

## **Officers Report**

### **Planning Application No: 137950**

**PROPOSAL:** Outline planning application for residential development for up to 20no. dwellings - all matters reserved.

**LOCATION:** Land off Lea Grove Bardney Lincoln LN3 5XN

**WARD:** Bardney

**WARD MEMBER(S):** Cllr I. Fleetwood

**APPLICANT NAME:** Mr J Dean

**TARGET DECISION DATE:** 14/09/2018 EOT to 17/12/2018

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** George Backovic

**RECOMMENDED DECISION:** That the 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:-

- An affordable housing contribution of 5 dwellings on site
- A contribution of £45,105 towards an additional classroom at Bardney Primary School or land adjacent Bardney Primary School as an in-kind payment of this contribution

In addition to the S106 as the Community Infrastructure Levy (CIL) is in force – the development is expected to be liable.

In the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application will be reported back to the next available Committee meeting following the expiration of the 9 months.

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The application has been referred to Planning Committee for the interests of transparency at the request of the chair of planning committee

**Description:** The site is located on the eastern fringe of Bardney and comprises a roughly rectangular shaped site 0.7 hectares in area. It comprises land formerly used for sports and welfare purposes owned by British Sugar. The front section of the site contains a semi derelict prefabricated concrete block single storey building exhibiting signs of vandalism, with an area of hardstanding to the front. East of this is the former tennis court with trees growing through the tarmac, and beyond this a heavily overgrown area with a brick faced building with the openings boarded up which was the former bowls pavilion. Beyond this is an open area of land which appears to partly in use as a horse paddock.

Existing dwellings are located on three sides of the site. The garden of 52 Wragby Road, and numbers 27 to 32 Lea Grove are located next to the northern boundary of the application site. The remainder of this boundary runs along a terraced block of garages accessed off Lea Grove. Numbers 72 to 86 Harvey Kent Gardens back onto the site to the south. A foot path runs along the eastern end of the site from Wragby Road to an off road parking area served off Harvey Kent Gardens. Parallel to this path is the residential curtilage of 48 Wragby Road.

**Proposal:** This is an outline application seeking approval to the principle of residential development for up to 22 dwellings. All matters of layout, scale, appearance, landscaping and access are reserved for subsequent approval ('reserved matters') and are not under consideration with this application. This was subsequently amended by a slight reduction in the size of the site and to 20 dwellings. Although an outline application, indicative drawings have been submitted to illustrate how the site could be developed. The Drainage Strategy proposes the use of swales on the site, which will discharge via an offsite attenuation pond to the watercourse north east of the site.

#### **Representations:**

**Bardney Group Parish Council** (Comments in Full): BGPC would like to object to the above planning application for the following reasons;

- The planned development does not comply with the Central Lincolnshire Local Plan, as it purely provides housing stock and makes no provision for employment, retail, key services or facilities for the village.
- The road measurement stated in the Design and Access Statement is incorrect, as the true measurement is 4.8m with the widest point being 4.9m.
- Parking on this road is difficult due to a number of properties not having access to a drive or driveway. Further traffic along this route would not be advisable.
- The planning application states 22 dwellings however documentation included within the application reference a planned total of 77 properties.
- The planning application states that the development will be on Brownfield site. This is not correct as Google earth shows that only 10% of the planned development area is Brownfield, whilst the rest was used as tennis courts, bowling green and playing field. The other part of the site has historically been used for grazing and is therefore Greenfield.
- The proposed development goes outside the curtilage of the village.
- Part of the land was historically a playing field and therefore has protected status. The Design and Access Statement claims that the playing field was only available for employees of British Sugar who resided outside the village. Social media has proved this to be incorrect, with many people publically reporting using the facilities free of charge or for a nominal fee.

