

<b>Application Number:</b>	2020/0785/RG3
<b>Site Address:</b>	Land To Rear Of Rookery Lane And Hainton Road, Lincoln.
<b>Target Date:</b>	5th February 2021
<b>Agent Name:</b>	John Roberts Architects Ltd
<b>Applicant Name:</b>	Mrs Maria Clayton
<b>Proposal:</b>	Erection of 36 dwellinghouses and 6 apartments facilitated by the demolition of 89 and 93 Rookery Lane. Associated external works including parking, access roads and landscaping. (Revised Plans)

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

The application site is a 1.3ha area of land located on the western side of Rookery Lane. The site would be accessed via a new access road following the demolition of No. 89 and 93 Rookery Lane. The site is owned by the City of Lincoln Council who are also the applicants on the application.

The site is identified in the Central Lincolnshire Local Plan 2017 for housing (CL4394-Land North of Hainton Road, Lincoln). The site currently consists mostly of grassland and overgrown vegetation.

The site is bounded on three sides by housing. To the north of the site is Rookery Park, a housing development with Nos 1- 7 backing on to the site. To the east are properties fronting Rookery Lane as well as a development of four bungalows to the rear of No. 75 Rookery Lane. To the south are properties on Hainton Road with their rear gardens backing onto the application site. The western boundary of the site is defined by dense woodland, an area defined as Important Open Space within the Local Plan.

The site would be developed for 100% Affordable Housing. The application proposes 42 dwellings with a breakdown of:

- 20 no. two-bedroom houses for Affordable Rent
- 10 no. three-bedroom houses for Affordable Rent
- 2 no. four-bedroom houses for Affordable Rent
- 4 no. two-bedroom bungalows for Affordable Rent
- 6 no. one-bedroom flats for Affordable Rent

### **Contributions for Off-Site Impact**

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 also been undertaken with NHS Lincolnshire as part of the planning process although they have confirmed no contribution will be required towards healthcare in this case.

Contributions will be required for Strategic Playing Field and Local Green Infrastructure (children's play space) which are to be collected on issue of decision notice. This would normally be payable via a Section 106 legal agreement although as the applicant is the City Council, this is not possible.

## **Site History**

No relevant site history.

## **Case Officer Site Visit**

Undertaken on 11<sup>th</sup> January 2021 and during pre-application stage.

## **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 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
- 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
- Ecology
- Access and Highways
- Flood Risk and Drainage
- Other Matters - Contaminated Land, Air Quality and Sustainable Transport, Archaeology

## **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=neighbourComments&keyVal=QJA4LFJFISD00>

Following the original consultation, officers discussed concerns with regard to some of the relationships between existing and proposed properties; this is discussed later in the report in more detail. Consequently, the proposal has been amended and a re-consultation was

undertaken. The table below shows all the representations received as part both consultation processes.

The main concerns raised include:

- Access and general increased traffic/congestion
- Air pollution
- Flooding/drainage
- Ecology
- Loss of Green space
- Pressure on doctors/schools
- Parking
- Overlooking/ loss of light/impact on existing properties

These representations are included at the end of this report in full.

Some of the representations have stated that they have not been able to access the material submitted with the planning application. This has been investigated by officers and it appears that a letter from the applicant team to residents submitted at the same time as the planning consultation, contained a website link that unfortunately did not work. It was not an issue with the planning pages and those residents who contacted the planning case officer with problems accessing the drawings were directed to the relevant information for the application on the Planning website. Planning consultations were originally sent out 6<sup>th</sup> November 2020 for 21 days then a further consultation was undertaken on the revised layout from 8<sup>th</sup> December 2020 for 30 days (additional time to cover the Christmas period). Consultation requirements have therefore exceeded those required by the Town and Country Planning (Development Management Procedure) Order 2015.

