

Officers Report

Planning Application No: 140938

PROPOSAL: Planning application for construction of 33no. Entry Level homes and associated infrastructure - Phase 2.

LOCATION: Land off Deepdale Lane Nettleham Lincoln LN2 2LT

WARD: Nettleham

WARD MEMBER(S): Cllr G P McNeill, Cllr Mrs A White

APPLICANT NAME: Larkfleet Homes

TARGET DECISION DATE: 03/08/2020

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Rachel Woollass

RECOMMENDED DECISION: Grant permission subject to a s106 agreement securing the affordable housing in perpetuity.

The application is reported to planning committee following a member call-in request received from Cllr G P McNeill, and following objections from the Parish Council and local residents, which consider the development would not be compliant with paragraph 71 of the National Planning Policy Framework, nor the provisions of the Nettleham Neighbourhood Plan.

Description:

The site is located to the west of Nettleham. The proposed site is situated off Larkfleet Home's previous scheme (Nettleham Chase) on land north of Deepdale Lane. The application site is currently being used for construction purposes as a compound for the previous scheme, this will be referred to as phase 1. Phase 1 (comprising 50 homes) is still in the process of being built out.

The site is bounded to the west by the Deepdale Lane enterprise park. The northern boundary of the site is bound by an established hedgerow and beyond this agricultural land.

The application seeks permission for the construction of 33no. Entry Level homes and associated infrastructure.

An "Entry Level Exception Site" is defined in the National Planning Policy Framework (NPPF) as *"A site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 71 of this Framework."*

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. Permission granted 08/11/17

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.

141032 – Planning application for erection of 2no. affordable elderly persons bungalows and 5no. homes. Under consideration.

Representations:

Cllr Giles P McNeill: 01/07/2020 – My comments on the previous application remain extant as does my request for call-in.

22/05/2020 – This application appears to be an opportunistic effort by the developer. The description of the site is ‘Planning application for construction of 38no. Entry Level homes and associated infrastructure - Phase 2.’ When the permission was granted for the first phase it was understood that a higher number of homes for the allocated site was acceptable as the trade off for the housing development for older persons that was contained therein. The applicant’s own submission for the first phase of development clearly stated that the area marked as ‘farmland’ was to remain undeveloped to accord with the vision of the approved local development objectives for the village of Nettleham. There is also no need for additional permission for housing in Nettleham as the village has significantly exceeded the number included within the Local Plan. On the basis of the foregoing, I would respectfully request that the application be refused permission on the basis that it conflicts with:

Policy LP1: *A Presumption in Favour of Sustainable Development*

The proposal struggles to demonstrate sustainability and fails to demonstrate that it would benefit all sectors of the community; in fact, numerous objections have been submitted contending the opposite.

Policy LP2 (part 4): *The Spatial Strategy and Settlement Hierarchy*

The site is not an allocated site and would be unlikely to meet the criteria for exceptionality in the policy

Policy LP9: *Health and Wellbeing*

The high density of the proposal is unlikely to support high quality outcomes in relation to mental and physical health.

Policy LP10: *Meeting Accommodation Needs*

In bringing forward proposals for housing development, developers should have regard to evidence of need contained within the evidence base. The Central Lincolnshire Local Plan contains 5 allocation sites with an expectation of delivery, over the life of the Local Plan, of 219 new dwellings. To date allocations and granted permissions mean that 277 dwellings are highly likely to be delivered, the proposal therefore does not meet the assessed need for housing in this location, and in fact due to the excess (+26.5%) over

the planned level of growth suggests that any housing development will put unacceptable levels of strain on local infrastructure.

Policy LP11: Affordable Housing

There is no evidence of need for additional affordable housing in Nettleham as the identified target number in the Neighbourhood Plan has already been exceeded. Over the past 3 years Nettleham has had planning permissions which included permission for 71 affordable homes, a significant over delivery against the 37 identified as required in the Neighbourhood Plan. At the current time, the Parish Council report, that recent developments in Nettleham have already delivered 45 of that total.

