

Officers Report

Planning Application No: 141033

PROPOSAL: Outline planning application to erect 5no. dwellings with access and layout to be considered and not reserved for subsequent applications

LOCATION: Land adj 15 Abbey Road Bardney LN3 5XA

WARD: Bardney

WARD MEMBER(S): Councillor I G Fleetwood

APPLICANT NAME: Mr Hubbard "MWH Property Management", 15 Abbey Road, Bardney

TARGET DECISION DATE: 14/07/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Conditional Permission

This application has been referred to planning committee because of the correspondence from third parties, including the Parish Council, on planning matters relating to this application

Description: The site comprises two garages, a former workshop, an air raid shelter and open fronted barn on rough grassland located off Abbey Road to the north and Station Road to the south. A public footpath runs along the eastern boundary (Bard/101/1) and beyond this is a single-storey brick and pantile barn that has been converted to two dwellings (known as Mill Yard, Station Road). There are concrete posts to the south of the site that define the rear garden of the adjacent property and a variety of timber fencing to the north and west. Existing development within the surrounding area is predominantly residential in character. A large detached house 26 Station Road located to the immediate west which also includes 2 flats is owned by the applicant, as is a single storey dwelling 24 Station Road located next to the existing entrance to the site. To the west of 26 Station Road is a small street "West View" providing access to the pharmacy and numbers 2 and 3 West View. The site is considered to fall within the developed footprint of Bardney.

Following amendments to that originally submitted the application seeks outline planning approval for 5 dwellings with matters of access and layout considered at this stage and not reserved for future consideration.

Matters of scale, appearance and landscaping are reserved for subsequent approval (reserved matters).

Original Proposal: Access to the site on the north side from Abbey Road is planned to be as existing, which is between the public footpath 'Bard/101/1'

and 17 Abbey Road. A new vehicular access is planned on the south side of the site between 24 and 26 Station Road to serve 24 Station Road and 26 Station Road as well as the new development. The existing vehicular access to 24 Station Road is to be bricked up to match the existing wall, and the existing vehicular access to 26 Station Road is to be for pedestrian use only.

The 6 dwellings were to be provided in the form of a single terraced block of 5 running north to south on the eastern end of the site with a single large detached house on the western section of the site.

Amended proposal. Access remains unchanged from Station Road and Abbey Road. The main change is the reduction in the number of dwellings by 1 to 5 and the omission of the terraced housing block with 5 detached dwellings now spread across the site.

Relevant history: None relevant

Representations:

Chairman/Ward member(s): No comments received

Bardney Group Parish Council: Object (Summary):

Comments on amended scheme:

It appears that the layout of the revised application does not reflect the situation at the site. The large house facing Station Rd, close to West View and the Pharmacy, is actually two flats (26a and 26b), both properties have allocated parking. The proposed footpath access will actually cross the garden of flat 26a (which they also use for parking). The property adjacent to Station Rd and the public footpath also comprises to two houses. There are also two cottages facing Abbey Rd, one has allocated parking at the front, whilst the other uses the proposed primary access to the site. Therefore the revised proposal has actually removes parking allocation for those who already reside at the site. Parking on Station Rd and Abbey Rd is also very difficult due to existing businesses and the narrow width of the highway. In short there is nowhere else for the current residents to park.

No parking provision has been made in the revised plans for those residents who live in the existing properties. Those residents currently have parking provision and it appears that these plans will remove it from them. The current residents have allocated parking at the site and have 13 vehicles between them, not including parking for visitors. Although parking on the public highway is allowed, unfortunately parking on Station Rd has deteriorated due to the expansion of the local care home further down the road. In addition to this parking is an issue on Abbey Rd due to the line of sight and narrowness of the road. The local care home only has parking for 18 vehicles (not 30 as claimed) and as such Staff Park on this stretch of Station Rd, parking provision at their site has been reduced due to an application submitted in September 2020. It must also be noted that the site is close to the local pharmacy.

