

Application Number:	2022/0966/FUL
Site Address:	127 Yarborough Road, Lincoln, Lincolnshire
Target Date:	11th August 2023
Agent Name:	John Roberts Architects Ltd
Applicant Name:	Mr J Plumb
Proposal:	Erection of 1 dwelling with associated access off Carline Road (REVISED PLANS).

Background - Site Location and Description

The application site currently forms the garden land of No. 127 Yarborough Road. Whilst No. 127 fronts Yarborough Road, the rear of the site abuts Carline Road. To the south are a pair of semi-detached properties No. 22 and 24 Carline Road and to the north is No. 24C Carline Road, a detached dwelling which was constructed within the garden of No. 129 Yarborough Road (2018/0547/FUL).

The proposal has been subject to pre application advice and further officer discussions during the application which has resulted in revised drawings. The original proposal was for 2 four bedrooomed semi-detached properties which has been revised to a single detached house with 6 bedrooms.

The development is located within Conservation Area No.8 - Carline.

The application is brought to Planning Committee as it has received more than 4 objections and Councillor Murray has requested it is brought before the Committee.

Site History

No relevant site history.

Case Officer Site Visit

Various dates, most recently 25th July 2023.

Policies Referred to

- Policy S1 The Spatial Strategy and Settlement Hierarchy
- Policy S3 Housing in the Lincoln Urban Area, Main Towns and Market Towns
- Policy S6 Design Principles for Efficient Buildings
- Policy S7 Reducing Energy Consumption - Residential Development
- Policy S12 Water Efficiency and Sustainable Water Management
- Policy S53 Design and Amenity
- Policy S57 The Historic Environment
- Policy S66 Trees, Woodland and Hedgerows
- M11 – Lincolnshire Minerals and Waste Local Plan
- National Planning Policy Framework

Central Lincolnshire Local Plan Adopted April 2023

The application was submitted in November 2022 and revisions were requested by officers in February 2023. Extensive negotiations had taken place between officers and the

applicant on the details of the application before the adoption of the Central Lincolnshire Local Plan in April 2023.

The application is therefore within a transition period of the new and previous local plan. The current plan has new policy requirements with regard to energy efficiency, biodiversity net gain and trees. As the application was submitted before these policy requirements were in place, the new policies haven't always been met in full in. However, positive steps have been taken towards satisfying the policy requirements where possible. This is considered a reasonable approach in the transition period and is explained where relevant throughout the report.

Issues

- National and Local Planning Policy
- The Principle of the Development
- Impact on the Character and Appearance of the Conservation Area
- Residential Amenity
- Highways
- Trees
- Land Stability
- Minerals
- Contamination
- Energy Efficiency

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted January 2023.

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Lincolnshire Police	Comments Received

Public Consultation Responses

Name	Address
Mr Matthew Corrigan	7 Carline Road Lincoln Lincolnshire LN1 1HL

Teian And Heather Butcher	125 Yarborough Road Lincoln Lincolnshire LN1 1HR
Peter And Liz Came	9 Carline Road Lincoln Lincolnshire LN1 1HL
Mr And Mrs Eve	11 Carline Road Lincoln Lincolnshire LN1 1HL
Michael Cowling And Deborah Clark	13 Carline Road Lincoln Lincolnshire LN1 1HL
Peter And Jayne Gray	The Garden House 24C Carline Road Lincoln Lincolnshire LN1 1HL
Mr Steve Giles	22 Carline Road Lincoln Lincolnshire LN1 1HL
David Cox	17 Carline Road Lincoln Lincolnshire LN1 1HL

Representations

All representations are included on the agenda in full. Comments have been received as part of the application process and issues/concerns raised include: impacts on overlooking, overshadowing, scale and mass of proposed dwelling, loss of trees, compliance with new local plan policies, mineral safeguarding, impact on conservation area, traffic, parking and access issues.

Consideration

Planning Policy and the Principle of Development

The National Planning Policy Framework (NPPF) sets out three overarching objectives (social, economic, and environmental) to be pursued in mutually supportive ways. The overall planning balance must look across all three strands (paragraph 8), it states that

development should be pursued in a positive way therefore at the heart of the framework is a presumption in favour of sustainable development.

