

Officers Report

Planning Application No: 142065

PROPOSAL: Planning application for construction of 30no. Entry Level homes and associated infrastructure - resubmission of 140938

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: 25/02/2021

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Rachel Woolass

RECOMMENDED DECISION: Grant permission subject to a s106 agreement securing the affordable housing in perpetuity and NHS contribution of £18,975.00 and delegate back to officers to resolve any outstanding highways matters.

The application is reported to planning committee following a member call-in request received from Cllr Mrs A White, 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 30no. Entry Level homes and associated infrastructure, being a resubmission of planning application 140938, refused permission in August 2020.

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 71¹ of this Framework.*"

¹ Paragraph 71 of the National Planning Policy Framework <https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes#para071>

This is a re-submission application to address the previous reason for refusal by reducing the number of housing to 30 dwellings from 34 and increases the level of parking.

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. Granted 06/12/20

140938 – Planning application for construction of 33no. Entry Level homes and associated infrastructure - Phase 2. Permission refused 25/08/20 for the following reasons –

1. The proposal would not be in-keeping with the character of the area contrary to policy LP26 of the Central Lincolnshire Local Plan and D-6 of the Nettleham Neighbourhood Plan. The design and density of the development would be contrary to the principles of policy D-6 of the Nettleham Neighbourhood Plan. The proposal would therefore be contrary to the requirements of paragraph 71(b) of the NPPF. Furthermore the proposal would not provide adequate parking contrary to policy D-3 of the Nettleham Neighbourhood Plan.

141032 – Planning application for erection of 2no. affordable elderly persons bungalows and 5no. homes. Granted at planning committee and delegated back to officers for the completion of s106.

Representations:

Ward member: Call in request received from Cllr Mrs Angela M White with the following comments –

This application for entry level housing does not fulfil the requirements of NPPF (February 2019) paragraph 71b. It does not comply with the local design policies set out in the Nettleham Neighbourhood Plan (D6).

New developments should recognise and reinforce the local character in terms of height, scale, density, spacing and layout orientation. Housing proposals should reflect the existing residential densities. Maximum density was set as 20 per hectare, whereas the density of this proposal is in excess of this and of the adjacent developed site.

Neither does it comply with CLLP 26 c) Design and Amenity, particularly in relation to 'siting, height, scale, massing, form and plot width.'

It is contrary to the requirements of the Central Lincolnshire Local Plan Policies LP2 for development on unallocated sites and LP4 Growth in villages, that it has demonstrable community support.

Nettleham Parish Council has made a strong objection to this application. This is supported by many objections from the residents.

It does not comply with CLLP 9 Health and Well-being as unlikely to support high quality outcomes in relation to mental and physical health.

Entry level housing is not just for first time renters and owner occupiers. It includes other types of affordable housing, as demonstrated in the application form: - social, affordable and intermediate renting and affordable housing.

There is no further need for affordable housing in Nettleham. We have exceeded our designated share. Nettleham has planning permission for 71 affordable homes, although only 37 homes were identified as required in the Nettleham Neighbourhood Plan, with 45 homes now already delivered.

It does not comply with CLLP 11 that '*affordable homes should integrate seamlessly into the site layout amongst the private homes.*'

Finally, it does not comply with CLLP 11 that '*in rural areas there should be a local needs assessment that there is both a need and clear community support (with support well-demonstrated in the same way as LP2.*'

The LACE development provided 22 apartments for rent and 14 bungalows for shared ownership for the over 55s. It is proposed to develop Linelands as an extra-care facility. So, we already have extensive resources in Nettleham.

Nettleham Parish Council: (In brief) Strongly objects to this application.

- Not an allocated site in the adopted Nettleham Neighbourhood Plan (NNP) or CLLP.
- Contrary to para b) of the NPPF 71 as it does not comply with the design policies or standards as per D6 of the NNP.

- NNP identifies max. density for Nettleham as 20 homes per ha. For new housing developments. The proposal seeks to increase the maximum density by 65% an inappropriate urban density in a rural village setting. On this basis it would be contrary to NPPF 127 and 130.

- Design and access statement makes reference to under delivery of affordable houses in the area. Nettleham alone has had planning permission approved which includes 71 affordable homes, a significant over delivery against the 37 identified in the Neighbourhood Plan. The applicant fails to demonstrate substantive evidence of local need over that already provisioned for contrary to LP11 of the CLLP.

