

<b>Application Number:</b>	2023/0217/FUL
<b>Site Address:</b>	41 Yarborough Road, Lincoln, Lincolnshire
<b>Target Date:</b>	30th November 2023
<b>Agent Name:</b>	LK2 Architects Ltd
<b>Applicant Name:</b>	Mrs Mary Lindsay
<b>Proposal:</b>	Erection of 1 dwelling (Revised Plans).

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

The application site previously formed the garden land of No. 41 Yarborough Road although the application creates a separate plot and proposes to erect a new dwelling fronting Victoria Passage.

To the south of the application site are a row of terraced properties fronting Victoria Terrace. To the east fronting Victoria Passage is Victoria Cottage and further east The Stable Block. Victoria Cottage is of single storey scale with rooms within the roof-space whilst The Stable Block is a two storey dwelling; they were granted planning permission under applications 99/646/F and LA16/0018/95. To the north is Victoria Passage a partly adopted road, running from Alexandra Terrace to Victoria Street. To the west is 41-47 Yarborough Road, a row of terraced properties.

The proposal has been subject to pre application advice and further officer discussions during the application process which has resulted in revised drawings. The original proposal was for 2-two bedroomed semi-detached properties of two storey scale which has been revised to a single detached house with 4 bedrooms over two floors although the scale of the proposal has been reduced so that the second floor would be within the roof space.

The application is brought to Planning Committee as it has received more than 4 objections.

### **Site History**

No relevant site history.

### **Case Officer Site Visit**

Various dates, most recently 9<sup>th</sup> October 2023.

### **Policies Referred to**

- National Planning Policy Framework
- 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 NS18: Electric Vehicle Charging
- Policy S21: Flood Risk and Water Resources
- Policy S53: Design and Amenity
- Policy S57: The Historic Environment

## **Issues**

- National and Local Planning Policy
- The principle of the development
- Impact on Visual Amenity
- Impact on Residential amenity
- Highways
- Trees
- Land stability
- Contamination
- Energy Efficiency
- Archaeology
- Drainage

## **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
John Lincolnshire Police	Comments Received

## **Public Consultation Responses**

Name	Address
Mr Paul Read	Wood Sorrel Cottage Wood Lane West Markham Newark NG220GX
Mr Jonathan leet	10 Longdales Road Lincoln Lincolnshire LN2 2JU
Mrs Amanda Dow	25 Westcliffe Street Lincoln Lincolnshire LN1 3TZ
Mr Tom Mason	2 Avenue Terrace Lincoln LN1 1JB

Hollie Read	Victoria Cottage Victoria Passage Lincoln Lincolnshire LN1 1JD
Mr David Kemp	49 Yarborough Road Lincoln Lincolnshire LN1 1HS
Ms Rachel Sanders	Marleston Lane Newark NG24 3WD
Mrs Alice Hodgins	Roxby House Moor Road North Owersby Market Rasen LN8 3PR
Miss Anna Wheeler	6 Avenue Terrace Lincoln Lincolnshire LN1 1JB
Mr. And Mrs. Lee	81 Alexandra Terrace Lincoln Lincolnshire LN1 1JF
Mr Paul Read	Wood Sorrel Cottage Wood Lane Newark NG22 0GX
Mr Trimmer	
Stewart Russel	3 Victoria Place Lincoln Lincolnshire LN1 1JA
Mrs Joanne Emerson	59 Alexandra Terrace Lincoln Lincolnshire LN1 1JF
Bev Shaw	Alexandra Terrace

Conan Emerson	59 Alexandra Terrace Lincoln Lincolnshire LN1 1JF
Mr Harry Bannister	14 Alexandra Terrace Lincoln Lincolnshire LN1 1JE
Phil Robinson	28 Alexandra Terrace Lincoln Lincolnshire LN1 1JE
Mrs Jessica Cook	40 Alexandra Terrace Lincoln Lincolnshire LN1 1JE
	46 Alexandra Terrace Lincoln Lincolnshire LN1 1JE
Gavin Street	38 Alexandra Terrace Lincoln Lincolnshire LN1 1JE
Jackson Nagee	34 Alexandra Terrace Lincoln Lincolnshire LN1 1JE
Mr Gavin Street	38 Alexandra Terrace Lincoln LN11JE
Mrs Karen Read	97 Village Court Newcastle NE26 3QB
Mrs Karen Read	97 Village Court Whitley Bay Tyne & Wear NE26 3QB
Miss Kathryn Holbrook	41 Victoria Street Lincoln Lincolnshire LN1 1HY

