

# **Officers Report**

## **Planning Application No: 141702**

**PROPOSAL:** Planning application for the siting of 65no. single storey Modular Park homes for over 55s

**LOCATION:** Land off Saxon Way Bardney Lincs LN3 5XW

**WARD:** Bardney

**WARD MEMBER(S):** Cllr Ian Fleetwood

**APPLICANT NAME:** Bowbridge (B&MR) Limited

**TARGET DECISION DATE:** 19/01/2021 (Extension of time agreed until 8th October 2021)

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Ian Elliott

### **RECOMMENDED DECISION:**

To grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- A restriction to occupation of all 65 units to the over 55's
- An off-site affordable homes contribution of £101,890
- An NHS contribution of £41,112.50 towards a loft expansion and subsequent alterations to the ground floor at a new surgery at Woodhall Spa.
- Open space on the site including a management and maintenance plan.

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### **Executive Summary**

This is a full application for up to 65 park homes restricted to occupation of the over 55's. The site is an undeveloped part of an allocated housing (CL1144) site to the east of Wragby Road, Bardney which has extant permission for residential dwellinghouses.

The main objections raised by Bardney Parish Council and residents relate to:

- Affordable housing contribution.
- Infrastructure impacts such as NHS and Education.
- Highway Safety impacts on the village and traffic generation.
- Impacts on drainage, residential amenity and character

The principle of housing development on the site has been established through its allocated status and access to the site is only reasonably possible from one location, namely Saxon Way. The site contributes towards the current Central Lincolnshire five year housing land supply.

The development is for over 55's park homes, which meet the definition of a caravan. A legal opinion has set out that the park homes are considered as dwellings as part of the allocation, and therefore will contribute towards the

housing supply. Affordable housing and infrastructure contributions can be sought, but the community infrastructure levy is not legible.

The development would provide a financial contribution towards off-site affordable housing provision; and a full NHS contribution, following a robust viability process and subsequent negotiations. Open space is provided on-site which compliments existing facilities.

The 65 park homes proposed is below the indicative 73 dwellings left on this section of the allocated site. A site layout has been submitted which clearly demonstrates the capability of the site to accommodate the 65 park homes and all the necessary infrastructure such as roads, parking, footpaths, open space and adequate amenity space whilst not harming the character of the area, existing trees and protecting residential amenity.

Some concerns have been raised in relation to surface water drainage but surface water drainage is capable of being addressed through the submission of further details through a condition.

Subject to conditions (particularly surface water drainage) it is considered that the proposal would be acceptable and would accord with policies LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP13, LP14, LP17, LP21, LP24, LP25, LP26, LP52 of the Central Lincolnshire Local Plan, policy M11 (Safeguarding of Mineral Resources) of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the National Planning Policy Framework

### **Proposal**

Full planning permission is sought for the siting of 65 modular park homes with associated roads and vehicle parking. The development is proposed to provide residential accommodation for people over the age of 55. The residential units will be delivered to the site in two parts on a heavy goods vehicle and bolted together on the plots (as per the statutory definition of a “caravan”<sup>1</sup>).

### **Description**

The application site is an area of grass land last used for agriculture, totalling 2.4 hectares. It is primarily flat with a number of grass bunds to the north and east of the site. The site is fenced off and currently in an overgrown condition. It is located adjacent to the north east of Bardney’s developed footprint. The site is part of a wider allocation for residential housing development in the Central Lincolnshire Local Plan under reference CL1144. The other areas of the allocated site have already been built out with more traditional build dwellings (29 dwellings).

The site is screened by a diverse mix of boundary treatments. The north boundary is screened by grass bunds, hedging, metal fencing and trees. The

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<sup>1</sup> S29(1) of The Caravan Sites and Control of Development Act 1960; and s13 of the Caravan Sites Act 1968 (as amended by The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006)

east boundary is screened by grass bunds, hedging and trees. The south boundary is screened by conifer trees, metal fencing and grass bunds. The west boundary is screened by fence panels, hedging and small trees.

Neighbouring dwellings of mixed age, scale, design and position sit adjacent or opposite to the north, south and west. Open fields are to the west and partly to the north and south.

The site is in a Sand and Gravels Minerals Safeguarding Area. Public Rights of Way Bard/200/1 runs adjacent the south boundary of the site and connects to Bard/215/1 and Bard/215/2 which sit approximately 225 metres to the east. The site is in flood zone 1 (low probability) and is predominantly at a very low risk of surface water drainage, according to the Environment Agency Map for Planning. Bardney Limewoods (Scotsgrove Wood) sits approximately 230 metres to the east and is a Site of Special Scientific Interest.

### **Relevant history**

120613 - Planning application to erect 98 dwellings and associated garages, roads and public open spaces – 14/12/07 - Granted time limit and other conditions

### **Representations**

**Chairman/Ward member(s):** No representations received to date

**Bardney Parish Council:** Objections (summarised)

Representations received 5th November 2020, 5th March 2021 and 18th June 2021

### **Design**

- The properties are very closely positioned together which will create a fire hazard.
- There is no parking or very little parking provision for visitors.

### **Over 55's Restriction**

- Difficult to implement and enforce over 55's limitation in the long term.
- If the development is aimed at the over 55 then the site does not comply with LP10 which states, 'where possible, higher accessible homes should be located close to any existing or proposed centre (as defined in Policy LP6) and public transport connections.' There are no public buses passing the area (other than school buses) and the nearest bus stop is circa 500m away in the village centre, which in turn shows that LP6 is also not complied with.

### **Infrastructure**

- The impact on public services and infrastructure will be exactly the same as if there were 69 brick and slate built properties.

- At present Bardney Surgery has very limited capacity and the additional burden that this proposal would place on this service would impact on existing residents.
- If this proposal was to be implemented that BGPC would ask that funding is given to provide a new play park in the village as well as support an increase in medical provision within Bardney.
- Older generation place a greater demand on the NHS.
- The Bardney branch of the Woodhall New Surgery is currently operating at full capacity and closed to new patients, therefore the claim that the NHS s106 payment is not required is incorrect.

#### Highway Safety

- The Transport Statement claims that residents should be encouraged to cycle. Unfortunately the volume of traffic travelling through Bardney has increased greatly over the last few years and due to the number of tight bends in the road, cycling would not be classed as easily accessible to all.
- Public transport provision in Bardney is very poor compared to other communities.
- The access does not comply with LP13 (c).
- Construction traffic will have to park on the highway, which will have significant impact on the safety of those living and using Wragby Rd.
- The entrance on to Saxon Way from Wragby Rd and the entrance to the site is not suitable for the number of vehicles that would be required to access the site. Visibility at the junction of Saxon Way and Wragby Rd is limited due to the topography of the land.

#### Drainage

- The site has a history of drainage problems.
- The tree survey document included in the application provided evidence of flooding in the vicinity.
- Currently there is no spare capacity in the drainage system (foul and surface water drains).
- In times of heavy rainfall the lack of capacity means that several properties are flooded with effluent.
- Drainage for both sewage and surface water is a known problem in Bardney.
- The Water Study of 2010, stated that drainage infrastructure for the Bardney area only had capacity for a further 333 dwellings, a rough calculation shows that nearly 400 have been approved or built. Since 2010, Chestnut Homes has implemented part II (93 homes) & III (170) of their development.
- The situation in Bardney, with regards to the lack of capacity, means that in times of heavy rain fall Anglian Water having to deploy a tanker to pump out the drains. Infrastructure.

#### Community Infrastructure Levy

- Request a CIL contribution is made if full.

**Local residents:** Objections received from:

4 Knowles Way, Bardney  
42, 110 Wragby Road, Bardney  
6, 59a Silver Street, Bardney  
7 Jubilee Close, Bardney  
1, 3 Saxon Way, Bardney

Infrastructure

- Putting more pressure/demand on local amenities like our Doctors/School/Sewer.
- There is a legal charge on the land dated Dec 2019.
- I would suggest that S106/CIL is a condition of the planning approval. The money used to bring the bus services up to the standard that the developer sees as a positive for the development, and also contribute to the local medical services and infrastructure

Character

- Bardney is a quiet small village with a village atmosphere. Don't ruin it with this proposal.

Residential Amenity

- Privacy at 110 Wragby Road will deteriorate as there will be no clear boundary fence once the bungalows have been built.
- The previous plans that was passed for the development of houses on this same piece of land detailed that there would be a 10m tree belt between the boundary and the new houses. This would create a barrier for privacy, this is not the case with this new proposed plan.
- The side and rear of 110 Wragby Road will be subjected to light and noise pollution as these bungalows and car park spaces will be so close to my property.
- The view from the kitchen window and all windows at the rear of 110 Wragby Road will be subjected to this proposed development/park.
- I am concerned regarding what the finished ground level of the site will be in relation to 110 Wragby Road, Bardney. For e.g. if the developers build up the ground level this could create a risk of my property being flooded in the future. Also my view will be subjected to even more roofs.
- A 7 foot fence all the way along the boundary will be required to block the unsightly views that this development will create.
- Don't want a procession of HGV's coming through the estate.

