

<b>Application Number:</b>	2020/0219/FUL
<b>Site Address:</b>	Jasmin Green, Jasmin Road Recreational Land, Jasmin Road, Lincoln
<b>Target Date:</b>	25th June 2020
<b>Agent Name:</b>	Lincs Design Consultancy Ltd
<b>Applicant Name:</b>	Birchwood Area Community Land Trust Ltd
<b>Proposal:</b>	Erection of 49no. dwellings, vehicular access and hard & soft landscaping

### **Background - Site Location and Description**

The application was referred to the previous Planning Committee with a recommendation to delegate authority to the Assistant Director for Planning to grant the application conditionally subject to no further comments being received during the consultation. The site notice end date was two days after committee and during this period a petition against the development was submitted as well as 6 objections. The application is therefore brought before Planning Committee to consider the further comments received. The proposal remains as seen previously on 17<sup>th</sup> June 2020.

Full planning permission has been submitted for the erection of 49 dwellings with vehicular access from Aldergrove Crescent. The site area is 2.25 hectares and forms part of a larger green area known as Jasmin Green. The land is owned by the City of Lincoln Council although agreement was made through the City Council's Executive Committee 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. 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.

There is 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.

The current application proposes 49 dwellings comprising of 28 bungalows, 5 dormer bungalows and 16 two storey houses. The development would be 100% affordable with some housing specifically for the over 55s. As with the previous application, the application indicates two areas to the north of the site to be children's play areas. The detailed design of the play equipment will form a separate application when those proposals are finalised. The applicant has stated that ongoing rent from the proposed dwellings would contribute towards the long-term upkeep of the play equipment.

Birchwood Area Community Land Trust Limited is a non-profit organisation who own and lease land and buildings on behalf of Birchwood Big Local and the Birchwood Community. The Board of Directors is made up of local residents.

The area of land subject to this application is partly allocated as a housing site and partly as Important Open Space within the Central Lincolnshire Local Plan 2017.

Community consultation by Birchwood Big Local started in 2015 before the submission of the outline application. A further consultation event was held in March 2020 by Birchwood

Big local in relation to the current proposals. The Planning Statement details the all of the 24 comments received through pre-application consultation with a response to each comment.

The application has received neighbour 9 objections and a petition against the proposal and 1 representation of support. Lincoln Civic Trust have also objected to the proposal.

### **Site History**

Reference:	Description	Status	Decision Date:
2017/0342/OUT	Erection of 62no. affordable dwellinghouses with vehicular access, hard and soft landscaping and installation of play equipment (Outline)	Granted Conditionally	10th November 2017

### **Case Officer Site Visit**

Undertaken on 9th October 2017, No recent site visit has been undertaken due to Covid 19 restrictions although previous photographs have been used as well as various online tools. Officers are satisfied that there is sufficient information consequently available to assess any potential impact and to make a robust decision on the proposals.

### **Policies Referred to:**

- 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

### **Issues**

In this instance the main issues relevant to the consideration of the application are 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

### **Consultations**

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2018.

All representations received on the application are copied in full at the end of this report and are available to view on the website:

<https://development.lincoln.gov.uk/online-applications/applicationDetails.do?activeTab=makeComment&keyVal=Q7RB7VJFFNT00>

### **Statutory Consultation Responses**

Consultee	Comment
National Grid	Comments Received
Highways & Planning	Comments Received
Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received
Anglian Water	Comments Received
Environment Agency	No Comments
Upper Witham, Witham First District & Witham Third District	No Comments
Education Planning Manager, Lincolnshire County Council	No Comments
Natural England	No Comments

### **Public Consultation Responses**

#### **Consultation Responses**

Nine objections have been submitted from local residents and a petition with 118 names

and addresses. These objections are included at the end of this report in full. The main concerns that have been raised include: doctors surgeries/schools being over capacity, the route through the site being unsafe for children, loss of green space, traffic concerns, loss of views, construction disruption, overlooking, loss of privacy, overshadowing, impact on ecology. The Civic Trust have objected on highway grounds and loss of green space.

A representation of support has also been received from a resident on Aldergrove Crescent.