### **Statutory Consultation Responses**

Consultee	Comment
Anglian Water	Comments Received
Environment Agency	No objection
Education Planning Manager, Lincolnshire County Council	Comments Received
Highways & Planning	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Lincolnshire Police	Comments Received
Lincolnshire Wildlife Trust	No Response Received

Natural England	Comments Received
Upper Witham, Witham First District & Witham Third District	Comments Received
Education Planning Manager, Lincolnshire County Council	Comments Received
Natural England	Comments Received

### **Public Consultation Responses**

Name	Address
Mr And Mrs Lee	95 Rookery Lane Lincoln Lincolnshire LN6 7PP
Mr Phill Millar	36 Hainton Road Lincoln Lincolnshire LN6 7PR
Mr Stephen John Lambert	81 Rookery Lane Lincoln LN6 7PP
Miss Elaine Lambert	28 Hainton Road Lincoln Lincolnshire LN6 7PR
Mr Phil Scully	83 Rookery Lane Lincoln Lincolnshire LN6 7PP
Mr Chris Brown	75C Rookery Lane Lincoln Lincolnshire LN6 7PP
Mrs E Swires	1 Rookery Park Lincoln Lincolnshire LN6 7BY
Miss Elaine Lambert	28 Hainton Road Lincoln Lincolnshire LN6 7PR

Mr Michael Kirk	10 Hainton Road Lincoln Lincolnshire LN6 7PR
Mr Stewart Alexander	52 Hainton Road Lincoln Lincolnshire LN6 7PR
Miss Sophie Blake	52 Hainton Road Lincoln Lincolnshire LN6 7PR
Miss Lynne Baker	Chez Rookery 113 Rookery Lane Lincoln Lincolnshire LN6 7PW
Mrs Heather Dickinson	85 Rookery Lane Lincoln Lincolnshire LN6 7PP
Mr Tim Sullivan	79 Rookery Lane Lincoln Lincolnshire LN6 7PP
Mrs E Swires	1 Rookery Park Lincoln Lincolnshire LN6 7BY
Mr And Mrs A Garner-Jones	24 Hainton Road Lincoln Lincolnshire LN6 7PR
David & Teresa Purser	75B Rookery Lane Lincoln Lincolnshire LN6 7PP
Mrs M Crombie	26 Hainton Road Lincoln Lincolnshire LN6 7PR
Mr Derek Mould	4 Rookery Park Lincoln LN6 7BY

Mrs Janet Mumby	50 Hainton Road Lincoln Lincolnshire LN6 7PR
Miss Susan Windsor	34 Hainton Road Lincoln Lincolnshire LN6 7PR
Mr Peter Burrows	34 Hainton Road Lincoln Lincolnshire LN6 7PR
Miss Adele Millar	36 Hainton Road Lincoln Lincolnshire LN6 7PR
Mr Stewart Alexander	52 Hainton Road Lincoln Lincolnshire LN6 7PR

### **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.

The level of need for affordable housing is evidenced in the Strategic Housing Market Assessment (2015). The findings suggest that across Central Lincolnshire, there is a need for 17,400 affordable homes between 2012-2036. Policy LP11 of the Central Lincolnshire Local Plan requires all developments on housing on sites of 11 or more dwellings to provide 25% affordable homes. The development exceeds this requirement, providing 100% affordable units on site (42 dwellings).

The site is allocated as a housing site within the CLLP. The development of the site therefore accords with Policy LP49 and is wholly acceptable in principle.

The requirements for developer contributions has been assessed and due to the development providing 100% affordable housing, the proposal is not CIL liable. Consultations have also been undertaken with the NHS and Lincolnshire County Council and both have confirmed they do not require contributions to health services or for the provision of primary school places in this instance.

Contributions for local green infrastructure and play space will be transferred upon issue of

the decision notice as this cannot be required by way of the usual S106 agreement as the Council own the land and cannot enter into an s106 agreement with itself.

### Visual Amenity

The proposal is for a mix of house types including semi-detached and terraced houses, semi-detached bungalows and self-contained apartments.

The layout of the site has been discussed during both pre-application discussions and during the application with particular regard to relationships with existing neighbouring properties. This is detailed further in the residential amenity section of the report.

The access into the site is taken from Rookery Lane where No 89 and 93 are currently positioned. The access would turn the corner into the site and terminate after splitting into two cul de sacs. The access would be a shared surface and each plot would have a parking space. A SUDS feature and an area of Public Open Space have been introduced towards to south west of the site.

Each plot would have its own public and private amenity space. The internal layouts of the dwellings have been designed to satisfy the Lifetime Homes Standards (excluding the first floor apartments).

The established character of the area is varied including bungalows and two storey properties which are both semi-detached and detached. The proposal includes five house types which would offer variety throughout the development whilst maintaining consistent design principles. The new dwellings would be constructed either of red brick or buff brick with grey tiled roofs and the proposal offers a simple, clean, modern design which would sit comfortably in this location. In order to add light and shade to the elevations, a minimum of 75mm deep window reveal has been negotiated by officers to be included throughout the development.