Policy LP13: Accessibility and Transport

The proposal fails to demonstrate that it would contribute towards an efficient and safe transport network, offer choice particularly in relation to public transport infrastructure, walking & cycling infrastructure (including, but not limited to, the lack of pavement on Deepdale Lane), adequate parking provision.

Policy LP26: Design & Amenity

The proposed development fails to take into consideration important design principles, including respecting the landscape character and identity, relating well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths (c); fails to provide a tight village nucleus but building away from the village's centre (d); and reflect or improve on the architectural style of the local surroundings (j). It also fails to meet the Local Plan's amenity considerations (which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy) in respect of the compatibility of this phase of development in relation to the first phase (m).

I would like to request call-in of this application for determination by the Planning Committee it appears that the application fulfils the following criteria, relating to Part IV, Development Management, 1 (a), for the application not to be determined by delegation, of the Constitution, specifically:-

- In conflict with a representation received from a parish council (they have registered an objection)
- By virtue of the foregoing Nettleham Parish Council contend that it is not an allocated site within the Local Plan or made Neighbourhood Plan, conflicts with the National Planning Policy Framework, conflicts with policies within the made Nettleham Neighbourhood Plan
- Further, that the number of representations currently listed on the website demonstrate considerable community interest in this planning application (23 at the time of writing) the majority of which raise genuine planning matters and material considerations

Should the aforementioned be insufficient for a referral, under Part IV, Development Management, 1 (b), referring to a request by a Councillor, I make such a request for referral to the Planning Committee for determination, and I observe that:-

- the application site is not an allocated site with the Local Plan
- it conflicts with NPPF 71 b in relation to design standards within the Neighbourhood Plan (NNP D-6)

- the quantum of development, housing mix and lack of a sustainability are also significant factors

I feel that it is necessary for the Council's Planning Committee to determine this application.

Nettleham Parish Council: 15/07/2020 – 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.

13/05/2020 – Strongly objects to this application on the following grounds.

1. This is not an allocated site in the adopted Nettleham Neighbourhood Plan (Nettleham Neighbourhood Plan) or CLLP.
2. The developer claims that this is an entry-level exception site so under NPPF 71 development on an unallocated site is permissible. However the proposal is contrary to para b) of the NPPF 71 as it does not comply with the design policies or standards as per D-6 of Nettleham Neighbourhood Plan. Nettleham Neighbourhood Plan D-6 clearly states that new development should recognize and reinforce the local character in terms of height, scale, density, spacing, layout orientation, features, and materials. The Nettleham Neighbourhood Plan also identifies the typical max density as 20 homes per Ha. This proposal seeks to double that leading to an urban density in a rural village setting. The design and access statement seeks to justify this high density by comparing this density to that of a residential care home development on the adjacent site on Deepdale Lane. In addition site D in the Nettleham Neighbourhood Plan is referenced, which proposes a new care home facility in the centre of Nettleham on the site of the disused Linelands care home facility. Both facilities would be of apartment style accommodation for older people and would be a totally inappropriate and an invalid comparison for a housing development such as this.
3. The Design and Access statement makes reference to under delivery of affordable houses in the area but only uses historical data the most recent being 3 years ago. Over the past 3 years Nettleham alone has had planning permission approved which includes 71 affordable homes, a significant over delivery against the 37 identified as required in the Neighbourhood Plan. At this time recent developments in Nettleham have already delivered 45 of that total.
4. Housing mix. Nettleham Neighbourhood Plan policy H2 requires developments of 11 or more dwellings to provide a mix of dwellings and sizes to meet the identified needs of current and future households in Nettleham. This proposed development does not meet this criteria, by definition.

Nettleham Parish Council submits that based on the above grounds alone this opportunistic planning application should be refused as being contrary to the adopted plan and not fully compliant with NPPF 71. However should the LPA be minded to approve the development then provision for children's play equipment on site should be required (via S106 agreement) as the distance to the nearest play area is some 700m.

away along a busy access route into Nettleham and lacks a footpath on the development side of the lane.

