

# Officers Report

## Planning Application No: 146082

**PROPOSAL:** Planning application for construction of 30no. affordable homes and associated infrastructure - Phase 2b

**LOCATION:** Land off Deepdale Lane Nettleham Lincoln LN2 2LT

**WARD:** Nettleham

**WARD MEMBER:** Cllr Mrs J White, Cllr Mrs A White

**APPLICANT NAME:** Allison Homes

**TARGET DECISION DATE:** 31/03/2023 EOT 12/04/2023

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Rachel Gordon

**RECOMMENDED DECISION:** Grant permission, subject to conditions

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The application is presented to committee due to a call in from Cllr Mrs A White.

### **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 was used for construction purposes as a compound for the previous scheme, this will be referred to as phase 1.

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 for construction of 30no. affordable homes and associated infrastructure - Phase 2b

The site is to be considered as an "Entry Level Exception Site".

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 72<sup>1</sup> of this Framework."*

A unilateral agreement has been submitted which secures the affordable housing in perpetuity and a NHS contribution of £18,975.00.

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<sup>1</sup> Paragraph 72 of the National Planning Policy Framework <https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes#para072>

**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.*

This was subsequently allowed at appeal 13/01/2022 (APP/N2535/W/21/3269692) with the inspector concluding –

*I have found that the proposals comply with local design policies and standards, namely Policies LP13 and LP26 of the LP and Policy D-6 of the NP, and consequently with paragraph 72 of The Framework. This compliance with the more recent national planning policy is a material consideration which carries significant weight in support of the proposals, and it outweighs the conflicts that arise with those development plan policies that set out the parameters for new housing.*

141032 – Planning application for erection of 2no. affordable elderly persons bungalows and 5no. homes. Granted 04/02/2021

142065 – Planning application for construction of 30no. Entry Level homes and associated infrastructure - resubmission of 140938. Permission refused 04/02/2021 for the following reason –

*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.*

This was subsequently allowed at appeal 13/01/2022 (APP/N2535/W/21/3271598) with the inspector concluding –

*I have found that the proposals comply with local design policies and standards, namely Policies LP13 and LP26 of the LP and Policy D-6 of the NP, and consequently with paragraph 72 of The Framework. This compliance with the more recent national planning policy is a material consideration which carries significant weight in support of the proposals, and it outweighs the conflicts that arise with those development plan policies that set out the parameters for new housing.*

145353 - Planning application to erect 8no. affordable dwellings. Under consideration.

**Representations made in relation to the application, the substance of which are summarised below (full representations can be viewed online):**

**Cllr Mrs Angela M White:** I am calling in this application as a West Lindsey District Councillor for Nettleham, following a request from Nettleham Parish Council. Nettleham Parish Council has objected to this application on the grounds that it will impact the safety and environmental condition of the residents, by introducing agricultural access through a residential area. I have spoken to the farmer and he states that he has no alternative access. He will require occasional access depending on the time of year and for what purpose he is using the upper field. So, this application requires further clarification and consideration. A resident has also raised concerns about surface water posing four questions relating to the footpath and the infiltration pond.

**Nettleham Parish Council:** This application provides detail to an existing approved proposal. It does not increase the number or alter the type of properties. It does however 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. A councillor who spoke to the farmer who rents the field was told by the farmer that he was unaware of the change and that he agreed that entering the field through the estate would be difficult, highlighting the liability to spillage of load, causing damage to the area. 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 be 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 estate will cause a significant deterioration in the quality of life for the residents.

**Local residents:** Support received from Deepdale House; 48 Deepdale Lane:

- A great improvement on the present unsightly scrub land.

General observation from 61 All Saints Lane, The Apiory, 4 Honey Pot Close, North Greetwell –

The agricultural land to the north of the development slopes very gently towards the new properties. There is an access road which crosses the 'new' footpath at the top which was developed when the first phase of the development took place. Following the heavy rains of the autumn 2022 and its use by far vehicles, the field has begun to leak onto the foot path at this crossing point. A pleasant walk is now being affected by the seepage and has become muddy.

Question 1: who is responsible for the state of the footpath?

Linked to this, there is no provision on the plan for the future drainage of the access road. With an increasing number of extreme weather events and an incline of at least 2 metres from the top five bar field gate (31.50) to Baker Drive opposite No.10, it would seem probable that more water will be moving down on the road

Question 2: what measures will be taken to prevent to this?

Deepdale Lane is at the south side of the development. Motorists turning off the A46 will tell you how heavy rain leads to a growing stream of water seeping out of the fields and the Deepdale Enterprise Park and down past Baker Drive, the White House, Green Lane and beyond on the north side of the road. I have no data on this beyond my own observation that I don't remember this volume of water when we first came to the village in 1986.