Highway Safety

- This proposal would vastly increase the amount of traffic on the already narrow Saxon Way/Field Lane and with the junction to Wragby Road, near to a bend and the exit/entrance road to the village, people are known to speed on this section of road. It would greatly increase the likelihood of a road traffic accident.
- They will struggle to bring any form of prefab housing/lorries through the estate.

### Landscaping

- Current plan does not indicate where street lights will be positioned or show details regarding what trees will be planted along the boundary.

### Drainage

- The drainage in Bardney does not have the capacity to support the additional number of homes proposed in this development.
- The village drainage is already giving problems which are only just coping with the extra Chestnut Homes.

### Flooding

- The land is prone to pluvial flooding.

### Ownership

- The boundary on the location plan and masterplan appear to come up to our front door and the area to between the wall of the house (3 Saxon Way) and the pavement to be planted with trees. I would like to point out that this area is owned by me and as such the plans are incorrect and will need to be redrawn.

### Use

- How is “over 55’s” going to be policed?

### Other

- The number of buses mentioned in the application is incorrect.

**LCC Highways/Lead Local Flood Authority:** No objection subject to conditions and advice

Representation received 10th May 2021:

Recommended conditions are:

- Construction management plan
- Surface water drainage scheme based on sustainable drainage principles.

Representation received 10th March 2021:

- The Car Parking arrangements are now acceptable.
- As per pre-application discussions, the Applicant is to consider the pedestrian permeability through the site to the adjacent PROW network. The PROW has been identified as requiring improvements from the furthest link from the proposed development along the footpath to the road network for suitability for pedestrians, pushchairs and mobility scooters.
- The previous permission for the site, pre dated SuDs requirements. It is recommended that the Applicant submits all relevant information and testing to support the proposed strategy for dealing with the surface water. This lack of detail could potentially impact the proposed layout, at a later stage.
- The revised drawing demonstrates a turning head, to adoptable standards at the entrance to Saxon Way. Can the Applicant confirm is it the intention for LCC to adopt under a S38 agreement or that this will remain private.

Representation received 28th October 2020:

### Drainage

Further supporting information is required to be submitted in support of the proposed drainage strategy. This is a major application, and in accordance with the NPPF, SuDs is to be considered for the management of surface water, whilst considering the SuDs hierarchy (connection to a sewer is the last consideration). Please request the following:

- Detailed drainage strategy concluding how the surface water on the site will be managed
- Discharge agreements
- Ground investigation report
- Detailed drainage design (identifying conveyance techniques, attenuation etc)
- Hydraulic calculations

### Layout

It is detailed within the application form that 145 car parking spaces are proposed to serve the development. The proposed masterplan fails to demonstrate the location of these available parking spaces. Can it be confirmed and demonstrated that each individual plot has a minimum of two parking spaces.

### **Housing Strategy and Enabling Officer: Comment**

Representation received 1st March 2021:

Affordable housing based on 65 units at 25% would be £16.25 units as an off-site contribution would equate to £1,493,245.

Representation received 1st February 2021:

I have amended my previous consultation response based on the legal advice received regarding this site.

Based on the advice received, it has stated that this site is a new application with a red line boundary that does not encompass the previous site. This site, as a standalone site, in the Lincoln Strategy area, would be required to make an affordable housing contribution of 25% which equated to 17.25 units. The units proposed in the above application would not be suitable for affordable housing based on their nonstandard construction, consequently the 17.25 units would need to be delivered as an off-site contribution.

Alongside this, within the advice received, an example was given of an inspector considering that a contribution was more appropriate than on-site provision due to the unwillingness of social landlords to operate units on a mobile home site (application N/108/02023/19 determined by East Lindsey District Council.) This site does not constitute specialist housing for over 55's due to the lack of additional facilities, simply age designating a scheme for over 55's does not make it specialist accommodation and so an exemption from affordable housing based on the scheme being specialist cannot occur.

Since the original consultation response was submitted, the commuted sum has been recalculated based on current values and so in the Lincoln strategy area commuted sum is now £91,892. With the amended requirement for 17.25 units and the new commuted sum figure this equates to an off-site affordable housing contribution of £1,585,137. A s106 will need to be put in place to secure the affordable housing contribution.

Representation received 11th November 2020:

The previous application on this site (120613) delivered 19 units of affordable housing. The S106 for this site clearly states the number of affordable housing units to be delivered on this site as a whole is 25, this leaves 6 remaining to be delivered on this site.

The units proposed in the above application would not be suitable for affordable housing based on their nonstandard construction, consequently the 6 units would need to be delivered as an off-site contribution. Currently, there is not a mechanism within the S106 to allow for this and so a deed of Variation to the S106 would need to be undertaken to facilitate this change to off-site provision.

The site is within the Lincoln strategy area and so the commuted sum required is £88,988 per unit. This equates to £533,928 for the remaining 6 units required on this site.

West Lindsey in conjunction with Housing LIN<sup>2</sup> and the other authorities in Greater Lincolnshire undertook a project to determine housing need for older people. This project detailed that a wider choice of housing was required for older people in Greater Lincolnshire. The proposed units on this site is away from the standard type of housing for older people, there are a number of these types of schemes already within West Lindsey at Torksey and Burton Waters which are popular amongst people over the age of 55.

**Environment Agency:** No objections

**LCC Archaeology:** No objections

**LCC Public Rights of Way:** No objections with comment

The Definitive Map and Statement shows Definitive Footpath (Bardney) No. 200 in the vicinity of the site although this would not appear to affect the proposed development. The drawings are interpreted as saying that there is to be no access (for residents) from any of the turning heads into Field Lane. Were that not to be the case, with residents access to Field Lane facilitated, including by any control measures such as keys or security codes, then improvement would be sought to Field Lane between the farthest access point and the roadside.

- a) It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

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<sup>2</sup> <https://www.housinglin.org.uk/>

- b) The construction should not pose any dangers or inconvenience to the public using the right of way.
- c) If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division

If there is any doubt that any of these conditions may be breached then a temporary diversion or closure may be needed. Under these circumstances, please advise the applicant to contact Mr Chris Marsh at this office at least 13 weeks prior to their proposed start date. Applicants should be aware that there is a cost in processing such Orders

**Anglian Water:** No objections subject to a condition and comments

Assets Affected:

Add advisory text to notice should permission be granted.

Wastewater Treatment:

- Bardney Water Recycling Centre will have available capacity for these flows.

Used Water Network:

This response has been based on the submitted Drainage Strategy Report. The sewerage system at present has available capacity for these flows. Informatives.

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.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. 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.

Summary of recommended conditions:

- A surface water management strategy prior to any drainage works commencing.

**Natural England:** No objection subject to a condition

We consider that without appropriate mitigation the application would damage or destroy the interest features for which the Bardney Limewoods (SSSI) has been notified.

Condition recommended:

- Details of the SuDS system and its future management and maintenance.

**Lincolnshire Police:** No objections with advice

Advice provided on:

- Landscaping
- layout of roadways and footpaths
- Communal Areas (Public Open Spaces) where applicable
- Lighting
- Building Regulations
- Door Chains and Viewers
- Intruder Alarms

Should outline planning consent be granted, I would ask that consideration be given by the Authority to require full details of what crime prevention measures are to be incorporated into this development.

I would refer the developer to Homes 2019 which can be downloaded on [www.securebydesign.com](http://www.securebydesign.com).

**WLDC Tree and Landscape Officer:** Comments

Further information is required, as detailed above, regarding cellular confinement system type and its installation, plus tree, hedge and shrub details. Some unit positions should be revised to avoid placing the units within the crowns of trees to be retained, in particular the category B trees. I raise concerns regarding unit positions so close to site edges and leaving insufficient space for worthwhile landscaping with a future.

**LCC Education:** Comment

Subject to the park homes being conditioned to be over-55s only, the County Council has no comments on this application; should these not be subject to a condition restricting tenure, this may generate an education request.

**NHS:** Contribution Requested

Based on a calculation of £632.50 per dwelling the contribution requested for the development amounts to £41,112.50. It is requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure. The contribution would be put towards a loft space expansion at Woodhall Spa's New Surgery which is in the catchment area of Bardney. The improvements would be:

- Altering the roof beams, removing the light wells and connecting the two different loft spaces together, as well as the general finishing off of the remaining space (electricity, plumbing, walls, windows, stairs, etc.). This would enable the whole admin team to be relocated up into the loft conversion, with a meeting room, staff room and additional storage space.
- Having dedicated storage space will allow them to free up the admin room at Bardney to be turned into a minor surgical room; and if funds allow a third consulting room. Having a local minor surgical room means that patients have shorter distances to travel along with a reduction in waiting times.