Supporting the application would also be in accordance with Central Lincoln Local Plan (CLLP) Policy S3 which supports housing development within the Lincoln Urban Area in principle.

Where proposals affect heritage assets the NPPF states that "great weight should be given to asset's conservation" and that this is regardless of the level of harm. Where harm is established, paragraphs 201 and 202 are relevant which require a balancing exercise to be undertaken as to whether the public benefits of a scheme would outweigh the harm, in this case to the Conservation Area.

In addition to Planning Policy, there is a duty within the Planning (Listed Buildings and Conservation Areas) Act 1990 that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Impact of the Proposed Development on the Character and Appearance of the Conservation Area

The site is within an unallocated area within the CLLP although is located between residential properties. Whilst the site is currently garden land, the new property would be accessed from Carline Road. The opposite side of Carline Road is lined with late Victorian semi-detached and terraced properties, whilst the south-west side is more varied with some more recent developments. The site is positioned between a recently developed garden in the form of a large, detached dwelling and an existing pair of semi-detached properties. Given the position, size and the previous development in the locality, officers consider the principle of development of the plot is acceptable.

The original proposal was for a pair of semi-detached houses with garages at ground floor. Officers have worked extensively with the applicant and their architect and the following changes have been secured to the scheme:

- To reduce the proposal to a single dwelling,
- To improve the design to take more focus from properties on Carline Road,
- Change the orientation to reflect the semi-detached properties to the south and to reduce the overall height,
- Remove overlooking windows within the side elevation
- To add energy efficient credentials to the proposal and
- To include the reinstatement of a boundary wall to the front boundary.

The orientation of the dwelling would reflect that of the neighbouring semis No. 22 and 24 Carline Road albeit set back further into the plot due to the angle of the street at this point. The space created to the front would allow for parking within the site. The scale of the building is two storeys when viewed from Carline Road, with further accommodation in the roof space which would have roof lights. As the land slopes down towards the rear of the site, a lower ground level floor is available. This is similar to the previously approved adjacent dwelling to the north where the dwelling is two storeys on Carline Road but three storeys to the rear.

The street elevation as revised shows the proposed building being lower than the adjacent pair of semis but higher than No. 24C Carline Road, which is to be expected as the street

slopes down towards the north-west where it meets Yarborough Road. The scale has been reduced from the original proposal and is now considered appropriate within its context. In terms of its massing, the proposal would result in a large single dwelling although more separation from both side boundaries has been afforded in the revisions. Officers do not consider that the dwelling would appear unduly dominant or out of context, particularly given the previously approved and now built large single dwelling No. 24C Carline Road.

The dwelling as revised has taken a more traditional form than the original proposal and the previously approved neighbouring dwelling. The property would front Carline Road presenting a consistent fenestration rhythm of traditional proportions when viewed from the street. A bay window would be included which takes reference from the established properties on the opposite side of Carline Road and the property would have a chimney on each gable. The materials would also be traditional and reflect those seen elsewhere in the Conservation Area which would consist of red brick with reconstituted stone headers and cills, grey slate roof and timber sash windows to the front. A more contemporary approach has been taken with the rear elevation where it would be less visible which would contain larger openings and Juliet balconies. The revised design approach has been welcomed by officers which takes more reference from the established character of Carline Road.

The Planning Authority is therefore satisfied, that given the design alterations, taking account of the site topography, the property would assimilate into the surroundings and would not have a harmful visual impact.

The proposal has taken account of its surroundings and would provide a development which would preserve the character and appearance of the Conservation Area in accordance with Policies S53 and S57 of the Central Lincolnshire Local Plan and paragraph 199-202 of the NPPF.

In addition to the NPPF, the City Council are also duty bound by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990. However, officers consider that in this instance the proposal would ensure a positive contribution to the character and appearance of the Conservation Area in accordance with Section 72 (1).

Residential Amenity

The proposed property would be positioned north-west of the adjacent property No. 24 Carline Road. Given the angle of the road, the property is positioned with its front elevation almost in line with the rear elevation of No. 24. No windows are proposed in the side elevation facing No. 24 and therefore no direct overlooking would be introduced. Given the orientation, loss of light would not be an issue. The property would be positioned 5.6 metres from the side wall of No. 24, given the separation and the position, it is not considered this would introduce an unduly overbearing relationship.