- Nettleham Parish Council submits that whilst the latest revision of the NPPF post dates the CLLP and the NNP, the NPPF only takes precedence where it is in conflict with other adopted plans. Based on the above grounds there is no conflict between cited policies. This opportunistic planning application should be refused.

- 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.

- Recent monitoring on Deepdale Lane has shown an average of 6400 movements per day over 23 days with a peak flow into the village of 307 vehicles/hour. Deepdale Lane lacks a footpath on the development side of the lane so for safety and amenity purposes there should be a s106 requirement for the developer to provide one from the site to meet up with the start of the existing path on Deepdale Lane.

Local residents: Objections received from the following properties –

7 Parker Way
29 High Leas
2 Brookfield Avenue
15 Ridgeway
5 The Steepers
8 Baker Drive
10 Baker Drive
11 Greetwell Lane
14 Baker Drive
14a Deepdale Lane
2 Washdyke Lane
6 Scothern Road
61 All Saints Lane
68 Scothern Road
9 Parker Way
Westcot
10 Riverdale
18 Deepdale Lane
28 Baker Drive
59 All Saints Lane
1 Becksid
43 All Saints Lane
54 Washdyke Lane
7 Baker Drive
16 Baker Drive
19 Deepdale Lane
25 Dalderby Crescent
4 Willowfield Avenue
7 Ridegeway
11 Parker Way
41 High Street
Beech Cottage
21 Becksid
38 Baker Drive
42 Baker Drive
57 All Saints Lane

11 Wold View
12 Cotton Smith Way
15 Deepdale Lane
22 Cherry Tree Lane
29B Lodge Lane
31 Kingsway
43 Brookfield Avenue
6 Cross Street
7 High Leas
Sunnyside, 2 Cross Street
10 Parker Way
16 Baker Drive
38 Washdyke Lane
1 Midway Close
12 Baker Drive
3 Frith Close
8 Paker Way
8 Poplar Farm Court
20 Baker Drive
30 Baker Drive
32 Cliff Avenue
4 Shaw Way
4 The Hawthorns
8 Midway Close
Aurora

With the main objections –

- Larkfleet (Allison Homes) have always said that the proposed application land would return to farmland
- submitted over Christmas period in hope of fewer objections
- highway safety
- does not allow for the efficient delivery of goods, access by service and emergency vehicles
- developer has dismissed a new road off Deepdale Lane
- contrary to paragraphs 109, 110 and 130 of the NPPF
- Contrary to policy D6, H4 and Appendix F car parking of the neighbourhood plan
- too high density
- too much pressure on infrastructure of the village
- flooding
- now becoming urban sprawl of Lincoln
- no need for more properties
- levels of traffic
- not in-keeping with the neighbourhood plan
- re-submission does little or nothing to mitigate earlier objections
- parking issues

- no justification for the type of housing
- infant school and primary school over populated
- too much development for the village
- pedestrian safety
- devaluation of property
- medical centre under pressure
- Larkfleet still haven't finished the roads, path, public spaces and grassed areas on the original development
- noise and disruption the proposed development would bring
- loss of green space
- impact to wildlife
- if minded to grant, place a covenant on these properties in perpetuity that they be first allocated to residents of Nettleham, then children of residents of Nettleham, parents of residents of Nettleham and if not taken then out to residents of Welton, Dunholme, Scothern and surrounding countryside and only offered on the "open market" if and when there are any vacancies after that in West Lindsey. If permission is granted for these dwellings on the basis that a requirement is needed in West Lindsey then the residents of West Lindsey should benefit.
- since the Linelands development has been sourced and this will provide a large amount of single person dwellings which will more than cover the needs highlighted in the neighbourhood plan
- if granted the hedgerow along the front of the site should be professionally laid and two small trees be planted for visual and wildlife purposes. The hedge and adjoining green area should be maintained and public use guaranteed.
- a concentration of one size of housing in one area goes against the very mixed housing provision over the rest of the village.
- together with ongoing developments there would be a total of 235 dwellings, far in excess of the number in the neighbourhood plan of 150 up to the year 2031. So does this mean no more homes will be built in Nettleham for the next 10 years or will the neighbourhood plan simply be disregarded?
- poorly designed
- Larkfleet should concentrate on remedying existing residents' poor build issues before building further homes
- not allocated in the CLLP or neighbourhood plan
- development shows no green space
- sewerage infrastructure issues
- inadequacy of single footpath on Deepdale Lane
- the adverse effects of the potential isolation of people within this development, with the lack of open spaces and small plots has already been highlighted through COVID-19
- not in-keeping with the village aesthetic
- should be kept as a village and not continue to expand to become a borough of Lincoln
- contamination
- will add to the car parking problem in the centre of the village
- poor aftercare service of developer on previous/existing homes
- no local support