- The current Practice Managers office would revert to a GP trainee's room (which means that, in conjunction with the room at Bardney the practice will have space for two new trainees).
- Moving the staff room into the loft space expands the available administrative space for the reception teams by adding a partition wall, they will be able to separate the reception front desk from the behind-the-scenes area ,improving patient confidentiality.

**Ramblers Association:** No representations received to date

**Lincolnshire Wildlife Trust:** No representations received to date

**LCC Minerals and Waste Team:** No representations received to date

**IDOX checked:** 22nd September 2021

### **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 of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP9 Health and Wellbeing

LP10 Meeting Accommodation Needs

LP11 Affordable Housing

LP12 Infrastructure to Provide Growth

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP24 Creation of New Open Space, Sports and Recreation Facilities

LP25 The Historic Environment

LP26 Design and Amenity

LP52 Residential Allocations – Large Villages

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

- ***Neighbourhood Plan (NP)***

Whilst the site is within a designated Neighbourhood Area (designated January 2017), there is currently no neighbourhood plan to take into consideration with this application.

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

The site is within a Sand and Gravel Minerals Safeguarding Area. Policy M11 (Safeguarding of Mineral Resources) applies.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

National policy & guidance (Material Consideration)

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

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

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 July 2021.

Paragraph 68 states:

*"Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:*

*a) specific, deliverable sites for years one to five of the plan period and*

*b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan."*

Paragraph 219 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**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Guide (2019)**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Code**

<https://www.gov.uk/government/publications/national-model-design-code>

Draft Local Plan/Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

The consultation on the Draft Central Lincolnshire Local Plan which ran for 8 weeks from **30 June to 24 August 2021** has now closed. The plan addresses a range of issues such as climate change, housing, employment, shopping and more.

Relevant Policies:

- S1 The Spatial Strategy and Settlement Hierarchy
- S2 Growth Levels and Distribution
- S4 Housing Development in or Adjacent to Villages
- S20 Flood Risk and Water Resources
- S21 Affordable Housing
- S22 Meeting Accommodation Needs
- S44 Strategic Infrastructure Requirements
- S46 Accessibility and Transport
- S48 Parking Provision
- S50 Creation of New Open Space, Sports and Leisure Facilities
- S52 Design and Amenity
- S53 Health and Wellbeing
- S56 The Historic Environment
- S59 Protecting Biodiversity and Geodiversity
- S60 Biodiversity Opportunity and Delivering Measurable Net Gains
- S65 Trees, Woodland and Hedgerows
- S66 Best and Most Versatile Agricultural Land
- S70 Housing Sites in Large Villages (WL/BARD/020)

The draft plan review is at its first stage (Regulation 18) of preparation and is open to alterations so may be attached **limited weight** in the consideration of this application.

<https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome>

**Other:**

Central Lincolnshire Developer Contributions Supplementary Planning Document - Adopted June 2018

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/supplementary-planning-documents-and-guidance-notes/>

Town and Country Planning (Use Classes) Order 1987 (as amended)  
<https://www.legislation.gov.uk/uksi/1987/764/contents/made>

Caravan Sites and Control of Development Act 1960  
<https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

Caravan Sites Act 1968  
<https://www.legislation.gov.uk/ukpga/1968/52/contents>

Strategic Housing Market Assessment dated July 2015

West Lindsey Housing Strategy 2018-2022  
<https://www.west-lindsey.gov.uk/my-services/housing-and-home-choices/housing-strategies-and-policies/west-lindsey-housing-strategy/>

Central Lincolnshire Five Year Land Supply Report 1 April 2021 to 31 March 2026 published November 2020  
[https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/?185246e2-47c9-47e5-86a3-89192d42badb\\_cord=DESC](https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/?185246e2-47c9-47e5-86a3-89192d42badb_cord=DESC)

#### **Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan 2012-2036*  
*Discussion*  
*Concluding Statement*
- Minerals Resource
- Viability Assessment
- Affordable Housing
- Developer Contributions  
*National Health Service*  
*LCC Education*  
*Open Space*  
*Community Infrastructure Levy*
- Health Impact Assessment
- Visual Impact
- Residential Amenity
- Highway Safety
- Drainage  
*Foul Water*  
*Surface Water*
- Archaeology
- Biodiversity  
*Trees*  
*Protected Species*

## Assessment:

### Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### *Central Lincolnshire Local Plan 2012-2036:*

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Local policy LP2 states most housing development proposals in Bardney (Large Village) will be '*via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint*'.

Local Policy LP52 identifies sites within large villages which are allocated primarily for residential use. This Bardney site is identified by allocation reference CL1144 (WL/BARD/20 in DCLLPR) as land at Field Lane, East of Wragby Road, Bardney (3.41 hectares) for an *indicative* 73 dwellings.



As demonstrated by the above inset plan allocated site CL1144 extends over a wider area than the application site and already benefits from development commenced under planning permissions 120613 and 126772. As observed at the officer's site visit the site has been partially implemented, with 19 of the 98 dwellings already constructed comprising affordable housing.

### *Discussion:*

The application proposes to construct 65 modular park homes for the over 55's on an allocated site which adjoins three boundaries of the settlement and projects east into the open countryside. The CLLP identifies that the site is appropriate for an indicative 73 dwellings towards the growth of Bardney and the Central Lincolnshire housing supply.

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<sup>3</sup> <https://www.n-kesteven.gov.uk/central-lincolnshire/policies-map-and-interactive-map/>

The application has included an indicative site layout plan 1386/1/2 Revision G dated 2nd February 2021 which demonstrates that the site can accommodate the proposed amount of dwellings alongside infrastructure and an area of open space.

As the development now proposes modular homes on the site, legal advice has been sought. The advice received is used where applicable in the assessment. In terms of the proposed use of the allocated housing site there are a number of key considerations which need to be addressed.

1. Do the modular park homes fall within the definition of a caravan?
2. Can the modular park homes be considered as permanent residential units in accordance with use class C3 of Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO)?
3. Can the 69 modular park homes count towards the Central Lincolnshire Housing Supply?
4. Is there policy support for restricting the occupancy to the over 55's?

*Definition of a Caravan:*

The definition of a caravan is set out in section 29(1) of the Caravan Sites and Control of Development Act 1960<sup>4</sup>. Section 29(1) states that caravan means:

*“Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include —*

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or*
- (b) any tent.”*

Section 13(1) and (2)<sup>5</sup> of the Caravan Sites Act 1968 (as amended<sup>6</sup>) sets out the definition of a twin unit caravan and the dimensional restrictions. Section 13(1) states that a twin unit caravan is:

*“A structure designed or adapted for human habitation which —*

- (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and*
- (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),*

*shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the M1Caravan Sites and Control of Development Act*

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<sup>4</sup> <https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

<sup>5</sup> <https://www.legislation.gov.uk/ukpga/1968/52/section/13>

<sup>6</sup> <https://www.legislation.gov.uk/ukxi/2006/2374/article/2/made#article-1-1>

1960 by reason only that it cannot lawfully be so moved on a [F1highway] [F1road] when assembled.”

Section 13(2) restricts the dimensions to which the caravan (single or twin unit) cannot exceed. These are:

- (a) length of 20 metres
- (b) width of 6.8 metres
- (c) overall height of 3.05 metres

Paragraph 1.4 of the submitted design and access statement confirms that “*The proposed dwellings meet the definition of caravans in Section 29 of Caravan Sites and Control of Development Act 1960: they will be composed of less than two parts; will be erected on site using bolts, clamps or other devices; when constructed will be capable of being moved from place to place by road, and; will all be less than 20m long, 6.8m wide and 3.05m high.*”

On assessment the proposed structures would meet the definition of a caravan as twin units and the submitted plans propose structures which would not exceed the dimensional restrictions set out in Section 13(2)<sup>7</sup> of the Caravan Sites Act 1968.

#### *Permanent Residential Units:*

Paragraph 6.9 of the Central Lincolnshire Developer Contributions Supplementary Planning Document adopted June 2018 states that:

“*Residential development is considered to be a development of accommodation for use as a dwelling. A dwelling includes any unit of residential accommodation such as, detached, semi-detached, terraced, apartments, flats, and **permanent park homes** (emphasis added). Residential development includes*

- *Development under Use Class C3 (a-c).*
- *Self-contained accommodation in a block for a specific client group, such as older persons.*
- *Extra care or retirement living will be treated as C3*
- ***Park home accommodation** (emphasis added).”*

In accordance with this definition it can only be concluded that the proposed development would provide permanent residential accommodation (use class C3 of the UCO) in the form of park homes on this allocated housing site.

#### *Housing Supply:*

As determined above the park homes would be considered as permanent residential units and would not conflict with the allocated status in local policy LP52 of the CLLP. Therefore the distinct residential use proposed would count towards the housing supply of Central Lincolnshire and would meet the policy requirement of local policy LP52.