With regard to impact on No 24C Carline Road, the proposal would be adjacent to the side elevation with approximately 9 metres separation between the buildings. There are no windows proposed within the side elevation and the proposed rear windows would be at such an angle that would not introduce a harmful overlooking impact. Concern has been raised by the occupants of No. 24C with regard to loss of light to the side of their property and their existing first floor terrace area. Loss of early morning sunlight is possible although the architect has undertaken some shadow surveys and having regard to these

and considering the angle of the properties to one another, the separation distance, as well as the existing impact from the trees, on balance it is not considered that loss of light to the side of No. 24C Carline Road would be unduly harmful nor do officers consider the proposal would be overbearing to No. 24C when viewed from this property. However, to ensure that alterations are not made to the property in the future which may impact on amenity, officers propose to remove permitted development rights to the property meaning that any future alterations would require planning permission.

With regard to impact on No. 125 Yarborough Road, the new window to window distance would be over 40 metres. The occupants are concerned with overlooking to their garden from the proposed development. The proposal would be positioned over 22 metres from the rear boundary of their garden. Whilst the application property would sit higher than No. 125, given the separation distances, it is not considered overlooking would be unduly harmful to the occupants of No. 125. Similarly, separation between the proposed dwelling and the rear elevations of No. 127/129 would be 39 metres, this relationship is considered acceptable and the residential amenities of existing/future occupants of these properties would not be harmed by the development.

With regard to the impact on the properties on the opposite side of Carline Road, separated by the highway and angled slightly differently to these properties, it is not considered the proposal would introduce a harmful impact to the amenity to these existing properties.

The City Council's Pollution Control Officer has recommended conditions restricting the construction and delivery hours as well submission of an environmental constructional management plan which shall include measures to control the impacts of noise, vibration and dust from the construction phase. These conditions should be applied to any grant of permission to help limit any potential impact to adjacent premises during construction.

In summary, it is considered that the proposal can be accommodated on the site without having a detrimental impact on surrounding properties subject to the above proposed conditions. The proposal would therefore be in accordance with the requirements of Policy S53 in terms of impact on amenity.

Highways

The proposal would contain off street parking for up to two vehicles within the front of the site but is also sustainably located with good access to sustainable transport methods and within walking distance to the City Centre. The on street residents parking on Carline Road would need to be slightly adjusted to allow for the new driveway although given only 5.8 metres of the highway would be affected by the driveway, it is not considered to be a detrimental impact. The Highway Authority do not raise any objections to the application in respect of, highway safety or traffic capacity subject to a condition regarding the submission of a construction management plan. The City Council's Pollution Control Officer has requested a condition to require details of an electric vehicle charging point to be submitted for approval and for the unit to be installed before development is first occupied. Subject to these conditions, it is considered that the development would promote the use of sustainable modes of transport for users of the site and would not have a severe impact on the transport network in accordance with paragraph 111 of the NPPF.

Trees

Policy S66 Trees, Woodland and Hedgerows is a new local plan policy which was adopted after the current application was submitted. It states that:

“Where the proposal will result in the loss or deterioration of a tree protected by a Tree Preservation Order or a tree within a Conservation Area, then permission will be refused unless:

- there is no net loss of amenity value which arises as a result of the development; or*
- the need for, and benefits of, the development in that location clearly outweigh the loss.*

Where the proposal will result in the loss of any other tree or woodland not covered by the above, then the Council will expect the proposal to retain those trees that make a significant contribution to the landscape or biodiversity value of the area, provided this can be done without compromising the achievement of good design for the site.”

The existing garden land is dense with trees, shrubs and vegetation. A tree survey has been undertaken and submitted with the application and a site visit from the City Council’s Arboricultural Officer has confirmed that there are no specimens on site that would be worthy of a Tree Preservation Order.

Within the Tree Survey, none of the trees within the site are categorised as high value and the trees outside of the site within the street will be protected during construction by the measures outlined in the arboricultural method statement including root protection areas, tree protection boards and no dig areas. Trees within the garden would need to be removed to accommodate the proposal and the retaining wall which would separate the boundary to No. 127 Yarborough Road.