- The Design and Access Statement claims that the impact from traffic will be negated by use of the popular public bus which uses Wragby Road and has a stop up from the junction with Lea Grove. The only buses that use this route are school buses (which run term time only) and a bus that is funded by Asda supermarket, which only travels once a week during term time. Public bus provision in Bardney is very poor and there are only five buses per day (Monday to Saturday) operating between Bardney, Lincoln and Horncastle. Making it very difficult for those who work in Lincoln, to use the public bus as their main form of transport.
- Drainage is a known problem in this area and has affected other planning applications in the adjacent area (see 136548) where special conditions were applied due to the flood risk in the area. The Water Study of 2010, stated that drainage infrastructure for the Bardney area only had capacity for a further 333 dwellings. Since 2010, Chestnut Homes has implemented part II (93 homes) & III (170) of their development along, with Keir Homes building an approx. 98 homes with permission for an additional 100. Records show that Keir Homes implemented a Water Course Improvement Study due to the drainage/flooding problems in this area.
- As the building on the site has been disused for several years there have been reports of bats and other wildlife living in the building, therefore an ecological study should be carried out as a matter of urgency.
- If the development does get approved then BGPC would like Community Infrastructure Levy (CIL) provision to be made for play provision for those aged 14 years and under.
- Formal objection to statement in the Design and Access Statement. Page 2 makes reference to comments by the Parish Council, these are incorrect and details are as follows; \* The developer did not meet with the Clerk but the Planning Officer for BGPC. The Planning Officer made it clear that the official response would be via the council and that staff members did not have the authority to respond. \* BGPC policy is, that in principle they are in favour of the development scheme laid out in the Central Lincolnshire Local Plan. This proposed development does not comply with this. The Planning Officer also stated that they would relay this information to the Council and would advise of the Parish Council's comments on the proposal. The reference in the document is misleading and should be retracted.

**Local residents:** Representations have been received from:

Numbers 2, 3, 23, 27 and 31 Lea Grove; 46A, 52 and 58 Wragby Road; 30 and 72 Harvey Kent Gardens; 30 Abbey Road; 71 Silver Street and 78 Station Road; 11 out of the 13 are objections. Of the remaining 2 one suggests that the number of houses be reduced and that an off street carpark be provided whilst the final comment seeks clarification on final boundary treatments

**Summary of Objections:**

Access from Lea Grove is unsafe and unacceptable;

- width of Lea Grove 4.7 not 5 metres;
- insufficient parking for existing houses;
- grass verges are parked on;
- existing parking reduces the road to a single width;
- only on street parking is available;
- unsafe for children
- damage to cars;
- at present vehicles park outside the old gates on Wragby Road. If the layout is approved at this end it would mean these cars having to park on the road;
- totally unsuitable for construction traffic;
- big increase in volume of traffic;
- insufficient amenities within Bardney; school is at capacity; difficulties in obtaining appointments at existing surgery;
- increase in noise and disturbance; loss of privacy; loss of light; loss of views
- existing gardens flood easily and the fields to the east of the site also flood; more pressure on drainage systems;
- too much low cost housing in the village at present;
- impact on health;
- concerns with demolition due to the potential for asbestos;
- difficulties for emergency vehicles to reach site;
- there is no fencing between my garden and the site;
- loss of opportunity to observe wildlife ;
- bus service referred to is the Asda bus;
- insufficient car parking for the new dwellings with 2 spaces required per house and provision for visitors;
- car parking should be close and not remote from houses;
- sets a precedent for further development of green fields owned by applicant;

**LCC Highways:** Requests that any permission given by the Local Planning Authority shall include the conditions below.

Informatives

HI03: There is a requirement for a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be to the specification and constructed to the satisfaction of the Highway Authority, please contact 01522 782070.

HI05: All or part of the highway to be constructed in accordance with planning approval hereby granted is to be constructed to an adoptable standard and subsequently maintained at public expense. It is necessary for the developer to comply with the Lincolnshire County Council Development Road Specification in accordance with a Section 38 (Adoption of highway by

agreement) or Section 219 (the Advance Payments code) of the Highways Act 1980.

### Conditions

HP23: Before each dwelling (or other development as specified) is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings.

HP25: No dwelling shall be commenced before the first 60 metres of estate road from its junction with the public highway have been completed.

