

Officers Report

Planning Application No: 138494

PROPOSAL: Outline planning application for erection of up to 63no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications.

LOCATION: Land off The Hawthorns Nettleham

WARD: Nettleham

WARD MEMBER(S): Cllr Mr G McNeill and Cllr Mrs A White

APPLICANT NAME: J Dixon, J Gauke, J Pickwell and J Pickwell

TARGET DECISION DATE: 23/01/2019

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:-

- The construction of 16 affordable homes with tenure to be agreed at reserved matters. This is an indicative number dependant on the dwelling number applied for at reserved matters,
- An NHS contribution to create additional consultation space at the surgery. Based on an indicative number of houses and their size, which would only be determined at reserved matters, this could amount to £39,847.50
- An LCC Education contribution towards additional classrooms at the Carlton Academy, Lincoln. Based on an indicative number of houses and their size, which would only be determined at reserved matters stage this could amount to £135,517.00
- Open space on the site including a management and maintenance plan.
- Pedestrian footpath from the south boundary of the site to the Nettleham Beck and then south to the Anglian Water Sewage Works (see plan J1727 SK12 dated December 2018)

The application has been referred to the Planning Committee at the request of the Ward Member.

Executive Summary:

This is an outline application for up to 63 dwellings with access to be considered from The Hawthorns. The site is an allocated housing site to adjacent the north and east built form of Nettleham for an indicative 50 dwellings in the Central Lincolnshire Local Plan (CL4662) and the made Nettleham Neighbourhood Plan (policy H-7)

The main objections relate to:

- Proposed dwelling number is above the indicative 50 of the development plan
- Impacts on the local services such as the Primary School and Doctors
- Impact on the village by traffic generated by the development
- Impact of noise and disturbance caused by footpath and access on the residential amenity of neighbouring dwellings.

The principle of housing development on the site has been established through its allocated status and access to the site is only possible from one location, namely The Hawthorns. Its allocated status is important to the Central Lincolnshire housing supply and the aspirations of the made Nettleham Neighbourhood Plan.

The development would meet all the contributions requirements of affordable housing, NHS, Education, open space as well as providing a public footpath to more than meet an aspiration of the Nettleham Neighbourhood Plan.

The maximum of 63 dwellings proposed by this outline application is above the indicative 50 dwellings for this allocated site. An indicative site layout has been submitted which clearly demonstrates the capability of the site to accommodate up to 63 dwellings and all the necessary infrastructure such as roads and footpaths whilst retaining the character of the adjacent and nearby residential built form of the village and could protect residential amenity.

Some concerns have been raised from Anglian Water in relation to Surface Water drainage but in conformity with the Lead Local Flood Authority have recommended that surface water drainage is capable of being justified by the submission of further details through a condition.

Subject to conditions (particularly surface water drainage and housing mix) and a reserved matters application 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), policies_Policy E-5 Nettleham Beck Green Corridor, Policy D-1 Access, Policy D-2 Pedestrian and Cycle Access, Policy D-4 Water Resources and Flood Risk, Policy D-6 Design of New Development, Policy H-1 Managed Housing Growth, Policy H-2 Housing Mix, Policy H-3 Housing for Older People, Policy H-4 Affordable Housing and Policy H-7 Land behind the Hawthorns and the provisions of the National Planning Policy Framework.

Proposal:

Outline planning permission is sought for a residential development of 63 dwellings with access to be considered. Scale, appearance, layout and landscaping are reserved for a subsequent application(s) – ‘reserved matters’.

The development is proposed to provide 47 market dwellings, 16 affordable homes and associated infrastructure such as roads, footpaths, drainage and open space.

Description:

The application site comprises an area totalling 3.09 hectares from two individual agricultural fields which are only separated by a ditch and a line of hedging. The site is located to the north and east of the Nettleham developed footprint. The site is allocated for housing within the Central Lincolnshire Local Plan 2012-2036 (CL4662) and the Made Nettleham Neighbourhood Plan (Policy H-7). The agricultural land is primarily used for crops (arable farming) apart from an area directly to the north of the site's south boundary between 7 The Hawthorns and 20 Larch Avenue. This area comprises overgrown grass. The land is predominantly flat but starts to slope gently downwards around the north boundary and even more the further north you walk off the site towards the Nettleham Beck.

The north boundaries of the site are open to the remainder of the associated field. The east boundary is screened by hedging with a small gap of the width of an informal agricultural vehicular access. The south and west boundaries which adjoin to Nettleham are screened by a mix of low and high fencing, hedging and an occasional tree. Neighbouring dwellings of mixed age, scale, design and position and are adjacent or opposite to the south and west boundaries. Open fields are to the north and east.

The Nettleham Beck runs east to west and is approximately 190 metres from the north boundary of the site. Public Rights of Way Nttm/149/1 sits approximately 450 metres to the north of the site. The site is a Limestone Minerals Safeguarding Area and in flood zone 1.

Relevant history:

132847 - Hybrid planning application for a change of use to provide areas of public open space-sports facilities, including outline planning application for the erection of up to 200no. dwellings and associated roads and infrastructure with access to be considered and not reserved for subsequent applications – 15/02/16 – Refused (Planning Committee) – Appeal Dismissed 20/07/17 (APP/N2535/W/16/3147409)

Reasons for refusal:

Paragraph 41 states that *'The development would conflict with the spatial strategy and settlement hierarchy of the LP and be at odds with the quantum and location of development expected by the NNP. It would also result in a harmful impact on the character and appearance of the area. As such, it would be contrary to Policies LP2, LP52 and LP55 of the LP, as well as H-1 and H-7 of the NNP'*.

Other important relevant extracts:

Extract from Paragraph 16 states that *'I see no reason why the development could not create a sensitive edge to the village, particularly given the indication in the illustrative site layout that large areas of open space and planting would wrap around the site'*.