None of the trees to be removed would be high value although 5 would be moderate value, others would be low or U value (in such a condition that they cannot realistically be retained).

The site topography is as such that it would not be possible to replace every tree that would be lost from the development although some planting is possible and proposed within the rear garden of the dwelling. Further details of proposed landscaping will be required by condition.

Given the condition and amenity value of the trees to be removed, and proposed tree planting, it is not considered the development would bring a loss of amenity value by the proposal. Mitigation via replacement tree planting is proposed where possible in accordance with Policy S66 of the Local Plan.

With regard to Biodiversity Net Gain, the new local plan contains Policy S61 which requires all qualifying development to achieve at least 10% biodiversity net gain. The new policy was adopted in April 2023, which echoes the government’s national mandatory biodiversity net gain requirement which is due to be brought into force in November 2023. As detailed previously within the report, the application was submitted before the new policy was adopted and is therefore within the policy transition period. Whilst a landscaping scheme will be required via condition to ensure there is some mitigation for the loss of trees/vegetation by the proposal, 10% net gain has not been sought in this case.

Land Stability

Paragraph 183 of the NPPF states that

" Planning policies and decisions should ensure that, a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Adequate site investigation information, prepared by a competent person, is available to inform these assessments... Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

The site is in an area where slope stability has occurred, but with similar recent developments in the area piles and retaining walls have been used to intercept potential slip planes and allow excavation and filling activities to be undertaken whilst ensuring that an acceptable factor of safety against failure be maintained.

The application is accompanied by a structural engineer's statement which recommends comprehensive geotechnical investigation boreholes will need to be taken and tested to provide data for stability analysis, pile and retaining wall design. The recommendations of the report will be required to be submitted via condition to give the planning authority comfort that, structurally, the property can be built and the requirements of the NPPF are satisfied.

Minerals

The site is within an area of mineral safeguarding and as such a Mineral Safeguarding Assessment has been submitted. Policy M11 from the Lincolnshire Minerals and Waste Plan applies which protects such areas from sterilising mineral resources or when:

- the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or
- the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
- there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or
- the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or
- the development is, or forms part of, an allocation in the Development Plan.

The submitted assessment details why the land would be unsuitable for commercial quarrying given its proximity to residential development. The development is also of a minor nature and the likely impact on mineral resource would be negligible. The development would therefore not be contrary to Policy M11 of the Lincolnshire Minerals and Waste Plan.

Contaminated Land

The City Council's Contaminated Land Officer has advised that a condition should be attached to any grant of permission to ensure that any unexpected contamination is reported to the Local Planning Authority. This is to ensure that risks from land

contamination to the future users of the land and neighbouring land are minimised and appropriately dealt with where necessary.

Energy Efficiency

The new local plan includes policies relating to energy efficiency and requires the submission of an energy statement and energy checklist to show compliance with the new policies. Whilst full compliance with the new policies (S6 and S7) has not been sought, given that the application was submitted before the policies were adopted, the application has been revised to incorporate an air source heat pump and solar panels. Further details on these measures will be secured via condition. The measures will ensure the property is efficient, using renewable energy generation and therefore goes a long way to achieve the aims of the new policies.

With regard to water efficiency, a standard condition is recommended to ensure the development achieves the water efficiency standards as required by Policy S12.

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

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The dwelling in its revised form would relate well to the site and surroundings, particularly in relation to siting, height, scale, massing and design. The proposal would ensure the character and appearance of the Conservation Area is preserved. Technical matters are to the satisfaction of the relevant consultees and can be dealt with as necessary by condition. The proposals would therefore be in accordance with the requirements of CLLP Policies and the NPPF.

Application Determined within Target Date

Yes – with extension of time.

Recommendation

That the application is Granted Conditionally

Conditions:

- Boundary wall
- Materials- windows
- Work to be in accordance with the aboricultural report
- Landscaping scheme to be submitted
- Permitted development removed
- Hours of work
- Electric charging points
- Unexpected contamination
- C3 use
- Highway and Environmental construction management plan
- Details of energy efficiency measures
- Water efficiency