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<sup>7</sup> <https://www.legislation.gov.uk/ukpga/1968/52/section/13>

Page 13 of the Central Lincolnshire Five Year Land Supply Report 1 April 2021 to 31 March 2026 (CLFYLSR) published November 2020 states that *“Central Lincolnshire Authorities have sufficient land to more than meet the five year requirement of 9,123 dwellings and can demonstrate 5.44 years of deliverable supply.”*

Appendix C, table C2 (pg18) of the CLFYLSR for sites with detailed permission for major development lists allocated site CL1144 as having 26 dwellings completed on site with 73 dwellings outstanding. The site does not currently contribute to the 5 year housing land supply because development has stalled and could not be shown as to be deliverable within the next five years. This application would enable the site to be brought back into a deliverable housing site and into the housing land supply.

Paragraph 35 (Reference ID: 68-035-20190722) of the Housing Supply and Delivery section of the NPPG gives further supporting guidance on counting housing for older people in the housing supply. Paragraph 35 advises:

*“Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. This contribution is based on the amount of accommodation released in the housing market.”*

*Over 55’s restriction:*

The most recent Strategic Housing Market Assessment (SHMA), by Turley Economics dated July 2015 provides an insight into the population of Central Lincolnshire. Paragraph 4.73 (page 56) states that *“Lincoln is characterised by a notably younger demographic, with North Kesteven and West Lindsey sharing similar characteristics given that **around half of residents are over 45. There are also a sizeable number of residents aged 65 and over in both districts** (emphasis added). The older population has increased in these districts, with the proportion of family-age residents generally falling across the area”*

Paragraphs 8.7 to 8.24 (page 147-153) provides guidance on the need for housing for older persons. Paragraph 8.7 (page 147) of the SHMA makes it clear the need for housing which can allow the older generation to live independently on their own or as a couple. Paragraph 8.7 states *“Older persons require suitable housing which can enable them to live independently at home for as long as possible”*.

The West Lindsey Housing Strategy 2018-2022 (WLHS) provides some key facts on page 10 stating that *“Central Lincs has seen considerable growth in older persons between 2001 and 2011. In West Lindsey, the over 65 age group has seen a 28.5% increase. Further growth is expected in this age group before the life of the CLLP”*. The expected increase in the older population is represented in one of the six strategic objectives (page 8) of the WLHS to *“deliver housing to meet diversity of need including Older Persons”*.

Local policy LP10 of the CLLP states that *“This means new residential development should maintain, provide or contribute to a mix of housing*

*tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. More specifically, to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples' changing circumstances over their lifetime".*

In the justification of LP10 paragraph 4.43 states that *"It is recognised in the SHMA that Central Lincolnshire has an ageing population which will lead to specific accommodation needs"* and paragraph 4.45 states that *"providing a wider range of accommodation options to meet older persons' needs has the potential to free up housing such as family homes."*

Paragraph 10 (Reference ID: 63-010-20190626) of the Housing for older and disabled people section of the NPPG sets out the different types of specialist housing for older people. This includes:

- ***"Age-restricted general market housing:*** *This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens, but does not include support or care services."*

It is therefore clear that there is a genuine need for suitable permanent residential housing for older persons in Central Lincolnshire (West Lindsey and North Kesteven in particular) which would accord to local policy LP10 of the CLLP.

Concerns have been received in relation to the enforcement of the over 55's age restriction. The occupancy restriction would be an obligation through an agreed Section 106 Legal Agreement. The comprehensive content of the Section 106 is essential not only in terms of the occupancy but additionally in terms of the need for an education contribution (see later in report).

The proposed development would only provide two bedroom park homes of different style and sizes therefore would not provide a mix of residential units in terms of providing two storey residential units or units of 1, 2, 3, 4 or 5 bedrooms.

However the restriction of the site to permanent residential over 55's accommodation would accord to local policy LP10 and LP52 therefore it is suitable for the demand it is seeking to meet.

The Bardney Parish Council have objected to the development not complying with local policy LP10 due to the distance to the town centre. Local policy LP10 states that ***"where possible, higher accessible homes should (emphasis added) be located close to an existing or proposed centre (as defined as LP6) and public transport connections"***. This site is an allocated housing site acceptable for all ages and the sustainability credentials of the site has previously been tested and found to be 'sound' at examination. It is understood that the users of the site will be mixed in terms of owners of a vehicle and need for public transport or in terms of personal mobility.

However the policy does state 'where possible', and not 'shall/must' be located close to existing or proposed centre (as defined as LP6) and public transport connections.

### *Concluding Statement*

The principle of residential development on the site has been established by its allocation status (CL1144) in the CLLP. The proposed structures meet the definition of a caravan and the submitted plans would not exceed the dimensional restrictions. The proposed park homes are considered as permanent residential units in accordance with the CLLP and the 65 units would count towards the housing supply in Central Lincolnshire.

The number of units proposed would be 4 units below the 73 units stated in CL1144 but it is reminded that the 73 figure is only indicative and the 65 units proposed would only be a minimal reduction.

Stalled development of the site means that it is not currently making a contribution towards the five year housing land supply. The proposed development would enable the site's further delivery and contribute towards the housing land supply.

West Lindsey and Central Lincolnshire has an evidenced identified need for suitable permanent residential accommodation for older persons whether for independent or supported living.

The principle of the development can therefore be supported and accords with local policies LP1, LP2, LP10 and LP52 of the CLLP, local policies S1, S2, S4, S22 and S79 of the DCLLPR and the provisions of the NPPF subject to a legal agreement strictly restricting the occupancy of the residential units.

It is considered that policies LP1, LP2, LP10 and LP52 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

It is considered that policies S1, S2, S4, S22 and S79 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached limited weight.

### Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies '*to support sustainable economic growth and our quality of life*'.

Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

*'Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or*

prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted 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.** (emphasis added)

The site is within a Sand and Gravels Minerals Safeguarding Area. The nature of the proposed development will sterilise the minerals resource. However the last bullet point in the above criteria makes it clear that planning permission on allocated sites will be granted permission even if the minerals resource is sterilised or prevents future extraction of neighbouring land.

Although the proposal will sterilise a mineral resource in West Lindsey its housing allocation status makes the minerals sterilisation acceptable and the development accords with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

#### Viability Assessment

Paragraph 58 of the NPPF states that *“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”*

The viability section<sup>8</sup> of the NPPG provides guidance to applicants and local planning authority’s including:

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<sup>8</sup> <https://www.gov.uk/guidance/viability>

Paragraph 7 (Reference ID: 10-007-20190509) sets out that *“It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage”*.

Paragraph 8 (Reference ID: 10-008-20190509) states that *“Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then”*.

Paragraph 10 (Reference ID: 10-010-20180724) states *“viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it”*.

Paragraph 12 (Reference ID: 10-012-20180724) makes it clear that *“assessment of costs should be based on evidence which is reflective of local market conditions”*.

Paragraph 13 to 18 defines gross development value (GDV), benchmark land value (BLV), existing use value (EUV) and alternative use value (AUV).

The application has included a Viability Assessment by Ashby House Land and Development Ltd. The most up to date assessment is dated 4th June 2021.

Page 13 of the VA concludes that *“The planning viability assessment provides a residual land value of negative £848,026 and therefore a significant **deficit** of £2,350,856 against the benchmark land value. As such the scheme should be deemed **unviable** and is unable to deliver the S106 obligations in their proposed form and the scheme is not able to support this requested level of off-site affordable housing contribution”*.

In response to the submitted VA the local planning authority commissioned a review of the VA to provide a professional independent view on the content and conclusion of the VA.

In summary paragraphs 7.20 to 7.27 of the FVA made the following key conclusions and recommendations:

- *When comparing the residual land value of the proposed scheme against the benchmark land value derived from the extant permission, we conclude that the scheme cannot viably support any affordable housing or indeed healthcare provisions, there is a viability deficit or c. -£2.5m against the benchmark land value.*
- *However, based on our review of the Applicant’s viability assessment and the analysis of the proposed development, we conclude that the scheme could viably support a portion of the Council’s policy requirement if the scheme was assessed based on the price paid for the land. The surplus we have identified based on this methodology is £540,000, as per Table 7-5. This could therefore support some affordable housing.*

- *NPPG guidance sets out a perverse result as the developer can take advantage of the high residual value of the extant permission for 69 dwellings with only 6 being affordable houses.*
- *The council could rely on the NPPF minimum of 10% affordable housing but the applicant is claiming to offer an affordable route as supported by paragraph 14 of appeal decision APP/C3810/C/19/3222033 (Land at Wisteria Heights Caravan Park).*
- *As such, should the Council decide to approve this application we would also recommend the implementation of a viability review mechanism within a Section 106 agreement. This will allow the Council to benefit from any favourable uplifts in viability. Within any viability clause, we would emphasise the importance of transparency. In this case, we would recommend a schedule of invoice trails be kept and a clear record of costs and values be retained so that there is evidence to draw upon at the review stage.*

Therefore the recommendation of the independent consultant is that the applicant has demonstrated that the development would be unviable with affordable housing and NHS policy contributions in line with the guidance of the NPPG when comparing the residual land value of the proposed scheme against the benchmark land value derived from the extant permission.