Local residents: Objections received from the following properties –

Deepdale House, 48 Deepdale Lane

18 Deepdale Lane

21 Beech Avenue

24 Baker Drive

38 Baker Drive

50 Sudbrooke Lane

54 Scothern Road

6 Cross Street

6 The Chestnuts

68 Scothern Road

11 Parker Way

14 Baker Drive

2 Parker Way

52 Sudbrooke Lane

7 Baker Drive

7 Parker Way

2 Washdyke Lane

29B Lodge Lane

24 Deepdale Lane

61 All Saints Lane

64 Sudbrooke Lane

68 Scothern Road

9 Parker Way

9 Wold View

32 Cliff Avenue

11 Greetwell Lane

2 Brookfield Avenue

54 Washdyke Lane

Aurora 40 Baker Drive

1 Baker Drive

18 Lodge Lane

31 Deepdale Lane

35 Chapel Lane

4 Willowfield Avenue

41 High Street

5 The Steepers

71 All Saints Lane

8 Baker Drive

The Ferns, 14A Deepdale Lane

5 The Croft

1 Becksides

1 Midway Close

19 Deepdale Lane
2 Mill Hill
28 All Saints Lane
3 Bramble Court
39 Larch Avenue
56 High Street
8 High Street
8 Orchard Way
10 Chedworth Close, Lincoln
12 Cotton Smith Way
19 The Dene
2 Heath Road
25 Brookfield Avenue
4 Orchard Way
5A Church Street
3 Frith Close
12 Baker Drive
16 Wold View
17 The Green
22 Baker Drive
42 Kingsway
10 The Crescent
12 All Saints Lane
43 All Saints Lane
5 Mill Hill
Westcot, Scothern Road
1 Parker Way
16 Baker Drive
20 Baker Drive
30 Baker Drive
5 Squires Place
59 All Saints Lane
7 Ridgeway
8 Parker Way
2 Parker Way
1 The Rowans
15 Shaw Way
35 Cotton Smith Way
38 Washdyke Lane
6 Deepdale Lane
6 Scothern Road
54 Scothern Road

With the main concerns –

- No provision of footpath, crossing or slowing of traffic
- Pedestrian safety

- Does not accord with the Neighbourhood Plan
- Traffic increase
- Noise
- When purchasing my house told the land would be left as farmland and not built on
- Density
- Impact to wildlife
- Pollution
- Greater pressures on schools
- Density would result in severe problems with car parking/movements, access for emergency vehicles, entry of bin collection lorries
- Agree need for smaller affordable housing but squeezing them all in one corner does not seem to be the best way to develop
- Traffic on Deepdale Lane during busy periods
- Doctors can't cope
- Infrastructure can't cope
- Parking
- Mud and debris on roads during construction period
- Siting of heavy plant and building material during construction
- Bin storage
- Loss of green space
- Current residents amenity
- Amount of social housing listed in the application is a concern
- Construction traffic
- Contrary to the Central Lincolnshire Local Plan
- Not in-keeping with the character of the village
- Nettleham has already seen lots of development
- Errors in the design and access statement
- 18 to 33 are on a narrow cul de sac with no turning space
- Plots 22-31 have one car space each
- Attenuation pond appears very small
- Why have 2 extra dwellings been submitted on a separate application? Does this have any bearing on the size of the site particularly in relation to the 1 hectare threshold identified by the developers as justification?
- There is a high voltage electric power cable overhead spanning Baker Drive at the junction with Deepdale Lane
- Account should be taken of Baker Drive being a dead end road
- The proposed access land should by condition require it to be metalled and gated at both ends
- Proposal does not include the access land
- Would exacerbate traffic congestion during peak hour trip movements
- No demand for affordable housing in this area
- Flooding
- Adjacent site built with materials that are not in keeping with Nettleham core village
- Previous site in breach of archaeological conditions
- This is a village not a town

- Application jeopardises the current and any future applications made within the village against the already committed development and future applications against the neighbourhood plan
- Not thoughtfully designed
- No designated cycle path
- Area in designated open space
- No open space on the development
- Waste provision
- Not in-keeping with the character of the village
- Overlooking
- Loss of privacy
- Loss of light
- Suitability of the developer with long list of snags
- More than sufficient brownfield sites in West Lindsey
- Given the current lockdown situation green spaces are vital

