

Officers Report

Planning Application No: 141032

PROPOSAL: Planning application for erection of 2no. affordable elderly persons bungalows and 5no. homes

LOCATION: Land off Deepdale Lane Nettleham Lincoln LN2 2LT

WARD: Nettleham

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

APPLICANT NAME: Mr Mann

TARGET DECISION DATE: 21/08/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Grant subject to conditions and s106 securing the proposal as affordable housing.

The application is reported to planning committee due to the representations received and in order it may be considered alongside application 140938 (Planning application for construction of 33no. Entry Level homes and associated infrastructure - Phase 2.), on the adjacent land.

Description:

Planning permission is sought for 7 dwellings:

Plots 29 and 30- two bedroom bungalows each with two parking spaces.

Plot 35- three bedroom dwelling with two parking spaces.

Plot 36, 37 and 38- two bedroom dwellings each with two parking spaces.

Plot 39- four bedroom dwelling with two parking spaces.

The two bungalows are proposed as over 55's housing. All seven dwellings are to be affordable housing. A s106 will be used to secure them as such.

The two bungalows and parking area for one dwelling rely on the road access proposed in 140938.

The site is currently being used as a mix of fenced off overgrown land and the construction compound for the adjacent estate development.

The site is within an area allocated for residential development, in both the Central Lincolnshire Local Plan (policy LP52 – site CL4660); and the Nettleham Neighbourhood Plan (Policy H-5 'Site A').

Relevant history:

135567 Planning application for residential development comprising: a new access road and road junction to Deepdale; 50 dwellings with estate roads, public open space and associated development; a scheme of 22 apartments and 14 bungalows for the over 55s with communal areas, shared open space and off street car parking. Approved 8/11/2017.

138469 – Application for non-material amendment to planning permission 135567 granted 8 November 2017 (amendments to flat block, site sections, apartments and bungalows). Permission granted 01/11/18

140110 - Application for non-material amendment to planning permission 135567 granted 8th November 2017 re: sprinkler tank.

140938 Planning application for construction of 33no. Entry Level homes and associated infrastructure - Phase 2. This is a concurrent application on the adjacent land to the west, on the agenda for this meeting.

Representations:

Nettleham Parish Council:

18/5/2020 Object “This application is not stand alone and is dependent on the approval of the PA 140938 providing road and other infrastructure. The Parish Council has strongly objected to planning application 140938. However should the LPA decide to grant the PA 140938 then the inclusion of this development would not be inappropriate.”

15/7/2020 Object “This proposed part of the Deepdale Lane phase 2 applications previously submitted under PA 140938 for 38 homes plus PA 141032 previously submitted for 2 Bungalows for older people. Our objections to those previous applications have not been modified by this revised PA. The Phase 2 proposal in total or in part for development on this site does not comply with the CLLP or the Nettleham Neighbourhood plan as stated in our previous submission.”

Residents of 5 The Steepers, Nettleham; 3 Frith Close, Nettleham; 5 Squires Place, Nettleham; 1, 7, 14, 20, 40 Baker Drive, Nettleham; 7 Parker Way, Nettleham; 18, 30 Deepdale Lane; The Ferns 14 A Deepdale Lane, Nettleham; 71 All Saints Lane, Nettleham; 6 Scothern Road, Nettleham; Westcot, Scothern Road, Nettleham object (summary):

- Objections the same as 140938
- Sets precedent
- Lack of infrastructure to support the proposal
- Too dense (proposed 18.3 dwellings per acre compared to 8.13 on existing), bad design not in keeping, poor layout, car parking dominated, lack of garages, lack of green space, neighbourhood plan says this area should be a green space.
- Lack of vehicle turning space, lack of car parking spaces causing disputes, highway safety, no visitor parking, cumulative traffic impacts

with existing estate and proposed entry level homes, without approval of 140938 proposal has no access.