To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents.

HP26: Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

HP29: The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

HP33: No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, to neighbouring land and property.

Access and layout have not been considered as they are a reserved matter.

**Additional Highways Comments dated 24<sup>th</sup> September 2018** (in response to a request asking LCC Highways comments on the large number of objections raised in terms of access off Lea Grove):

“It is an outline with all matters reserved. That said, the access and layout shown (indicative) is acceptable as it meets our design guide for adoptable highways.”

**LCC (Corporate Property Service):** Please see below table in relation to the number of places required and available in local schools for the proposed development:

Type	Children produced by scheme	Sufficient places available 2019/20 (Y/N/Partial)	Places to be mitigated	Contribution sought
Primary	4	N	4	£45,105
Secondary	4	N	4	£0
Sixth-form	0	N/A	0	£0
			<b>Total</b>	£45,105

Please note, where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. All section 106 agreements should include indexation using the Tender Price Index of the Royal Town Planning Institute Building Cost Information Services (RICS BCIS TPI). The above contributions would be spent on the following:

Type	Amount	Scheme
Primary	£45,105	Towards a 9 <sup>th</sup> classroom at Bardney Primary School
Secondary	£67,965	N/A - CIL
Sixth-form	£0	N/A - CIL

I can confirm that the County Council will ensure that no more than five s.106 agreements are signed towards a specific piece of infrastructure, as detailed above (where known), which will be specific within the s.106 agreement. Secondary and sixth-form figures are included as indication of contribution level if this infrastructure was not on Regulation 123 list. As the applicant is also the land owner of the land adjacent to Bardney Primary School, the County Council would also be satisfied with the s.106 agreement offering the option of either capital contribution to the amount detailed above, or land as an in-kind payment of this contribution.

We would suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability. Please note the County Council retains the statutory duty to ensure sufficiency of school places and this includes capital funding provision of sufficient places at maintained schools, academies and free schools. We would invest the funding at the most appropriate local school(s) regardless of their status, but ensure the s.106 funding is used only to add capacity as this is the only purpose for which it is requested.

**Neighbourhood Planning:** This application lies within the joint Bardney, Southery, Stainfield and neighbourhood plan area which was designated in January 2017. We contacted Bardney Parish Council earlier this year to see how they were getting on with the plan and if they wanted any support. They came back and said they were not progressing it at the time

**Environment Agency:** This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.

**Anglian Water:**

Section 1 - Assets Affected: There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence

Section 2 - Wastewater Treatment: The foul drainage from this development is in the catchment of Bardney Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network:

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 - Surface Water Disposal: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Section 5 - Suggested Planning Conditions: Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.



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

**Lincolnshire Police:** Have no objections to the proposal and have provided detailed advice that “if adhered to would help reduce the opportunity for crime and increase the safety and sustainability of the development. “

**NHS England – Midlands and East (Central Midlands):** On this occasion NHS England will not be putting in a section 106 tender for the development of 22 Dwellings at Bardney.

**Minerals and Waste LCC:** I am not satisfied that the assessment is sufficient to qualify as a "Minerals Assessment" for the purposes of Policy M11 of the Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) document.

**Relevant Planning Policies:**

Planning law requires, to the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The Development Plan in this location comprises the provisions of the Central Lincolnshire Local Plan (April 2017) and the Lincolnshire Minerals and Waste Local Plan (2017).

**Central Lincolnshire Local Plan (2017)**

The CLLP was formally adopted on 24th April 2017, and now forms part of the Development Plan. The following policies are considered to be most relevant:

- LP1: A Presumption in Favour of Sustainable Development
- LP2: The Spatial Strategy & Settlement Hierarchy
- LP3: Level and Distribution of Growth
- LP9: Health & Wellbeing
- LP10: Meeting Accommodation Needs
- LP11: Affordable Housing
- LP12: Infrastructure to Support 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
- LP26: Design and Amenity

The CLLP is available to view here: <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Lincolnshire Minerals and Waste Local Plan (2017)

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

The site is within a Sand and Gravel Minerals Safeguarding Area. Policy M11 applies.