BGPC note the claims by LCC however we are aware that Google earth is used in the decision making process. Unfortunately neither the camber of the road or the incline on to the site from the Abbey Rd access has been taken into account. Neither has consideration been made in relation to the proximity to the line of vision for vehicles at the Station Rd access. It must be noted that a delivery lorry could not access the site via Station Rd this month due to the road width and vehicles. Concern must be raised about how construction vehicles will access the site.

The proposed drainage solution of soakaways based on a 1:10 years risk is not acceptable, either for those in the new properties or for those living further down Abbey Rd, which already has a history of flooding. The requirements stated by Anglian Water must be fully addressed and complied with.

Original Comments

- Design is not in keeping with other properties
- No request has been made by the developer to amend public footpath Bard/101/1 which belongs to Bardney Parish not Lincolnshire County Council Highways
- Highway Safety concerns – insufficient parking proposed. A rat run will be created between the two access points on Station Road and Abbey Road.
- Public transport provision is poor
- No spare capacity in the drainage system for both foul and surface water disposal. In heavy rainfall properties are flooded with effluent
- Local primary and secondary schools oversubscribed and at capacity
- Policy LP10: Meeting Accommodation Needs highlights that 'new residential development should cater for the needs of less mobile occupants. The proposed development does not comply with this as vehicles will pass directly in front of the access into the properties
- This proposal does not offer any positive impact to local residents and will not create jobs, services or facilities
- The Parish Council have been made aware of the fact as part of the site was previously used as a petrol station, there is in fact a large underground fuel tank on the site. There isn't either an Environmental or Minerals report showing as submitted with the planning application. BGPC would also request that the EA are consulted over this matter.
- The Parish Council have also been made aware of the Tree Preservation order on the Walnut Tree on the site, which also does not appear to be referenced in any documentation.

If the development were to be approved then BGPC request the following;

- The access on to Station Rd is blocked and access must be via Abbey Rd.
- Planning gain must be implemented to ensure that the situation regarding drainage is fully addressed.

- If the application is granted then BGPC would like restrictions to be placed on the hours that construction can take place due to the close proximity to other properties. Namely, no working before 8am and after 6pm weekdays, not before 8am and no activity after 1pm on Saturdays, with no activity in any capacity on a Sunday.

Local residents:

Comments received following submission of amended plans:

16 Abbey Road: we still object to any building on to this land, due to potential flooding of our property, the access on either street is not safe, Abbey Road has had increase traffic over the years, and farm machinery has got larger and often has difficulty in passing parked cars. Turning into and out of the access from Abbey Road would make using the public footpath unsafe.

17 Station Road: I have major concerns in regard to the parking situation if the planning is approved. There is not sufficient parking for the buildings currently opposite my property currently and this will only be worse with the additional properties. Station road is already heavily congested with parked cars and my drive is often blocked and or access is made difficult due to the high number of parked cars. Also if approved the access road will greatly increase traffic noise outside my house with vehicles using it as a short cut to Abbey Road. This will impact on my quality of life and the value of my property. I do not feel the proposal is appropriate and approval will have detrimental impact on me and surrounding properties. In addition I am led to believe the drainage of the area being built on is sufficient which may lead to flooding on Abbey road.

3 West View: Clearly, two basic options exist for the site in question. It can either remain undeveloped or it can be developed.

Option 1 (Remains Undeveloped): Anyone who visits this site will quickly observe that it is essentially just a neglected wasteland containing an ugly collection of derelict and semi-derelict outbuildings. The site includes a large area of asbestos roof sheets supported on rusty old metal beams and this obviously poses a significant risk to anyone who may stray there. There is also a sizable rat population that lives amongst the buildings and this has caused a lot of distress and nuisance to nearby properties. The site is, in essence, a horrible eyesore that has been a visual scar on the landscape of this village for far too long.