- In excess of properties already developed on phase 1 and neighbourhood plan
- The proposal is on land outlined as farmland to remain undeveloped.
- Not within Nettleham Neighbourhood Plan
- Maximising profits, bad for wellbeing
- Utility and road connections for this small development may not be viable
- Loss of view and property value
- Overlooking, loss of light, noise including construction and occupation, quality of life
- Poor build quality of existing development

Residents of 1 Bakers Drive make general observations (summary):

- Clarification sought regarding access on eastern boundary of the site and how it would be used to prevent future problems.

LCC Highways and LLFA:

No objection.

LCC Minerals and Waste:

“It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 prior extraction of the mineral would be impracticable and the site is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource. Accordingly, the County Council has no safeguarding objections.”

Relevant Planning Policies:

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

Under planning law¹, if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Development Plan

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

Relevant policies of the CLLP include:

¹ S38(5) of the Planning & Compulsory Purchase Act 2004

Policy LP1: A Presumption in Favour of Sustainable Development
Policy LP2: The Spatial Strategy and Settlement Hierarchy
Policy LP10: Meeting Accommodation Needs
Policy LP13: Accessibility and Transport
Policy LP14: Managing Water Resources and Flood Risk
Policy LP17: Landscape, Townscape and Views
Policy LP26: Design and Amenity
Policy LP52: Residential Allocations - Large Villages
Site allocated under reference CL4660 for 50 dwellings indicatively.

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

Relevant policies of the NP include:

Policy D1 Access
Policy D2 Pedestrian and Cycle Access
Policy D3 Parking Provision (New Housing)
Policy D4 Water Resources and Flood Risk
Policy D6 Design of new development
Policy H1 Managed Housing Growth
Policy H3 Housing for Older People
Policy H4 The provision of Affordable Housing
H5 Site A Land behind Deepdale Lane

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

The site is in a Limestone Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

National policy & guidance (Material Consideration)

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

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

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

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

Main issues

- **The principle of development**
- **Design and impact on character**
- **Residential amenity**
- **Highways**
- **Flooding and drainage**

Assessment:

The site is in a limestone minerals safeguarding area where Policy M11 requires a minerals assessment. This has been submitted and is acceptable to LCC Minerals and Waste. No safeguarding objections are raised. In any event, the policy states that “Where this is not the case, planning permission will be granted when the development is, or forms part of, an allocation in the Development Plan” which is the case here. The proposal complies with M11.

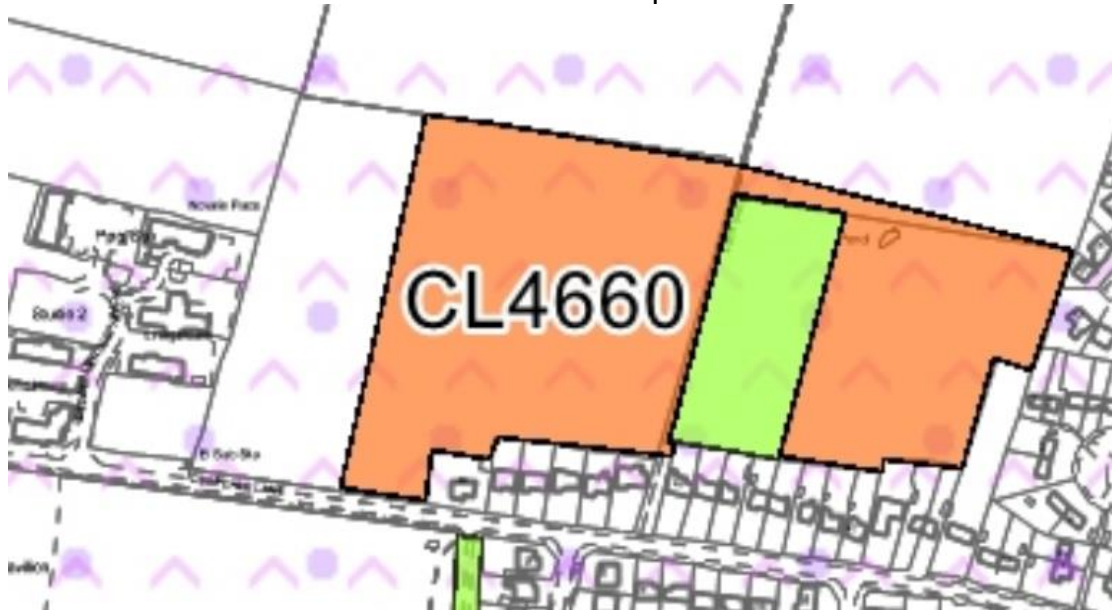
The proposal was initially for 2 dwellings however 5 additional were added to the application from 140938 because they resulted in policy issues under that application but not this application (the site is allocated for residential development – the adjacent proposal is for an “entry level exception site under paragraph 71 of the NPPF – under paragraph 71, these sites “*These sites should be on land which is not already allocated for housing*”.