Support received from 7 Kingsway and 11 The Dene with the following comments –

- The village needs more young families
- We need more houses in this country

Following re-consultation (1st July) which reduced the houses to 33, change of red line and site layout, objections were received from the following properties –

7 Parker Way
 11 Greetwell Lane
 2 Heath Road
 2 Washdyke Lane
 29B Lodge Lane
 31 Deepdale Lane
 41 High Street
 43 Brookfield Avenue
 5 The Steepers
 61 All Saints Lane
 71 All Saints Lane
 9 Wold View
 8 Baker Drive
 25 Brookfield Avenue
 32 Cliff Avenue
 4 Willowfield Avenue
 59 All Saints Lane
 6 Scothern Road
 9 Parker Way
 Westcot, Scothern Road
 1 Beckside
 54 Washdyke Lane
 28 Scothern Road
 22 Baker Drive

1 Baker Drive
18 Lodge Lane
11 Parker Way
Aurora 40 Baker Drive
20 Baker Drive
1 The Rowans
6 Scothern Road
14 Baker Drive
16 Baker Drive

With the main concerns –

- Minor changes make no fundamental difference, previous comments still stand
- No good reason to change the local plan
- If there was a need for entry level housing this could and should have been included in the original application
- Properties were sold on the basis that the land would remain open green land
- Junction with A46 will need substantial improvement if building continues
- Not in-keeping with the proposed village growth
- Infrastructure needs improvement
- No change in the number of total dwellings between two applications
- Highway safety
- Contrary to Nettleham Neighbourhood Plan
- Nettleham cannot cope with further expansion
- Doctors are struggling
- Would aggravate a traffic and parking situation already strained
- Entry level homes – does this mean they would be pitched at a price which would be within the scope of a person or a couple on minimum wage?
- No improvement or planned improvement to schools
- Any approval would render the neighbourhood plan ineffective
- Parking
- Local Services under pressure
- Development is too much for the village
- Devaluation of property
- Density
- Noise
- Loss of light
- Will exacerbate traffic congestion
- High voltage electric cable overhead spanning Baker Drive at the junction with Deepdale Lane
- Is there a true demand for entry level homes
- Loss of green space
- Two applications are a way of circumventing planning law
- Does not create a buffer between the business park

Support received from 7 Kingways –

- As governor at the infant school, I can confirm that the school is not running at full capacity as lots of the comments state

LCC Highways and Lead Local Flood Authority: No objections, one condition for construction management plan and two informatives.

Environment Agency: Have no objection to the application.

Lincolnshire Police: 02/07/2020 – do not have any objections.

06/05/2020 – do not have any objections.

NHS England: Please assume that we are interested in submitting a bid for the S106 monies related to the applications you have sent to us, however we are currently not in a position to be able to provide any further details at this time and until further notice.

Strategic Housing: 08/07/2020 – (Verbal comment) Agreeable to the proposals and inclusion of 1 bed properties. They have also been engaging with a Registered Provider (RP) for the site. The tenures are to be agreed within the s106.

06/05/2020 – (In brief) Affordable housing in this location is supported but clarity needs to be provided on the tenure mix of properties to be delivered and engagement with an RP needs to be sought as soon as possible to secure the delivery as affordable. The scheme does not reflect the identified need for affordable housing in Nettleham and inclusion on the scheme of one bedroom accommodation would then align the scheme to the need.

Anglian Water: The foul drainage from this development is in the catchment of Nettleham Water Recycling Centre that will have available capacity for these flows. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

LCC Education: At present, owing to a recent drop in birth rate, there is sufficient capacity for the scheme at primary level. While a secondary request may have been made owing to the capacity shortage at the closest 3 schools, all within 3 miles, such infrastructure should be covered by the Community Infrastructure Levy at the present time.

Environment Agency: Have no objection to the application.

LCC Minerals and Waste Team: 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.

Archaeology: This site has previously been subject to archaeological evaluation and therefore no further archaeological input required.