Option 2 (Site is developed): The site is a reasonably sized plot of land at the heart of the village. Despite this, it has been totally redundant for decades and is, self-evidently, a textbook brown-field site. Unless a wealthy philanthropist comes along, with plans to build a small school, hospital or museum for the benefit of the village, this site is unlikely ever to be developed for any purpose other than housing. The site is, after all, surrounded 360 degrees by residential properties. Although the design proposals were drawn up and submitted last year, they have recently been radically amended in response to local concerns. I truly believe that they are now of the very highest standard

and would, if approved, greatly enhance the village. I therefore fully support them.

Comments on the original scheme

15 Station Road (object): Our house directly overlooks the site and when we moved here in 2005 there were several petrol pumps on the site. The pumps were removed circa 2007, however the planning document does not make any reference to the position or removal of the tanks. In addition to this, there is a Tree Protection Order on a walnut on the site and again, no reference is made towards this. The designs do not reflect the historical nature of the surrounding buildings. Our major objection relates to the proposed access to the site. The proposal is simply creating a link road between Station Road and Abbey Road. The proposed access point/junction on Station Road is not suitable for a number of vehicles to use. Residents at the existing properties struggle to exit the site and therefore it is simply incomprehensible that a greater volume of vehicles will be expected to use this ingress and egress to the site. Traffic along Station Rd has increased greatly over the last five years. We witness 'stand offs' between vehicles travelling along the road on a daily basis

Due to the fact that there are problems leaving the site via Station Rd, current residents at the site are now parking on Station Rd. This is currently creating an even greater safety risk for those travelling along Station Rd. People are parking across drives and elderly people are struggling to access the pharmacy. If this development were to proceed then the situation will deteriorate further. Lincolnshire County Council appear to have rejected calls to paint double yellow lines in the vicinity and as such parking problems are being compounded

16 Abbey Road (object): the opening on to Abbey Road is not safe, it is on a corner where cars are already parked and we already have an increase of traffic, the tractors from the farms are bigger and have difficulty often getting passed as well as having the HGVs and the top of the junction is a nightmare when cars park at the top, if the access has to be made wider then that will impact on the safety of the public footpath, also if this becomes hard standing the rain will come down their driveway and straight across the road into our drive flood us and also terrace houses of this style is not in keeping with the any houses in this road or the village . We fully oppose this planning application.

9 Abbey Road (object) (approximately 10 metres to the east of the site)
My main concern is the blocking of light and being overlooked from the buildings which appear to run along the other side of my wall and the alley. At present we enjoy views from the west facing windows. However if the buildings were to be bungalows that would be less of a problem.
Another important concern is the there will be an increased volume of traffic at that corner between No. 9 and No.15. The road is already too busy from increased traffic over the last few years but mainly the volume of Lorries and farm vehicles that struggle to pass parked vehicles on that corner. The

present problems has caused large vehicles to manoeuvre up onto the verge outside my house (No. 9) destroying the grass verge but more importantly Vibrations have disturbed my brick wall. This at present is being monitored by my builder but as the cracks increase the wall will have to be replaced

I believe the large barn which will be demolished if the application is approved, houses bats, as they fly over the wall from that land into my garden every night. I also want to mention the walnut tree which someone else has pointed out, has a preservation order on.

33 Abbey Road (Object): There is no requirement other than greed to build more housing in Bardney, Chestnut homes already has expanded the housing in our village, we should not allow the loss of any more of the village . This if approved will lead to the second phase, in the field behind abbey road, the proposed site would also mean the destruction of a ww2 air raid shelter.

3 West View (Support): In response to the recent letter from Bardney Parish Council regarding drainage, I would just like to let it be known that the village of Bardney has never suffered from flooding. The development site in question, for example, is approximately 16 metres above sea level and 10 metres above the level of the River Witham. Regarding the area along Abbey Road that the Parish Council has referred to, I think the correct expression they should have used is surface water 'ponding' not 'flooding'. I have indeed heard that there is an area along Abbey Road where a dip in the contours of the land has, on occasions, caused surface water ponding to occur due to the clayey nature of the soil, but I am confident that this particular area would not be adversely affected by the proposed development of this site. If anything, the risk of ponding there would be less likely as a new drainage system would have to be installed on the development site, and this would need to be carried out in accordance with current Building Regulations. Such a drainage system would need to be approved and monitored by the WLDC Building Control Department and built to their complete and total satisfaction.

