

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

Apologies for Absence: Councillor Alan Briggs, Councillor Kathleen Brothwell and Councillor Edmund Strengiel

79. Confirmation of Minutes - 17 June 2020

RESOLVED that the minutes of the meeting held on 17 June 2020 be confirmed, subject to the following revised wording in italics within minute number 76 to read:

(Councillor Strengiel relinquished his seat as a member of Planning Committee for tonight's meeting having declared a disclosable pecuniary interest in the matter to be considered, but spoke as Ward Advocate for the proposed application.)

80. Declarations of Interest

No declarations of interest were received.

81. 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.

Members discussed the content of the report in further detail, and raised questions which received relevant responses from the Arboricultural Officer as follows:

- Question: Many recently planted samplings across the city appeared to have died off. Would these be replaced later in the year?
- Response: Yes indeed. A note was being taken of their location and they would be replaced during the next scheduled planting season.
- Question: Why was a cherry tree recently deceased in Queens Park to be replaced with a Tibetan Cherry?
- Response: Although not a native tree, the Tibetan Cherry benefited from having a beautiful mahogany bark which added amenity to the local area, also being quite a small tree. Due to the texture of this trees bark he was

also of the opinion that this tree may encourage children to investigate and interact with this tree as it would be located next to a play area.

- Question: Why was it considered appropriate to fell a tree at 5 Wigsley Road due to the canopy overhanging the private property next door whereas many trees the subject of tree preservation orders also suffered from this problem but were not removed?
- Response: This tree was so heavily suppressed. The asymmetrical canopy overhung the private property next door and could not be maintained unlike other trees protected by preservation orders which could be maintained.

RESOLVED that tree works set out in the schedules appended to the report be approved.

82. Tree Preservation Order: 4 Finningley Road, Lincoln

The Assistant Director for Planning:

- a) reported that planning permission was sought to fell 1 Silver Birch tree at 4 Finningley Road, Lincoln, located within Doddington Road No 2 Tree Preservation Order 1981
- b) confirmed that the application was submitted by a relative of an employee of the City of Lincoln Council and for this reason was brought before Planning Committee for consideration
- c) advised that the City of Lincoln Arboricultural Officer had inspected the tree on 19 March 2019
- d) reported on the main issues to be considered by Members of Planning Committee in terms of the health and safety of the tree as follows:
 - A lack of root flare, suggesting that the tree had been planted too deeply or soil levels adjusted since then.
 - An open cavity present at grade on the south-eastern side of the bole, leading to suspected decay in the lower bole of the tree/into the buried trunk increasing risk of failure during wind loading events.
 - The canopy of the tree being suppressed by the adjoining woodland canopy which had led to phototrophic development of the main stem and scaffold branches.
 - Indulations within the trunk which suggested adaptive growth within the stem as a result of adjusted force flow.
- e) concluded that:
 - As the base of the bole of the tree exhibited an open cavity with an associated decay column, officers recommended that consent to remove the tree be approved to avoid the risk of unpredictable collapse.
 - Due to the limited size of the rear garden and the associated adjoining canopy present, it was suggested that in this case the planting of a replacement tree was unwarranted.

Members discussed the content of the report in further detail.

RESOLVED that removal of 1 Silver Birch tree at 4 Finningley Road, Lincoln, located within Doddington Road No 2 Tree Preservation Order 1981 be approved, subject to the following condition:

- Due to the limited size of the rear garden and the associated adjoining canopy presence, in this case the planting of a replacement tree was unwarranted.

83. Applications for Development

84. Jasmin Green, Jasmin Road Recreational Land, Jasmin Road, Lincoln

The Assistant Director for Planning:

- a. advised that this planning application had been 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 remainder of the consultation period
- b. highlighted that during the period of the site notice end date two days after committee a petition against the development was submitted as well as six objections
- c. reported that the application was therefore brought back before Planning Committee this evening remaining the same as seen previously on 17 June 2020, to consider the further comments received
- d. reported that full planning permission had been submitted for the erection of 49 dwellings with vehicular access from Aldergrove Crescent and hard and soft landscaping
- e. 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
- f. added that the land to be transferred would include the current application site and land further to the north of the application site
- g. highlighted in context of the amount of land involved in the proposed development that it was allocated predominantly for housing in this area under the Central Lincolnshire Local Plan in order to meet housing supply needs, and partly as Important Open Space
- h. emphasised that 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
- i. referred to 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

- j. 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
- k. 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.
- l. 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
- m. 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
- n. reported that the application had now received 9 neighbour objections in total and a petition against the proposal together with 1 representation of support and also an objection from Lincoln Civic Trust
- o. 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
- p. 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
- q. outlined the responses made to the consultation exercise, which included a petition against the proposals containing 118 signatures
- r. 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.