Extract from Paragraph 17 states that *'The proposed development would be substantial and would clearly have an impact on landscape character but it would, in my view, relate well to the existing buildings on the village edge. With appropriate design and landscaping at the reserved matters stage, the visual effects could be partially mitigated but the scale of the development would be such that it would be seen as sizeable extension of the village'*.

Extract from Paragraph 19 states that *'The NNP offers some flexibility on numbers and density, subject to a number of criteria being met. I see no reason why the development could not achieve a suitable density in the context of existing development on the edge of the village'*.

Extract from Paragraph 20 states that *'Consequently, I do not share concerns that a larger scale development would necessarily harm the character of the area or prevent effective integration with the village but, in this case, a significantly larger scheme would have greater impacts than a scheme for 50 dwellings'*.

Extract from Paragraph 21 states that *'Overall, the development would result in no more than limited harm to the character and appearance of the area. I find no conflict with policies LP17 and LP26 of the LP'*.

Extract from Paragraph 26 states that *'Although I have had regard to the significant number of concerns raised with respect to pressure on local infrastructure, I have been provided with no evidence to demonstrate any harm that would arise from the development in these terms. As such, I have no reason to conclude that the development would be unacceptable on these grounds, or set aside the contrary views of local service providers'*.

Extract from Paragraph 27 states that *'This may lead to some level of additional noise and disturbance from increased activity but it is accepted that the village needs to grow and the additional development proposed as part of this scheme would be relatively small in the context of the size of the village'*.

Extract from Paragraph 28 states that *'Taking this into account, and the limited duration of the construction works, I do not consider that the living conditions of existing residents would be materially harmed'*.

Representations

Cllr Mr G McNeill: Comments

I would like to request determination of this planning application by committee on the basis of Part IV/Page 38 of the Constitution, 'Development Management' (b).

Policy H - 1 of the made Nettleham Neighbourhood Plan (NNP) indicates that:

These housing sites will each be restricted to a yield of 50 homes unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community and also that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings.

The proposed number of dwellings for the site is 63 which is considerably greater (26%) than the indicative number given within the NNP and the Central Lincolnshire Local Plan LP52. This is supported in the decision of the inspector in the planning appeal (APP/N2535/W/16/3147409) for the previous application on this site at point 8 where he states:

Site allocation CL4662 falls within the appeal site, where it is expected that 50 dwellings will be delivered.

The inspector attached significant weight to the harm due to the conflict with LP2 & LP52 and NNP H – 1 & H – 7 in his determination of the appeal on the previous application which relates to the quantum of development.

Further, the policy also states that:

Planning applications for the four allocated housing sites in this Plan will be supported where they demonstrate through the submission and approval of a construction management plan that their development will not have any unacceptable impacts on the community. At the time of writing there appears to be no such plan presented with the application.

I have received representations from local residents in the adjoining Larch Avenue development that they believe the proposal will harm their residential amenity; which would be a conflict with NNP H – 7 (b) On the basis of the foregoing I humbly submit that the application is in conflict with a valid planning reason, that is unlikely to be resolved prior to determination, namely the quantum of the development. It therefore meets criteria (ii). Further, as the inspector's decision to the previous application made clear, the policy within the Local Plan have only recently been set. This includes the spatial strategy and settlement hierarchy. As the proposed development would take the level of development beyond the 237 dwellings identified in the Local Plan it is of significance to the whole district if the levels of development set out in the Local Plan are to be exceeded, so early in the life of the Local Plan. It therefore meets criteria (i).

Nettleham Parish Council: Objects

In summary:

- The site is an allocated site in the CLLP and the Nettleham Neighbourhood Plan. This indicates a housing density of around 50 dwellings. The application is for 63 dwellings which is 25% above the 50 dwelling target. It conflicts with local policy LP52 of the CLLP and policy H-1/H-7 of the NNP.

- 55 dwellings have been approved in the village over and above the identified numbers in the CLLP.
- The numbers on the site should be constrained to 50 dwellings.
- If minded to approve the Parish Council would expect a substantial sum through a section 106 agreement in order to improve and maintain the existing adjacent children's play area.

Local residents: Representations received from:

- 49, 51 and 57 Ridgeway
- 31, 39 and 41 Larch Avenue
- 71 Sudbrooke Lane

Objections (summarised):

Allocation/Density

- Dwelling number exceeds 50 limit in LP52 of the CLLP and Nettleham Neighbourhood Plan therefore not in keeping with local planning strategy.
- 200 dwellings should be constructed over 25 years and not within a 1-2 year period without a timely uplift in local amenities.

Highway Safety

- It will further increase traffic generation, congestion plus parking around and within the village centre.
- It will cause congestion along Hawthorn Avenue and surrounding roads through use of the proposed access with street parking that occurs.
- Impact from construction traffic for 12 months or more.

Residential Amenity

- Impact of development on privacy of 39 Larch Avenue through closeness and proposed adjacent back garden.
- Impact on privacy noise, pollution and nuisance of proposed footpath on 49 and 51 Ridgeway.
- Overlooking, loss of light and overbearing impact on 41 Larch Avenue.
- Noise, vibration and disruption from additional traffic generated.

Local Amenities (services and facilities)

- Impact on community and already significant pressure on local amenities such as the doctor appointments, school places and parking at the villages Co-op store from existing development in the village and neighbouring villages (Cherry Willingham and Welton).
- Impact on Nettleham Medical Centre and Nettleham Primary School.

Other

- Layout promotes future development north of the site.
- This application should be cross referenced to application 132847 which was rightly refused in 2016, and involves the same land and the same applicants.

- I do not want our house (71 Sudbrooke Lane) to be enclosed by yet more dwellings.
- 71 Sudbrooke Lane and our neighbours have received no consultation about this application.

LCC Highways: No objections subject to conditions

LCC Lead Local Flood Authority: No objections subject to conditions

The Lead Local Flood Authority had initial concerns over the manner and method of drainage indicated. However the issue with the drainage of the site in a sustainable manner has now been overcome subject to a comprehensive condition.