### **National Policy:**

#### **National Planning Policy Framework 2018 (NPPF)**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/740441/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf)

Paragraph 213 states that “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).”

#### **Planning Practice Guidance**

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

### **Neighbourhood Plan**

The site lies within an area now designated as a Neighbourhood Area (January 2017) although there is no plan in place or in preparation at the current time, that can be taken into consideration.

### **Main issues**

- Principle
- Objections raised on the grounds of access
- Character and design
- Affordable Housing
- Drainage
- Open Space
- Impacts on existing residential amenities
- Infrastructure
- Protected species and biodiversity
- Meeting accommodation needs

Matters of layout, scale, appearance and landscaping are all reserved for subsequent approval ('reserved matters'). Nonetheless, indicative drawings have been supplied to illustrate how development may be accommodated on site.

### **Assessment:**

#### **Principle of Residential Development**

Bardney is designated as a Large Village (policy LP2). To maintain and enhance their role as large villages which provide housing, employment, retail, and key services and facilities for the local area, they will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in the CLLP (not applicable here), or appropriate infill, intensification or renewal within the existing developed footprint. In “exceptional circumstances” additional growth on non-allocated sites in “appropriate locations” outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).

The extent of built form in this location can be set by the rear boundary line of the residential properties along Lea Grove and Harvey Kent Gardens. As originally submitted the site extended beyond this line contrary to the advice given at pre application stage that such an extension would not respect the core shape and form of the village meaning that it could not be considered an appropriate location thereby requiring Exceptional circumstances to be brought into play. During the course of the application the site area was reduced to respect the rear boundary line and the number of indicative dwellings was reduced to 20. The area of the site occupied by hard standing, the social and welfare building and the gravelled tennis courts can be considered previously developed land as can the brick built former golf pavilion which marks the limit of the site. In between is the former formal bowling green which is now heavily overgrown. The site can be considered in the round to fall within the existing developed footprint of Bardney. On this basis the principle of development can be supported.

Policy LP2 is consistent with the NPPF’s approach (paragraph 78) to locate housing in areas where it will enhance or maintain the vitality of rural communities, and should be attached full weight.

The revised NPPF is unchanged in terms of the emphasis placed on the importance of making effective use of land. Paragraph 118 states that decisions should: “give substantial weight to the value of using suitable brownfield land within settlements for homes ...” and “promote and support the development of underutilised land and buildings”

### **Objections raised on the grounds of access**

Whilst access is a reserved matter and permission is not being sought for this under this application a large number of objections nevertheless have been raised on this issue particularly in relation the alleged inadequacy of Lea Grove as a means of accessing the site partly due to existing on street parking which reduces the width to a single lane. A number of the objections received were forwarded to LCC Highways (LCC H) and their comments requested as highways authority which are set out above. This states that the indicative layout submitted would meet the guidelines for adoptable highways.

The revised NPPF at paragraph 109 also sets out that “*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”. The conditions suggested by LCC H will be reflected on the decision notice and these in part reference highway safety matters as reasons for their imposition. It should also be noted no automatic rights exist for vehicles to park on a public highway.

### **Character and design**

Matters of layout, scale, appearance and landscaping are all reserved for subsequent approval (‘reserved matters’). Nonetheless, indicative drawings have been supplied to illustrate how development may be accommodated on site. The development is compact in nature and at this stage 20 dwellings are shown as being delivered in the form of a single terrace of 4 dwellings, four terraces of 3 dwellings and a pair of semi-detached dwellings. The rear gardens range from 9 metres to 11 metres in length. The dwellings reflect the northern section of Harvey Kent Gardens which is characterised by terraced blocks of bungalows with a number of semi-detached bungalows. It is noted that rear garden areas of existing dwellings are greater in length than that shown on the indicative layout. Further south along Harvey Kent Gardens are terraced and semi-detached houses. It is considered that the site is capable of accommodating a satisfactory scheme at reserved matters. Development would also lead to an improvement on the current semi derelict appearance of the site. The development would accord with LP 26.