I have to say this most recent response seems to be yet another example of the Parish Council doing almost everything within their power to block this relatively modest development proposal at the centre of the village. To date, they have written four letters of opposition (or five letters if the one from the address of the Parish Clerk were to be included). I also have a strange feeling that another one will follow at some point. In a previous letter, the Parish Council was adamant that this site is 'agricultural' despite the fact that there are no cows, no sheep, no crops, no tractors and no farmers. It may well have been used for agricultural purposes in the distant past, and it may even be listed as 'agricultural land' at the Land Registry, but I am absolutely sure that in the minds of most thinking people this plot could not, in any way, be described as agricultural. As stated in a previous comment, this small piece of neglected wasteland is full of ugly derelict and semi-derelict buildings and it is, in my view, a complete visual scar on the village landscape. It is a site that is simply screaming out to be developed and given a useful purpose like housing for which there is known to be a serious national shortage.

The site is presently surrounded (on all sides) by residential buildings, and therefore it is by any (common sense) definition, an absolutely perfect 'brown

field' site and would surely be ideal for residential development. This, of course, stands in complete contrast to the 400 odd dwellings that have been approved or built since 2010 on prime unspoiled agricultural green field land around Bardney.

3 West View (Addendum) The site in question is a small piece of land at the heart of the village, which at present is a derelict site. It may have been used for agricultural purposes in the past, but since I have been living here (over 40 years) it has just been an area of neglected wasteland, peppered with an unsightly collection of derelict or semi-derelict sheds, stores, garages, and an underground air raid shelter (grassy hump), which thankfully nobody ever uses. This site is, in my view, a complete eyesore. Even the largest of these buildings (an old tractor garage) is constructed out of ugly concrete blocks and bricks with massive structural cracks on at least one façade. The ironwork roof trusses supporting the asbestos sheet roof are rapidly rusting away and I am very surprised that, for health and safety reason alone, it wasn't demolished years ago. This site is, by any definition, a perfect 'brown field' site, absolutely ripe for development

LCC Highways:

Comments on amended plans

No further comments to add in relation to the revisions.

Original Comments:

Requests that any permission given by the Local Planning Authority shall include the conditions and informatives below.

1. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number H/3356 - 3006 dated August 2019 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

2. Within seven days of the new access being brought into use, the existing access onto Station Road shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To reduce to a minimum the number of individual access points to the road, in the interests of road safety.

3. The minimum width of the access shall be 4.1 metres.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

Highway Informatives

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

22.05.20: Additional information requested:

- The access served from Abbey Road is required to be a minimum of 4.1 metres in width, please demonstrate this on a scaled drawing
- A plan identifying the 12 proposed car parking spaces, please note that a space in front of a garage is classed as one parking space.
- How will the parking be allocated within the site?
- Is it proposed that access will be available and maintained between the access points, therefore, providing full access through the site?

Anglian Water (24.12.20)

Assets Affected: There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Wastewater Treatment: The foul drainage from this development is in the catchment of Bardney Water Recycling Centre that will have available capacity for these flows.

Surface Water Disposal:

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

(29.10.20) Summary:

Surface Water Disposal: The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable there are no public surface water sewers and alternatives must be investigated in accordance with Building Regulations Part H3. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Condition: No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Senior Environmental Health Officer: I note from online comments in terms of the site historically being used as a petrol station, from information held on file and reviewing old historical maps there would be evidence to suggest this. However our records may be incomplete. I also note the applicant has provided information of a diesel pump used for farm vehicles which ceased in 2007. I would therefore suggest that a suitable contaminated land condition is placed on any planning permission granted to protect the future occupants of the site.

