49 dwellings on the site with the removal of homes further away from Aldegrove Crescent and Snetterton Close to protect residents' amenity.
- The dwellings included 28 bungalows in the interest of protecting local amenity and impact on the local green.
- The proposed application provided formal open space with the opportunity for social interaction.
- The properties were dual aspect from front and behind providing newly created squares and green space.
- The properties were 100% affordable designed for life time occupancy.
- The properties conformed to HAPPI design standard and were wheelchair accessible.
- Low maintenance materials would be used for the build.
- Boundary treatment would be managed and extensive landscaping provided including 200 trees, hedges and bird boxes.
- The proposals would incorporate a surface water drainage system based on sustainable urban design principles.
- Local residents had expressed a preference for bungalows during the consultation process.
- The scheme had been designed by Birchwood residents for the benefit of Birchwood residents.

- He respectively asked that the officers' recommendation to grant planning permission subject to conditions be supported.

Members commented in relation to the proposed scheme as follows:

- Additional housing stock was much needed in Lincoln. Lifetime homes would enhance the area.
- The provision of trees, a wildlife meadow and footpaths to be maintained was welcome.
- The allocation of 69 car parking spaces was an advantage of the scheme.
- The site was made up of 90% allocated building land.
- It was good news to hear local residents involved in what happened to their community space.
- This was a good example of localism at its best encapsulating a development for Birchwood people by Birchwood residents
- The proposals represented a simple clean quality design.
- The development incorporated a good balance of affordable housing, green space and local facilities.

Members raised questions/queries in relation to the proposed scheme as follows:

- It was hoped that the Birchwood Area Community Land Trust would be in a position to go ahead with the play area and put aside a pot of money to cover maintenance.
- What was the position for the new homes in terms of ecological footprint and energy efficiency?
- Perhaps local residents having to contribute towards maintenance of the play area as part of their rent payments may prefer something they could benefit from and access.
- Were the properties to be sold or leased at affordable rent?

The Assistant Director for Planning provided the following responses to the questions and comments raised:

- In term of ecological footprint, this element of planning applications was covered through building regulations as they became tighter in terms of energy efficiency. This development made use of high quality robust materials sufficient in terms of its planning prospective
- In terms of the play area and how it related to the environment for the over 55's, it would enhance the wider community and maintain formal open space. It was a route to the local shopping centre with shared and private amenity space.
- The City Council as current owners of the land was able to facilitate a mechanism through the Land Transfer process to give some assurance to the play area being delivered.
- The development proposed affordable housing for rent to include ongoing upkeep for the maintenance of the play area as well as other play equipment at Diamond Park.
- The applicant intended to create income streams for maintenance of the play area and affordable rent would be the driver for this.

RESOLVED that authority be delegated to the Assistant Director for Planning to grant the application conditionally subject to no further comment being received during the consultation (site notice consultation due to run out 19th June 2020).

Conditions

- 3 year condition
- Accordance with plans
- Landscaping details
- Boundary walls and fences
- Materials
- Arboricultural method statement – including tree protection measures
- Details of affordable housing
- Hours of work restricted
- Highway construction management plan
- Estate roads shall be laid out before any dwelling is occupied
- Surface water drainage scheme to be submitted
- Bat/bird boxes to be implemented
- Electric Vehicle charging points
- Noise assessment
- Construction hours condition
- External Lighting details to be submitted
- Contaminated land

77. Application for Development: 86 Wolsey Way, Lincoln

(Councillor Bean left the room for the discussion on this item having declared a personal and pecuniary interest in the matter to be discussed. He took no part in the discussion or vote on the matter to be determined)

(Councillor C Burke re-joined his seat as a member of Planning Committee for the remainder of the meeting).

The Planning Team Leader:

- a. reported that the application represented a resubmission of a previously approved planning application granted by Planning Committee in February 2020 (2019/0971/HOU) and now proposed a two storey front extension and single storey side extension to a two storey detached dwelling at 86 Wolsey Way
- b. detailed the amendments requested by the resubmitted application this evening to alter the approved proposal consisting of a bay window to the side elevation facing No. 84 Wolsey Way as well as a single storey extension to the opposite side, adjacent to the boundary with No. 92, with all other details remaining as previously approved
- c. highlighted that the application had been brought to Planning Committee at the request of Councillor Jackie Kirk as Ward Councillor
- d. provided a full site history in relation to the application property as detailed within the officer's report
- e. provided details of the policies pertaining to the application, as follows:
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework

- f. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
- Impact on Residential Amenity
 - Impact on Visual Amenity
 - Impact on Highway Safety
- g. outlined the responses made to the consultation exercise
- h. concluded that the resubmitted application incorporated minor alterations which, on balance, 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.

Mr Ernie Thompson addressed Planning Committee in objection to the proposed development, covering the following main points:

- He lived at the house next door to the application property.
- He thanked Councillor J Kirk and Councillor Vaughan for their support in his objection to the planning application.
- The report referred to the application property being in a cul-de-sac, whereas in reality it was in a private courtyard; No 82/84 shared a driveway and no 86 had its own.
- Concerns were raised here again about the size of the development as was the case in 1985 when it was built.
- The proposed side extension was closer to his boundary fence than permitted according to planning guidance.
- The revised submission brought the distance of the proposed extension even closer to his habitable side of the property.
- Policy LP26 referred to the amenities of existing and new occupants that they may expect to enjoy. He did not consider a wall blocking his daylight would be of any benefit.
- The windows of his property affected by the proposed development may be obscure, however, daylight would be affected to his home from noon onwards.
- A colony of bats in the garden of the application property and roosting/nesting birds should be protected under Policy LP21: Green Wedges.
- The proposals were contrary to Policy LP26: Design and Amenity in terms of siting/height/scale and massing.
- The response submitted by the Highways Authority was not signed by an authorised officer which he was surprised had not been raised previously.