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:

LP1: A Presumption in Favour of Sustainable Development

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP24: Creation of New Open Space, Sports and Recreation Facilities

LP25: The Historic Environment

LP26: Design and Amenity

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

Relevant policies of the NP include:

D-1 Access

D-2 Pedestrian and Cycle Access

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

D-3 Parking Provision (New Housing)
D-4 Water Resources and Flood Risk
D-6 Design of New Development
H-2 Housing Mix
H-4 The Provision of Affordable Housing

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

The site is in a 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)."

Paragraph 30 states:

"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."

Paragraph 71 states:

71. *Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:*

(a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and

(b) be adjacent to existing settlements, proportionate in size to them ³³, not compromise the protection given to areas or assets of particular importance in this Framework ³⁴, and comply with any local design policies and standards.

((33) Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.)
((34) i.e. the areas referred to in footnote 6 in chapter 2. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.)

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

Main issues

- Principle
- Highways
- Infrastructure
- Flood Risk and Drainage
- Design
- Open Space
- Residential Amenity
- Minerals
- Ecology
- Archaeology

Assessment:

Principle

Planning law requires that applications for planning permission must be determined in accordance with the development plan, **unless material considerations indicate otherwise** (emphasis added). The statutory plan for the area is the Central Lincolnshire Local Plan (CLLP) and the Nettleham Neighbourhood Plan (NNP).

The site is not allocated for residential development in either the CLLP or NNP. Within both plans, the land immediately east, currently under construction, is allocated.

However, both plans pre-date the latest iteration of the NPPF (February 2019) which introduces (paragraph 71) that *“Local planning authorities should support the development of entry-level exception sites... These sites should be on land which is not already allocated for housing”*

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)."

Paragraph 71 of the NPPF states that local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:

a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and

b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

Footnote 33 of the NPPF establishes the acceptable scale of entry-level exception sites. Applying the provisions of the NPPF, the Council will *require the site size to be no larger than one hectare and not to exceed 5% of the area of the host settlement.*

The proposal is in accordance with these provisions. This is a material consideration which carries significant weight.

The CLLP and the NNP predate the latest NPPF and are otherwise silent on the approach to **entry-level exception sites** for the delivery of affordable housing on appropriately sized sites adjacent to settlements, therefore the authority will look to **apply the provisions of the NPPF** (in particular paragraph 71), alongside the wider provisions of the CLLP and NNP, when determining the acceptability of such proposals.

The proposal initially was for 38 dwellings however 5 were sited on the residential allocation CL4660, therefore these were removed and the red line amended to be in accordance with paragraph 71 (it is a requirement under para 71 that the development is on land not already allocated for housing). Only a small amount of the access is within the residential allocation (CL4660). All 33 dwellings are on unallocated land. The 5 dwellings removed have been included on 141032 application which is being determined concurrently with this application but will be determined on its own merits.

When determining the need for such homes and whether this has been met within the authority's area, a Parish is not an authority in this sense and so it cannot be the area of the need being met. Therefore in line with statutory instruments the authority's area would be that of Central Lincolnshire. The Strategic Housing Market Assessment states that as per the PPG, Lincoln, North Kesteven and West Lindsey (Central Lincolnshire) can be jointly considered as a single housing market area.

There has been an under delivery of affordable housing in Central Lincolnshire compared to the need identified in the Strategic Housing Market Assessment. Whilst the

need in paragraph 71 needs to relate to the authority's area, the development itself has acknowledged the local need in terms of term of tenure, need and size of properties. 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

This clearly shows a high need for one bedroom properties to rent.

The proposal initially did not include 1 bed properties. This was subsequently amended to include 4no. 1-bed properties and therefore along with the other house types which include 2 and 3 beds and 1no. 4 bed property is acceptable. With regards to the 4 bed property whilst it could be thought that 4 bedroom properties are not entry level properties, this is supported as some newly forming households can struggle to gain suitable accommodation based on the lack of larger affordable rented properties in areas such as Nettleham.

In consultation with Strategic Housing they are supportive of the application with the location being sustainable for affordable housing and would support the delivery of affordable housing in this location. The tenures which are for a split of shared ownership and affordable rent would be acceptable.

Whilst the CLLP and the NNP are silent on entry level exception sites, policy LP11 of the CLLP states that affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more and policy H-4 of the Nettleham Neighbourhood Plan states that new residential developments will be required to include an element of affordable/low cost housing in accordance with policies contained in the development plan.

