

Officers Report

Planning Application No: 145353

PROPOSAL: Planning application to erect 8no. affordable dwellings

LOCATION: Land off Deepdale Lane Nettleham Lincoln LN2 2LT

WARD: Nettleham

WARD MEMBER(S): Cllr J Oliver and Cllr A White

APPLICANT NAME: Mr G Wilkinson

TARGET DECISION DATE: 06/01/2023 (Extension of time agreed until 27th April 2023)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Danielle Peck

RECOMMENDED DECISION: Grant permission subject to conditions and the signing of a Unilateral Undertaking securing the proposal as affordable housing.

The application is referred to the planning committee due to the objections received from Nettleham Parish Council and in order for it to be considered alongside 146082- Planning application for construction of 30no. affordable homes and associated infrastructure - Phase 2b.

Site Description: The application site comprises of an area of land off Baker Drive to the north west of the settlement of Nettleham. The site is currently being used as a mix of fenced off overgrown land and the construction compound for the adjacent estate development.

The Proposal: Planning permission is sought for the erection of 8no. affordable dwellings. The dwellings are to be two storey in scale and comprise of 4no. two bedroom dwellings and 4no. three bedroom dwellings.

Relevant history:

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

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

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

140938 Planning application for construction of 33no. Entry Level homes and associated infrastructure - Phase 2. Refused 25/08/2020, **allowed on appeal** 13/1/2022. (APP/N2535/W/21/326969692).

141032- Planning application for erection of 2no. affordable elderly persons bungalows and 5no. homes. Granted permission 27/4/21.

146082- Planning application for construction of 30no. affordable homes and associated infrastructure - Phase 2b. Under consideration, to be determined concurrently with this application.

Representations:

Cllr A White: Can you tell me when the consultation ends on this application? There is concern that a local farmer has told me that the only point of access to the upper field is through this part of the lower field.

I am surprised that there is such a demand for affordable housing in Nettleham and would like to see the evidence. I would also be surprised if people owning properties c£500K can downsize, so I would like to check this. Longhurst Housing has recently sold a property on Jubilee Court. On the advertisement to sell the property it included 'No homeowners.....'

Nettleham Parish Council- Objects: This is an amendment to an existing proposal. It does not increase the number or alter the type of properties. It does change the layout significantly in a way which will impact the safety and environmental condition for the residents, by introducing agricultural access through a residential area.

Agricultural access is already available via a track through the neighbouring Enterprise Park, the roads on which are wider. There is no reason to alter the plans to enable access for farm vehicles when an already satisfactory track is available.

The development planned is for a high density, residential estate with narrow roads. The roads will be quiet in the approved development plans. Children of the young families, resident in the properties, can expected to play and move freely through the estate. The proposed amendments will introduce noise and hazard to the roads. The mud left by the farm vehicles moving through the state will cause a significant deterioration in the quality of life for the residents.

Local residents:

10 Baker Drive, Nettleham- Objects: The road going through phase 1 of the development was not Designed to have phase 2 traffic, the road snakes and I have to

stop before the bend when other cars are coming. I hope phase 2 has more parking than phase 1 we live in a 4 bedroom property and have two parking spaces.

16 Baker Drive, Nettleham- Objects: We are not happy to have the farmers access track running through Nettleham Chase when there is perfectly adequate entrance through the fields straight off the main Deepdale road.

4 Honey Pot Close, North Greetwell- General observation: Please note the owners (of which I am one of) of the agricultural field to the North do not own/have access or a right of way over the adjacent industrial estate and as such access must be preserved to this land from Deepdale Lane. You should be aware that field access has always been available from the newly developed estate/Baker Drive and whilst the plans have now been modified and the access moved it is essential that there is a route to the field to the North sufficient for farm traffic. The land is let on an agricultural tenancy to Mr and Mrs Bowser and their access for same should not be denied. The developers are required to ensure access is preserved.

LCC Highways/Lead Local Flood Authority: No objection subject to conditions. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

WLDC 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. There is a high identified need for affordable housing in Nettleham, the surrounding areas and West Lindsey as a whole with an increase currently in applications for our housing register.

The site layout plan details the tenure of affordable housing to be split between affordable rented and shared ownership which on this site reflects the tenure split of the larger site.

The affordable housing will need to be secured via a S106 with triggers to include the developer to be in contract with an RP for delivery of the affordable housing prior to commencement on site.

Archaeology: No representations received to date.

ECM Checked: 18/04/2023

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 2023); the Nettleham Neighbourhood Plan (made 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S4: Housing Development in or Adjacent to Villages
Policy S21: Flood Risk and Water Resources
Policy S22: Affordable Housing
Policy S23: Meeting Accommodation Needs
Policy S47: Accessibility and Transport
Policy S49: Parking Provision
Policy S53: Design and Amenity
Policy S60: Protecting Biodiversity and Geodiversity

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

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

Relevant policies of the NP include:

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

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

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

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 July 2021. Paragraph 219 states:

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

- **National Planning Practice Guidance**
- *National Design Guide (2019)*
- *National Design Code (2021)*

Main issues

- Principle of Development;
- Minerals;
- Design and Visual Amenity;
- Residential Amenity;
- Highways;
- Flooding and Drainage;
- Other Matters.

Assessment:

Principle of Development

The proposal is for 8no. fully affordable dwellings. Nettleham is designated a large village in Policy S1 which will be a focus for accommodating an appropriate level of growth mostly via sites allocated in the plan.

The site was previously allocated in the now superseded Central Lincolnshire Plan, it does not form part of any allocation in the adopted 2023 CLLP. However, its non-inclusion is due to the site currently delivering/delivered the 86 dwellings has permitted by planning application 135567.