Environment Agency: No objections with advisory comments

WLDC Public Protection: No objections

A previous application for a larger development on the site brought housing much closer to the Anglian Water sewage treatment plant north east of the site and an odour assessment was sought at that time.

This new application has a much reduced number of proposed dwellings, located away from the treatment plant, but again an odour assessment was required. This assessment has concluded that there will be little impact upon the residents of the new dwellings, as such I have no objection on odour grounds.

LCC Archaeology: No objections

In light of previous archaeological evaluation on this site, no further archaeological input will be required.

Natural England: No objections with advisory comments

Lincolnshire Wildlife Trust: No representations received to date

NHS England: No objections subject to a financial contribution

The contribution requested for the development is £39,847.50 (£632.50 x 63 dwellings). To create additional consultation space through converting a room currently used for the storage of medical records into a clinical room. This would enable the Practice to employ additional clinical staff, thereby increasing their capacity to deal with the anticipated increase in patient numbers.

LCC Education: No objections subject to a financial contribution

Comments (summarised):

The development is required to mitigate for 12 Primary School Place meaning an education contribution of £135,517. 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.

The contribution will go towards a 0.5FE extension of the Carlton Academy, Lincoln via four additional classrooms. Nettleham Primary School is incapable of extension. Any Lincoln children going to Nettleham can go to the Carlton Academy making room at Nettleham.

The contribution is to be paid at the halfway point of the development.

Lincolnshire Police: No objections with advice

LCC Minerals and Waste: No objections

Whilst the policy does essentially have the 'catch all' of requiring a Minerals Assessment for all development within a safeguarding area, it does state that we would grant planning permission for development that sterilises mineral if the site is allocated in a Local plan. Therefore in this instance we would be satisfied for the District Authority to determine what was appropriate to meet this criteria, without the need to consult LCC Minerals and Waste further.

LCC Health Impact: No representations received to date

WLDC Senior Housing Strategy and Enabling Officer: Comment

As per the Central Lincolnshire Local Plan, on a development of that size they would be required to provide 16 affordable dwellings (as they have stated). The tenure split would be 70% affordable rent and 30% shared ownership.

WLDC Waste Services: No representations received to date

Anglian Water: Objections with conditions

Wastewater Treatment:

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

Used Water Network:

- Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

Surface Water Disposal:

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Insufficient evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the investigations in to discharging direct to a watercourse. If this method is deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend

that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.

Summary of recommended conditions:

- A scheme for on-site foul water drainage works prior to the construction above damp proof course.
- A surface water management strategy prior to any drainage works commencing.

IDOX checked: 13th December 2018

Relevant Planning Policies:

Local Policy

Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017) and the Lincolnshire Minerals and Waste Local Plan (June 2016).

Central Lincolnshire Local Plan 2012-2036 (CLLP)

The policies considered most relevant are as follows:

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 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

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/>

Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies)

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

¹ [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

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

Nettleham Neighbourhood Plan (NNP)

The Nettleham Neighbourhood Plan was formally 'made' by West Lindsey District Council at a Full Council Committee meeting on the 3rd March 2016. As per Neighbourhood Plan Regulations 2012, this Neighbourhood Plan is now 'made' and should be used when determining planning applications within the identified Neighbourhood Area.

Policy E-5 Nettleham Beck Green Corridor

Policy D-1 Access

Policy D-2 Pedestrian and Cycle Access

Policy D-4 Water Resources and Flood Risk

Policy D-6 Design of New Development

Policy H-1 Managed Housing Growth

Policy H-2 Housing Mix

Policy H-3 Housing for Older People

Policy H-4 Affordable Housing

Policy H-7 Land behind the Hawthorns

Appendix A Character Assessment (CA)

Appendix B Proposals Map

Appendix E Ecological Strategy

Appendix J Nettleham's Housing Evidence Paper

Nettleham Village Design Statement dated December 2010

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/nettleham-neighbourhood-plan-made/>

National Guidance

National Planning Policy Framework

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

National Planning Practice Guidance

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

Other

Central Lincolnshire Developer Contributions Supplementary Planning Document Adopted June 2018

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

Strategic Housing Market Assessment dated July 2015

Main issues

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Nettleham Neighbourhood Plan
National Planning Policy Framework

Discussion

Concluding Statement

- Access
- Minerals and Waste
- Affordable Housing
- Developer Contributions
- *National Health Service*
- *LCC Education*
- *Open Space*
- Health Impact Assessment

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 Nettleham (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 Nettleham site is identified by allocation reference CL4662 as land east of Brookfield Avenue, Nettleham (2.79 hectares) for an indicative 50 dwellings.

Made Nettleham Neighbourhood Plan (NNP):

As referenced above the made Nettleham Neighbourhood Plan is part of the Development Plan and has full weight in the decision making process. The relevant policies are listed in the policy section above.

Policy E-5 protects the setting, character and enjoyment of the Nettleham Beck from inappropriate development.

Policy D-1 ensures residential developments does not harm the safety and flow of the local highway network.

Policy D-2 ensures that pedestrian and cycling routes are considered in residential developments.

Policy D-4 ensures developments are safe from flood risk and are served by appropriate drainage systems.

Policy D-6 provides design principles for all new development in the settlement including character, landscape and parking.

Policy H-1, H-2, H-3 and H-4 sets out the villages aspirations for housing growth within or adjacent the settlement.

Policy H-7 is a specific policy dedicated to residential allocation site C (the application site) in the Nettleham Neighbourhood Plan. It indicates that the quantum of: *'Dwellings allocated within the area: (is) approximately 50 dwellings'*. This is subject to criteria (a-c) which the development needs to adhere to, and these will be returned to later.

National Planning Policy Framework:

Paragraph 67 of the NPPF states that *'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 69 of the NPPF states that *'Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area'*.