It is good to see an infiltration pond is planned for the south-west corner

Question 3: will the pond be large enough for the development ?

Question 4: could the pond also be used to take run-off from Deepdale Lane?

Please be aware the owners of the field to the North (of which I am one) that has been long term leased to a local farmer do not have an alternative access in to the field from neighbouring land. You will be aware there is already field gate access in to this land from Baker Drive and the applicants are now seeking to modify the route. The applicants are required to ensure farm/field access can be maintained from Deepdale Lane in to the land to the North and despite the observations made this cannot be denied.

Objections received from 8 Baker Drive, 43 All Saints Lane, 10 Baker Drive, 31 Deepdale Lane, 41 High Street, 40 Baker Drive and 35 Cotton Smith Way with the main concerns –

- It flies in the face of the Nettleham Parish development plan to restricted development sites to 50 dwellings. This will bring Baker Drive to more than 80 dwellings.
- There is only a single access/egress point from Deepdale Lane, which already creates traffic and safety issues for residents.
- Approved applications for new developments in Nettleham, including entry-level properties, already exceeds identified local needs.

- It imposes a disproportionate share of Central Lincolnshire's entry-level needs on this small village and, contrary to comments of "Strategic Housing", it does not reflect local housing needs in Nettleham.
- Facilitating the movement of agricultural vehicles onto and through this residential development will impact significantly on residential traffic and local safety, particularly of young children.
- Moving the farmer's access to go through the new development is totally inappropriate in that;
  - 1) The development road will get extremely muddy.
  - 2) A tractor and trailer will require a wide space and any car badly parked will stop the access. It will cause a great many problems as reversing a tractor and trailer is not easy.
- We believe that insufficient allowance has been made for keeping the bins tidy.
- Infrastructure is at a maximum
- Speed limits are ignored
- Parking is an issue
- Nettleham already has plenty of housing stock
- Does not comply with the Nettleham Neighbourhood Plan
- Will cause traffic congestion at Deepdale Junction
- Will detract from the local amenity due to over-development

**LCC Highways and Lead Local Flood Authority: 13/02/2023** - The proposed development is acceptable in principle, the submitted Transport Statement is a fair and reasonable representation of the developments likely impact on the public highway and it is considered acceptable.

The following amendments will be required:

- The Transport Statement will require updating to reflect the amended layout submitted, including swept path analysis.
- Vertical deflections shown on the layout will require removal.
- A shaded plan showing areas proposed for adoption will be required

A frontage footway link, to include a level access bus stop, will be required from the footpath on the western boundary to the main site access on Deepdale Lane. To form part of final recommended conditions to the Local Planning Authority.

#### *Drainage*

A revised Flood Risk Assessment and drainage strategy will be required for the proposed layout, to include all supporting information.

03/04/2023 – No objects subject to 4 conditions (Construction Management, Footway and Bus Stop, Tactile Crossing and Surface Water Drainage)

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

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

**Strategic Housing:** In accordance with paragraph 72 of the NPPF (2021) 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.

On the basis of data taken from the Central Lincolnshire Housing Needs Assessment 2020, it is concluded that the need for Entry-level homes is not currently being met within the authority's area which, in this instance, is defined as Central Lincolnshire as a whole.

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.

The applicant has liaised with Strategic Housing for some time in relation to the site, and this new application reflects these discussions. The proposed mix of property types and tenures will help to address the broader need for entry-level homes within Central Lincolnshire, while also reflecting the local housing need in Nettleham.

A Section 106 agreement will be required in order to secure the Entry Level nature of the scheme, the affordable housing status of all the properties, the affordable tenure mix and the mechanism to ensure that occupancy is restricted in the first instance to first-time buyers or those looking to rent their first home, whenever a property is sold or re-let.

**NHS Lincolnshire:** The development will impact Nettleham Medical Practice, Welton Family Health Centre, Brayford Medical Practice, Glebe Park Surgery, Lindum Medical Practice and Minster Medical Practice as the development is within their catchment areas. Request a contribution of £18,975.00.

