

Application Number:	2017/0342/OUT
Site Address:	Jasmin Green, Jasmin Road Recreational Land, Jasmin Road
Target Date:	18th November 2017
Agent Name:	JH Walter LLP
Applicant Name:	Birchwood Area Community Land Trust
Proposal:	Erection of 62no. affordable dwellinghouses with vehicular access, hard and soft landscaping and installation of play equipment (Outline)

Background - Site Location and Description

The application is made in Outline form for the erection of 62 dwellings and installation of play equipment on part of land known as Jasmin Green. The land is currently owned by the City Council although agreement has been made through the City Council's Executive Committee on 17th July 2017 to transfer the land to the applicant, Birchwood Big Local, for development of the application site.

The application is made in Outline form with all matters reserved. The applicant has however, submitted an indicative site plan which shows 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. Play equipment is proposed within two areas on land to the north of the proposed housing site.

The Birchwood Big Local Group, through its Community Land Trust has been allocated funding through the Big Local Programme to invest in local areas. Initial capital from Birchwood Big Local would fund the play areas which would then be maintained by them using revenue from ground rent from an affordable housing provider who will maintain and manage the housing. The terms of the transfer and on-going arrangements for the land and play equipment will be within clauses set out when the land is transferred from the City Council to Birchwood Big Local.

The development would provide affordable housing for the over 55s.

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.

The application has received a 340 signatory petition of objection, in excess of 40 objections and 2 representations in support of the proposals.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 9th October 2017.

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 LP56 Gypsy and Traveller Allocations
- National Planning Policy Framework

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 May 2014.

Statutory Consultation Responses

Consultee	Comment
NHS Lincolnshire West Clinical Commissioning Group	No Response Received
National Grid	No Response Received
Highways & Planning	Comments Received
Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received

Anglian Water	Comments Received
Environment Agency	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
The Bat Conservation Trust	Comments Received
Natural England	Comments Received
Lincolnshire Wildlife Trust	Comments Received

Public Consultation Responses

The application has attracted considerable representation amongst both local residents and residents from outside of the City boundary. The main concerns that have been raised include: loss of privacy, overlooking and overshadowing from the new dwellings, increased noise, increased traffic, loss of green space, increased pressure on local amenities and doctors' surgery, concerns regarding drainage, loss of link through the green space, increased crime and impact on bats/birds. This is not an exhaustive list but the main concerns raised, the full comments are attached to the end of this report.

Name	Address
G White	12 Lyneham Close Lincoln Lincolnshire LN6 0HT
Mrs Georgette Claxton	57 Aberporth Drive Lincoln Lincolnshire LN6 0YS
Miss Abi Lennard	5 Marham Close Lincoln Lincolnshire LN6 0HR
Mrs Brenda Collier	18 Snetterton Close Lincoln Lincolnshire LN6 0SN

Ms Gloria Adata	18 Mildenhall Drive Lincoln Lincolnshire LN6 0YT
Mrs Sharon Jones	1 Spirea Approach Lincoln Lincolnshire LN6 0PZ
Miss Sara Kennard	81 Lincoln LN6 0JA
Miss Jackie Elley	6 Marham Close Lincoln Lincolnshire LN6 0HR
Mr Marc Seviour	68 Nayland Drive Clacton on sea Co168TZ
Miss Samantha Wright	35 Alness Close Lincoln Lincolnshire LN6 0YX
Mrs Rachel Clark	2 Melrose Lane Lincoln Lincolnshire LN6 0BW
Miss Karen Thorius	31 Larchwood Crescent Lincoln Lincolnshire LN6 0NB
Mrs Michelle Taylor	68 Staverton Crescent Lincoln Lincolnshire LN6 0YW
Mr Stefan Grant	20 Lyneham Close Lincoln Lincolnshire LN6 0HT
Miss Isabella East	2 Brockenhurst Close Lincoln Lincolnshire LN6 0WB