Mrs Rosemarie Ritchie	68 Alexandra Terrace Lincoln Lincolnshire LN1 1JE
Mr Yanjing RAO	42 Alexandra Terrace Lincoln Lincolnshire LN1 1JE
Ms Ruth Knight	14 Kingsley Street Lincoln Lincolnshire LN1 3JN
David And Janet Forward	
D. J. Howes	25 Victoria Street Lincoln Lincolnshire LN1 1HY
Mr Jonathan Fleet	10 Longdales Road Lincoln Lincolnshire LN2 2JU
James Bellamy	Apartment 4 The Old Printers Hampton Street Lincoln Lincolnshire LN1 1LG
Beatrice Kelly	79 Alexandra Terrace Lincoln Lincolnshire LN1 1JF
Rose Kelly	12 Neile Close Lincoln Lincolnshire LN2 4RT
Jamie Hawker	77 Alexandra Terrace Lincoln Lincolnshire LN1 1JF

Heike Ibbotson	34 Alexandra Terrace Lincoln Lincolnshire LN1 1JE
Thomas Doherty	1 Victoria Passage Lincoln Lincolnshire LN1 1JD
Mrs Paula and Julie Gilmore and Dawes	46 Alexandra Terrace Lincoln Lincolnshire LN1 1JE
Gary Cook	34 Long Leys Road Lincoln Lincolnshire LN1 1DP
Dan McCaughern	30 Victoria Street Lincoln Lincolnshire LN1 1HY
Jacqueline McCaughern	30 Victoria Street Lincoln Lincolnshire LN1 1HY
Mr Matthew Lewis	41 Victoria Street West Parade Lincoln LN1 1HY
Lucy Collacott	
Mr Jackson Nagee	34 Alexandra Terrace Lincoln LN1 1JE
Mr Tom Rudkin	Marleston Lane Newark NG24 3WD
Mrs Paula Gilmore	46 Alexandra Terrace Lincoln LN1 1JE

### **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, noise and disturbance from construction along with other constructions in the area, drainage, land stability, loss of

trees, 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. The development is within an existing residential area and previous developments have been granted and indeed built out elsewhere on Victoria Passage. In principle a new dwelling in this location is acceptable.

The original proposal was for a pair of semi-detached houses. Officers have worked with the architect to revise the proposal and the following changes have been secured to the scheme along with further supporting documents including:

- To reduce the proposal to a single dwelling,
- To reduce the scale of the scheme to a single storey scale (with rooms in the roof), reducing the overlooking impact on properties to the south
- To add energy efficient credentials to the proposal
- To add additional landscaping to the garden

Additional supporting documents have been submitted including:

- Submission of a Construction Management Plan (CMP)
- Submission of an Archaeological Desk Based Assessment
- Submission of a Structural Report
- Submission of drainage information

### **Impact on Visual Amenity**

The site is within an unallocated area within the CLLP although it is located between residential properties. Whilst the site is currently garden land of a property on Yarborough Road, the new property would front and be accessed from Victoria Passage. The character is varied along Victoria Passage, with the main residential properties being Victoria Cottage and The Stable Block to the east, both built in the last 30 years. The road also serves the rear of properties of Alexandra Terrace, many of whom use the access to park within the rear of their properties.

The orientation of the dwelling would reflect that of the neighbouring property and have its access from Victoria Passage with garden land to the rear. The original scale of the development when measured from the Victoria Passage elevation was approximately 7.3 metres high although the proposal, as revised would be approximately 6.3 metres to the ridge. At eaves height, the proposal would be 3 metres high whereas the original was 4.3 metres. In its revised form the building now more closely takes account of the scale of the neighbouring property to the east, Victoria Cottage.

The scale of the building is single storey when viewed from Victoria Passage, with further accommodation in the roof space which would be served with roof lights.