Application 141032 is being determined concurrently with this application but will be determined on its own merits.

Nettleham is designated a large village in Policy LP2 which will be a focus for accommodating an appropriate level of growth mostly via sites allocated in the plan.

Policy LP52: Residential Allocations - Large Villages allocated the site under reference CL4660 for 50 dwellings indicatively. Policy H5 allocates the site as shown as site A on its proposals maps for approximately 50 dwellings. Policy H1 restricts the site to 50 homes unless demonstrated that the proposed number can be satisfactorily incorporated into the community and also that their proposed design, layout and dwellings numbers can be satisfactorily incorporated into their topography and landscape setting.

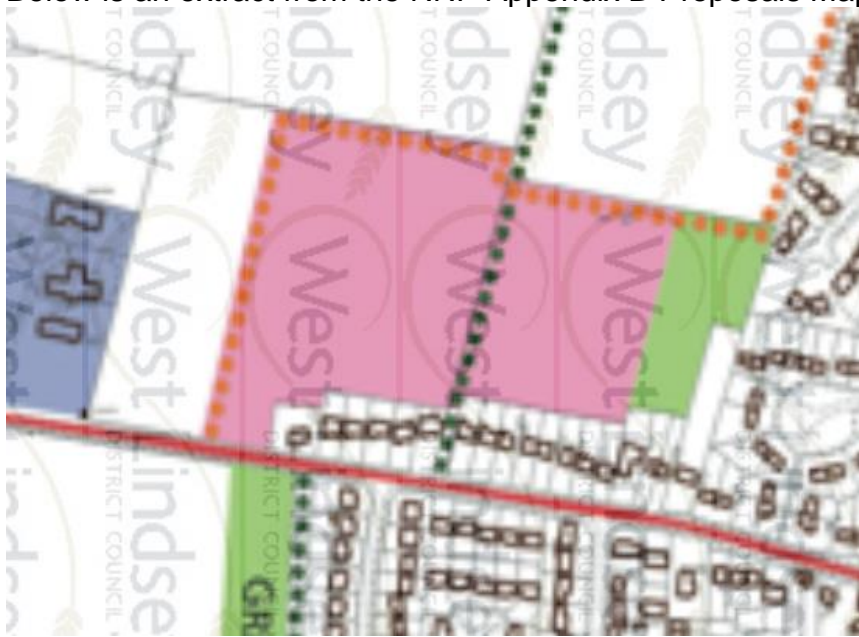
Below is an extract from CLLP allocations map:



Below is an extract from CLLP Online GIS Mapping showing some of the dwellings already constructed within the allocation:



Below is an extract from the NNP Appendix B Proposals Map:



Below is an extract from proposed site layout plan showing the seven proposed dwellings within the allocation boundary:



The allocated site has already delivered or is in the process of delivering 86 dwellings as permitted by 135567.

Given the allocation of the site for residential development in both the CLLP and NNP the principle of development is supported. The delivery of additional dwellings above the initial indicative number of 50 is considered appropriate because it is considered capable of satisfactory incorporation into the community with an acceptable design and layout with no harm to the topography and landscape setting given the surrounding development in accordance with Policy H1 of the NNP.

One of the aims of the NNP is “To maintain and where possible enhance the character and vitality of the village of Nettleham by encouraging the rebalancing of the community’s demographic profile towards young families by provision of smaller and more affordable housing.”