Noise: The use hereby permitted shall only take place between the hours of 7:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays, with no

working at any time on Sundays, Bank or Public Holidays and no deliveries taken at or despatched from the site outside those hours.

Drainage: I would advise that the water company should be consulted to consider whether the existing drainage system and sewage treatment works have the capacity to adequately deal with the proposed new development. Advice to applicant: I note the above proposal is within close proximity to residential dwellings, so I would recommend a note to the applicant: - No burning of any materials shall take place at the site during demolition or construction.

LCC Historic Services:

27:10:20(Following trial trenching on site and submission of an archaeological evaluation report): I can confirm given the largely negative results we would not recommend any further archaeological requirements for this development.

20.05.20: The proposed development is located within the medieval and post-medieval core of the historic settlement of Bardney. It is therefore within an area of archaeological interest, where the remains of former buildings and activity might be expected. Medieval finds have also been uncovered during a community test pit project both to the north of the site on the western side of Abbey Road, and also to the south west at No. 28 Station Road where there was evidence for occupation from the 13th to the 16th centuries.

It is possible that the present footpath may preserve the route of a former medieval village street. It can be noted that Abbey Road runs in a straight line southwards from the medieval abbey in the direction of the parish church, with the footpath continuing this alignment. Research by English Heritage has also suggested that the roughly triangular block of land to the east of the footpath may have originally served as the medieval market place. If so, the present site would have been had a prominent position on the market place where remains of craft and trading activity may also survive.

However, no information has been provided on the significance of any below ground archaeology, or how this may be impacted by development. This is not in accordance with the National Planning Policy Framework, section 16, paragraph 199:

"Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation."

Insufficient site specific information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. I recommend that further information is required from the developer in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application. This evaluation should consist of trial excavation.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

Relevant policies include:

LP1 A presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Bardney, Southery, Stainfield and Apley Designation as a Neighbourhood Area

West Lindsey District Council has approved the application by Bardney Group Parish Council to have the parishes of Bardney, Southery, Stainfield and Apley designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. There are no published policies or documents that can currently be taken into consideration in the determination of this application.

Main issues

- Principle
- Highway Safety including displacement of parking
- Residential Amenity
- Drainage
- Biodiversity
- Archaeology
- Contamination

Assessment:

Principle

Bardney is designated as a Large Village (policy LP2). To maintain and enhance their role as large villages which provide housing, employment, retail, and key services and facilities for the local area, they will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in the CLLP (not applicable here), or appropriate infill, intensification or renewal within the existing developed footprint. The term 'developed footprint' of a settlement is defined in LP4 as the continuous built form of the settlement and excludes:

- a. individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;
 - b. gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;
 - c. agricultural buildings and associated land on the edge of the settlement;
- and
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.

Section 11 in the NPPF (paragraphs 117 to 123) sets out the importance of making effective use of land in meeting the need for homes and other uses and for policies and decisions to "give substantial weight to the value of using suitable brownfield land within settlements for homes" and to "promote and support the development of under-utilised land and buildings". The site which is not detached from the continuous built area of Bardney, does not relate to "surrounding" countryside and is considered to fall within the developed

footprint of this large village. On this basis the principle of development attracts support. Its acceptability in part rests on the details of the proposal.

Highway Safety including loss of parking

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users. This is consistent with NPPF paragraph 108 requiring proposals ensure safe and suitable access to the site can be achieved for all users and paragraph 109 requiring that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. The policy is therefore attributed full weight.

The number of objections on the grounds of existing poor access are acknowledged although a new vehicular access from Station Road is proposed with the existing vehicular access to 24 Station Road closed off by a new wall and the existing vehicular access to 26 Station Road changed for pedestrian use only. Subject to the imposition of recommended conditions no objections are raised by the Highway Authority to the access arrangements. It is considered that, subject to the imposition of such conditions, highway safety and access arrangements are acceptable and compliant with LP13.