Paragraph 213 of the NPPF states that *'However, 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)'*.

Discussion:

The application proposes to construct 63 dwellings on an allocated site which adjoins two boundaries of the settlement. The CLLP and NNP identify that the site is appropriate for an indicative 50 dwellings towards the growth of Nettleham and the Central Lincolnshire housing supply.

The application has included an indicative site layout plan J1727 SK01B received 24th October 2018 which demonstrates that the site can accommodate the proposed amount of dwellings alongside infrastructure and an area of open space.

Section 3.2.1 of the submitted Integrated Planning Statement states that the proposal amounts to 20 dwellings per hectare which meets the recommended density in section 5.3.1 (Housing Growth - page 35) of the NNP. The density proposed is commensurate and reflective of the areas of Nettleham surrounding the site such as The Hawthorns, Larch Avenue, Ridgeway and Brookfield Avenue.

Policy H-1 of the NNP states that *'These housing sites will each be restricted to a yield of 50 homes unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community and also that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings'*.

As previously stated the indicative layout demonstrates a density and form which is appropriate to the adjoining residential area and can provide a good mix of dwellings including affordable housing on site to suit the needs of all ages. Unlike the previous application the development would also remain within the allocated site. The proposal would provide contributions to education and national health facilities to retain the standard and quality of service provided to the community whilst supporting the local economy within the village. The site would include the required quantity of open space whilst being located within walking distance of play equipment, and the park (Mulsanne Park) The development would additionally go above and beyond what is required by NNP policy H-7(c) by implementing a footpath which travels not only north to south through the site to the Nettleham Beck but then goes east towards the sewage works. This will provide a dedicated footpath for walkers and dog walkers.

Concluding Statement

The principle of housing development on the site has been established by its allocation status in the CLLP and the NNP. The application has demonstrated that the site is capable of achieving a slightly greater but acceptable density for 63 dwellings above indicative numbers stated in the plan, whilst satisfactorily incorporating the development into the community. The development therefore accords with local policies LP1, LP2 and LP52 of the CLLP, policy H-1 and H-7 of the NNP and the provisions of the NPPF.

It is considered that policies LP1, LP2, LP52, H-1 and H-7 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

Access

Objections have been received from neighbours based on the potential traffic congestion the development could cause along The Hawthorns, the surrounding roads and the village centre.

Local policy LP13 of the CLLP states that *'development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported' and sets out criteria to be considered including public transport, cyclist and walkers.*

Policy H-7 of the NNP on page 45 states that *'the detailed map shows the two possible points by which vehicular access could be achieved into the site'* and includes the following criteria:

'a) Provision of satisfactory vehicular access;

b) The design, layout and vehicular access into the site shall respect and safeguard the residential amenities of the existing residential properties in the Hawthorns, Ridgeway and Brookfield Avenue’.

Guidance within paragraph 109 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’.*

The Map shown on page 46 of the NNP indicates that vehicular access to the site can be achieved where The Hawthorns (adopted carriageway) currently terminates adjacent 8 The Hawthorns and 9 The Hawthorns or alternatively through a single agricultural track accessed from Ridgeway. The Hawthorns option currently terminates to an existing agricultural gated access to the site.

The single agricultural track off Ridgeway is not wide enough for two vehicles and pedestrian footpaths therefore the development has opted to provide vehicular access to the site from The Hawthorns. The indicative site layout plan J1727 SK01B received 24th October 2018 demonstrates that there will not be a junction where The Hawthorns currently terminated or immediately within the site. The indicative site layout plan demonstrated that The Hawthorns will potentially maintain its direction with a very gentle right to left bend for a further 60 metres before connecting to a junction well within the site.

In paragraph 27 of appeal APP/N2535/W/16/3147409 (200 dwellings) the inspector concluded that the additional traffic generation would *‘lead to some level of additional noise and disturbance from increased activity but it is accepted that the village needs to grow and the additional development proposed as part of this scheme would be relatively small in the context of the size of the village’.*

The Highways Authority at Lincolnshire County Council subject to normal conditions associated with a housing development of this scale have no objections.

The development is therefore considered to accord with policy LP13 of the CLLP, policy H-7 of the NNP and the provisions of the NPPF.

It is considered that policy LP13 and H-7 are consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Minerals and Waste

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.*

The site is within a Limestone Minerals Safeguarding Area. The nature of the proposed development will sterilise the minerals resource on the site but the indicative site layout plan J1727 SK01B received 24th October 2018 retains access to the adjacent agricultural fields. Even if the development prevented access to these fields there are other means of accessing them therefore the development will not prevent future mineral extraction from the adjacent agricultural fields.

In any case 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. This has been confirmed in writing by the Minerals and Waste Team at Lincolnshire County Council.

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.

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.

Policy H-4 of the NNP states that *'It is important to support a diverse and vibrant community with a balance of age groups. This is currently a problem in Nettleham due to the lack of affordable housing particularly for first time buyers'*. In summary policy H-4 states that onsite affordable housing is expected unless exceptional circumstances are justified, it should be seamlessly integrated into the development and a mix of housing is required to meet local need.

The Authorities Senior Housing Strategy and Enabling Officer confirms that the amount of affordable housing proposed by the development meets the required number for a 63 dwelling development in Nettleham and *'the tenure split would be 70% affordable rent and 30% shared ownership'*.

The Residential/Dwelling Units (Supplementary information template) received 24th August 2018 declares that of the 63 dwellings proposed 16 will be affordable homes. This equates to 25.3% of the dwellings being affordable homes which accords with the required provision for Nettleham.

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

The development is therefore in accordance with the affordable housing contribution required by local policy LP11 of the CLLP and policy H-4 of the NNP.

It is considered that policy LP11 and H-4 are consistent with the contributions for affordable housing on major developments guidance of the NPPF and can be attached full weight.

Developer Contributions

Objections have been received from residents in relation to the impact of the development on the local medical centre and Primary School.