- not in-keeping with the character of the village
- overlooking
- loss of privacy
- exceptional circumstances test not met in the CLLP
- is paragraph 71 of the NPPF actually applicable when considering in conjunction with 141032
- existing path would not benefit from natural surveillance
- enforcement should investigate the existing access
- drainage issues

LCC Highways and Lead Local Flood Authority: 18/01/2021 - The Highway and Lead Local Flood Authority would make the following comments: Highways
The general layout is acceptable along with the access point shown, subject to the following changes:

- Removal of, or confirmation that there are no vertical deflections shown on the submitted layout.
- Removal of the footpath across the swale on Plot 8.

A shaded plan showing areas proposed for adoption will be required, upon receipt of that further changes may be needed.

A frontage footway connecting the western boundary footpath to the site access is required. The Highway Authority will confirm in due course the suitability of the proposed bus stop at the front of the site.

Drainage

It is requested the applicant submits the ground investigation report for consideration.

LCC Education: The County Council has no comments to make on this application in relation to education as there is projected to be sufficient primary capacity for the 2 primary age children the scheme is projected to generate and the secondary contribution that would have been requested (£33,982) falls under the Community Infrastructure Levy under the Developer Contributions Supplementary Planning Document.

NHS England: The development could impact on Nettleham Medical Practice, Welton Family Health Centre, Brayford Medical Practice, Glebe Park Surgery, Lindum Medical Practice and Minster Medical Practice as patients would be able to register at either of the above practices. Lincolnshire Clinical Commissioning Group (LCCG) wishes for the Section 106 contribution to contribute to the refurbishment of existing rooms at Nettleham Medical Practice to increase clinical capacity. The contribution requested is £18,975.00.

Strategic Housing: The site in Nettleham is in a sustainable location for affordable housing, within walking distance of amenities such as shops, doctors surgeries, schools etc and close to a bus route allowing access to both Lincoln and Gainsborough. As with the previous submission of planning on this site, Larkfleet housing have liaised with Strategic Housing regarding this scheme and have reflected the identified housing

need within Nettleham from the WLDC housing register which shows a high need for one bedroom general needs housing.

On the previous application, I was concerned over the ability of this scheme to be delivered as affordable based on the lack of RP engagement. Since then, Larkfleet have appointed a consultant to engage with RP's for this scheme.

This proved a popular scheme with RP's and Larkfleet received a number of suitable offers from RP's in relation to obtaining the properties and delivering them as affordable. This has given confidence in the ability to deliver this scheme as fully affordable.

The tenure mix has not been detailed as part of the application, with a scheme of this size, it would be expected that a larger proportion of the scheme is delivered as low cost home ownership options than the policy position of 70% affordable rent and 30% shared ownership. The scheme will need securing as a fully affordable scheme through a S106 agreement.

Lincolnshire Police: Have no objections to this re-submitted application.

Environment Agency: We have no objections to this application we would like to draw your attention to the following –

The pre-planning statement by Anglian Water states that the Nettleham Water Recycling Centre (WRC) does not currently have capacity to treat the flows from this proposed development. Therefore should this development be granted planning permission, we would strongly recommend that conditions are included to ensure no occupation of the dwellings takes place until the Nettleham WRC has capacity to treat the waste water flows that the development will generate.

This is important to protect the Nettleham Beck (WFD waterbody ID: GB105030062210) by ensuring the development does not make the current phosphorous issues worse and cause any other water quality pollutions. The Water Framework Directive (WFD) status for the Nettleham Beck was classified as poor for phosphate in 2019. The major reason for this failure was identified as continuous discharges from sewage treatment works. There is a Phosphorous improvement scheme due to be completed by 22 December 2024. However we are not aware of any plans to increase capacity before 2040.