With regard to landscaping, the site is adjacent to a dense belt of woodland to the west. The application is accompanied by an Arboricultural Assessment identifying the trees within the site for removal. 11 individual specimens and 9 groups of trees would be removed to accommodate the development although most of these are valued as lower/poor quality specimens whilst only two can be categorised as 'moderate quality'. There is a mature Oak tree subject to a Tree Preservation Order (TPO) within the site and this would be incorporated within the public open space. Another oak elsewhere has been incorporated within the garden of Plot 11 as well as some trees on the southern boundary. A group of willow trees on the western boundary also have TPO status although these are surrounded by other self-set specimens. The layout has been designed to ensure that the self-set low quality trees can be removed and enable the healthy trees within the TPO group to remain on the western boundary of the site. This approach has been subject to consultation with the City Council's Arboricultural Officer during the pre-application stage.

Some new planting has been incorporated on the site where possible, namely in front of the proposed apartments and further planting has been added to the northern boundary with Rookery Park, through officer negotiation during the application process.

Officers propose a pre-commencement condition to require the submission of an Arboricultural Method Statement with details of how the remaining trees on the site will be protected during construction. The City Council's Arboricultural Officer has raised no

objections to the proposal.

Overall, it is considered that the layout and design of the proposed development is appropriate for its context. 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

Negotiations have taken place throughout the application process which has resulted in a revised layout. The amended layout was sought in order to improve relationships with the proposed development and those existing properties surrounding the site. The amendments include the movement of Plots 3-8 further to the west of the site. This amendment improved the relationship of Plot 3 with the rear garden of No. 95 Rookery Lane, with particular regard to privacy. Plots 18-20 and 30-37 were also re-positioned. This amendment essentially ensured that the bungalows on the site were positioned adjacent to existing bungalows behind No. 75 Rookery Lane to minimise the impact on these properties.

The rear of the properties on Rookery Park are positioned beyond the northern boundary of the site. The rear of the proposed properties would be positioned between 18-19.5 metres from the rear elevations of the existing properties. Whilst it is acknowledged that this will introduce a new relationship to the gardens/rear windows of 1-7 Rookery Park that are currently overlooking an empty site, it is not considered that this introduces an unduly harmful overlooking relationship. Additional planting has been introduced on this boundary at your officer's request, which will assist to minimise the impact. As Plot 3 and 4 have been moved further west, this ensures an appropriate relationship with the rear gardens of both No. 95 and No. 87 Rookery Lane.

Plots 34-40 line the access road on the eastern boundary of the site and the rear of these proposed properties would back onto the rear gardens of No. 79-85 Rookery Lane. There would be approximately 54 metres window to window separation here, an appropriate separation to ensure overlooking would not be unduly harmful.

To the south of the application site are the rear gardens of properties fronting Hainton Road. These properties benefit from large gardens which are approximately 40 metres long from the rear of these properties to the boundary with the application site. The proposed properties adjacent to the southern boundary have been angled to ensure direct overlooking would not be an issue. Plots 30-33 within the south east corner of the site are bungalows therefore the boundary treatment would ensure privacy would be maintained between them and the properties on Hainton Road. Similarly, the bungalows have been re-positioned where they are closest to rear gardens of existing bungalows No. 75a-d Rookery Lane. The original drawings proposed two storey properties in this location and it is considered the revised proposal now ensures an appropriate relationship with these properties.

It is not considered that any of the proposed dwellings would introduce relationships which are overbearing, cause undue loss of privacy or harmfully overshadow existing neighbouring properties. However, given the proximity to neighbouring properties, a construction/delivery hour's condition has been proposed at the request of the City Council's Pollution Control Officer in order to protect residential amenity via limited hours of work while construction takes place.



In summary, 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.

### Ecology

The site itself is not subject to protection in terms of its ecological value although is adjacent to an area designated as Important Open Space in the CLLP. This area is occupied by dense woodland and the large Important Open Space allocation stretches to the north and south and continues to the west, linking to Moorland Avenue.