The proposal complies with Policy H3 by incorporating provision for over 55’s and exceeds Policy H4 requirements by providing entirely affordable housing. The bungalows also ensure compliance with Policy LP10 requirement to provide 30% of dwellings to Part M4(2) of the building regulations to cater for the needs of less mobile occupants, including older people and disabled people and the need to provide a mix of house types and sizes.

There has been an under delivery of affordable housing in Central Lincolnshire compared to the need identified in the Strategic Housing Market Assessment. Currently, the only tool to identify the current need in Nettleham - with the absence of a current local needs survey, is the housing register.

Below are the figures from the West Lindsey Housing Register.

1 bed: 137 76/137 over 55

2 bed: 70 7/70 over 55

3 bed: 27 0/27 over 55

4 bed: 6 2/6 over 55

Policies LP2, LP52, H1 and H5 are consistent with the NPPF paragraph 78 requirement for policies to “identify opportunities for villages to grow and thrive” so are given full weight. The principle of development is considered acceptable for these reasons.

Design and impact on character

Policy LP26 requires development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all; consider character and local distinctiveness; make effective and efficient use of land; respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths; duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement

or contrast with the local architectural style; use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability.

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

- a) Recognising and reinforcing the district local character (as set out in the character assessment and the Village Design Statement) in relation to height, scale, density, spacing, layout orientation, features and materials of buildings.
- b) Designing housing proposals to reflect existing residential densities in the locality of the scheme.
- c) Respecting and protecting local heritage assets and their settings, including Scheduled Ancient Monuments and Conservation Areas.
- d) Protecting natural assets, enhancing the natural environment and biodiversity.
- e) Incorporating adequate landscaping to mitigate the visual impact of the development and to ensure that proposals merge into the existing rural village context and respond to the wider countryside setting.
- f) Seeking to retain mature or important trees. Development that damages or results in the loss of ancient trees, or trees of good arboricultural and/or amenity value, will not normally be permitted unless justified by a professional tree survey and arboricultural statement. Where removal of a tree(s) of recognised importance can be justified, a replacement(s) of similar amenity value and maturity should be provided on site.
- 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.
- h) Incorporation of appropriate methods of energy generation and conservation in all new builds.

New development should provide sufficient external amenity space, refuse and recycling storage facilities and car parking. The appearance and location of such features should be considered early in the design process to ensure that they are well integrated into development proposals and form part of a cohesive and visually appealing environment.

The NNP Character Assessment and Village Design Statement- architectural styles states:

- “The long history of Nettleham and the surge in growth over the course of the twentieth century, has resulted in an eclectic mix of architectural styles, representing progressive developments in house design, construction materials and building technology. Most residential properties are detached, with a similar number of houses and bungalows.”

Regarding house sizes they state:

- “For the village to maintain its essential character, buildings of different sizes should be part of future planning. The Parish Plan completed in 2007 clearly revealed the village’s higher than national average elderly

and retiree population, and the need for smaller, more affordable homes, both as retirement dwellings for elderly persons wishing to 'downsize' and to encourage younger people to either remain in, or join, the village community."

The Village Design Statement- village design guidance states:

- "All developments and extensions should respect the separate definable areas within the village."
- "Any new buildings should be of similar proportions to houses in their vicinity":
- "Buildings should reflect design styles and features such as walls, doors, windows and roofs of other nearby houses."
- "Developments should employ boundaries of a reasonable height and of a similar style to other plots in the vicinity including, where appropriate, open front gardens."
- "New developments should include a variety of building sizes, including a number of smaller properties suitable for young families and the elderly."
- "Building materials within the village at present are many and varied including limestone walls, red facing brickwork, pantile and slate roofs, bare stonework and painted walls. A mix of these materials frequently adds to the charm and setting of the village and is quite acceptable."
- "Small porches attached by brackets over front doors, arch details over windows and brick/stone detailing should be considered, where possible, in new development to maintain variety and enhance the built environment."
- "All types of housing, large, medium and 'affordable', should be integrated within the mixture of larger developments, with every attempt being made to avoid mono-design estate development and to retain diversity of style and materials."
- "The scale and proportion of buildings should complement and reflect surrounding dwellings and buildings."
- "New buildings should generally not exceed two storeys and not be significantly higher than surrounding buildings, unless, for example, the land contour allows for a higher, but appropriately proportioned, building."
- "All new properties should have at least one, preferably two, parking spaces per household within its boundaries in a sympathetic and unobtrusive way"