Archaeology: No representations received to date

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 law², 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

² S38(5) of the Planning & Compulsory Purchase Act 2004

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), adopted April 2017***

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

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

- ***Nettleham Neighbourhood Plan (NP), adopted March 2016***

Relevant policies of the NP include:

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

H-4 The Provision of Affordable Housing

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

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP), adopted June 2016***

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

<https://www.lincolnshire.gov.uk/downloads/file/2361/core-strategy-and-development-management-policies>

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)**

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

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 significant 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.

The application site is not already allocated for housing in the development plan (as required under paragraph 71), and is adjacent to the existing settlement, immediately alongside an allocated site under construction. The site measures 0.9118 hectares and would not exceed 5% of the area of the host settlement.

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.

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 30 dwellings proposed, would be on unallocated land.

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.

The below figures are numbers of people who are registered for housing in Nettleham by bedroom size, age and local connection.

Nettleham housing register information 14 th January 2021				
One bedroom	Total	Of total, those over 55	Of total, those with a local connection*	Of total over 55, those with a local connection over 55
1 bed	132	85/132	116/132	78/85
2 bed	59	8/59	44/59	7/8

3 bed	31	2/31	29/31	2/2
4 bed +	9	2/9	7/9	1/2
Total	231	97/231	196/231	88/196

* This is based solely on address, which is only one element of the local connection criteria.

The Strategic Housing Officer has stated that they understand need for an exception site of this nature is already determined through the Central Lincolnshire Strategic Housing Market Assessment. However, they feel the above information supports the scheme dwelling sizes and shows a high need for smaller housing. They also feel the local connection of people registered for Nettleham is higher than average for West Lindsey depicting it is local people who are actively seeking to remain within Nettleham.

This shows a need for one bedroom properties to rent.

Consultation has been carried out with Strategic Housing and they state that as with the previous submission of planning on this site, Larkfleet housing have liaised with Strategic Housing regarding this scheme and have reflected the identified housing need within Nettleham from the WLDC housing register which shows a high need for one bedroom general needs housing.

On the previous application, there was concern with the ability of this scheme to be delivered as affordable based on the lack of RP engagement. Since then, Larkfleet have appointed a consultant to engage with Registered Provider's (RP's) for this scheme.

Larkfleet received a number of suitable offers from RP's in relation to obtaining the properties and delivering them as affordable. This has given confidence in the ability to deliver this scheme as fully affordable.

The tenure mix has not been detailed as part of the application, with a scheme of this size, the strategic housing officer advises that a larger proportion of the scheme is delivered as low cost home ownership options than the policy position of 70% affordable rent and 30% shared ownership. The scheme will need securing as a fully affordable scheme through a S106 agreement.

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, Area of Great Landscape Value or Area of Outstanding Natural Beauty 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 a further assessment of 71(b)), there should be 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, a footpath 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 26 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 and access for service and emergency vehicles. 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/emergency vehicle.

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, although this is not part of the development plan – the standards set out in adopted policy D-3 therefore take priority

4 out of 8 of the one bedroomed dwellings have 2 spaces and the other 4 have 1 space with 2 visitor spaces. This would accord with LCC guidance and policy D-3 apart from the 4 with 1 space. The two bedroomed dwellings have at least 2 spaces which is in accordance with LCC guidance and policy D-3. The three bedroomed dwellings and 4 bed dwelling have 3 spaces which is in accordance with LCC guidance and policy D-3.

The proposal is short by 2 spaces in meeting the neighbourhood plan policy D-3 which, comprises a minor conflict with the development plan – although communal “visitor parking” is provided which the policy will consider.

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, 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.

Paragraph 110 of the NPPF then goes on to state that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

LLC Highways have been consulted on the application and state that the general layout is acceptable along with the access point shown, subject to the following changes:

- Removal of, or confirmation that there are no vertical deflections shown on the submitted layout.
- Removal of the footpath across the swale on Plot 8.

They also require a shaded plan showing areas proposed for adoption will be required. These have been requested.

A frontage footway connecting the western boundary footpath to the site access is required. This is shown on the plan and can be conditioned.