Gemma White addressed Planning Committee in objection to the proposed development, covering the following main points:

- She spoke on behalf of herself and the local community in objection to the proposed development.
- 118 people had signed a petition which was collated within 24 hours on 18/19th June, others had wanted to sign but the petition had to be submitted in time.
- The people who were unable to sign the petition weren't aware of the proposed development
- There was a lack of awareness of the location of the proposed development.
- Local people had tried to object via the council website but there had been a server error, an email was provided a 4pm on the last day of the consultation period for people to object through that channel.
- Many people wanting to raise objections did not have access to a computer.
- The proposals would incorporate a road for many residents at the front and back of their property which was unsafe.
- The land was currently used by many residents who did not have their own gardens in order to take a walk.
- The character of the area would be lost as a result of the development.
- There were many negative effects caused by the proposed development including noise and overlooking of privacy.
- It provided a negative visual impact
- There were particular concerns regarding highway safety around Aldergrove Crescent which formed a part of the bus route.
- Residents were also concerned about additional future development by Birchwood Big Local in the area and in what form it may entail.
- Obesity rates had risen due to Covid 19 lockdown with green space now even more important and needed for people to exercise.
- This was a highly deprived area. Some residents were without cars and unable to drive to the countryside. The current use as a field was best for local residents

- The proposed development would cut the estate in half and take away its character.

(Councillor Strengiel relinquished his seat as a member of Planning Committee for tonight's meeting having declared a disclosable pecuniary interest in the matter to be considered, but spoke as Ward Advocate for the proposed application.)

Councillor Strengiel 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 since 1991 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 as volunteers.
- 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 set up serving only the Birchwood area to facilitate development of Jasmin Green on behalf of Birchwood Big Local.
- 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.
- Highway safety issues had been addressed.
- Local amenity would be enhanced with the introduction of benches, trees and landscaping.
- The area would be a visually attractive place to walk and exercise.
- 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.
- He wouldn't go into the detail of the scheme again having spoken at the previous Planning Committee. No new issues had been identified, however, he would try to allay residents' concerns.
- The scheme covered an area of 2.25 hectares.
- Outline planning permission already existed for housing which accorded to the Local Plan.
- Attention had been given to ecology and biodiversity on the site.
- Construction hours would be conditioned as part of the development.
- A robust phased management plan for the site would be in operation.

- The proposals had been the subject of extensive public consultation and received the support of local people.
- This full planning application proposed 49 dwellings on the site with a reduction in dwelling numbers to reduce density and achieve greater separation to protect residents' amenity on Aldergrove Crescent and Lyneham Close.
- The initial consultation on the project dated back as far as 2015.
- Posters had been placed at local shops, pubs etc. and 5,000 flyers distributed in the area.
- Recent social media coverage of the scheme had questioned its validity and many of the objectors did not live in the site area.
- The scheme had been designed by Birchwood residents for the benefit of Birchwood residents.
- He respectfully asked that the officers' recommendation to grant planning permission subject to conditions be supported.

Members asked why this planning application had been brought to Committee before the consultation period had come to an end.

The Assistant Director for Planning offered the following points of clarification on this matter:

- The planning application had been live for quite some time.
- Around 250 letters were sent out to local residents as part of the consultation period.
- Conflicting guidance on how Planning Authorities dealt with display of site notices resulted in a delay in them being posted on this occasion.
- For this reason the planning officers' recommendation was caveated to delegate authority to the Assistant Director for Planning to grant the application subject to no further comments being received during the consultation period.
- It was appreciated that this situation had not been ideal, however, from time to time applications had to be dealt with in this way.

Members discussed the planning application.

Clarification was requested that the remainder of the open space area was not allocated for further residential development.

The Assistant Director for Planning provided the following response in respect of the potential for the remainder of the site to remain as open space:

- The Planning Authority had not been party to any consultations regarding further development of the site.
- The rest of the land was protected as an open space and had not been put forward in the Local Plan Review for further development.
- The remit of Planning Committee members tonight was to determine the planning application in front of it.

RESOLVED that:

1. The petition be received by Planning Committee.
2. Planning permission be approved subject to the following conditions:

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