The concerns in relation to loss of parking spaces are noted and relate to existing provision on private land that is in the applicants' control. LP 13 in relation to parking requires that "appropriate vehicle, powered two wheeler and cycle parking provision is made for residents, visitors, employees, customers, deliveries and for people with impaired mobility. The number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact. The plans submitted show the parking provision for the proposed dwellings. A detached double garage is proposed for plots 3 and 5. A single detached garage with the drive in front a minimum of 13 metres is proposed for plots 1 and 4. Plot 2 has a space approximately 6m by 5m to the side for on plot parking. The plans submitted show that all the houses are to have 3 bedrooms and excluding the proposed garages will each have a minimum of 2 car parking spaces. This is considered satisfactory and no objections have been made by Highways to the level of parking proposed. The proposal also includes for an additional 4 parking spaces not related to the proposed dwellings within the site, immediately opposite no.26.

The submitted plans indicate permanent bollards on the new drive to the rear of plots 2 and 3, 3metres apart with a central retractable bollard. With the central bollard in place it would prevent vehicles travelling from Station Road to access Abbey Road and vice versa.

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy all of the following tests:

- 1.necessary;
- 2.relevant to planning;

- 3.relevant to the development to be permitted;
- 4.enforceable;
- 5.precise; and
- 6.reasonable in all other respects

The highways authority has confirmed by email dated 27th October 2020 that in the absence of a condition relating to provision of the bollards they would not recommend a refusal on Highway Safety grounds. This means that the condition cannot be considered “necessary”. Furthermore there would also be difficulties in being able to take enforcement action. The provision of the permanent bollards would not be an issue, however if the retractable bollard was not put back up following access by a resident, It would be difficult to establish who was responsible and enforce against any breach. It would therefore not be necessary or enforceable as a minimum and would not meet the required tests to allow a condition to be imposed.

Subject to the imposition of the other suggested conditions there would no expected adverse impacts on highway safety and the development would be in accordance with LP13.

Surface Water Drainage

Policy LP14 in the section on Flood Risk requires that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test. This is in accordance with the Planning and Flood Risk section of the NPPF commencing from paragraph 155 and is afforded full weight. It also requires no unacceptable increased risk of flooding to the development site or to existing properties;

It is noted that Anglian Water in their most recent comments stated they were unable to provide comments as to the suitability of the surface water management. No objections have however been raised by the Lead Local Flood Authority to the proposals and a condition will be imposed requiring drainage details to be submitted for approval.

The site falls within Flood Zone 1 which is that identified as having a low probability of river or sea flooding. A drainage strategy has been submitted which refers to “*online British Geological Survey maps indicating that the site is located on superficial deposits of sand and gravel, which are likely to support the use of infiltration.*” Subject to the imposition of a condition requiring details of proposed surface water drainage to include the results of site investigation, to be submitted to and approved in writing by the local planning authority it is considered that disposal of surface water would not give rise to flooding of adjacent properties as alleged in the objections and does not therefore constitute a reason to withhold consent.

Foul drainage will be to a mains sewer in accordance with guidance – Anglian Water have indicated that there is sufficient capacity.

The proposal is therefore found to be in accordance with LP 14.

Residential Amenity

Policy LP26 requires high quality design that that contributes positively to local character, landscape and townscape and also that amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. This is consistent with section 12 of the NPPF Achieving well-designed places and in particular paragraph 127 f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and is afforded full weight.

The objections raised in relation to access difficulties and potential flooding of adjacent properties have been addressed earlier in this report.