Supporting text of the neighbourhood plan states that a maximum density of 20 homes per ha should set a bench mark for maximum density for future development. However the Village Design Statement acknowledges that there are a wide variety of building styles, sizes and densities exist within the village. Furthermore criteria b of policy D-6 states that housing proposals should reflect existing residential densities in the locality of the scheme.

Policy LP17 states:

“Character and setting

To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Creating and protecting views

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.”

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

LP17, LP26 and D6 are consistent with NPPF in seeking to secure good design and are given full weight.

The proposal is approximately 34 dwellings per hectare compared to 21 dwellings per hectare on the estate built under 135567. The LACE element of 135567 entails 22 apartments and 14 bungalows which are 39 dwellings per hectare. It could be said the proposal “reflects existing residential densities in the locality of the proposal”. It depends which area the proposal is compared to. On plan, the bungalows are virtually identical to the existing adjacent bungalows. The five frontage dwellings would appear higher density than the existing dwellings opposite. However, if the NNP character assessment and village design statement “need for smaller, more affordable homes, both as retirement dwellings for elderly persons wishing to ‘downsize’ and to encourage younger people to either remain in, or join, the village community” is to be addressed it is likely to be through proposals such as this. To provide required smaller houses on larger plots, to reduce the density, would increase the price meaning they would no longer be a downsizing option for older people and encourage younger people to remain in or join the village.

There is some tension in the village design statement as to the precise requirements for the design of the proposal because it requires “Any new buildings should be of similar proportions to houses in their vicinity” whilst also requiring “New developments should include a variety of building sizes, including a number of smaller properties suitable for young families and the elderly” whilst also requiring “The scale and proportion of buildings should complement and reflect surrounding dwellings and buildings.” However, the proposal does not exceed two storeys and uses design features to the dwellings such as arches above windows and entrance porches on brackets above entrance doors as well as addressing the road frontage which is appropriate orientation that reflects that found on the wider estate and is in accordance with the design statement and character assessment. The bungalows replicate the design and layout of the adjacent bungalows and would be a seamless addition to the area. Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land. The density of the proposed site is also based upon the efficient use of land. The proposal would be in accordance with the NPPF.

The proposal would be viewed in the context of the surrounding housing estate and is relatively well contained by the surrounding existing buildings and the topography and landscaping of the area. The frontage parking arrangement is perhaps the most conspicuous element of the proposal given it forms a bank of parking on a bend in the road but this is considered to be related to the need to provide more modest dwellings in the interests of allowing downsizing or allowing younger people to get onto the property ladder via shared ownership as proposed. External finishing materials are described on the form as ‘to match phase 1’ which will require final details to be secured by condition along with landscaping details as well as details of how the field access track within the eastern boundary would be finished and used.

The design and impact on the character of the area is considered acceptable in accordance with Policy LP17, LP26 and D6.

Residential amenity

Policy LP26 requires proposals do not unduly harm residential amenity with consideration to compatibility with neighbouring land uses; overlooking; overshadowing; loss of light; increase in artificial light or glare; adverse noise and vibration; adverse impact upon air quality from odour, fumes, smoke, dust and other sources; adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste; and creation of safe environments. This is consistent with the requirements of NPPF Paragraph 127 that policies and decision should ensure that developments “f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users” and NPPF paragraph 170 in seeking to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and can be attached full weight.

Concerns have been raised about the impact on residential amenity including construction and occupation disturbance, loss of light, overlooking and loss of privacy.

The proposal is not deemed to give rise to any adverse impact upon residential amenity for both existing and proposed residents including the other application on this agenda. There is appropriate separation throughout and opposite existing dwellings with adequate circulation space. The proposed bungalows are 12m from the existing LACE bungalow to the east and have an appropriate relationship with the proposed dwellings to the west; the five dwellings are 9m from the bungalow to the east and 21m or more from the dwellings to the south east and 12m from the proposed 4no. one bedroom units to the north west.