The FVA goes on to state that if viability was assessed against the actual price paid for the land then a surplus of £540,000 could support an affordable housing contribution.

#### Affordable Housing

Local policy LP11 of the CLLP states that ‘*affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more*’. Criteria b (i) equates that to 25% (Lincoln Strategy Area (Excluding SUE’s)) of the dwellings on site being affordable housing.

Local policy LP11 of the CLLP states that “*The Central Lincolnshire authorities will seek the level of affordable housing on the basis of the above targets, but will negotiate with developers if an accurate viability assessment demonstrates these cannot be met in full.*”

Paragraph 65 of the NPPF states “*where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership*”.

The Authorities Senior Housing Strategy and Enabling Officer has confirmed that affordable housing based on 65 units at 25% would, as an off-site contribution equate to £1,493,245.

The agent has referenced an appeal decision (APP/C3810/C/19/3222033 Land at Wisteria Heights Caravan Park, Shripney Lane, Bersted, West Sussex) from outside West Lindsey where the Inspector on paragraph 14 concluded that:

*“Nonetheless, in my view, and based on the specific evidence before me, in this instance I consider that the mobile homes can be considered to offer an affordable route to home ownership (emphasis added). Moreover, they accord with the aims of the NPPF5 to address the needs of groups with specific housing requirements, particularly the elderly and those requiring single storey accommodation. A financial contribution towards off site affordable housing provision is therefore not justified in this instance.”*

Whilst the position provided within the appeal decision for Wisteria Heights Caravan Park (APP/C3810/C/19/3222033), is not one that the LPA agrees with, it is recognised that, in the inspector’s opinion, park homes provide an affordable route to home ownership and therefore must be considered as part of the determination of this application.

The FVA and its recommendations have been shared with the agent and it was put to them to provide clear confirmation on their position in terms of providing full, some or no off site affordable housing provision. In email dated 13th August 2021 the agent stated that *“They (the applicant) accept the need to make a partial contribution to either the NHS or Affordable Housing (or a mixture of both) although the scale of this contribution will need to be subject to further discussion.*

In email dated 17th August 2021 the agent made an offer by email to contribute £101,890 towards affordable housing. Whilst this is a significant reduction in the affordable housing contribution (£1,493,245) requested it has to be considered against the recommendations of the independent professional company who examined the submitted viability assessment. The offer in this case is therefore considered acceptable.

The agent has submitted heads of terms to ensure the off-site affordable homes contribution is legally obliged through a signed and certified S106 agreement created by the Authorities legal team. The S106 would not include a viability review mechanism for affordable housing as a contribution offer from the applicant has been considered acceptable.

It has therefore been accepted through a robust viability assessment that the development has been proven to be unviable with the policy required off-site affordable housing contribution. It is subsequently been accepted that the applicant would pay £101,890 towards affordable housing which equates to 1 unit of affordable housing.

The development after a robust viability procedure is in accordance with local policy LP11 of the CLLP and local policy S21 of the DCLLPR.

It is considered that policy LP11 is not wholly consistent with the contributions for affordable housing on major developments guidance of the NPPF and can be attached some weight.

### Developer Contributions

Concerns have been received from residents and the Parish Council in relation to the impact of the development on the local medical and school facilities.

Local policy LP9 of the CLLP states that *'The Central Lincolnshire authorities will expect development proposals to promote, support and enhance physical and mental health and wellbeing, and thus contribute to reducing health inequalities. This will be achieved by:*

- a) *Seeking, in line with guidance at policy LP12, developer contributions towards new or enhanced health facilities from developers where development results in a shortfall or worsening of provision, as informed by the outcome of consultation with health care commissioners'*

Local policy LP12 of the CLLP states that *'developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments'*.

#### *National Health Service:*

The Lincolnshire Clinical Commissioning Group has requested a financial contribution of £41,112.50 (£632.50 x 65 dwellings) towards a loft expansion and subsequent alterations to the ground floor at a new surgery at Woodhall Spa. This will enable moving the administration room and storage to the converted loft and allowing for increased surgical capacity on the ground floor and potentially a training room. This would be required to be secured through a S106 Legal Agreement. Given the type of development proposed it would be more appropriate to set the trigger point as 50 percent of the plots occupied by a park home.

As previously stated in the affordable housing section the applicant has accepted in writing to *"make a partial contribution to either the NHS or Affordable Housing (or a mixture of both)"* following a negotiation process.

In email dated 17th August 2021 the agent made an offer by email to meet the full NHS contribution of £41,112.50.

The agent has submitted heads of terms to ensure the NHS contribution is legally obliged through a signed and certified S106 agreement created by the Authorities legal team.

#### *LCC Education:*

The Strategic Development Officer (SDO) at Lincolnshire County Council has not requested a contribution towards education on account that the development is restricted to over 55's occupancy, and therefore not expected to generate many school-age children. As the occupancy would be restricted by a S106 Legal Agreement the development would not be liable to an education contribution.

The development is therefore in accordance with local policy LP12 of the CLLP, S44 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP12 is consistent with the guidance on contributions for education and health care on major developments of the NPPF and can be attached full weight.

It is considered that policy S44 is consistent with the guidance on contributions for education and health care on major developments of the NPPF and can be attached limited weight.

*Open Space:*

Local policy LP24 of the CLLP states that *'The Central Lincolnshire Authorities will seek to:*

- *reduce public open space, sports and recreational facilities deficiency;*
- *ensure development provides an appropriate amount of new open space, sports and recreation facilities; and*
- *improve the quality of, and access to, existing open spaces, sports and recreation facilities.*

*'Residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document (or similar subsequent document)'. It additionally states that the first option is for it to 'be provided on-site in a suitable location'.*

Appendix C of the CLLP provides the standards required for category 4 settlements in the hierarchy of local policy LP2. It declares that the local usable greenspace should be at a level of 1.5 hectares per 1000 population. It is preferred that the greenspace is provided on site but if not feasible then an offsite contribution to improve existing facilities will be considered.

Appendix C additionally sets out accessibility and quality standards to open space play provision within the area. These standards are:

Open Space Type	Accessibility Standards	Quality Standard
Amenity Green space over 0.2 hectare	Local (LAP) - 400m or 5 minute walk	Good and above as defined by Green Flag standards or any locally agreed quality criteria.
Formal Equipped Play areas	Local Equipped Area of Play (LEAP) - 400m or 5 minute walk  Neighbourhood Equipped Area of Play (NEAP) -	Good and above as defined by Fields in Trust standards and/or any locally agreed quality criteria.

	1200m or 15 minute walk	
Playing Field provision	Local provision - 1200m or 15 minute walk  Strategic provision - 15km distance or 15 minute drive	Good and above as defined by sport England Governing body standards or locally agreed quality criteria.

According to The Fields in Trust website <sup>9</sup>(FIT) (previously the National Playing Fields Association (NPFA)) *standards have 3 categories of equipped play areas. These are local areas for play (LAP), local equipped area for play (LEAP) and neighbourhood equipped area for play (NEAP). The main characteristics of each category are:*

*LAP (Local Area for Play)*

*The LAP is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live.*

*LEAP (Local Equipped Area for Play)*

*The LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.*

*NEAP (Neighbourhood Equipped Area for Play)*

*The NEAP is an area of open space specifically designated, laid out and equipped mainly for older children but with the play opportunities for younger children as well.*

According to The Fields in Trust website <sup>10</sup>(FIT) (previously the National Playing Fields Association (NPFA)) *standards have 3 categories of equipped play areas. These are local areas for play (LAP), local equipped area for play (LEAP) and neighbourhood equipped area for play (NEAP). The main characteristics of each category are:*

*LAP (Local Area for Play)*

*The LAP is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live.*

*LEAP (Local Equipped Area for Play)*

*The LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.*

*NEAP (Neighbourhood Equipped Area for Play)*

<sup>9</sup> <http://www.softsurfaces.co.uk/blog/playground-surfacing/lap-leap-neap-play-area/>

<sup>10</sup> <http://www.softsurfaces.co.uk/blog/playground-surfacing/lap-leap-neap-play-area/>

*The NEAP is an area of open space specifically designated, laid out and equipped mainly for older children but with the play opportunities for younger children as well.*

Bardney only has one recreation ground which includes a bowling green, tennis courts, Skate Park, football pitch, cricket square and open grass area. There is also a well-equipped and enclosed playground for toddlers and older children. This includes benches and litter bins. The recreational park would approximately be between a 970 metre (site access) and 1200 metre walk (east of site) from the site. There is no LAP or LEAP within 400 metres but a NEAP is within 1200 metres. The development is for over 55's who would not have a need for a LAP or LEAP but could make use of the facilities on the NEAP between 970 and 1200 metres away.