In relation to the site in section form, the proposed building would be positioned lower than those on Alexandra Terrace but higher than those to the south on Victoria Terrace, which is to be expected as the levels slope down towards the north-west. The scale has been reduced from the original proposal and whilst the dwelling would be approximately 1 metre higher than the neighbouring property Victoria Cottage, the scale is now considered appropriate within its context. In terms of its massing, the proposal would result in a single dwelling with a slightly larger footprint than the original proposal for two dwellings; this is due to the overall height being reduced. Despite this, appropriate separation from neighbouring properties has been afforded in the revisions. The plot is not as deep as those developed at Victoria Cottage or The Stable Block although it is almost double the width. Taking this into account, it is considered that the dwelling as proposed, would sit comfortably on the plot. Officers do not consider that the dwelling would appear unduly dominant or out of context, particularly given the previously constructed dwellings on Victoria Passage.

The property would front Victoria Passage with its front door positioned on this elevation as well as other ground floor windows. The design would be a simple format with a gabled roof structure with roof lights on the front and rear elevations. The materials would be red brick with a tiled roof and eaves detailing reflecting other properties built in the area. The rear elevation would contain larger openings into the rear garden.

Taking account of the reduced scale, officers are satisfied the property would assimilate into the surroundings and would not have a harmful visual impact, in turn the proposal would be in line with Policy S53 of the Central Lincolnshire Local Plan.

### Residential Amenity

The proposed property would be positioned north of the adjacent row of terraces fronting Victoria Terrace. Originally the pair of two storey properties had their first floor rear bedroom windows facing the properties to the rear, although given officer concerns, the first floor of the single property is now served by velux rooflights which removes this direct overlooking relationship. With regard to windows at ground floor, whilst the property would be positioned higher than the those on Victoria Terrace, the separation would be approximately 19 metres between the windows in the development and the two storey rear elevations of the Victoria Terrace properties. At this distance and given the difference in level and the proposed 1.8 metre high boundary treatment, it is not considered direct overlooking would be unduly harmful.

A patio area is proposed at the same level as the finished floor level of the new property which would then step down into the main rear garden. The patio area would be positioned on the boundary with No. 41 Yarborough Road, currently within the applicant's ownership. Given the differing land levels and the boundary treatments proposed for the rear and side boundaries, it is not considered that overlooking from the patio area would be unduly harmful to the rear gardens of the properties on Victoria Terrace nor No. 41 Yarborough Road. Whilst it would be positioned at a higher level than the patio of Victoria Cottage, the patio area would be 18 metres from the boundary with Victoria Cottage. Given the separation distance and the 1.8 metre high boundary treatment, it is considered that the privacy of the occupants of Victoria Cottage would not be unduly impacted upon by the

proposed development.

Given the position and height of the proposed dwelling, it is also considered that the property would be of a scale that would not cause harm to any neighbouring properties through loss of light or appear overbearing. 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 the impact on the properties on the opposite side of Victoria Passage, these properties front Alexandra Terrace with the rear of the dwellings being in excess of 20 metres from the application site. It is therefore considered that the proposal would not impact on these properties through loss of amenity.

The City Council's Pollution Control Officer has recommended conditions restricting the construction and delivery hours. Whilst it is inevitable, as with all development, that the construction period will temporarily increase noise and disturbance on the site as well as increased traffic, this condition 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 application site would contain an area to allow for off street parking. The site is also sustainably located with good access to sustainable transport methods and within walking distance to the City Centre. Victoria Passage is partly adopted by the highway authority. The road in front of the application site moving east to Victoria Street is adopted. The access is single carriageway which is used for access to properties fronting Victoria Passage as well as the properties on Alexandra Terrace who use it to access the rear of their properties for parking. The road is in a poor state in parts and many neighbour objections relate to concerns regarding the increased usage of the road by construction traffic and future home owners. The application is considered against the NPPF where development should only be refused on highway safety grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Given the road is existing and serves existing dwellings on Victoria Passage, it is not considered that the increased traffic caused by the additional dwelling would be unacceptable to highway safety nor would the residual cumulative impact on the road network be severe.

A construction management plan has been submitted indicating how the site would be set out during construction, showing a materials storage area and site parking. Swept path analysis have shown how a 3.5 tonne van would enter and leave the site via Victoria Passage/Alexandra Terrace. The highway authority has considered all of the information submitted with the application and has raised no objections to the proposal subject to a condition that the development proceeds in accordance with the submitted Construction Management Plan.