The affordable housing element will be expected to provide an appropriate balance of house size, type and tenure to meet the housing needs of the local community.

The proposal would be in accordance with LP11 and H-4. The policies are consistent with the NPPF in terms of major development and carry full weight.

All affordable dwellings provided through the development of entry-level exception sites *will be subject to restrictions that limit occupation to eligible households identified as being in affordable housing need.* Such restrictions can be achieved through the imposition of planning conditions, planning obligations or other legally defensible mechanisms available to the local planning authority.

The Village Design Statement and Character Assessment of the NNP states that the completed Parish Plan 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.

One of the aims of the Nettleham Neighbourhood Plan 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."

National planning policy necessitates that the development of entry-level exception sites does *not compromise the protection given to areas or assets of particular importance*.

The proposal is not within an area of particular importance such as a conservation, AGLV or AONB and thus would not compromise any protection. The land is not designated open space within the CLLP of the NNP.

The NPPF provides that proposals for entry-level exception sites should also *comply with any local design policies and standards*. On this basis, the provisions of the *wider general policies of the CLLP and the Nettleham Neighbourhood Plan will be applied*, such as (but not limited to) those on design, amenity, parking, highways, biodiversity and landscape where they may be applicable to the proposal. This will be discussed further in the report.

As the proposal would comply with the general requirements of Paragraph 71 of the Framework (subject to 71(b)), there is a presumption in favour of granting planning permission.

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 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 LP13 requires “The number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact”.

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.

LCC Highways advise 1 space for one bedroom, 2 spaces for two and three bedrooms and 3 spaces for four or more bedrooms.

The one bedroomed dwellings have 1 space which is less than the 2 spaces required by policy D-3. The two bedroom dwellings each have two parking spaces in accordance with policy D-3. 13 out of the 18 three bedroom dwellings have 2 spaces which is less than the three spaces required by the policy but in accordance with LCC guidance. 5 of the three bedroom dwellings have 3 spaces in accordance with policy D-3 and LCC guidance. The 4 bedroom property meets both LCC guidance and policy D-3 of the NNP.

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.

Paragraph 30 of the NPPF states that 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.”

Appendix A of CLLP says LP13 is strategic policy, and CLLP was adopted subsequently.

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 1 car parking space for one bedroomed properties and 2 car parking spaces for three bedroomed properties, which is recommended by LCC Highways, is considered appropriate.

Concerns have been raised regarding construction traffic and mud and debris on the road. A construction management plan can be conditioned in order to manage this appropriately.

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.

LCC 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.

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

Infrastructure

Policy LP12 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.

LCC Education and NHS England have been consulted on the application.

LCC Education have stated that at present, owing to a recent drop in birth rate, there is sufficient capacity for the scheme at primary level. While a secondary request may have been made owing to the capacity shortage at the closest 3 schools, all within 3 miles, such infrastructure would be covered by the Community Infrastructure Levy.

NHS England have stated – “please assume that we are interested in submitting a bid for the S106 monies related to the applications you have sent to us, however we are currently not in a position to be able to provide any further details at this time and until further notice.”

Whilst this interest is noted, under planning law, any obligation must be shown to be (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 the absence of a specific request demonstrating the above, no monies can reasonably be requested and secured at this time.

Flood Risk 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 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.

Design

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively

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

to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area.

Policy LP26 states that all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.

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 character assessment of the NNP states that 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.

It also states that Nettleham has a wide range of house sizes from very small cottages to much larger houses and it is this variety in size that is part of the attraction of the village.

New estates have largely comprised detached houses and bungalows having 3 and 4 bedrooms, with the later buildings constructed on ever-decreasing plot sizes.

For the village to maintain its essential character, buildings of different sizes should be part of future planning. The proposal is for a mix of 1, 2, 3 and 4 bed properties which would be in accordance with the NNP.

The Village Design Statement states that the scale and proportion of buildings should complement and reflect surrounding dwellings and buildings.

The design and appearance of the homes will very much echo those currently being built in Phase 1, with some of the house types being the same.

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.