Parking has been significantly improved and turning can be achieved. Whilst third party representations are noted, subject to further information being received and final conditions 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 there is projected to be sufficient primary capacity for the 2 primary age children the scheme is projected to generate and the secondary contribution that would have been requested (£33,982) falls under the Community Infrastructure Levy under the Developer Contributions Supplementary Planning Document.

NHS England have stated that the development could impact on Nettleham Medical Practice, Welton Family Health Centre, Brayford Medical Practice, Glebe Park Surgery, Lindum Medical Practice and Minster Medical Practice as patients would be able to register at either of the above practices. They have requested £18,975.00 to contribute to the refurbishment of existing rooms at Nettleham Medical Practice to increase clinical capacity. This can be secured by s106.

The proposal would therefore be in accordance with policy LP12.

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 Environment Agency note the pre-planning statement by Anglian Water states that the Nettleham Water Recycling Centre (WRC) does not currently have capacity to treat the flows from this proposed development. This was dated 01/10/2019 within the Flood Risk Assessment. However Anglian Water's pre-

planning statement on the previous application dated 12/05/2020 stated that there would be capacity.

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 hierarchy³ and a final drainage scheme can be conditioned.

Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

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.

³ Paragraph: 080 Reference ID: 7-080-20150323, <https://www.gov.uk/guidance/flood-risk-and-coastal-change#sustainable-drainage-systems>

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 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.

In the case of *R (Cherkley Campaign Ltd) v Mole Valley DC*, the decision detailed how development plan policies and their supporting text *should be* interpreted. In this case for a construction of a golf course they determined whether the applicant should have demonstrated need. On its proper construction, the golf course policy in the Local Plan did not require the applicant to demonstrate a need for further facilities. That requirement was not stated in the policy itself, but only in the supporting text. The supporting text was relevant to interpretation of the policy but could not itself “trump” the policy or insert new requirements.

This case also stated that supporting text “*should not contain policies and proposals that will be used in themselves for taking decisions on planning application*”

As with policy D-6 of the NNP the requirement of 20 homes per hectare is not contained within the policy it is contained within the supporting text.

Planning law decision-making is a process informed by policy.

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 31 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. The proposal has also reduced the density from the previous scheme which was 34 dwellings per hectare. Whilst the proposal would still 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.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

It is not considered that the proposal constitutes poor design.

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 regarding overlooking, loss of privacy and size of plots with regards to garden space.

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 was submitted in the previous application.

This concluded 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 were consulted on the assessment.

They 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 deemed to be 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.

With regards to issues existing owners are having with outstanding matters in their homes with the build or the existing site, this is not material to the consideration of this application.

It is not considered that contamination is an issue. Public protection have not raised any concerns on the application.

There are no restrictions to an applicant applying over the Christmas period. Consultation takes account of the Bank Holidays and the time for representations to be received, is extended by planning law.

A resident has requested covenants to be placed on the properties in order to first allocate the housing to residents in Nettleham. Planning has no jurisdiction to place covenants on properties. The properties are all affordable and would be retained in perpetuity through a Section 106 legal agreement and would not be open market dwellings. However, Section 106 does contain terms for the selection of occupiers of the affordable homes. First being a resident of Nettleham within certain stipulations.

With regards to the Linelands site providing alternative accommodation, no such planning permission is in place.

The application can only consider the red line boundary, of which, is under 1ha. 141032 has been granted planning permission subject to the signing of a s106 in its own right and therefore the land area would not be added in this application.

Concern has been raised that the existing path would not benefit from natural surveillance. However the houses would have rooms with habitable windows that would view the path.

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 some conflict with policy D-3 in regard to parking provision, however the CLLP is the more recently adopted document for which the proposed parking is deemed to accord 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 includes a contribution to the NHS in accordance with policy LP12.

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.
- construction working hours

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:

L162/S2/2112/DS

L162/S2/2228/DS/MID

L162/S2/2228/DS/SEMI

L162/S2/2318/DS

L162/2324/DS
L162/2324/DS/SEMI
L162/S2/2434/DS
L162-NET2-LOCATION-01 Rev B
SK-02 Rev F

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. The development hereby permitted shall not be occupied until the Nettleham WRC has capacity to treat the waste water flows that the development will generate.

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. 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 shall be 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 October 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

10. The development hereby permitted shall not be occupied before a 1.8 metre wide frontage footway connecting the western footway to the access, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

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