Mrs Helen Shields	Cosford Close Lincoln LN6
Mr M Lynch	146 Birchwood Avenue Lincoln Lincolnshire LN6 0JD
Mr S Smalley	12 Lyneham Close Lincoln Lincolnshire LN6 0HT
Miss Louise Rowe	28 Staverton Crescent Lincoln Lincolnshire LN6 0YW
Miss Samantha Olivant	Spirea Approach Birchwood Lincoln LN6 0PZ
Miss Katherine Conroy	3 Whitethorn Grove Lincoln Lincolnshire LN6 0PF
Mr Paul Alexander	7 Horseshoe Terrace Wisbech PE13 1QA
Miss Kaylie Hammond	27 Staverton Crescent Lincoln Lincolnshire LN6 0YW
Mr John Mather	Lincolnshire Community Land Trust 15/23 Tentercroft Street Lincoln LN5 7DB
Ms Samantha Clark	42 Bittern Way Lincoln Lincolnshire LN6 0JG
Mrs Ashley Jackson	Hazelwood Avenue Lincoln LN6 0NW

Mr Thomas Green	53 Jarvis House Ashby Avenue Lincoln LN6 0EB
Miss Tracey Coyle	18 Lyneham Close Lincoln Lincolnshire LN6 0HT
Miss Ludmilla Taylor	2 Truro Drive Lincoln Lincolnshire LN6 0FN
Mrs Emma Holmes	96 Addison Drive Lincoln Lincolnshire LN2 4LY
Miss Louise Henderson	17 Syringa Green Lincoln Lincolnshire LN6 0QA
Mrs Peet	54 Aldergrove Crescent Lincoln Lincolnshire LN6 0SJ
Mrs Catherine Cowen	52 Aldergrove Crescent Lincoln Lincolnshire LN6 0SJ
Dorothy O'Neill	28 Lyneham Close Lincoln Lincolnshire LN6 0HT
Mr David Hopkins	41 Caistor Road Lincoln Lincolnshire LN6 3QA
Miss Stacey Barnett	Cosford Close Lincoln LN6 0EG
Mr Bryn Jones	16 Lincoln LN6 0NY

Mrs Stacey Quinn	240 Woodfield Avenue Lincoln LN6 0LT
Mr Sam Small	72 Jubilee Close Lincoln LN3 4LD
Miss Kirsty Nicholson	Syringa Green Lincoln LN6 0QA
Mr Ryan Hayward	11 Henlow Close Lincoln LN6 0YY
Mrs Lindsay Frankish	121 Birchwood Avenue Lincoln LN6 0JE
Mrs Katie Warriner	23 Andover Close Birchwood Lincoln LN6 0HP
Miss Samantha Olivant	222 Spirea Approach Birchwood Lincoln LN6 0PZ
Mrs Joanne Grant	20 Lyneham Close Birchwood Lincoln LN6 0HT
Mrs Deborah Crow	53 Aberporth Drive Lincoln Lincolnshire LN6 0YS
Miss Amilee Rowe	28 Staverton Crescent Lincolnshire LN6 0YW
Mrs Nicola Foxon	1 Jasmin Road Birchwood Lincoln LN6 0PY

Consideration

The Principle of the Development in Accordance with Policy

Paragraph 14 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 indicative layout is allocated as a housing site (site CL698) within the CLLP. The development of the site area CL698 therefore accords with Policy LP49 and is acceptable in principle. The proposed housing, however, encroaches slightly to the north and onto land allocated as Important Open Space. 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 impacts on the surrounding area such as ecology, heritage assets etc. Officers are satisfied that special circumstances are present in this case as 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. At this stage, 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.

Visual Amenity

The application is submitted in outline form therefore detailed designs would need to be submitted through a subsequent reserved matters application, should consent be granted. 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. It is considered that this site could be developed without having a detrimental impact on the wider area in terms of visual amenity. The initial layout indicates the new dwellings would be a mixture of

bungalows with a three storey building accommodating apartments. This appears appropriate as the character of the area is varied- including bungalows, two storey properties and three storey flats located at the end of Lyneham Close.

Whilst there are limited details at this stage, it is considered that the principle of the development of the site is appropriate and would not cause harm to visual amenity. The proposal would therefore be in accordance with Policy LP26 and also paragraph 131 of the NPPF, which requires that developments should make a positive contribution to local character and distinctiveness.