It will be the responsibility of the site manager/owner to ensure deliveries are made to the

site without blocking existing neighbouring driveways and without damaging the access road or 3<sup>rd</sup> party property or land whilst accessing the site.

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 in accordance with Policy NS18. An electric vehicle charging point per dwelling is now required via Building Regulations therefore has not been included as a condition on the application. 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

It has been stated by various representations that the land was cleared of shrubs and trees prior to the submission of the application. The site is not within a conservation area nor were any of the trees on site protected therefore the applicant was within their rights to do so. However, a detailed landscaping scheme has been submitted with the application to incorporate replanting of some new trees and shrubs into the rear garden.

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 April 2024. 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 has been submitted and shall be required to be implemented via condition to ensure there is some mitigation for the loss of trees/vegetation by the proposal, 10% net gain is not required and 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 is a consideration given the steep changes in land level. Officers therefore requested a slope stability report. An assessment has been submitted by a structural engineer following borehole samples being undertaken at the site. Recommendations are made within the report for the depth of trench foundations as well as retaining walls. Officers consider the assessment has been made by a suitably qualified person and having taken the advice of Building Control Officers, the planning authority are satisfied the assessment contains the relevant information to ensure development can be successfully achieved.

A condition is proposed to ensure the development proceeds in accordance with the structural engineer's designs to give the planning authority comfort that, structurally, the property can be built and the requirements of the NPPF are satisfied.

## 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.

An Energy Statement has been submitted with the application demonstrating that the development accords with Policies S6 and S7. The application incorporates air source heat pumps for space heating and hot water, whilst a south facing 5.8kw PV system is specified for the proposed dwelling along with battery storage. The energy statement concludes that:

- The predicted dwellings CO2 emissions equate to -62.58kg/year which confirms the dwelling as carbon negative.
- The predicted dwelling achieves a 105.14% CO2 improvement over Building Regulations 2021.
- The predicted dwellings space heating equates to 13.79 kWh/m<sup>2</sup> significantly improving on the 15-20 kWh/m<sup>2</sup>/yr target of the City of Lincoln Council Policy S7.
- The predicted dwelling generates 4955.84 kWh/year from a 5.8kWp Photovoltaic system which is in excess of the buildings regulated energy demand of 3939.11kWh/year.

Subject to conditions that the details within the energy statement are incorporated and verified, the scheme is wholly in accordance with Policy S6/7 of the Central Lincolnshire Local Plan.

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

## Archaeology

An Archaeological desk based assessment was submitted with the application, however the findings concluded that there is a low/negligible potential for archaeological remains to be present on the site, and as such no further work is required. The City Archaeologist has considered the assessment and concurred with its findings and therefore no further work would be required in accordance with Policy S57 of the Central Lincolnshire Local Plan.

## Drainage

A drainage layout has been submitted with the application showing how surface water and foul drainage will be dealt with. Surface water would be taken away from the site through an existing storm water pipe to the west, subject to a CCTV survey to confirm its suitability. Furthermore, a stormwater attenuation tank would be proposed within the rear garden of the site to ensure it can deal with surface water of a 100 year +40% climate change critical

storm event.

Further information was requested by the Lead Local Flood Authority (LLFA) as to how surface water will be dealt with during construction and the Construction Management Plan has been updated to state that the attenuation tank and a temporary soakaway area would be utilised to collect the rainwater during construction. The temporary soakaway area will then be replaced with permeable paving following completion of the dwelling. The LLFA have reviewed the revised CMP and have raised no objections to this approach.

Anglian Water have not commented on the application in its revised form although it is considered that Anglian Water would need to agree any new connections to foul drains and would need to ensure sufficient capacity in the system at this point.

The proposed drainage methods are appropriate and are in accordance with Policy S21 of the CLLP.

### **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. Technical matters are to the satisfaction of the relevant consultees and can be dealt with where required 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

- Landscaping scheme to be implemented as drawing
- Permitted development removed
- Hours of work
- Unexpected contamination
- C3 use
- Development to proceed in accordance with Construction management plan
- Energy efficiency measures incorporated and verified
- Water efficiency measures to be incorporated
- In accordance with submitted drainage plan
- In accordance with submitted structural report