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'*.

Policy S-1 of the NNP states that *'proposals that result in a loss of service, or facility, or result in significant harm to the community value of such services will be resisted unless it can be clearly demonstrated that the facility or service is replaced by one of enhanced quality, or that the ongoing delivery of such a service or facility is no longer financially viable'*.

National Health Service (NHS):

The Primary Care Support Medical & Pharmacy Officer at the NHS has requested a contribution of £39,847.50 (£632.50 x 63 dwellings). This will help create additional consultation space through converting a room currently used for the storage of medical records into a clinical room. This would enable the Practice to employ additional clinical staff, thereby increasing their capacity to deal with the anticipated increase in patient numbers.

LCC Education:

The Strategic Development Officer (SDO) at Lincolnshire County Council has requested a requirement for the development to mitigate for 12 Primary School Place meaning an education contribution of £135,517. 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.

The contribution will go towards a 0.5FE extension of the Carlton Academy, Lincoln via four additional classrooms. Nettleham Primary School is incapable of extension. Any Lincoln children going to Nettleham can go to the Carlton Academy making room at Nettleham. The SDO has recommended that the contribution is paid at the halfway point of the development.

The agent has submitted heads of terms to ensure the NHS and Education contribution is paid in a timely manner at agreed trigger points through a signed and certified S106 agreement created by the Authorities legal team. Therefore these contributions will ensure that the development will not have a significant harm on the community value of the medical centre and primary school.

The development is therefore in accordance with local policy LP12 of the CLLP and policy H-4 of the NNP.

It is considered that policy LP11 and H-4 are consistent with the contributions for affordable housing on major developments guidance of the NPPF and can be attached full 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) - 1200m or 15 minute walk	Good and above as defined by Fields in Trust standards and/or any locally agreed quality criteria.
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 ²(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.

² <http://www.softsurfaces.co.uk/blog/playground-surfacing/lap-leap-neap-play-area/>

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.

Mulsanne Park is an approximate 844m (via Poachers Meadow) or 920m (via Greenfields and Field Close) walk from the proposed vehicular access of the site and comprises the following facilities:

- Fenced Children's Playground with a slide, 2 toddler swings, 4 children swings, 2 spring rides with an area of grass.
- Fenced Scooter and Skate Park for BMX's, scooters, skateboards and roller skates.
- Together the two individual fenced areas above include a bench, bins (including a dog bin) and safety signs.
- Grass Football Pitches (full sized, junior and mini)
- Grass Cricket Pitch
- Tennis Courts
- 100 space car park

The Bill Bailey Memorial Playing Field is an approximate 1500m walk from the proposed vehicular access of the site and comprises the following facilities:

- Fenced Children's Playground with 3 slides (mixed sizes), 1 combined slide/climbing frame, 4 toddler swings, 4 children swings, 3 spring rides, 1 rocking horse, 1 roundabout, 1 seesaw, 3 individual climbing apparatus with good sized areas of grass.
- The fenced area includes 2 benches, 2 bins and safety signs.
- Open areas of grass with football goals

The playground off Larch Avenue is an approximate 100m walk from the proposed vehicular access of the site and comprises the following facilities:

- Fenced Children's Playground a combined slide/climbing frame, 2 toddler swings, 2 children swings, 2 spring rides with an area of grass.
- The fenced area includes 2 benches, 2 bins and safety signs.

In light of the facilities listed above The Bill Bailey Memorial Park and Mulsanne Park are considered to be a Neighbourhood Equipped Area for Play (NEAP) and Larch Avenue playground is considered a Local Equipped Area for Play (LEAP).

When compared against the standards table in appendix C Mulsanne Park is within the 1200m or 15 minute walk limit and Larch Avenue is within the 400 metre or 5 minute walk limit. Therefore the proposed development is close

enough to an existing NEAP and LEAP which can more than adequately deliver exercise, enjoyment and a safe play environment to children of all ages.

Indicative site layout plan J1727 SK01B received 24th October 2018 identifies an area of public open space which will provide an onsite local area of play (LAP). It is approximated that the area of proposed public open space next to the vehicular access indicates an area of 1811m². In total the site is 30,900m² (3.09 hectares) in size which equates to 5.8% (1811m²) 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. In this case the figure cannot be exactly calculated as the application is in outline form with scale and appearance reserved for future determination. Therefore an approximate figure will be calculated by adding the five West Lindsey figures from the table together and dividing by five.
 $1.3+1.7+2.3+2.8+3.1 = 11.2/5 = 2.24$ people per dwelling

To derive at the population increase this approximate figure is multiplied by the proposed number of dwellings.

$$2.24 \times 63 = 141 \text{ people (141.12)}$$

Therefore the development is considered to increase the population of Nettleham by approximately 141 people.

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):

$$141 \text{ (approximate residents)}/1000 \text{ population} \times 1.5 \text{ hectares} = 0.2115 \text{ hectares or } 2115\text{m}^2$$

Therefore using these figures the area of open space indicated on the plan is below required 2115m².

However, Criteria (c) of Policy H-7 of the NNP states that the development is subject to *'the provision of a footpath within the site and alongside the existing hedge running north--south (and as shown on the detailed map with this policy)'*. The agent has submitted a plan (J1727 SK12 dated December 2018) demonstrating the delivery of this footpath which runs from north to south through the site. In addition the development will extend the footpath further north to the Nettleham Beck and then east towards the land which serves the sewage works. Therefore the extent of the footpath provided will be above and beyond what is expected to accord with policy H-7(c) of the NNP.

In summary the application has demonstrated a commitment to provide a footpath which is over and above what is expected by policy H-7 of the NNP

and helps to realise an aspiration of NNP in so far as a useable open countryside footpath adjacent to this part of the village. This in itself is an important contribution to open space and amenity and provides health benefits to users. The development also indicates an approximate 1811 m² of open space provision (LAP) on the site and is located within acceptable walking distances of existing open space facilities with good quality play equipment (LEAP and NEAP) in the village. Therefore together these cumulatively would accord with local policy LP9 and LP24 of the CLLP, policy D-6 and H-7 of the NNP and provisions of the NPPF subject to the signing of a section 106 agreement.