### **Affordable Housing:**

The strategic aim expressed in policy LP 11 of the CLLP is to deliver 17,400 affordable dwellings to meet the needs of residents unable to compete on the open market. The site which is located within the Lincoln Strategy Area LP would be required to make a 25% contribution towards meeting the need for affordable housing. This would equate to 5 dwellings (25% of 20 dwellings). The applicants’ representatives have agreed to meet the requirement in full through a contribution on the site itself or through the payment of a commuted sum. This would be £427,560.00 (5 x £85,512).

Under policy LP11, Affordable housing shall be provided on-site, unless it can be demonstrated that exceptional circumstances exist which necessitate provision on another site. This is consistent with paragraph 62 of the NPPF, which seeks “robust justification”.

A legal agreement will be required to deliver the affordable housing. On this basis it would meet the requirements of LP 11.

### **Surface Water Drainage**

The site is located within Flood Zone 1 which is land classed as being at low risk of flooding. It therefore accords with the “sequential test” approach (policy

LP14 and NPPF paragraph 158) of locating development to those areas least at risk of flooding.

Swales are to be used on the site, which will discharge via an offsite attenuation pond to the watercourse north east of the site. Full details of this will be secured by the condition suggested by LCC as Lead Flood Authority. Reference is made by the Parish Council to a special condition imposed on 136548 in relation to recognition of drainage problems. This was an application for a single dwelling and it refers to a condition requiring details of “soakaways including percolation tests” to be submitted for approval and subsequent implementation in accordance with approved details prior to occupation of the dwelling. The condition to be imposed requires a greater level of detail than this. With the imposition of the condition the development would accord with LP 14 of the CLLP.

### **Foul Drainage**

Anglian water have confirmed there is capacity at Bardney Water Recycling Centre for foul drainage flows and have suggested imposition of a condition. This will be imposed and the development would therefore accord with LP 14.

### **Provision of Open Space, Sports and Recreation facilities:**

LP 24 requires that residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities. It is noted that the parish have requested that CIL monies be directed to play provision for those aged 14 years and under. It would open for the parish to utilise monies they receive from CIL to spend it in this manner as it would be regarded as “infrastructure”. Following verbal discussions with the Contributions Officer taking this into account together with, the size and current condition and use of the site, the applicant meeting in full the affordable housing requirement and the amenity contribution of swales in terms of “openness” of the site on this occasion it is considered appropriate and proportionate not to seek an additional financial contribution via a s106 agreement towards the enhancement of existing play facilities. It would accord with LP 24.

### **Residential Amenities:**

Noise and Disturbance - Whilst the social and welfare club is no longer in use some consideration must be afforded to the previous activities on the site. Whilst concerns have been raised about noise and disturbance arising from dwellings being approved it must be noted that the surrounding area is primarily residential in use and character and this will not change if the development is approved. There will be an increase in noise and activity but this is a characteristic of any residential development. To limit noise and disturbance whilst the houses are being built a condition will be imposed requiring submission of a construction method statement for approval and subsequent implementation in accordance with the approved plans.

Overlooking and loss of privacy: There are existing dwellings to the north and south of the site with a single dwelling to the west. To the north the rear boundaries of numbers 27 to 32 Lea Grove are formed by concrete posts and wire mesh fencing, some of which are supplemented by existing planting with rear gardens in excess of 15 metres. Indicative plans show two gable ends and off street parking along this section of the site. South are similar existing boundaries to the rear of 72 to 86 Harvey Kent Gardens, with more dense shrubbery which have garden depths ranging from 12.5 to 14 metres and which are at a lower level than the site. Indicative plans show a single gable and the rear gardens of proposed dwellings along this part of the site. There would be a minimum distance separation of 22 metres between the rear elevation of existing and proposed dwellings rising to 23.8 metres. This is considered sufficient to avoid significant impacts. An approximately two metre high dense hedge interspersed with two small sections of solid fencing runs along the boundary to the side of 52 Wragby Road. There is a single window visible at first floor level. Indicative plans show the end of a garage and rear gardens along this boundary with a minimum distance from the rear of the dwellings to the side boundary of 10.8 metres. Although indicative the plans submitted show that at reserved matters stage a scheme can be designed that would avoid adverse impacts on existing neighbours although it will be necessary to require details of existing and proposed ground levels which will be secured by condition. This would be in accordance with LP 26.