Residential Amenity

The impact on residential amenity will be fully assessed during subsequent reserved matters applications, however, the indicative layout suggests that housing on this site can be accommodated without having a detrimental impact on surrounding properties. There is a buffer of trees within the site at the rear of the properties of Snetterton Close, some of which would be retained which would limit the impact on these properties. Moreover, the application suggests that bungalows would be proposed north of the buffer which would further limit the impact on surrounding properties whilst the three storey apartment building would be located to the north east of the application site, adjacent to the Birchwood Centre.

Further details would be forthcoming should the application be granted although it is considered that 62 dwellings in the form of bungalows and apartments could be accommodated on the site without causing harm to residential amenity. The proposal would therefore be in accordance with the requirements of Policy LP26.

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 Lincolnshire Wildlife Trust have commented on the application and agreed with the Ecology Report, that the development represents a low risk to wildlife. The report recommends that in accordance with paragraph 109 of the NPPF, new trees within the site should be of native plant species and bird and bat boxes should be installed on trees on the site. The Lincolnshire Wildlife Trust have agreed with the recommendations of the report but encouraged the use of a 'Wildflower Meadow' rather than raised bed areas as indicated on the application. Their comments have been sent to the applicant who has suggested that this could be incorporated as part of a reserved matters scheme. A condition will require further details to be submitted of the bird/bat boxes, as recommended by the report, to be submitted and approved then installed on site to ensure the conservation and enhancement of biodiversity in accordance with paragraph 118 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. Due to the outline form of the application and the details of the layout not being considered at this stage, it is unclear how many trees would need to be removed to accommodate the proposal. On assessment against the indicative layout it is apparent that an Ash and a London Plane would need to be removed to accommodate the access road

and more groups of trees within the site as well as some within the buffer to the rear of Snetterton Close. The indicative layout does, however, suggest that there is potential for significant tree planting within the site as part of the development and the open space to the north would retain its various areas of woodland. The City Council's Arboricultural Officer has assessed the application and raised no objections to the proposal given that the loss of trees could be offset by the retention of some and the potential for replanting within the site. The scheme would therefore accord with Policy LP 17 of the CLLP which seeks to enhance landscapes and protect them from significant harm from development.

Access and Highways

The site has good access to local facilities and public transport. It is therefore in a location where travel can be minimised and the use of sustainable transport modes maximised, in accordance with CLLP Policy LP13.

The vehicular access for the development will be from Aldergrove Crescent with a pedestrian link to the Birchwood Shopping Centre retained.

The Lincolnshire County Council as Local Highway Authority has stated that that layout and access have not been considered at this stage as the application is in outline form. They have however stated that the access road will need to be to an adoptable standard in order to be adopted by the Highway Authority.

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 likely 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 paragraph 35 of the NPPF and 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 the dwellings are for the occupation for people over the age of 55. The Officer has requested that the application is conditioned to ensure that the properties remain for occupants over the age of 55. Such a restriction would normally be agreed through a section 106 agreement, however, as the owner of the land is the City Council, it would not be enforceable to enter into a S106 to secure this restriction. However, the City Council, as land owner will ensure that there is a clause in the transfer of the land to ensure the age restriction is retained.

Health

The applicant has submitted a Health Impact Assessment (HIA) as required by Policy LP9 of the CLLP. The HIA highlights that any potential negative health impacts of construction can be mitigated through measures such as controlled hours of work and tree planting. Furthermore, the report highlights that the site is within close proximity to medical practices, a parade of shops, neighbourhood police office and bus stops served by services regularly connecting to the city centre. 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. This correspondence will be forwarded to the agent for their information.

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

Yes, initial meeting with officer's at pre-application.

Financial Implications

None.

Legal Implications

Transfer of the land will require clauses with regard to the housing being for over 55s and will ensure the delivery of and the continued maintenance of the play equipment.

Equality Implications

None.

Conclusion

The principle of the use of the site for residential purposes is considered to be acceptable and the development. Highways, drainage and matters relating to contamination can 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.

Application Determined within Target Date

Yes.

Recommendation

1. That the petition submitted by members of the public be received by members.
2. That outline consent be granted subject to planning conditions covering the matters listed below:-
 - 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

Report by Planning Manager