The site is approximately 0.97 ha which would work out as 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 can be argued that the proposal “reflects existing residential densities in the locality of the proposal”.

Then also comparing the hectare opposite the Lace Scheme this would be 25 dwellings per hectare.

The proposal would sit in-between these two larger densities that are closest to the site and would be in-keeping with the locality. Whilst the proposal would be over 20 dwellings per ha, 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.

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 Village Design Statement states that new buildings should generally not exceed two storeys and not be significantly higher than surrounding buildings.

All the dwellings are proposed at two storeys and would be in keeping with the surrounding areas. In terms of massing, the properties would be seen in context with the other properties adjacent, is relatively well contained by the surrounding existing buildings and the topography and landscaping of the area.

A limited palette of materials is again envisaged, comprising of red and/or buff facing brick, white painted render and red and/or grey roof tiles. The materials used in construction will be sympathetic to the local context, and in particular phase 1, whilst enhancing the distinctive identity of the development.

A detailed landscaping scheme has not been provided but this can be conditioned. This can detail boundary treatments.

It is therefore considered that the proposal would be in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan and policy D-6 of the Nettleham Neighbourhood Plan.

Policy H-2 of the Nettleham Neighbourhood Plan states that applications for 11 or more dwellings will be required to produce a mix of dwelling types and sizes to meet the identified needs of current and future households in Nettleham.

Policy LP10 states that developers are expected to provide housing solutions that contribute to meeting the housing needs of the housing market area, as identified in the latest Strategic Housing Market Assessment (SHMA) and in any other appropriate local evidence. This means new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

The proposal consists of a mix of 4 one bed roomed, 10 two bed roomed, 18 three bed roomed and 1 four bed roomed dwellings.

The proposal would be in accordance with policy LP10 of the CLLP and policy H-2 of the NNP.

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.

Policies LP10 and LP26 of the CLLP and policy D-6 and H-2 of the NNP are consistent with the NPPF and are attached full weight.

Open Space

Policy LP24 states that Residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities.

For applications of 11-49 dwellings there is a requirement for the provision of on-site local useable green space. Within the red line plan is an area to the south of the pond which can be utilised which meets the SPD for space standards of providing open space. A condition is recommended to be attached to secure details of a final landscaping scheme along with the management and maintenance of the area.

Residential Amenity

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Concerns have been raised about the 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. There is considered to be appropriate separation throughout and opposite existing dwellings with adequate circulation space.

The garden sizes of the proposed are considered to be acceptable.

The 1 bedroomed properties do not have garden space however they can utilise the open space beyond the pond and the existing open space on the adjacent site.

Paragraph 127 of the NPPF states that Planning policies and decisions 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

Policy LP26 is consistent with the NPPF and is attached full weight.

Minerals

The site sits within a Minerals Safeguarding Area and therefore policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy is applicable.

This requires applications for non-minerals development to assess the implications of the development on the Minerals Safeguarding Area allocation to ensure that the granting of permission would not sterilise mineral resources within the Minerals Safeguarding Area or prevent the future minerals extraction on neighbouring land.

Whilst the Minerals Safeguarding Area allocation does not mean that extraction will take place, an assessment of the impact of the proposed development on the designation is required.

Policy M11 lists criteria that should be considered in the preparation of a planning application in order to demonstrate policy compliance.

The justification and need for the development proposed have therefore been assessed against the policy objectives set out in policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy, and in reference to the British Geological Survey document '*Mineral Safeguarding in England: Good Practice Advice*'

A Minerals and Waste Assessment has been submitted with the application.

This concludes that –

- The amount of mineral at risk is miniscule even compared to the current, consented extraction sites, which are themselves miniscule compared to the total amount of Limestone available in the MSA.
- There is a general decline in the demand for Limestone in the area as highlighted in the Minerals and Waste Local Plan and whilst this may change, the Plan also acknowledges that it is of rather poor quality.
- It is not viable to extract the Limestone on this scale (one hectare) and whilst it could be developed with the open land to the north, the implications in terms of the impacts on

the living conditions of those living close to the site, would make it very much a suboptimal site.