The garden sizes of the proposed are a minimum of 10m in depth for the dwellings and 8m in depth for the bungalows which are acceptable. The impact on residential amenity is considered acceptable.

Highways

Policy LP13 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.

Policy D-1 states that new residential developments (other than infill and extensions) must demonstrate that there is sufficient capacity within the local highway network to ensure the free and safe flow of traffic from the sites concerned both to the village centre and development to either the A158 or A46 trunk roads.

Policy D-2 states that proposals for residential and commercial development will be expected to incorporate both pedestrian and cycling access into their design. Where relevant and appropriate development proposals should:

- a) Incorporate routes and access arrangements that minimize distance to travel to the village centre; and
- b) Connect with existing cycle routes and rights of way; and
- c) Address existing physical impediments to safe and easy pedestrian and cycle access; and
- d) Safeguard any wider strategic opportunities for cycling and walking facilities in the immediate locality.

Concerns have been raised with regards to the increase in traffic, access and congestion during busy periods at the junction with Deepdale Lane and the A46. There has also been concerns raised with regards to pedestrian safety, footpath and cycle provision and parking.

A Transport Statement for the proposal combined with the adjacent proposal has been submitted with the application and concludes the following –

- There are opportunities for sustainable travel, proportionate to the scale and location of the development. There are footways on one side of Baker Drive and along the southern edge of Deepdale Lane, providing access to the centre of Nettleham and local services and amenities. There is a public footpath network running through the Phase 1 development, and a bridleway south of the site on the opposite side of Deepdale Lane, which provides an alternative pedestrian route to the centre of Nettleham. The Sustrans National Cycle Network Route 1 passes the site along Deepdale Lane and provides a direct cycle route to Lincoln city centre via a combination of segregated cycle tracks alongside the A46 and B1182, and quiet local streets.

- The nearest bus-stops are less than 400m from the centre of the proposed development, on Deepdale Lane. An hourly service operates on weekdays linking the proposed development with Lincoln city centre in approximately 24 minutes. Lincoln railway station is situated approximately 5.5km southwest of the proposed development, providing regular intercity services to London, Nottingham, Leeds and Sheffield, as well as local services to a number of surrounding towns and villages.

- The proposed development therefore has opportunities for sustainable travel, proportionate to its scale and location.

- The development will generate up to 28 two-way vehicle movements in a peak hour. These movements will divide at the junction with the Deepdale Lane/Bakers Drive access junction and therefore, there will not be a material increase in traffic on the off-site highway network. There have been five reported personal accident injuries on Deepdale Lane during the three years from 2014 to 2019. This does not constitute an existing accident problem, and as conditions would not materially alter, an adverse impact would not occur. Therefore, the additional traffic as a result of the development will not result in a severe detrimental impact.

- Overall, the proposed development would accord with the aims of the NPPF. Safe and suitable access can be achieved by all modes of travel, and the proposed development would not result in a severe impact. Therefore, it would be unreasonable to prevent the development on transport grounds.

Concern has been raised regarding turning within the site. However a swept path analysis plan has been submitted which shows that the turning can be accommodated for large vehicles such as a bin lorry.

Policy D-3 states that new residential developments must provide the following minimum number of off street car parking spaces per dwelling:

1 or 2 bedrooms	2 spaces
3 or 4 bedrooms	3 spaces
5 or more bedrooms	4 spaces

Accessible communal car parking areas of an equivalent provision will be considered as an acceptable alternative in appropriate locations.

The two bedroom dwellings each have two parking spaces in accordance with Policy D3. The three and four bedroom dwellings each have two parking spaces which is less than the three spaces required by the policy. Policy LP13 requires "The number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact".

There is considered to be a conflict between the more recently adopted CLLP and the older NNP.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

In the NPPF paragraph 30 "Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently."

However, appendix A of the CLLP identifies LP13 as a strategic policy, and CLLP was adopted subsequently to the NNP.