Site layout plan 1386/1/2 Revision G dated 2nd February 2021 identifies an area of centrally located public open space which will provide an onsite area of quiet communal open space play for the residents to enjoy. The area of open space identified measures 1009m<sup>2</sup>. In total the site is 24,000m<sup>2</sup> (2.4 hectares) in size which equates to 4.8% (1009m<sup>2</sup> of the site set aside for public open space).

Paragraph 10.8 of the Central Lincolnshire Developer Contributions Supplementary Planning Document (DCSPD) adopted June 2018 provides a table to enable an assumption of housing developments population creation.

The proposed development will comprise 65 two bedroom park homes. The Supplementary Planning Document on page 37 lists the mean number of people occupying a two bedroom dwelling as 1.7 people. This figure is used to calculate the potential maximum amount of people who would occupy the site. Therefore:

65 park homes x 1.7 people = 110.5 people (111)

To derive at the amount of public open space the development should deliver it is necessary to calculate the proposed population increase against the amount of greenspace the development should deliver (preferably on site). The following calculation is used to arrive at the area of open space required by local policy LP24:

111 (people)/1000 (population) x 1.5 hectares = 0.1665 hectares or 1665 square metres

The development would therefore be required in policy to provide 1665 square metres of open space.

The development would therefore be 656m<sup>2</sup> deficient when compared to the required amount by local policy LP24 of the CLLP. The recreational ground (NEAP) is accessible via lit pedestrian footpaths and within an acceptable distance for all able bodied occupiers of the site. The presence of a Public Rights of Way adjacent the south boundary would provide a further close

useful mode of outdoor exercise to the occupiers and provide public access to walks within the open countryside. However the presence of the Public Rights of Way is a bonus to the potential future occupiers and is not on its own justification to reduce or remove the need for open space provision on the site.

Given the proposed occupancy restriction it is absolutely imperative in policy terms that an appropriate area of landscaped open space is provided on the site for the less able bodied so that they have an area to walk to and sit away from their place of residence. The proposed open space would be included in the Section 106 Agreement to ensure its installation including an ongoing maintenance plan to keep it maintained to an acceptable standard for the use of the residents.

In overall terms, therefore, the proposed centrally located open space together with the existing NEAP and to a lesser extent the existing adjacent Public Rights of Way would accord with policies LP9 and LP24 of the CLLP, local policies S44 and S50 of the DCLLPR, the SPG on Contributions and the provisions of the NPPF.

It is considered that policy LP9 and LP24 are consistent with the open space and well-being guidance of the NPPF and can be attached full weight.

It is considered that policy S44 and S50 are consistent with the open space and well-being guidance of the NPPF and can be attached limited weight.

*Community Infrastructure Levy:*

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. The CIL regulations only apply to buildings however the CIL regulations do not define a building.

We have sought legal opinion from Counsel which advised to apply the three tests in *from Skerritts<sup>11</sup> of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions (No 2) [2000] JPL 1025 i.e. size, permanence and attachment.*

Therefore as the structures proposed meet the statutory definition of a caravan (see principle section of report) the development would be unlikely to meet the three tests and would not be liable to a CIL payment.

*M4(2):*

Local policy LP10 of the CLLP states that “*proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, **unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical** (emphasis added)”.*

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<sup>11</sup> <https://www.casemine.com/judgement/uk/5a8ff70f60d03e7f57ea6f5a>

As advised in the Counsel advice the requirement of 30% of the units meeting M4(2) of the Building Regulations requires a common sense approach. A park home site is not subject to building control regulations in the same manner as a sit which comprises standard bricks and mortar dwellings.

In a letter dated 25th November 2020 the agent states that *“as stated in the Park Homes Description Report”, the accommodation proposed for this development also provides higher levels of standards of access and internal circulation set out in building regulations M4(2). As caravans, the units will not be subject to Building Control, but they will deliver the required standards for access and circulation. These dwellings will, therefore, cater to the specific needs of less mobile occupants and the elderly”*.

Whilst it is welcomed that the agent has confirmed that the park homes would meet the required standards it is considered that the characteristics of the development constitute an exceptional reason. The development falls outside the scope of building regulations and would therefore not be liable to provide units to M4(2) of the Building Regulations.

It is considered that policy LP10 is consistent with the accessibility guidance of the NPPF and can be attached full weight.

It is considered that policy S22 is consistent with the accessibility guidance of the NPPF and can be attached limited weight.

#### Health Impact Assessment

Local policy LP9 states that planning has a vital role *‘in creating and supporting strong, vibrant and healthy communities, in terms of physical and mental health, is well recognised and is a key element in delivering **sustainable development** (Bold format added)’*. Criteria (b) of LP9 states that *‘In the case of development of 25 dwellings or more, or 0.5ha or more for other development, developers submitting a fit for purpose Health Impact Assessment (HIA) as part of the application or master planning stage where applicable, and demonstrating how the conclusions of the HIA have been taken into account in the design of the scheme. The HIA should be commensurate with the size of the development’*.

The agent submitted a Health Impact Assessment (HIA) received 20<sup>th</sup> October 2020. This has satisfactorily answered all the themes set out in the HIA checklist and is commensurate to the size of the proposal. This together with the contribution to expand the medical facilities within the Woodhall Spa surgery is deemed to accord with local policy LP9 of the CLLP and S53 of the DCLLPR.

It is considered that policy LP9 is consistent with the health guidance of the NPPF and can be attached full weight.

It is considered that policy S53 is consistent with the health guidance of the NPPF and can be attached limited weight.

## Visual Impact

An objection has been received in relation to the impact of the development on the character of the area.

Local policy LP17 states that *'To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements'*.

Developments should also *'be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas'*

Local policy LP26(c) states *'All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

*(c) Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;'*

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The development proposes to provide 65 two bedroom residential park home dwellings measuring (approximate taken from submitted plans):

Style	Measurements (Metres)			
	Ridge Height	Eaves Height	Width	Length
Avanti	3.7	2.5	6.4	12.3
Florence	3.7	2.5	6.7	15
Majestic	3.3	2.3	6	13.6

The submitted elevation plans identify the options proposed for two bedroom park homes on the site that would be available to the future residents. The appearance of the three options is acceptable with elements of design interest to stop the site from comprising uniform standard rectangular park homes. The Florence and Majestic would provide this with the Majestic having a more contemporary modern style appearance.

The surrounding area (Wragby Road, Saxon Way and Field Lane comprises a mix of dwelling scales, appearances, ages, positions within the plot and garden sizes. The park homes are all single storey therefore relate to the bungalows which dominate to the east of Wragby Road and west of the site.

The site was viewed from a number of public viewpoints including the public rights of way to the east and south east. Apart from the entrance the proposed park homes would be well screened from public highways by the existing built form of the settlement. Site layout plan 1386/1/2 Revision G dated 2nd February 2021 demonstrates the retention of existing boundary trees and hedging alongside additional low level hedging (under canopies) to the north east, south east and north west boundaries. This would soften and severely restrict any views of the site from Wragby Road to the north west as you travel into Bardney and from the public rights of way.

The proposed site is more than large enough to comfortably accommodate the proposed 65 units whilst providing sufficient off street parking. Each unit would have a modest private garden space identified by hedging to allow space for sitting out in and hanging washing. The garden spaces are modest but this is normal for residential park homes for the over 55's who do not necessarily want a garden to maintain and any residents occupying the site would do so knowing the size of the plot and the modest garden sizes. A communal area of open space is provided centrally on the site.

It is acknowledged that the appearance of the park homes are different in terms of the material construction to the brick built tiled roof dwellings surrounding the site. However this is an allocated housing site where park homes can be considered as acceptable in terms of a type of housing that counts towards the Central Lincolnshire housing supply.

The site is not within an areas designated for its special landscape or scenic quality such as an Area of Outstanding Natural Beauty or an Area of Great Landscape Value.

It is therefore considered that the proposed development would not have a significant harmful visual impact on the site, the street scene or the surrounding area. Therefore subject to a comprehensive landscaping plan the proposal would accord to local policy LP17 and LP26 of the CLLP, local policy S52 of the DCLLPR and the provisions of the NPPF and the National Design Guide.

It is considered that policies LP17 and LP26 are consistent with the visual amenity guidance of the NPPF and can be attached full weight.

It is considered that policy S52 is consistent with the visual amenity guidance of the NPPF and can be attached limited weight.

#### Residential Amenity

Objections have been received from residents in relation to impact on their living conditions.

The application site shares its entire west boundary with neighbouring dwellings (primarily bungalows) off Wragby Road and Saxon Way. These are:

- 94, 94a, 96, 98, 100, 102, 104 and 106 Wragby Road
- 3 Saxon Way

A modest section of the sites north west boundary shares a boundary with 106 and 110 Wragby Road.