- For the same reasons, prior extraction is also not appropriate on this site.
- In respect to Policy M11 it is clear that the development is of a minor nature which would have a negligible impact on the mineral resource.

The Minerals and Waste Team have been consulted on the assessment.

They have 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.

The proposal is therefore in accordance with policy M11 of the Lincolnshire Minerals and Waste Core Strategy.

Ecology

LP21 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.

The site is of little ecological value with the site currently being used as a construction compound.

The creation of the pond however will improve on the ecological value of the site.

The proposal would be in accordance with policy LP21 of the CLLP.

Archaeology

Policy LP25 states that development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

This site has previously been subject to archaeological evaluation and therefore no further archaeological input required.

Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require

developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy LP25 is consistent with the NPPF and is attached full weight.

Other matters

Devaluation of property 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.

Claims the adjacent site being in alleged breach of archaeological conditions is a separate matter for planning enforcement, and is not a material consideration in the determination of this application.

Conclusion

The proposal has been considered against the Development Plan namely policies LP1: A Presumption in Favour of Sustainable Development, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP24: Creation of New Open Space, Sports and Recreation Facilities, LP25: The Historic Environment and LP26: Design and Amenity in the Central Lincolnshire Local Plan, policies D-1 Access, D-2 Pedestrian and Cycle Access, D-3 Parking Provision (New Housing), D-4 Water Resources and Flood Risk, D-6 Design of New Development, H-2 Housing Mix and H-4 The Provision of Affordable Housing in the Nettleham Neighbourhood Plan, policy M11 of the Lincolnshire Minerals and Waste Core Strategy including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.

The CLLP and the NNP are silent on the approach to *entry-level exception sites* for the delivery of affordable housing on appropriately sized sites adjacent to settlements, therefore the authority will look to apply the provisions of the NPPF (in particular paragraph 71).

The proposal is in accordance with the provisions of paragraph 71. This is a material consideration which carries significant weight.

The proposal would be an effective use of land in accordance with the provisions of the NPPF.

The proposal is considered to be appropriate in its scale, design and density and would be in-keeping with the character of the area in accordance with policies LP17 and LP26 of the CLLP and D-6 of the NNP. The proposal would provide a suitable mix of dwellings in accordance with policy LP10 of the CLLP and H-2 of the NNP

The proposal would be in accordance with the affordable housing policies of LP11 of the CLLP and H-4 of the NNP

The proposal would not have a detrimental impact on the highway, residential amenity or ecology in accordance with policies LP13, LP21 and LP26 of the CLLP and H-1 of the NNP. There is conflict with policy D-3, however the CLLP is the more recently adopted document for which the proposed parking accords with.

The proposal includes the provision of open space in accordance with policy LP24 of the CLLP. There is also pedestrian and cycle connectivity in accordance with LP13 of the CLLP and D-2 of the NNP.

The proposal would not have a detrimental impact on archaeology or a minerals resource in accordance with policy LP25 of the CLLP and M11 of the Lincolnshire Minerals and Waste Core Strategy.

The proposal would be acceptable in terms of drainage subject to conditions, would not increase the risk of flooding elsewhere and is at low risk of flooding in accordance with policy LP14 of the CLLP and D-4 of the NNP.

The proposal is recommended for approval 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.

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

3. 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:

L000/2112/DS
L162/S2/2224/DS/MID
L162/S2/2224/DS/SEMI
L162/S2/2318/DS
L162/S2/2324/DS
L162/S2/2324/DS/SEMI
L162/S2/2328/DS/DET
L162/S2/2328/DS/MID
L162/S2/2328/DS/SEMI
L162/S2/2434/DS
L162-NET-RLP-01 REV A
L162-NET2-LOCATION-01 REV B
L162-NET-SITE-02/02 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.

4. 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.

5. 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

6. Prior to occupation, a scheme of landscaping to include an area of open space 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.

7. Prior to occupation a schedule of landscape management and maintenance for a minimum period of five years from the completion of the development of that phase has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation and the development shall be carried out in accordance with the approved details.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with LP17 of the Central Lincolnshire Local Plan.

8. No development, other than to foundations level, shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

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.

9. 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:

None

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