Under the more recently adopted CLLP "the number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact" The provision of two car parking spaces per unit is considered appropriate.

A construction management plan can be conditioned to minimise impacts on the area.

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.

LLC Highways have been consulted on the application and raise no objections. Whilst third party representations are noted, it is not considered that there would be an unacceptable impact on parking, highway safety, or that the residual cumulative impacts on the road network would be severe. There is also pedestrian and cycle connectivity. The proposal would comply with LP13 and the NPPF in this regard.

Plots 29-30 are reliant on access from the adjacent site to the west, subject of a current planning application. It is considered therefore that a negatively worded condition is required to state that no development of plots 29-30 take place, until vehicular and pedestrian access has been secured.

In the event this application is approved and 140938 is refused, a separate application for vehicular access to the bungalows will be required.

Policy LP13 is consistent with the NPPF and is given full weight.

Flooding and drainage

Policy LP14 states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

Through appropriate consultation and option appraisal, development proposals should demonstrate:

- a. that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;
- b. that there is no unacceptable increased risk of flooding to the development site or to existing properties;
- c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;
- d. that the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place;
- e. how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and
- f. that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.

Policy LP14 states that development proposals should demonstrate:

- g. that water is available to support the development proposed;

- h. that development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive;
- i. that development with the potential to pose a risk to groundwater resources is not located in sensitive locations to meet the requirements of the Water Framework Directive;
- j. they meet the Building Regulation water efficiency standard of 110 litres per occupier per day;
- k. how Sustainable Drainage Systems (SuDS) to deliver improvements to water quality, the water environment and where possible to improve amenity and biodiversity have been incorporated into the proposal unless they can be shown to be impractical;
- l. that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);
- m. that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;
- n. that no surface water connections are made to the foul system;
- o. that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;
- p. that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated;
- q. that suitable access is safeguarded for the maintenance of water resources, flood defences and drainage infrastructure; and
- r. that adequate provision is made to safeguard the future maintenance of water bodies to which surface water is discharged, preferably by an Agency, Internal Drainage Board, Water Company, the Canal and River Trust or local council).

Policy D-4 states that applications for planning permission will be required to demonstrate that they have satisfactorily addressed the water resources available in the plan area and the associated flood risks.

Flood Risk:

Proposals for development in flood zone 2 as identified on the plan at Appendix L will be required to demonstrate through reference to the West Lindsey Strategic Flood Risk Assessment and to a site specific flood risk assessment that the proposed development will not increase the flood risk to the site and to other parts of the Plan area in general, and to the Nettleham Beck in particular.

Sewage and Drainage:

Applications for new development (other than for minor extensions) will be required to demonstrate that:

- a) The development contributes positively to the water environment and to its ecology where possible and does not adversely affect surface and ground water quality; and
- b) Any development that has the potential to pose a risk to ground water resources is not located in a sensitive location; and

- c) Appropriate sustainable urban drainage systems have been incorporated into the proposals unless they can be shown to be impractical; and
- d) The design of the scheme incorporates appropriate measures that contribute to the conservation and enhancement of biodiversity and green corridors in the Plan area in general, and to the Nettleham beck in particular.

A flood risk assessment has been submitted with the application. This concludes that –

- The assessment of flood risk undertaken for this development confirms that the risk of flooding is LOW from all sources of flooding.
- The recommended mitigation measures will provide further protection to the development and reduce any residual risk (however low) as far as practicable. It is recommended that compliance with the recommendations of this FRA are conditioned as part of any planning permission.
- This assessment concludes that the site is suitable for development for residential use without unacceptable risk of flooding from all sources to the site itself and elsewhere as long as the essential and recommended mitigation measures are implemented.

It is considered that the proposal would be acceptable in terms of flooding subject to a condition for the proposal to be in accordance with the flood risk assessment.

With regards to drainage. The foul drainage from this development is in the catchment of Nettleham Water Recycling Centre that will have available capacity for these flows.

The site is currently 100% Greenfield, with no formal surface water drainage and therefore the surface water run-off has been calculated using the UK SuDS Greenfield run off estimation tool. These results are contained within Appendix C of the flood risk assessment.