The south east boundary shares a boundary with 1 and 3 Saxon Way and is opposite the following dwellings which sit on the other side of Field Lane:

- 8 Saxon Way
- Basildene
- Aston House
- Lilac Cottage
- Fieldhouse Farm

Field Lane Bungalow and Field View are accessed off Field Lane but are set much further back than the dwellings listed above.

The proposed park homes are modest single storey structures which due to the density of the site would be positioned close to the shared boundaries with neighbouring dwellings. Some of the park homes would be positioned with their gable end facing the shared boundary, some at an angle and some with the longer rear elevation facing the shared boundary.

The closest park homes would be between 2.6 and 11.8 metres from the shared boundaries (All approximate measurements taken from site layout plan 1386/1/2 Revision G dated 2nd February 2021 with a number of the park home roofs falling away from the shared boundary. The dwellings on the other side of Field Lane are at least 8 metres from the nearest park home. The installation of additional soft landscaping would further increase the screening of the shared boundary.

A comment has been submitted in relation to the impact of noise and light pollution from the development. The application site is allocated for housing therefore domestic noise from residential use is expected from garden use and vehicles coming and going. Some of the parking spaces and site roads face towards the shared boundaries but any impact from vehicle headlights would be extremely modest. Again the installation of additional soft landscaping would further reduce this extremely modest impact.

A comment has been submitted in relation to the view over the site. Again this is an allocated site for housing where under the extant permission two storey dwellings could be constructed which would be more visually obvious than low level park homes. In any case the right to a view is not a material planning consideration.

The delivery and removal of park homes would cause a temporary disturbance to the existing residents but this would be for a very short period and would be expected to be made during social daylight hours.

Each unit would have a modest private garden space identified by hedging to allow space for sitting out without being overlooked by the neighbouring units.

Therefore the development would not have a significant harmful impact on the living conditions of neighbouring or future residents and accords to local policy LP26 of the Central Lincolnshire Local Plan 2012-2036, local policy S52 of the DCLLPR and the provisions of the National Planning Policy Framework.

It is considered that policy LP26 is consistent with the Residential Amenity guidance of the NPPF and can be attached full weight.

It is considered that policy S52 is consistent with the Residential Amenity guidance of the NPPF and can be attached limited weight

### Highway Safety

Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

There have been objections received in relation to highway safety from residents and the Parish Council. As shown on the plans below the site would be accessed via the same road which gained planning permission in extant planning permission 126772.



The site photo demonstrates that the road given permission in 126772 currently terminates adjacent the rear boundary of 3 Saxon Way. No objections have been received from the Highways Authority at Lincolnshire County Council in terms of the vehicular access and the parking arrangements on the site which provides two spaces per unit.

The Highways Authority have requested confirmation on the status of the turning head which is to be constructed to an adoptable standard. The agent has emailed confirming that the turning head would remain private and be maintained by the land owner.

Objections have been received in relation to increased traffic. This site has extant permission for a further 79 dwellings which would increase traffic generation more than this 65 unit development.

The permission would include a construction management plan for the initial construction phase of building the roads, paths and pitches to ensure construction/employee traffic is managed within the site for parking, loading and unloading. This would minimise any temporary nuisance or disturbance from construction.

Objections have been received in relation to accessibility to all and the poor public transport service in Bardney. This site as already described is an allocated housing site within the Central Lincolnshire Local Plan therefore the sustainability credentials of the location has already been examined and has been considered suitable for residential development.

Therefore the development would not have a severe impact on highway safety and accords to local policy LP13 of the Central Lincolnshire Local Plan 2012-2036, local policy S46 and S48 of the DCLLPR and the provisions of the National Planning Policy Framework, particularly paragraph 111.

It is considered that policy LP13 is consistent with the Highway Safety guidance of the NPPF and can be attached full weight.

It is considered that policies S46 and S48 are consistent with the Highway Safety guidance of the NPPF and can be attached limited weight.

#### Drainage

The application has included a Drainage Strategy Report (DSR) by Bratherton Park Design Consultants (1386/1) dated August 2020.

#### *Foul Water:*

The application form and DSR states that foul water is to be disposed of to the existing mains sewer which is the preferred option and is considered acceptable. No details on connectivity have been submitted and would need to be addressed by a condition on the permission.

#### *Surface Water:*

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that *“Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.”*

Paragraph 169 of the NPPF states that *“major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*

- c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) *where possible, provide multifunctional benefits.*

The application form states that a sustainable urban drainage system would dispose of surface water drainage. The DSR in paragraph 2.9 states that percolation tests would be performed to assess the permeable qualities of the site but it is not anticipated to demonstrate significant permeable conditions.

Paragraph 2.10 of the DSR considers the preferred method of collecting rain water from the roofs is *“to provide gravel filled filter drains alongside the home bases to collect rainwater pipe discharges. This filter drain is provided with a perforated pipe system which encourages surface water to enter the ground if possible before flowing down the gravity pipework. This does result in varying but valuable attenuation even if it is a slowing up of the time of concentration into the sewer network”*. Paragraph 2.12 of the DSR indicates the same for the access roads and footpaths.

Paragraph 2.11 of the DSR states that the parking bays will be constructed from permeable surfacing to encourage ground infiltration. The development would therefore dispose of surface water partly through a sustainable drainage system and partly to the existing mains sewer. A final surface water drainage system has not been justified or submitted. The Lead Local Flood Authority have not objected to the development on surface water grounds subject to a condition requiring a scheme which employed sustainable drainage principles.

Therefore it is considered that foul and surface water is capable of being addressed by condition. Subject to the condition the development accords to local policy LP14 of the CLLP, S20 of the DCLLPR and the provision of the NPPF.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

It is considered that policy S20 is consistent with the drainage guidance of the NPPF and can be attached limited weight.

#### Archaeology

No objections have been received from the Historic Environment Officer at Lincolnshire County Council. Therefore the development would not have a harmful archaeological impact and accords to local policy LP25 of the Central Lincolnshire Local Plan 2012-2036, S56 of the DCLLPR and the provisions of the National Planning Policy Framework.

It is considered that policy LP25 is consistent with the Heritage guidance of the NPPF and can be attached full weight.

It is considered that policy S56 is consistent with the Heritage guidance of the NPPF and can be attached limited weight.

## Biodiversity

Guidance contained within paragraph 180 of the NPPF states that ‘*When determining planning applications, local planning authorities should apply the following principles*’. The applicable ones to the development are:

*a) ‘if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity’.*

Local Policy LP21 of the CLLP states that ‘*All development should:*

- protect, manage and enhance the network of habitats, species and sites of international ,national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- minimise impacts on biodiversity and geodiversity; and*
- seek to deliver a net gain in biodiversity and geodiversity.*

### *Trees:*

An Arboricultural Report (Revision 1) dated 17th September 2020 by ENGIE Arboricultural Consultancy has been submitted with the application. This report identified 8 trees of which:

- 6 are category C (low quality and value) – Tree 1 and 5*
- 2 are category (moderate quality and value) – Tree 2, 3, 4, 6, 7 and 8*

The Arboricultural Report concludes in paragraph 11.3 that “*it is considered that any future tree/hedge loss resulting from development will have limited impact on the landscape character of the area. I am confident that a well thought out Landscape Scheme will mitigate any adverse impact of removal, giving opportunity to enhance the site and its locality.*”

The Authority’s Tree and Landscape Officer (TLO) has recommended that further details are required in terms of the type of cellweb (cellular confinement system) used to protect tree 1 and tree 5. This detail can be conditioned on the permission along with planting details for all proposed trees and hedging.

The TLO has concerns over the closeness of units to existing and proposed trees. This could impact on the future residents in terms of falling branches/trees, leaf/twig litter blocking drainage pipes, trees scraping the unit and the blocking of views/light from windows. This could lead to the tree cover being gradually reduced and reducing their screening value.

Again the site does have extant permission for a denser site of 79 dwellings of two storey in nature which would be far more openly visible than the proposed single storey park homes. None of the existing trees on the site are protected by a tree preservation order.

The concerns of the TLO is acknowledged and the concern that some units may to compromise the screening value of the existing/proposed trees and hedging along the site boundaries. However it is not considered that the impact would be so significant to eradicate the screening all together as cumulatively a significant amount of boundary trees and hedging are proposed. The significant amount of planting would help provide a net biodiversity gain for the development.

Therefore scheme the position of the units may have some negative impacts on the existing and proposed boundary trees but the development would provide a significant net biodiversity gain in terms of the volume of planting proposed. Therefore any future negatives would be outweighed by the positive impacts and the development would accord to local policy LP21 of the CLLP and guidance contained within the NPPF. This is subject to a condition requiring a comprehensive landscaping scheme.

#### *Protected Species:*

The application has included a Preliminary Ecological Appraisal (PEA) by Deltasimons dated May 2020. Section 6.0 (page 11-12) of the PEA makes the following recommendations (summarised):

#### Further Surveys

- No further survey are required.