A Preliminary Ecological Appraisal/ Roost Assessment and Species Specific Survey Report has been undertaken at the site to assess potential impact on ecology. With regard to the demolition of No. 89 and 93 Rookery Lane, the survey recorded no roosting activity by bats. Similarly, no trees capable of supporting bat roosting were recorded within the application site. Water samples were taken from waterbodies within 500 metres of the site boundary and recorded negative for great crested newts.

However, three badger setts were identified at the site. The setts were recorded as being intermittently used by a single badger. The setts identified as 'outliners' rather than a main sett. The report concludes that retaining the setts on the development site would lead to isolation and disturbance to the badger population. The applicants therefore propose to close these setts. Badgers and their setts are protected under the Protection of Badgers Act 1992 and there are restrictions on when sett closure can take place. An A24 License will be required from Natural England for their closure and this normally takes place once planning permission has been obtained. Sett closure is normally restricted between July-October unless under exceptional circumstances and this will be subject to a separate process and consideration by Natural England. Given that the likely location of the main sett is within the large expanse of land to the west site and their closure is subject to Natural England consent, it is considered that the development can be achieved without harm to the species and this should not warrant refusal of planning permission.

The report recommends measures for opportunities on the site and these will be incorporated as conditions of the proposal. These include: Bird/bird boxes and a landscaping scheme which incorporates native species.

Natural England have raised no objections to the proposals and no comments have been received from Lincolnshire Wildlife Trust.

Whilst the proposal would result in a loss of some, mostly poor and self-set trees, within the site, the protected trees are maintained. The scheme also offers opportunities for new tree planting and installation of bird and bat boxes for enhancement and protection of the natural environment in accordance with paragraph 170 of the NPPF.

### Access and Highways

The access road servicing the development has been designed as a shared surface with permeable block paving which would be accessed directly from Rookery Lane. The road would be adopted by the Highway Authority on completion of the development. Parking spaces within the site are provided at a ratio of 1 per dwelling of 2 to 3 bedrooms and 2 per dwelling of 4 bedrooms in accordance with pre application discussions with the

Highway Authority and Planning Officers.

A Transport Statement has been submitted with the application and assessed by the Highway Authority. The Highway Authority have requested further technical details but have not raised objections to the proposal.

Access for vehicles (and pedestrians) is from Rookery Lane. The new junction to Rookery Lane is designed to meet LCC Highway Authority requirements and has a 5.5m carriageway width and 2m wide footway to the north with a landscaped service margin to the south. Upon entering the site there is a change in the nature of the road from a standard 5.5m wide tarmac road to a shared surface – where pedestrians and vehicles share the same route; this is an acknowledged approach to reduce traffic speeds and reduce the dominance of vehicles. The central section of this shared surface is 4.5m wide with further 0.5m wide refuge strips to both sides giving a total width of 5.5m. Access and turning for larger vehicles (i.e. refuse trucks, delivery vehicles, etc.) has been incorporated into the site with turning heads included at the end of each length of road.

Overall, the site has good access to local facilities and public transport, the transport assessment shows access can be taken safely from Rookery Lane. Notwithstanding that, the site is in a location where travel by car 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 (LLFA) has considered the application with regard to drainage and at this stage have requested further technical details to be submitted regarding surface water drainage based on sustainable urban design principles. This information has been submitted by the applicants and is currently being considered by the LLFA. Their final comments will be reported to committee.

#### 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 Ground Investigation Report has been submitted with the application although the City Council's Scientific Officer has noted that further investigations will be required to inform potential remediation and therefore recommended pre-commencement conditions which are proposed accordingly.

##### 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.

### Archaeology

A Desk-based Assessment and Geophysical Survey have been submitted with the application to assess the likely impact on Archaeology. The Geophysical survey identified little of archaeological interest due in part to the large amount of magnetic noise across the majority of the site. However, it did identify the small potential of a kiln being present on site therefore the City Archaeologist recommended further trenching work to be carried out. The trenching was carried out by Allen Archaeology during the application process and no evidence of archaeological remains were present. The City Archaeologist has therefore confirmed that no further evaluation will be required.

### **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 is an allocated housing site within the Central Lincolnshire 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 application is granted subject to the following conditions:

- 3 year condition
- Accordance with plans
- Land levels to be as submitted
- Landscaping details

- Boundary walls and fences
- Materials – to be as submitted – including window reveal
- Arboricultural method statement – including tree protection measures
- Details of affordable housing
- 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
- Construction/delivery hours condition
- Contaminated land
- Additional surface water/highway conditions if required