#### **Infrastructure:**

Policy LP 12 requires development to be supported by have good access to, all necessary infrastructure. It goes onto state 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. In this particular case the required infrastructure is a contribution towards the provision of an additional classroom at Bardney Primary School and the provision of 5 affordable dwellings on site or a commuted sum of £427,560 offsite affordable housing provision. This will be secured by a section 106 legal agreement.

#### **Protected Species and biodiversity:**

Policy LP 21 seeks that development should minimise impacts on biodiversity and geodiversity; and seek to deliver a net gain in biodiversity and geodiversity. Concerns have been raised by objectors about potential impacts on bats. Whilst a protected species survey was not submitted the applicants' representatives have made the following comments in response:

We write further to a number of comments submitted to the planning application that raise the potential of wildlife, specifically bats, occupying the site and your request for an appropriate survey to support the application.

You will be aware that the Government has published guidance outlining the consideration to be given to bats, as a protected species, through the planning process. This guidance can be inspected at online at <https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>.

This guidance indicates bats can be affected by the demolition of buildings or the removal of trees or hedgerows, if those buildings and trees provide a suitable and attractive habitat for bats, and records show there are bat roosts in the development site or the area. Buildings that are attractive to bats tend to be older (early 20<sup>th</sup> century or before), have cracks or crevices, uneven roof covering and a large roof area with clear flying spaces and large roof timbers with cracks. Bats are less likely to use a building in an urbanised area, with a building constructed after the 1970's with few gaps and prefabricated with sheet material or has a small or cluttered roofspace and is affected by artificial light.

The buildings on the application site were constructed in the 1980's, are still relatively sound with few if any gaps for bats to enter and limited roof space. Although the site is open to the countryside on the short eastern boundary, there is development on the other three sides, with street lights along the footpath from Wragby Road and on Lea Grove and Harvey Kent Gardens, which will ensure that parts of the site are affected by artificial light. Bats are also attracted to older trees with complex growth with natural cavities and a tree trunk diameter greater than 20cm at chest height. The trees on this site have seeded and grown since the club closed in 2001 and consequently will not have the complex growth, age, crack and crevices and girth that make an attractive habitat for bats.

It is very possible that bats will feed over the site, although an assessment of the site would suggest there is not an attractive habitat for bat roosts and there is little likelihood that either the buildings or trees on the site will provide a suitable roost for bats: as such, a survey should not be necessary as part of the planning application process.

If the Council considers there is sufficient evidence of bats roost on the site in either the building or the immature trees, it may be appropriate to impose a condition to require a survey to be undertaken before the site is cleared, such as:

"No works shall take place involving the demolition of any existing buildings a bat survey has been carried out by a suitably qualified person and has been submitted to, and agreed by, the local planning authority. If the survey confirms that bat roosts have been found on the site a scheme of mitigation and compensation measures will be provided.

This is noted although in isolation it will not deliver bio diversity enhancements. Landscaping utilising native species is one way of adding biodiversity value to a site. Given the current state of the site a condition requiring a scheme to be submitted for approval which demonstrates how the interests of biodiversity would be accommodated within the proposed development is considered appropriate.

**Minerals:** TBC

**Meeting Accommodation Needs:**

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. The provision of affordable housing on the site would help the creation of a balanced community. As this is an outline application the exact details are not yet known although it would be reasonable to

assume given the location and size of the site that the provision would be towards smaller dwellings for which there is greatest demand. In addition 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 there is a requirement for 6 of the dwellings (30%) to meet the higher access standards of Part M Building Regulations (Access to and use of buildings). This will be delivered by condition and would accord with LP 10.