#### Nesting Birds

- Boundary vegetation should be retained and any loss compensated for.
- Site clearance work before early March or after late August.
- Site clearance work during early March or after late August must be done with after a habitat inspection by an experienced ecologist.

#### Bats

- Boundary vegetation should be retained.
- A detailed lighting scheme on site should be functional and directional to avoid up-lighting and light spill.
- Vegetation on site should be unlit.

#### Hedgehogs

- Care taken for clearance or management works
- Any fencing to allow access and egress for hedgehogs

### Other

- All works should follow appropriate working methods
- Any retained trees and hedgerows should be protected during the works
- Planting should aim to enhance retained or adjacent vegetation
- Installation of bat boxes on at least 10% of the new buildings. Installed on a southerly aspect in an area least disturbed by lighting and with connectivity to vegetation.

The proposal will not have a harmful impact on biodiversity and the recommendations will provide a positive biodiversity net gain therefore accords to local policy LP21 of the CLLP and guidance contained within the NPPF.

Therefore subject to conditions (including the type and position of 7 bat boxes) the development accords to local policy LP21 of the CLLP, local policies S59, S60 and S65 of the DCLLPR and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 is consistent with the biodiversity guidance of the NPPF and can be attached full weight.

It is considered that policies S59, S60 and S65 are consistent with the biodiversity guidance of the NPPF and can be attached limited weight.

### **Other Consideration:**

#### Raised Ground Levels

A comment has been received from a neighbour regarding concerns over raised ground levels and the potential flooding impact. The agent has confirmed that there would no changes to the ground levels and the bunds around the site would be removed and the soil spread over the site as part of the landscaping.

#### Public Rights of Way

Site layout plan 1386/1/2 Revision G dated 2nd February 2021) demonstrates that the development would have little or no impact on the use of the Public Rights of Way. Details of retaining open access to the Public Rights of Way will be included in the construction management plan condition. The Public Rights of Way Officer has no objections to the development with advice.

#### Pre-commencement conditions

The agent has agreed in writing to the pre-commencement conditions attached to the planning permission.

### **Conclusion and reasons for decision:**

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP9 Health and Wellbeing, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP12 Infrastructure to Provide Growth, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape

and Views, LP21 Biodiversity and Geodiversity, LP24 Creation of New Open Space, Sports and Recreation Facilities, LP25 The Historic Environment, LP26 Design and Amenity and LP52 Residential Allocations – Large Villages of the adopted Central Lincolnshire Local Plan 2012-2036, policy M11 of the Lincolnshire Minerals and Waste Local Plan and local policies S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S20 Flood Risk and Water Resources, S21 Affordable Housing, S22 Meeting Accommodation Needs, S44 Strategic Infrastructure Requirements, S46 Accessibility and Transport, S48 Parking Provision, S50 Creation of New Open Space, Sports and Leisure Facilities, S52 Design and Amenity, S53 Health and Wellbeing, S56 The Historic Environment, S59 Protecting Biodiversity and Geodiversity, S60 Biodiversity Opportunity and Delivering Measurable Net Gains, S65 Trees, Woodland and Hedgerows, S66 Best and Most Versatile Agricultural Land and S70 Housing Sites in Large Villages of the Draft Central Lincolnshire Local Plan Review in the first instance. Consideration has additionally been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of this it is considered that the principle of the proposal is acceptable and will provide 65 residential units for the over 55's on an allocated housing site and contribute towards the housing supply of Central Lincolnshire. Following the appraisal of viability the development would provide a negotiated financial contribution to offsite affordable housing and the NHS whilst providing an acceptable level of onsite open space to meet the needs of the occupants alongside existing facilities in the village. The development would not have a harmful visual impact on the site or the street scene and would not harm the living conditions of neighbouring dwellings and the future residents. It would not have a harmful impact on highway safety, drainage, biodiversity, a minerals resource, archaeology or the public right of way. This is subject to imposition of recommended conditions

#### **Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

#### **Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

#### **Representors to be notified -**

*(highlight requirements):*

**Standard Letter**

**Special Letter**

**Draft enclosed**

**Prepared by:** Ian Elliott

**Date :** 20th September 2021

**Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2. No development must take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:
  - (i) the routeing and management of 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;
  - (viii) details of noise reduction measures;
  - (ix) a scheme for recycling/disposing of waste;
  - (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
  - (xi) protection and unobstructed access to the public rights of way to the south of the site.

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and retain access to the public rights of way to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52 of the Draft Central Lincolnshire Local Plan Review.

3. No development must take place until details of the form and position of the protection measures to protect the existing boundary trees and hedging adjacent the north, east and south boundaries have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to commencement and retained in place until the development is completed.

Reason: To safeguard the existing boundary trees and hedging during construction works, in the interest of biodiversity and visual amenity to accord with the National Planning Policy Framework, local policy LP17,

LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S59, S60 and S65 of the Draft Central Lincolnshire Local Plan Review.

4. No development must take place until details of the type and position of the cellular confinement system required (see advisory note) to protect Tree 1 and Tree 5 identified in Arboricultural Report (Revision 1) dated 17th September 2020 by ENGIE Arboricultural Consultancy and their root protection area has been submitted to and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved system and retained as such thereafter.

Reason: To safeguard the existing boundary trees and their roots in the interest of biodiversity and visual amenity to accord with the National Planning Policy Framework, local policy LP17, LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S59, S60 and S65 of the Draft Central Lincolnshire Local Plan Review.

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

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:

- 1386/1/2 Rev G dated 2nd February 2021 – Site Plan
- 1386/1/3 Rev A dated 15th March 2021 – Avanti Unit Elevation and Floor Plans
- 1386/1/4 Rev A dated 15th March 2021 – Florence Unit Elevation and Floor Plans
- 1386/1/5 Rev A dated 15th March 2021 – Majestic Unit Elevation and Floor Plans

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP26 and LP52 of the Central Lincolnshire Local Plan 2012-2036 and S52 and S79 of the Draft Central Lincolnshire Local Plan Review.

6. No construction works above ground level must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. Not using a full sustainable urban drainage system must be fully justified. No occupation must occur until the approved scheme has been carried out.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and S20 of the Draft Central Lincolnshire Local Plan Review.

7. No occupation must take place until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all retained and new boundary treatments.
- Material finish of all hardstanding (access road, driveways, patios and paths).
- Species, planting height, formation and position of new trees and hedging.
- Open space furniture.

The development must be completed in strict accordance with the approved landscaping scheme.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site or the surrounding area to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S59, S60 and S65 of the Draft Central Lincolnshire Local Plan Review.

8. No occupation must take place until details of the design, specification, position and height of all external lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme must adhere to the bat recommendations in section 6.0 (page 11) of the Preliminary Ecological Appraisal by Delta Simons dated May 2020. The development must be completed in strict accordance with the approved lighting scheme and retained as such thereafter.

Reason: To protect the surrounding area and the use of the boundaries by bats to accord with the National Planning Policy Framework, local policy LP17, LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52 and S59 of the Draft Central Lincolnshire Local Plan Review.

9. No occupation must take place until details including a plan of the type and position of 7 bat boxes have been submitted to and approved in writing by the Local Planning Authority. The approved bat boxes must be installed prior to occupation of the unit or plot the box is attached to and retained as such thereafter.

Reason: In the interest of nature conservation and providing biodiversity mitigation/enhancement to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-

2036 and S59 and S60 of the Draft Central Lincolnshire Local Plan Review.

10. Apart from the bat boxes in condition 9 of this permission the development hereby approved must only be carried out in accordance with the recommendations set out in section 6.0 (page 11-12) of the Preliminary Ecological Appraisal by Delta Simons dated May 2020.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and S59 and S60 of the Draft Central Lincolnshire Local Plan Review.

11. No occupation of each individual unit must take place until its individual driveway parking identified on site plan 1386/1/2 Rev G dated 2nd February 2021 has been fully completed and retained for that use thereafter.

Reason: To ensure each unit has adequate off street parking in the interests of highway safety to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S46 and S48 of the Draft Central Lincolnshire Local Plan Review.

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

12. All planting and turfing comprised in the approved details of landscaping (see condition 7) must be carried out in the first planting and seeding season following the completion of the development or occupation of the modular units, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure the replacement of any planting/turfing in the landscaping scheme which fails to establish or die with a 5 year period to accord with the National Planning Policy Framework, local policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S59, S60 and S65 of the Draft Central Lincolnshire Local Plan Review..

**Advisory** (will remove for committee report)

**Cellular Confinement System**

The type of cellweb or 'cellular confinement system' would need to be at least 100mm depth, and possibly 150mm depth, depending on the weight of the units to sit on top of it. The cellular confinement system must be installed on top of existing ground levels as the whole purpose of using such a system is

to avoid excavations and prevent ground compaction, both of which damage roots and their growing environment.