It is noted that the Parish Council seek a substantial sum of money to assist to improve and maintain the adjacent playground. Whilst such a request is understandable, it is important to consider the legal tests that any contribution should be considered against, these are outlined within the CIL regulation 122 (2) which is as follows:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this instance, the development would require open amenity space for future occupiers to enjoy and use, and subject to the correct calculations would be justified as fairly and reasonable related in scale and kind to the development. The site provides for a substantial quantity of open space land required but would also be located within acceptable distances to a number of good quality play areas which are suitable to meet the various age group needs of residents without enhancement limiting the necessity to request a contribution. As existing facilities, the playgrounds maintenance are the owner's responsibility and are not reasonably related to the development nor required to make this proposal acceptable as such maintenance occurs with or without this development. As such it is not deemed appropriate to request a contribution to play equipment as requested.

In overall terms, therefore, the open amenity space, LAP and footpath proposed when consider together with the existing recreation facilities within the area would accord with policies LP9 and LP24 of the CLLP, the SPG on Contributions, policies D-6 and H-7 of the Neighbourhood Plan and the provisions of the NPPF.

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) on 18th November 2018. 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 enhance medical facilities within the Nettleham is deemed to accord with LP9.

Other Considerations:

Scale, Appearance, Landscaping and Layout

Details of scale, appearance, landscaping and layout cannot be assessed at this stage as they are reserved for subsequent approval. However the application has included an indicative site layout plan J1727 SK01B received 24th October 2018.

Housing Mix (Scale and Appearance):

Paragraph 9.67 of the Strategic Housing Market Assessment dated July 2015 states that *'the analysis of housing need by size suggests that there is a need for property of all sizes in Central Lincolnshire under both the demographic and employment-led scenarios. The greatest requirement under all of the scenarios, however, is for property of between 50 and 89 sqm, which generally relates to 2 or 3 bedroom flats, mews or semi-detached homes. In the context of the HMA as a whole having a comparatively high representation of detached properties this suggests the need for new stock to contribute positively to the overall balance through the provision of smaller family sized housing. This, however, will need to be balanced against the provision of all types and sizes of housing'*.

Local policy LP10 of the CLLP requires that *'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 scale and appearance of the 63 dwellings has not been submitted as it is reserved for subsequent approval. However section 3.2.3 of the submitted Integrated Planning Statement states that the development is proposed to be a *'mixture of single and two storey and a range of sizes between 2 and 4/5 bedrooms to meet a variety of housing needs including accommodation suitable and desirable for those people entering the later stages of their lives and who seek smaller, low maintenance accommodation in 'their' home village'*. This statement has been questioned in relation to the presence of 3 bedroom dwellings. The agent has clarified in an email dated 27th November 2028 that it would have been clearer to state *'including 2, 3, 4 and 5 bed'* houses. Section 3.2.3 goes on to state that *'materials are expected to be*

taken from a palette informed by the local characteristic prevalent in Nettleham’.

Therefore there is no reason or indication that an appropriate housing mix, compliant with LP10 or housing design, could not be achieved on the site but conditions would ensure that the size and mix can be assessed at reserved matters stage are proposed.

Layout:

The indicative layout plan undoubtedly demonstrates that 63 houses at a density of 20 per hectare can be integrated onto the site alongside garden space, off street parking, open space and all the other necessary infrastructure. On investigation of the surrounding built form it is clear that the indicated density and size of plots will be more than appropriate for the area.

Policy D-6 of the NNP states that *‘new development including infill development and residential extensions, should preserve and enhance the village of Nettleham by:*

b) Designing housing proposals to reflect existing residential densities in the locality of the scheme’.

In paragraph 20 of appeal APP/N2535/W/16/3147409 (200 dwellings) the inspector concluded that the additional traffic generation would *‘Consequently, I do not share concerns that a larger scale development would necessarily harm the character of the area or prevent effective integration with the village but, in this case, a significantly larger scheme would have greater impacts than a scheme for 50 dwellings’*

In this case the number of dwellings proposed is contained within the allocated site boundaries and 13 dwellings is not significantly larger than the indicative 50 dwellings.

The layout will need to acceptably integrate into its location on the edge of the settlement and the nearby residential form as previously stated. Given the scale of the site and the number of units proposed it is considered that a suitable layout can be negotiated/designed at reserved matters stage.

Landscaping:

Policy D-6 of the NNP states that *‘new development including infill development and residential extensions, should preserve and enhance the village of Nettleham by:*

g) Ensuring boundary treatments reflect the distinct local character in relation to materials, layout, height and design. In areas where there is no boundary treatment and gardens are unenclosed, new development should seek to replicate this openness’.

Details of landscaping are not to be considered at this stage and a comprehensive landscaping plan including appropriate detailing (including all

planting (species, height and planting formation), boundary treatments, driveway materials, ecology measures etc.) will need to be submitted for consideration through a reserved matters application.

Although all the landscaping of the site is important it is particularly important that the edges of the site relate well to the agricultural open fields to the north and east to help integrate the development into its location and minimise the introduction of built form.

Residential Amenity

Objections have been received from some residents who reside adjacent the sites boundary in relation to overlooking, loss of light, overbearing impact plus disturbance from additional traffic.

As scale, appearance, layout and landscaping is reserved for future determination the impact on the development on the residential amenity of the existing neighbouring dwellings cannot be assessed.