The results suggests infiltration is likely and would be the preferred method of disposal of surface water.

Infiltration testing has been undertaken within the development boundary. Soakaway testing was undertaken in the south western corner of the site. There are clays to the north and limestone to the south of the site. The results concluded that there is natural infiltration.

Infiltration would be at the top of the SUDS hierarchy² and a final drainage scheme can be conditioned.

Paragraph 156 of the NPPF states that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas

² Paragraph: 080 Reference ID: 7-080-20150323, <https://www.gov.uk/guidance/flood-risk-and-coastal-change#sustainable-drainage-systems>

susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

Paragraph 163 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Policy LP14 is consistent with the NPPF and is attached full weight.

Other matters

Devaluation of property and build quality of existing development is not a material consideration.

Whilst it is noted that third parties claim the developer has made promises to purchasers of the dwellings adjacent to the site that the land was not to be developed. The developer's claimed failure to disclose the intentions of the land at the sale of those adjacent properties is not a material consideration. To note, no condition, or planning obligation requires this land to be kept in agricultural use.

Conclusion

The proposal entails housing development on an allocated housing site which is acceptable in principle with no unacceptable mineral safeguarding issues. No harm to residential amenity would arise due to suitable separation and layout proposed as well as a condition to minimise construction disturbance. Design and character impacts are considered appropriate with the scheme reflecting the existing estate. No harm to highway safety would arise and internal layouts and parking arrangements are appropriate. The site is at low risk of flooding with drainage matters being controlled by condition. There are no other technical problems with the application therefore it is recommended that planning permission is granted subject to the following conditions:

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

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

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

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

2. No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

3. No development of plots 29-30 hereby permitted, as depicted on drawing L162-NET-RLP-02 rev.A, shall take place unless planning permission has been subsequently given, to enable vehicular and pedestrian access to connect the dwellings to the public highway.

Reason: Access to these plots is reliant upon planning permission being granted for access across land outside of the application site. It is considered necessary therefore, that no development of the plots take place unless adequate access is secured, in order to accord with policy LP13 of the Central Lincolnshire Local Plan; and policies D-1, D-2 and H-5 of the Nettleham Neighbourhood Plan.

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

4. 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 details shown on the approved plans:

L000/2224/A/DS
L000/2324/A/DS
L000/2434/A/DS
L162-NET2-LOCATION-02 Rev B
L162-NET-RLP-02 Rev A

and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

5. No development other than to foundation level shall take place until full details of foul and surface water drainage has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with policy LP14 of the Central Lincolnshire Local Plan.

6. No development other than foundation level shall take place until details of external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and Policies LP17 and LP26 of the Central Lincolnshire Local Plan and D-6 of the Nettleham Neighbourhood Plan.

7. Prior to its first use details of the field access track within eastern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to prevent use by vehicles other than farm vehicles. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

8. Demolition and/or Construction works shall only be carried out between the hours of 07:00 and 19:00 on Mondays to Fridays; and between 08:00 and 13:00 on Saturdays, with no demolition and/or construction works on Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand.

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development and to accord with policy LP26 of the Central Lincolnshire Local Plan

9. Prior to occupation, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with policy LP17 of the Central Lincolnshire Local Plan.

10. The development shall be carried out in accordance with the submitted flood risk assessment dated March 2020 by Millward Consulting Engineers. Any mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to people and property in accordance with policy LP14 of the Central Lincolnshire Local Plan and policy D-4 of the Nettleham Neighbourhood Plan

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

11. The bungalows shall be occupied by people aged 55 years and over.

Reason: In recognition of the terms of the planning application and in accordance with Policy LP10 and LP12 of the Central Lincolnshire Local Plan and H3 of the Nettleham Neighbourhood Plan.

11. None of the dwellings hereby permitted shall be occupied, unless the vehicular and pedestrian access serving it has been completed.

Reason: To ensure adequate access is secured, in order to accord with policy LP13 of the Central Lincolnshire Local Plan; and policies D-1, D-2 and H-5 of the Nettleham Neighbourhood Plan.

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