Objections on the grounds of overlooking and loss of light were made to the original scheme with a terraced block running along the eastern section of the site. No objections on these grounds have been made to the revised scheme and the only building now proposed along this boundary is labelled as car parking and bin storage for “unit 3”. This is not likely to lead to overlooking or loss of light. There are now only 2 dwellings proposed on the site of the former terrace and there is a minimum distance of approximately 6 metres from the sides of the dwellings to the footpath. The proposed dwellings are well spaced around the site with sufficient distance separation between proposed dwellings and those that surround the site to ensure that no significant impacts arise. There is a distance of approximately 15 metres from the side of plot 1 to the rear of 17 Abbey Road. Plot 4 is set back from West View by 5 metres rising to 12 metres.

Objections are also raised on the grounds of increased noise and disturbance from vehicles accessing the site from Station Road to residents on the opposite side of Station Road. These residents are separated from the site by Station Road and an increase in usage of the new access within the context of the sites location and surrounding character is not considered unacceptable. Conditions will be placed in line with environmental health recommendation on working hours.

The proposals are in accordance with LP 26.

Design and appearance

Objections have been raised to the indicative character and appearance of the dwellings shown on the submitted drawings. These are matters (scale & appearance) reserved for future consideration. Nevertheless there is an eclectic mix of design, form and materials present in the area in varying degrees of quality and the indicative designs are considered acceptable. There is no reason to withhold consent as it will be possible to design a satisfactory scheme for a future reserved matters submission. The indicative designs would be in accord with LP26.

Biodiversity and Geodiversity

LP21 seeks to minimise impacts on biodiversity and geodiversity. An Ecology and Protected Species Survey has been carried out on site. The results of which are:

Bats: No evidence of bats was recorded from the buildings on the survey site. Common pipistrelle bats have all been recorded within 1km of the survey site between 1998 and 2016. The buildings are generally light, draughty and constructed of roofing materials which would have little potential for use as a long term, significant roost site in the active season.

Birds: Disused nests were noted in the open fronted barn and the workshop during the survey. The buildings are considered to have potential for nesting by common bird species. Birds noted during the survey were blackbird, collared dove, great tit, robin, house sparrow, greenfinch and common chaffinch. A single kestrel pellet was also noted within the open fronted barn although there are no records of kestrel in the area.

Barn Owls: Only two barn owl pellets were noted during the survey, both in the open fronted barn. Records show 105 sightings of barn owl within 1km of the survey site between 1998 and 2016. No potential nest sites for barn owls were recorded

Habitats and Plant Species: The habitats and plant species recorded on the site are common and widespread in the local area and in the country. The plant species recorded on the site are not listed on Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). There are no species that are listed in the Vascular Plant Red Data List for Great Britain and no invasive plant species listed on Schedule 9 were recorded.

Recommendations (Summary):

Install four integral bat roost units within the new dwellings. These should be placed on the southern elevation of the buildings avoiding windows and doors.

The buildings, trees and grassland have potential to be used for nesting by species of common bird. Any works to the buildings and site should ideally commence outside the active nesting season which typically runs from March through to late August. If work commences during the bird breeding season, a search for nests should be carried out before it begins, and active nests should be protected until the young fledge.

Consideration should be given to the provision of nest boxes within the development. For this site provision of sparrow terrace boxes would be appropriate. Details of nest boxes suitable for use by a range of common bird species can be obtained from www.wildcare.co.uk.

Subject to conditions ensuring works take place in accordance with the protected species report and requiring details of biodiversity enhancements to be submitted to and approved in writing by the local planning authority it will accord with LP21.

Archaeology:

Policy LP25 is in accordance with section "16. Conserving and enhancing the historic environment" of the NPPF (paragraphs 184 to 202) and is afforded full

weight. Due to the potential for historic remains on site trial trenches were dug which formed the basis for an archaeological evaluation report. Based on the largely negative results there are no further archaeological requirements for this development. It would be in accord with LP 25.

Contamination

LP16 is in accordance with consistent with NPPF paragraph 170 which requires planning policies and decisions should contribute to and enhance the natural and local environment by.... (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. It is afforded full weight. Due to the history of the site a planning condition requiring a contaminated land report including remediation works to be submitted to and approved in writing will be imposed. On this basis it would be in accordance with LP16.