The occupants of 49 and 51 Ridgeway have objected to the use of an agricultural access track which runs past their entire side boundaries as a pedestrian footpath. The west boundary of 49 Ridgeway has high boundary treatments and the east boundary of 51 Ridgeway has low rear boundary treatments screening its rear garden amenity space. The proposed future users of the footpath will be able to see into the rear garden and windows of 51 Ridgeway. However the occupants of 51 Ridgeway can install 2 metre boundary treatments to this part of their boundary without the need for planning permission. It is again acknowledged that the proposed indicative footpath and the agricultural track it links to is an aspiration of the NNP (policy H-7) and its actual physical design, will be subject to conditions.

The indicative site layout plan suggests that the site can accommodate 63 dwellings whilst retaining the amenity of the existing and future residents.

It is also recommended that any permission granted should include a pre-commencement condition requiring a comprehensive construction management plan to restrict the impact on the neighbouring residents.

Odour

The application has included the submission of an Odour Assessment dated 11th October 2018 prepared by Redmore Environmental. Section 5.1.5 of the assessment concludes *'based on the assessment results, future residents are considered unlikely to be exposed to odour concentrations above the relevant criteria as a result of the proposed development'*. This assessment is supported by the authorities Public Protection Officer who has no objections.

Heritage

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal. The site is not within or close to the Nettleham Conservation Area and is not within the setting of any Listed Buildings or

Schedules Ancient Monuments. Therefore the development accords to Local Policy LP25 of the CLLP and the provisions of the NPPF.

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

Ecology/Trees

Guidance contained within paragraph 174 of the NPPF states that '*to protect and enhance biodiversity and geodiversity, plans should:*

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'.

Paragraph 175 states that '*when determining planning applications, local planning authorities should apply the following principles:*

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;

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.*

There are no protected trees on or adjacent the boundaries of the site. The application has included the submission of:

- Review of Ecological and Arboricultural Reports dated 21st September 2018 prepared by CBE Consulting
- Updated Reptile Presence/Absence Survey dated 21st September 2018 prepared by CBE Consulting

Section 5 of the Review of Ecological and Arboricultural Reports document lists (a-i (pg15-16)) a set of recommendations for the development in terms of the potential tree and protected species impacts.

The Updated Reptile Presence/Absence Survey concludes and replicates the recommendation in the Review of Ecological and Arboricultural Reports document in that *'development proposal should include replacement habitat including artificial refugia in another location, preferably with good links to the Nettleham Brook. A reptile of this and provision of refugia should be prepared and submitted to the Local Planning Authority'*.

It is considered subject to conditions that the proposal will not have a harmful impact on ecology or trees therefore accords to local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and the provisions of the National Planning Policy Framework.

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

Drainage

The application has included a Flood Risk and Drainage Assessment (FRDA) dated October 2018 prepared by Alan Wood and Partners. Section 5.0 (Surface Water) and section 6.0 (Foul Water) sets out the methods of disposal.

Foul Water:

The application form states that foul water will be disposed of to the mains sewer. Paragraph 6.1 and 6.2 of the FRDA states that a mains sewer crosses the site but it is unknown if a gravity system will work meaning the potential for a pumped system. Agreement will need to be formally approved by Anglian Water.

Anglian Water have confirmed capacity in the area for these flows but have recommended a foul water condition for onsite foul drainage works. As an allocated site within the Central Lincolnshire Local Plan and Nettleham neighbourhood Plan, Anglian Water have been party to the allocations process and therefore have had the opportunity to object to allocation at that stage. They did not and have not objected in principle to this development but simply requested a condition to restrict development until enhancement works have been agreed.

The disposal of foul water into an existing mains sewer is therefore considered acceptable subject to further details through a condition on the permission.

Surface Water:

The application form states that surface water will be disposed to a sustainable urban drainage system and/or soakaways which is encouraged.

The application includes an indicative drainage layout plan (NET-AW-ZZ-XX-DR-C-0010 Revision P2 dated 29th October 2018).

Paragraph 165 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'.*

Paragraph 5.2.2 of the FRDA states that *'ground Investigation works have revealed that the underlying strata is not suitable for soakaways/infiltration trenches to be used, due to the shallow depth at which ground water was encountered'.*

Paragraph 5.2.5 confirms that it is *'proposed that the surface water run-off from the new development is discharged into this drainage ditch, either directly or indirectly via a connection to the existing public sewer which outfalls to the drainage ditch, for which approval from Anglian Water will be required'.*

Paragraph 5.9.1 states that *'highways drainage from the proposed roads on site will be collected by trapped gullies prior to discharge into the below ground drainage network'.*

Anglian Water have stated that the FRDA is unacceptable and *'insufficient evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H'.* Anglian Water have additionally recommended a condition to ensure a suitable surface water scheme is implemented.

The Lead Local Flood Authority at Lincolnshire County Council has no objections to the development subject to a comprehensive surface water drainage condition.

The submitted drainage strategy indicates that surface water will be dealt with through under-piped swales connected to highway and public open space surface water pipes which discharge into the existing dyke which splits the site. This will then flow to Nettleham Beck. Drainage of surface water from the roofs will again be directed to the under-piped swales through diffuser crates located in the permeable paving. Further surface water will naturally drain through the grassed gardens and permeable driveways. This therefore a part piped system and part sustainable urban drainage system that will eventually be released into the Beck at a restricted greenfield rate.

The concerns of Anglian Water are acknowledged but again this is an allocated housing site and it is considered that technically surface water is capable of being appropriately discharged from the site.

It is considered that surface water is capable of being addressed by condition. This condition will require comprehensive justification and reasoning if a part or none-sustainable urban drainage system is put forward.

Subject to a separate foul and surface water drainage condition the development accords to local policy LP14 of the CLLP, policy D-4 of the NNP 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.

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Accessibility

Local policy LP10 of the CLLP states that *'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, 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'*. This requirement has been discussed with the agent and will mean that 19 (30%) out of the 63 dwellings will need to meet the part M4(2) standard.

It is considered necessary to add a condition limiting the site to a maximum of 63 dwellings and ensuring compliance with part M4(2) of the Building Regulations 2010.

Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. However this is an outline application and if the application was to be approved the CIL charge would be liable at reserved matters stage.

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 Growth in Villages, LP3 Level and Distribution of Growth, LP9 Health and 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, LP25 The Historic Environment, LP26 Design and Amenity and LP52 Residential Allocations – Large Villages of the Central Lincolnshire Local Plan 2012-2036, policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development

Management Policies) and policies of the Made Nettleham Neighbourhood Plan in the first instance, relevant policies of the Cherry Willingham Draft Neighbourhood Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

The site is allocated for an indicative 50 dwellings under CL4662 of the Central Lincolnshire Local Plan and policy H-7 of the Nettleham Neighbourhood Plan therefore the principle for housing on the site is established. The proposal has proven through an indicative plan that the site can accommodate 63 dwellings including 16 affordable homes towards the housing supply in Central Lincolnshire. The site additionally has the room for all the associated infrastructure including a sufficient amount of onsite usable greenspace. The site is in the sustainable location of Nettleham with good public transport links and all facilities/services within an acceptable walking distance away. The proposed vehicular access will not have an adverse impact on highway safety. The proposal will acceptably sterilise a mineral source due to its housing allocation status and will not have a harmful impact on archaeology, drainage, ecology or increase the risk of flooding. The proposal is therefore acceptable subject to the signing of a Section 106 Agreement and satisfying a number of pre-commencement 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**

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

1. 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).

2. No development shall take place until, plans and particulars of the appearance, layout and scale 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.

3. The development hereby permitted shall be begun before the expiration of two years from the date of 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 commenced:

4. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable urban drainage principles has been submitted to and approved in writing by the Local Planning Authority. If a full sustainable urban drainage system scheme is incapable of being delivered then comprehensive justification of this must be submitted. The scheme shall:
 - be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
 - 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
 - provide attenuation details and discharge rates which shall be restricted to Greenfield Run-off rate
 - provide details of the timetable for and any phasing of implementation for the drainage scheme; and
 - 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.

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 is adequately and appropriately drained on the site and without creating or increasing flood risk to land or

property, nor drainage network adjacent to, or downstream of, the permitted development to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan

5. No development shall take place until details of a scheme for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter proceed in strict accordance with the details and be operational before the first dwelling is occupied.

Reason: To ensure adequate foul drainage facilities are provided to serve the development to prevent the pollution of the water environment and to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan.

6. No development shall take place until details have been submitted to demonstrate that at least 30% of the total number of dwellings meet the required standards set out in Part M4(2) of the Building Regulations 2010 and have been agreed in writing with the local planning authority. Development shall thereafter proceed in accordance with the agreed details.

Reason: To ensure the development meets the requirements for accessibility set out in Part M4(2) of the of the Building Regulations 2010 in order to meet a housing need for all and to accord with the National Planning Policy Framework, policy LP10 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan.

7. No development shall take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) shall be adhered to throughout the construction period. The statement shall provide for:

- (i) the routing 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) wheel cleaning facilities;
- (vi) measures to control the emission of dust and dirt;
- (vii) details of noise reduction measures;
- (viii) a scheme for recycling/disposing of waste;
- (ix) Measures for protecting trees adjacent the site.
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to

accord with the National Planning Policy Framework, local policies LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan.

8. No development shall take place until a comprehensive ecology and Nettleham Brook mitigation strategy has been submitted and approved by the Local Planning Authority. The mitigation strategy shall be created in accordance with section 5 (a) and (i) of the Review of Ecological and Arboricultural Reports (EAR) dated 21st September 2018 prepared by CBE Consulting

Reason: In the interest of nature conservation to protect protected species and the Nettleham Brook to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and the policies of the Nettleham Neighbourhood Plan.

9. No development shall commence until full details of the footpath identified on plan J1727 SK12 dated December 2018 have been submitted to and agreed in writing by the Local Planning Authority. The details shall include construction details and details of a scheme for the on-going maintenance of the footpath and its continued access by the public. The footpath must be completed in accordance with the approved plans and must be made available for use by the public prior to the occupation of the 31st dwelling.

Reason: To ensure public access to open amenity facilities is available and the health of trees is not compromised and in accordance with policies LP17, LP21 and LP24 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

10. In accordance with condition 2 above the reserved matters application shall include a schedule of the size (bedrooms) and type of dwellings proposed, and a design and access statement providing clear detail as to how the development will be assimilated within the surrounding residential areas to the south and west and countryside to the north and east.

Reason: To ensure the balanced housing mix and, an attractive development when viewed from outside the site in accordance with saved policies LP17 and LP26 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

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

- Location Plan J1727 (08) 01 dated October 2018

- Indicative Site Layout Plan (Vehicular Access Only) J1727 SK01B received 24th October 2018.

The works shall 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 policies LP2, LP13 and LP52 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan.

12. The development shall comprise of a maximum of sixty three dwellings.

Reason: To preserve the character of the area and to integrate with the adjoining built residential form and to protect residential amenity to accord with the National Planning Policy Framework, local policies LP2, LP10, LP17, LP26 and LP52 of the Central Lincolnshire Local Plan 2012-2036 and policies of the Nettleham Neighbourhood Plan.

13. The development hereby approved shall only be carried out in accordance with the recommendations set out in section 5 (c), (d), (e), (f), (g) and (h) of the Review of Ecological and Arboricultural Reports (EAR) dated 21st September 2018 prepared by CBE Consulting

Reason: In the interest of nature conservation to protect protected species and the Nettleham Brook to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and the policies of the Nettleham Neighbourhood Plan.

14. 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: 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 to accord with National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and the policies of the Nettleham Neighbourhood Plan.

15. 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.

16. Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development to accord with National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and the policies of the Nettleham Neighbourhood Plan...

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

NONE

ADVISORY

Anglian Water

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.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts

Highways

The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070.

All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be

subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980.

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