### **Planning balance and conclusion**

Having considered the proposal against the provisions of the Development plan in the first instance, specifically policies LP1: A Presumption in Favour of Sustainable Development, Policy LP2: The Spatial Strategy and Settlement Hierarchy; Policy LP 4 Growth in Villages ; Policy LP10: Meeting Accommodation Needs; Policy LP11: Affordable Housing; Policy LP12: Infrastructure to Support Growth; Policy LP13: Accessibility and Transport; Policy LP14: Managing Water Resources and Flood Risk; Policy LP17: Landscape, Townscape and views; LP21: Biodiversity and Geodiversity; Policy LP24: Creation of New Open Space, Sports and Recreation Facilities and Policy LP 26: Design and Amenity of the Central Lincolnshire Local Plan (2012-2036) as well as Policy M11 of the Lincolnshire Minerals and Waste Local Plan (2017) and against all other material considerations including the Revised National Planning Policy Framework 2018 and Planning Practice Guidance it is considered that the proposal which would contribute towards the provision of open market and affordable housing would, subject to the imposition of safeguarding conditions not have any significant adverse impacts.

**Recommendation:** That the 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:-

An affordable housing contribution of 5 dwellings on the site

**and**

a capital contribution of £45,105 towards the provision of an additional classroom at Bardney Primary School or land adjacent Bardney Primary School as an in-kind payment of this contribution.

In addition to the S106 as the Community Infrastructure Levy (CIL) is in force a contribution to this will also be required.

In the event of the s106 not being completed and signed by all parties within 9 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 9 months.



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

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

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

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

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

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

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

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

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

The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be restricted to 5 litres per second;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by

any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

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

**5.** No development shall take place until a foul water strategy for the site, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied, unless the approved details have been implemented in full.

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

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

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

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

**7.** The details to be submitted in accordance with condition no. 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas

(excluding private gardens), inclusive of trees, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management. The development shall thereafter proceed in accordance with the approved details.

**Reason:** In the interests of amenity and biodiversity, in accordance with the policies LP21 and LP26 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.

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

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

9. A schedule of house types and the proposed mix within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be subsequently implemented in accordance with the approved details

**Reason:** To help support the creation of mixed, balanced and inclusive communities in accordance with policy LP 10 of the Central Lincolnshire Local Plan and the revised NPPF 2018.

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

9. The development hereby approved shall not exceed 20 dwellings.

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

10. Not less than 30% of the total number of dwellings shall meet Part M4 (2) of the Building Regulations.

**Reason:** To meet accommodation needs in accordance with Policy LP 10 of the Central Lincolnshire Local Plan

11. No works shall take place involving the demolition or clearance of any existing buildings unless a bat survey has been undertaken by a suitably qualified person and this has been submitted to and agreed in writing by the Local Planning Authority. If the survey confirms the presence of bat roosts no works shall take place until a scheme of mitigation has been approved in writing and subsequently implemented in accordance with the approved details..

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

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

**11.** Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

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

**12.** No dwelling shall be commenced before the first 60 metres of estate road from its junction with the public highway have been completed.

**Reason:** To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents in accordance with policies LP13 & LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

**13.** Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels, in the interests of safety and amenity in accordance with policies LP13 & LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

**Notes for the applicant**

Informatives from LCC highways

There is a requirement for a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be to the specification and constructed to the satisfaction of the Highway Authority, please contact 01522 782070.

All or part of the highway to be constructed in accordance with planning approval hereby granted is to be constructed to an adoptable standard and subsequently maintained at public expense. It is necessary for the developer to comply with the Lincolnshire County Council Development Road Specification in accordance with a Section 38 (Adoption of highway by agreement) or Section 219 (the Advance Payments code) of the Highways Act 1980. You are reminded of the need for early discussions with statutory undertakers to co-ordinate the laying of services under highways to be adopted by the Highway Authority. Please contact 01522 782070 or [developmentmanagement@lincolnshire.gov.uk](mailto:developmentmanagement@lincolnshire.gov.uk)

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