TPO – Reference has been made to a Tree Preservation Order on the site. There is an individual TPO Bardney No.3 1989, however, this is outside the application site approximately 7 metres to north west.

Conclusion

Having considered the proposal against the provisions of the Development plan in in the first instance, specifically policies LP1: A Presumption in Favour of Sustainable Development, Policy LP2: The Spatial Strategy and Settlement Hierarchy;; Policy LP13: Accessibility and Transport; Policy LP14: Managing Water Resources and Flood Risk; Policy LP17: Landscape, Townscape and views; LP21: Biodiversity and Geodiversity; and Policy LP 26: Design and Amenity of the Central Lincolnshire Local Plan (2012-2036) as well against all other material considerations including the Revised National Planning Policy Framework 2019 and Planning Practice Guidance it is considered that the proposal would, subject ,to the imposition of safeguarding conditions not have any significant adverse impacts and approval is recommended.

Conditions requiring reserved matters and stating the time by which the development must be commenced:

1. No development shall take place until, plans and particulars of the **scale** and **appearance** of the buildings to be erected, and the **landscaping** of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

3. The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commences:

4. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality

assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration to accord with the National Planning Policy Framework and policy LP14 and LP16 of the Central Lincolnshire Local Plan 2012-2036.

5. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, neighbouring land and property in accordance with policies LP 14 and LP 26 of the Central Lincolnshire Local Plan.

Conditions which apply or are to be observed during the course of the development:

6. With the exception of the detailed matters referred to by the conditions of this approval and the outline planning permission, the development hereby approved shall be carried out in accordance with the following drawings and documents:

The Layout and Access shown on drawing no. H3356-3007 Revision A date October 2020; Layout and Access shown on drawing no. H3356-3005 Revision E date March 2020; Highway Drawing H3356 -3006 Revision B date August 2019;

Reason: To ensure the development proceeds in accordance with the approved plans in the interests of proper planning.

7. Within seven days of the new access being brought into use, the existing access onto Station Road shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To reduce to a minimum the number of individual access points to the road, in the interests of road safety in accordance with policy LP13 of the Central Lincolnshire Local Plan.

8. Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number H/3356 - 3006 dated August 2019 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

9. The minimum width of the access shall be 4.1 metres.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and in accordance with policies LP13 and LP26 of the Central Lincolnshire Local Plan

10. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routeing and management of construction traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may

enter and leave, and works may be carried out on the site;
(xi) Measures for tree and hedgerow protection;

Reason: In the interests of existing residential amenity and in accordance with policy LP26 of the Central Lincolnshire Local Plan.

11. The details to be submitted in accordance with condition no. 1 above shall include existing and proposed finished ground levels.

Reason: In order to be able to assess the impact of the development on existing dwellings in the interests of amenity in accordance with policy LP 26 of the Central Lincolnshire Local Plan.

12. The development hereby approved shall not exceed 5 dwellings.

Reason: The application was found to be acceptable on this basis in accordance with policy LP26 of the Central Lincolnshire Local Plan.

13. If any works to the buildings and site take place outside the active nesting season from 1st March through to 31st August a search for nests must be carried out before it begins, and active nests should be protected until the young fledge.

Reason: To protect biodiversity in accordance with policy LP21 of the Central Lincolnshire Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

14. No dwelling shall be occupied, unless the approved surface water scheme and foul water drainage connection to the public sewer has been implemented in full.

Reason: To ensure satisfactory drainage of the site in accordance with policy LP14 of the Central Lincolnshire Local Plan.

15. No dwelling shall be occupied until details of the position and form of 4 integral bat roosts and 2 nest boxes across the site have been submitted to and approved in writing by the local planning authority and the approved details fully implemented.

Reason: In the interests of bio diversity enhancement to accord with the requirements of Policy LP21 of the Central Lincolnshire Local Plan.

Notes

Highway Informatives

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works

should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.