#### Original Comments

Name	Address
Mr Andrew Grant	20 Lyneham Close Lincoln Lincolnshire LN6 0HT
Mrs Joanne Grant	20 Lyneham Close Lincoln Lincolnshire LN6 0HT
Mrs Wendy D Parry	60 Aldergrove Crescent Lincoln Lincolnshire LN6 0SJ
Miss G White	12 Lyneham Close Lincoln Lincolnshire LN6 0HT

#### Comments Submitted after Committee

Jackie Smith	
Mrs D Crow	53 Aberporth Drive Lincoln LN6 0YS
Ms R Bushnell	28 Eastleigh Close Birchwood Lincoln LN6 0YN
Miss Nariisse Graves	5 Mildenhall Drive Birchwood Lincoln LN6 0YT
Mr Andrew Grant	20 Lyneham Close Lincoln LN6 0HT
Miss G Kennedy	21 Hurn Close Lincoln LN6 0HW

## Consideration

### The Principle of the Development in Accordance with Policy

Paragraph 11 of the National Planning Policy Framework states that at the heart of the framework is a presumption in favour of sustainable development.

LP1 of the Central Lincolnshire Local Plan (CLLP) echoes the presumption in favour of sustainable development as stated in the NPPF whilst Policy LP2 advises that the Lincoln Urban Area will be the principal focus for development in Central Lincolnshire, including housing.

Paragraph 47 of the NPPF further states that to boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites. The Central Lincoln Five Year Land Supply Report sets out those sites allocated for housing in order to meet the housing supply. The majority of the land outlined for housing on the layout is allocated as a housing site (site CL698) within the CLLP. The development of the site therefore accords with Policy LP49 and is acceptable in principle. The proposed housing, however, encroaches to the north and onto land allocated as Important Open Space, although this was also the case with the previous outline application. Policy LP23 safeguards these areas from development other than in very special circumstances. These circumstances include, where there would be replacement of open space elsewhere or enhancement of existing open space and where there is no significant detrimental impact on the surrounding area such as ecology, heritage assets etc. Officers are satisfied that special circumstances are present in this case, as with the previous Outline consent, given that Birchwood Big Local propose to enhance the existing area of open space with the addition of two areas of play equipment. The impacts on the surrounding area are discussed in more detail within the report although given there are no significant ecology issues nor will development of this land cause harm to any heritage assets, it is considered that the tests within Policy LP23 are met and development of this land is acceptable in principle.

### Affordable Housing

The level of need for affordable housing is evidenced in the Strategic Housing Market Assessment. The findings suggest that across Central Lincolnshire, there is a need for 17,400 affordable homes between 2012-2036. To help meet this need it is therefore important that a reasonable, but viable, proportion of all new housing developments are affordable. It is intended that all of the homes proposed on this site are affordable as defined with the NPPF. The local requirement as set out in Policy LP11 is that 20% of dwellings on sites of developments of 11 dwellings or more are affordable. The application would therefore exceed the requirement within Policy LP11 of the CLLP. The details and delivery of the affordable housing on the site can be secured by way of a condition as well as through clauses when the City Council transfers ownership of the land to the Community Land Trust. The applicant is in discussions with affordable housing providers and whilst they haven't selected a provider yet, they hope to conclude these discussions later this year.

### Visual Amenity

The site is bordered by housing on the south and west boundaries with the rear of the

Birchwood Shopping Centre to the east and open space to the north.

With regard to the layout of the site, the 28 bungalows have been designed in two separate blocks. The blocks would be orientated to ensure that the front elevations would face out onto Jasmin Green with communal areas behind, whilst maintaining some private garden space for each plot. The blocks have been designed this way in order to develop a sense of community and ownership of the communal spaces to the rear, encouraging integration and interaction amongst residents. These properties also have principal living space and bedrooms orientated onto their private external space with openable glazed doors. The proposed 16 two storey dwellings would be lined along the new access road which would give a presence and natural surveillance over the main pedestrian route through the site. The proposed 5 dormer bungalows would be positioned towards the south of the site, they would face onto one another in a row of 3 and 2 overlooking green space with proposed tree planting. Parking courts would be positioned throughout the site although these will be screened from public view from the main route through the site by planting whilst ensuring they are overlooked by the proposed dwellings. The access road into the site from Aldergrove Crescent would form a shared surface with planters, encouraging slow flow of traffic and priority to pedestrians and retain the link from Aldergrove Crescent to the Birchwood Shopping Centre.