The principle of development on this site has previously been established by the planning permissions listed in the history section of this report. The site has an extant permission, ref 141032, granted on the site for 7no. dwellings in April 2021. Weight is given to this extant permission and site history and therefore the principle of development is considered to be acceptable and accords to the policies within the CLLP and the Nettleham Neighbourhood Plan.

Minerals

The site lies 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.

A Minerals Assessment has not been submitted with this application but was submitted in the previous application, 141032. The assessment 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.*

Whilst the waste and minerals team have not commented on this application they have previously provided comments to say that they the applicant has demonstrated that they would be in accordance with the criteria of Policy M11.

The conclusions remain the same in this proposal and therefore accords to policy M11 of the Lincolnshire Minerals and Waste Core Strategy.

Design and Visual Amenity

Policy S53 states that development proposals will; *Contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness; and Reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style.*

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

The proposal consists of 4 two bedroom and 4 three bedroom two storey dwellings. The design of the dwellings would integrate well with the dwellings proposed on the site to the west/south west as well as those on the existing development to the east. External finishing materials are described on the form as 'to match phase 1' which will require final details to be secured by condition along with landscaping details.

The proposal would be viewed in the context of the surrounding housing estate and is relatively well contained by the surrounding existing buildings and the topography and landscaping of the area.

The design and impact on the character of the area is considered acceptable in accordance with Policy S53 and D6.

Residential Amenity

At point 8 of Policy S53 it states that development proposals will;

a) Provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces;

d) not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;

The proposed site layout does not give rise to any unacceptable impacts upon residential amenity for both the existing residents and those future occupiers of the dwellings proposed. The proposal offers adequate separation distances between properties and the garden areas are of an appropriate size.

The proposal accords to the aims of policy S53 of the CLLP.

Highways

Policy S47 requires that developments should demonstrate, where appropriate that they have had regard to the following criteria:

a) Located where travel can be minimised and the use of sustainable transport modes maximised;

b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, car clubs, walking and cycling links and integration with existing infrastructure;

c) Making allowance for low and ultra-low emission vehicle refuelling infrastructure.

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-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

All of the properties show adequate parking spaces for the number of bedrooms. This would also meet the aims of upcoming Policy S49: Parking standards and the standards contained within Appendix 2 of the policy.

The comments regarding the agricultural access road are noted. It is noted that the agricultural access as shown within the blue line on the submitted site location plan does not currently have planning permission and its positioning has altered from that previously approved. The agricultural access will be removed in this amended layout.

As it does not fall within the red line of this application, it has not formed part of the consideration of these 8no. affordable dwellings. It should be noted that an application on the adjacent site (west), for 30 affordable dwellings under reference 146082 is running concurrently with this proposal. This application (146082) includes the agricultural access in an alternative position to that approved under reference 141032.

The highways authority have reviewed the proposals and have no objections on highway safety grounds.

Flooding and Drainage

Policy S21 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SUDS) in to the proposals unless they can be shown to be inappropriate; to show that that there is no unacceptable increased risk of flooding to itself or existing land or buildings; and that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

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 hierarchy and a final drainage scheme can be conditioned. The proposal therefore accords to policy S21.

Other Matters

Energy Statement- Policy S7 of the CLLP requires an Energy Statement to be submitted. However, this application was originally submitted in October 2022, significantly before the adoption of the April 2023 Local Plan, and when the plan was at a draft stage, prior to its examination. The application was not determined by the statutory timescale (by January 2023), and was subject to an agreed extension of time in order for the applicant to work with, and address matters raised by the Local Planning Authority. It is therefore not considered to be reasonable to require that an energy statement is supplied in this instance.

Conclusion and reasons for decision: The proposal has been considered against the following policies, Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S2: Growth Levels and Distribution, Policy S4: Housing Development in or Adjacent to Villages, Policy S5: Development in the Countryside, Policy S21: Flood Risk and Water Resources, Policy S22: Affordable Housing, Policy S23: Meeting Accommodation Needs, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S51: Policy S53: Design and Amenity, Policy S60: Protecting Biodiversity and Geodiversity and 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.

In light of this assessment it is considered that the principle of development is acceptable. The proposal would deliver a fully affordable scheme where there is an identified need for such housing. No harm has been found with regard to residential amenity or visual impact. The proposal would not have an unacceptable impact upon highway safety. Matters of drainage are acceptable in principle subject to conditions.

It is therefore recommended that permission is granted subject to conditions and the signing of a Unilateral Undertaking to secure the dwellings as affordable.

RECOMMENDED 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:

Site Location Plan- L162/NET2/LOCATION/01 REV C
Site Layout Plan- L162-NET-SL-02 REV C
C305 Floor Plans and Elevations OP L000-C305-DS-01
C305 Floor Plans and Elevations AS L000-C305-DS-01
B204 End Floor Plans and Elevations OP L000-B204-E-DS-01
B204 End Floor Plans and Elevations AS L000-B204-E-DS-01

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 S21 of the Central Lincolnshire Local Plan.

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

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the street scene in accordance with the NPPF and policy S53 of the Central Lincolnshire Local Plan and D-6 of the Nettleham Neighbourhood Plan.

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

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with policy S53 of the Central Lincolnshire Local Plan.

7.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 S21 of the Central Lincolnshire Local Plan and policy D-4 of the Nettleham Neighbourhood Plan.

8.All planting, seeding or turfing comprised in the approved details of landscaping, as required by condition 6 of this permission, shall be carried out in the first planting and seeding season following the first operation of the lagoon or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure that appropriate landscaping is implement and that initial plant losses are overcome in the interests of visual amenity to accord with the National Planning Policy Framework and policy S53 of the Central Lincolnshire Local Plan.

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

None.

Notes to the Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

Highways

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the

highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>