Councillor Jackie Kirk addressed Planning Committee as Ward Advocate for the application representing local constituents, covering the following main points:

- She thanked members of Planning Committee for allowing her the opportunity to speak.
- She was familiar with this application which she had spoken against at Planning Committee when it was granted planning permission in February 2020.

- The resubmitted planning application proposed a further widening of the downstairs lounge by 1.2 metres closer to the boundary with No 92 Wolsey Way at ground floor level.
- The proposed extension would be adjacent to No 92, 0.9 metres away from the boundary. This was less than 1 metre for a detached property.
- There would be loss of light to the ensuite bathroom of No 92 and side garden area.
- The report referred to the extension not being overbearing despite loss of light.
- Policy LP26 stated that all developments including extensions must achieve high quality sustainable design with equality/access for all.
- In terms of Policy LP26: Design and amenity, the future occupants of the neighbours land and properties should not be unduly affected as a result of such development.
- There would be overshadowing/overlooking and adverse impact from the proposed development.
- She urged members of Planning Committee to please consider objecting to this proposal.

Councillor B Bushell highlighted that he had visited the site to get a prospective of the proposals which had a slightly different set up to usual in that the property already had a double garage in front of the existing property which was 0.9 metres from the boundary of the house next door.

Members commented in relation to the proposed scheme as follows:

- The only alterations to consider here compared to the previously approved planning permission was an extension to the lounge area.
- The windows affected by the side extension at No 92 were frosted and not habitable rooms which imposed less of an impact.
- It was not in good spirit to submit a further planning application to add extra space to the ground floor side extension here which would be overbearing.

Members queried the distance between the proposed side extension and the boundary of the garden fence at No 92 in terms of permitted development?

The Planning Team Leader clarified this matter as follows:

- Referring to the plans of the proposed elevations, the side elevation to the left hand site of the property containing the two doors was permitted development.
- The two storey development to the right of the property already had planning permission.
- The distance from the boundary with No 92 between the fence and side wall of the property was 0.9 metres. There would be sufficient room to build conventionally without any overhang.

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

- Standard years condition and plans conditions
- Construction hours condition
- The construction of the development hereby permitted shall only be

undertaken between the hours of 08:00 to 18:00 Monday to Friday (inclusive) and 08:00 to 13:00 on Saturdays and shall not be permitted at any other time, except in relation to internal plastering, decorating, floor covering, fitting of plumbing and electrics and the installation of kitchens and bathrooms.

78. Application for Development: 4 Southland Drive, Lincoln

(Councillor B Bean re-joined his seat as a member of Planning Committee for the remainder of the meeting).

The Planning Team Leader:

- a. reported that planning permission was sought for the erection of a single storey rear extension to a two storey semi-detached dwelling with a detached garage at 4 Southland Drive,
- b. reported that the property had previously been extended to the side via an enclosed car port and pitched roof conservatory to the rear which would be partly removed to accommodate this proposal
- c. highlighted that the application had been brought to Planning Committee as the applicant was related to a member of staff working for the City of Lincoln Council
- d. provided a full site history in relation to the application property as detailed within the officer's report
- e. provided details of the policies pertaining to the application, as follows:
 - Policy LP26 Design and Amenity
 - National Planning Policy Framework
- f. advised members of the main issues to be considered as part of the application to assess the proposal with regard to:
 - Local and National Planning Policy
 - Effect on Residential Amenity
 - Effect on Visual Amenity
 - Effect on Highway Safety
- g. outlined the responses made to the consultation exercise
- h. concluded that the proposed extension was 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 (2017) and National Planning Policy Framework.

Mr John Staniforth addressed Planning Committee in objection to the application, covering the following main points:

- He lived at the house next door to the application property.
- He had concerns regarding the reconstruction of the boundary wall.

- The foundations seemed to extend to his side of the property.
- There was an issue with some of his own hedges/trees and bushes which would need to be removed to facilitate the extension.
- The plans were not clear in terms of ascertaining how the build would be constructed without avoiding damage to his roof fascia
- This application represented a third resubmission of the plans.
- Issues with loss of light.

Members raised questions in relation to the proposed scheme as follows:

- Should this application be granted planning permission for a single storey rear extension would the extant planning permissions previously given stand or fall?
- Could reassurance be given that there would be no damage caused during the build to the next door property?
- Could officers give clarification as to the number of bushes/trees to be removed?

The Planning Team Leader provided the following response to the questions raised:

- The drawings were in the curtilage of the applicant's ownership, the project could only go ahead with agreement of the neighbour.
- The Party Wall Act although beyond the scope of the planning application afforded mitigation rights to the neighbour.
- The applicant had no right to go onto the neighbour's property beyond his boundary or affect any bushes/trees.
- The existing planning applications were also valid, however, the applicant was only permitted to implement one in its entirety within its timescale.

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

Standard Conditions

- 3 years
- Approved drawings

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.