The established character of the area is varied including bungalows, two storey properties and three storey flats located at the end of Lyneham Close. There would be two storey dwellings, bungalows and dormer bungalows proposed on the site. The three house types offer variety throughout the development. The new dwellings would be constructed of buff brick and slate tiled roofs which offers a simple, clean, quality design, avoiding the use of soffits and fascias. In order to add light and shade to the elevations, a deep window reveal will be needed and the applicant has agreed for these details to be provided via a condition. A good quality buff brick will also be key to the success of the finished development, which will also be required by condition along with samples of the roof tile.

The proposed bungalows would be to lifetime homes standard, which has influenced aspects of the floor plans such as positioning of bathrooms and room sizes. The bungalows have maximised opportunity for natural light with oversized windows which also have a positive impact on the design. Policy LP10 requires the site to have at least 30% of the development to M4 (2) standard or above of the Building Regulations (Access to and use of buildings). The architect has confirmed that 57% of the site is in exceedance of this requirement.

Landscaping is integral to the layout of the scheme, offering defensive space for gardens and separation between public and private areas as well as maintaining buffers between the proposed and existing housing. A wildflower meadow is also indicated on the landscaping plan within the south western corner of the site which has been incorporated following a suggestion from Lincolnshire Wildlife Trust on the previous application. Further details of the specific species to be included in the landscaping will be required by a condition.

It is considered that the layout and design of the proposed development has been carefully considered in terms of existing and future occupants. The development would therefore be in accordance with Policy LP26 and also paragraph 127 of the NPPF, which requires that developments should make a positive contribution to local character and distinctiveness.

## Residential Amenity

The previous outline application indicated three storey buildings on the site. The scale of the current application is for single and two storey properties. The two storey properties would be lined along the new access road and be positioned 13 metres at the closest point to the rear boundary of the properties on Snetterton Close. They would be at an oblique angle to the rear elevation of these properties, which would ensure overlooking would be minimised. The dormer bungalows would be within the south east area of the site. Given their height and position, more than 20 metres away from the rear boundary of the properties on Snetterton Close, it is considered privacy would be maintained between the existing and proposed dwellings. Dense landscaping on the border of the site would further ensure that the occupants of the properties on Snetterton Close would not be unduly harmed by the proposal.

The bungalows to the north of the access road would be positioned over 20 metres from the flats on Lyneham Close. Given their scale and position, it is not considered the bungalows would unduly impact on these existing properties.

To the east of the application is Birchwood Shopping Centre, it is not considered the proposal would have an unduly harmful impact on the centre. Given the position of some of the dwellings in relation to the service yard of the Birchwood Shopping Centre, the City Council's Pollution Control Officer has requested a condition to require the submission of a noise assessment before commencement of the development to ensure noise mitigation measures are incorporated on the proposed dwellings to protect them, if necessary.

It is considered that the proposal can be accommodated on the site without having a detrimental impact on surrounding properties. The proposal would therefore be in accordance with the requirements of Policy LP26 in terms of impact on residential amenity.

## Trees and Ecology

An ecology report has been submitted with the application assessing the impact on possible habitats on the land from the proposed development. Whilst the majority of the site is grassland, there are groups of trees within the site which have potential to house bats and birds. The report concludes that development of the site represents a low risk to wildlife. The report recommends that in accordance with the NPPF, new trees within the site should be of native plant species and bird and bat boxes should be installed on the site. Bat and bird boxes have been shown on the landscaping drawing on the main corner buildings of the development and implementation of these details can be required by condition as well as the implementation of a wildflower meadow to ensure the conservation and enhancement of biodiversity in accordance with paragraph 170 of the NPPF.

A tree survey has been submitted with the application which identifies and defines the age and condition of the trees within the site. The report classifies the trees ranging from moderate to low amenity value, none of the trees on site are considered of high amenity value. Whilst boundary tree planning is to be retained and managed as part of the development, some of the trees within the main part of the site would need to be removed to accommodate the development. It has been counted that there will need to be approximately 50 trees removed to facilitate the development, however with over 200 trees planned as part of the development, the net gain in the long-term will be significant. The City Council's Arboricultural Officer has requested further details regarding protection measures for trees that would remain on the site and an Arboricultural Statement, both of

which are proposed as conditions on the application. Subject to these conditions it is considered that the scheme would accord with Policy LP 17 of the CLLP which seeks to enhance landscapes and protect them from significant harm from development.

### Access and Highways

Outline consent was given previously with the access from Aldergrove Crescent. Whilst the applicant has been investigating opportunities to use access from Jasmin Road, discussions were not concluded before the application submission therefore access is currently proposed from Aldergrove Crescent. The access has been moved slightly to the east of the previously approved location in order to avoid an existing bus stop. The access into the site would be via a shared surface with measures such as block paving and planters to slow traffic down and give priority to pedestrians. A 2m wide footway will be provided along the eastern side of the carriageway from Aldergrove Crescent and within the site, a wide footway will link to Birchwood Shopping Centre. At the site access, dropped kerbs and tactile paving will be provided to aid pedestrian connectivity. There would be 69 unallocated car parking spaces for the total of the development

A transport statement has been compiled including a road safety audit which has been submitted with the application and assessed by the Highway Authority. The Highway Authority have also recommended further conditions to ensure the access and footways will be to adoptable standards, landscaping is appropriate where adjacent to the highway and that a construction management plan is submitted before commencement.

Overall, the site has good access to local facilities and public transport, the transport assessment shows access can be taken from Aldergrove Crescent safely and sufficient parking is provided on site. Notwithstanding that, the site is in a location where travel can be minimised and the use of sustainable transport modes maximised, in accordance with CLLP Policy LP13.

### Flood Risk and Drainage

The site is within Flood Zone 1 and therefore is at low risk of flooding. The Lincolnshire County Council in their capacity as Lead Local Flood Authority has considered the application with regard to drainage and have proposed a condition which requires further details to be submitted regarding surface water drainage based on sustainable urban design principles. The condition will ensure that the proposal meets the requirements of the NPPF and CLLP Policy LP14, which gives priority to sustainable drainage systems unless it is proven impracticable to do so.

### Other Matters

#### Contaminated Land

Policy LP16 advises that development proposals must take into account the potential environmental impacts from any former use of the site. A Geo-Environmental report has been submitted with the application and the City Council's Scientific Officer has raised some queries with regard to parts of the submitted report. The Officer has advised, however, that while this matter is ongoing it can be appropriately dealt with by conditions as necessary.



## Air Quality and Sustainable Transport

The City Council's Pollution Control Officer has advised that, whilst it is acknowledged that the proposed development, when considered in isolation, may not have a significant impact on air quality, the numerous minor and medium scale developments within the city will have a significant cumulative impact if reasonable mitigation measures are not adopted.

The proposed development will include off street parking and it is therefore recommended that the applicant be required to incorporate appropriate electric vehicle recharge points into the development in line with the recommendations of CLLP Policy LP13. These details can be required as part of a condition.

## Education

Lincolnshire County Council's Strategic Development Officer has confirmed that no contribution is required towards education in the local area as there is currently sufficient capacity in primary school places in the area for the proposed development.

## Health

Consultation has been undertaken with the Health Care Commissioner as part of the planning process although no response has been received. A request for contribution to improved health care for provision for this site has therefore not been deemed necessary in this case in accordance with Policy LP9 of the CLLP.

## Archaeology

Due to the location of the site the City Council's Archaeologist has confirmed that a desk-based assessment is not required in this case.

## Design and Crime

Lincolnshire Police have raised no objection to the development but have suggested measures for reducing crime to be incorporated during the design stage. Whilst raising no fundamental objections they have highlighted some concern with the existence of the publicly accessible footpath through the site and the communal spaces within the site, potentially becoming a target for crime. Whilst the comments of the police are noted, it is considered that permeability through the site is key to its success. The site has an existing pedestrian route through the site and it is important, in planning terms, that this permeability is retained. Furthermore, the development has been designed to offer natural surveillance with any courtyard or communal space being looked by proposed dwellings. It is also worth noting that the properties will be affordable and therefore managed and maintained by a Registered Provider. Should a problem arise in terms of crime in the future, there would be potential to address the specific problem at that point rather than preventatively gating off large areas of communal outdoor space which would no doubt harm the developments attractiveness and ultimate success.

## **Application Negotiated either at Pre-Application or During Process of Application**

Yes, meetings with officers at pre-application stage.

## **Financial Implications**

None.

## **Legal Implications**

None.

## **Equality Implications**

None.

## **Conclusion**

The principle of developing this site for residential development is acceptable and has been previously established with an outline consent as well as being an allocated housing site in the Local Plan. The proposal is appropriately designed to sit well within its context whilst respecting the amenity of adjacent neighbours. It is therefore considered that the proposed development is 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.

## **Application Determined within Target Date**

Yes.

## **Recommendation**

- That the petition is received by the committee
- That consent is granted subject to the conditions below

## **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