**LCC Education:** Contribution of £36,734 to mitigate 2 primary school places.

**Environment Agency:** No objections

**Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023); the Nettleham Neighbourhood Plan (made March 2016); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Under planning law<sup>2</sup>, if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

### Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP), adopted April 2023***

Relevant policies of the CLLP include:

- S1: The Spatial Strategy and Settlement Hierarchy
- S4: Housing Development in or Adjacent to Villages
- S6: Design Principles for Efficient Buildings
- S7: Reducing Energy Consumption – Residential Development
- S12: Water Efficiency and Sustainable Water Management
- S20: Resilient and Adaptable Design
- S21: Flood Risk and Water Resources
- S22: Affordable Housing
- S47: Accessibility and Transport
- S48: Walking and Cycling Infrastructure
- S49: Parking Provision
- S53: Design and Amenity
- S57: The Historic Environment
- S60: Protecting Biodiversity and Geodiversity
- S61: Biodiversity Opportunity and Delivering Measurable Net Gains
- S66: Trees, Woodland and Hedgerows

<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

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<sup>2</sup> S38(5) of the Planning & Compulsory Purchase Act 2004

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 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)."*

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 72 states:

**72.** 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 <sup>33</sup>, not compromise the protection given to areas or assets of particular importance in this Framework <sup>34</sup>, 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)**

#### Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Nettleham Neighbourhood Plan Review (NNPR)**

A review of the Nettleham Neighbourhood Plan is in progress. Nettleham Parish Council has completed Regulation 14 consultation on its Draft Plan Review July 2022 and supporting Character Assessment March 2021.

The Nettleham Neighbourhood Plan review carries limited weight at this time.

#### **Main issues**

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

- Archaeology

**Assessment:**

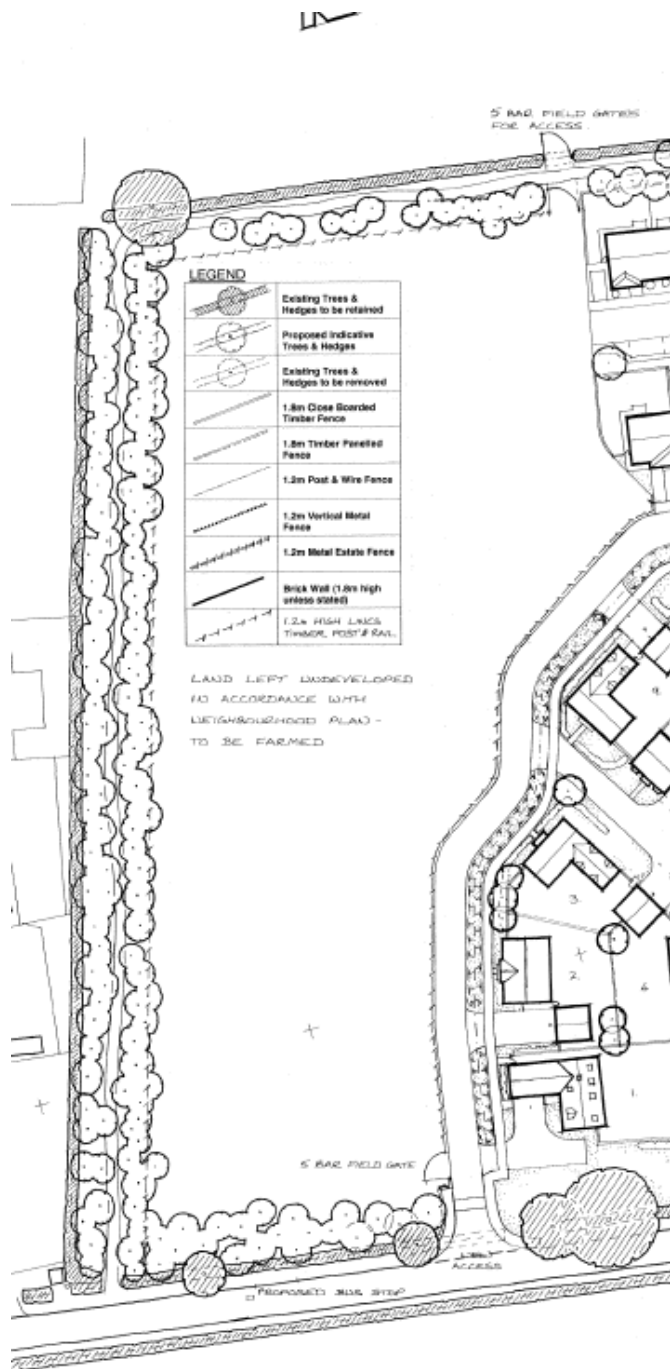
Principle

The principle of entry level housing at this site has already been established in the appeals of APP/N2535/W/21/3269692 and APP/N2535/W/21/3271598.

The change in this application is for an alternate route for the farm vehicles to access the land to the north.

Application 135567 which was for the dwellings to the east of the site shows the field access as below -





Field access is shown by the green arrow.

Appeal APP/N2535/W/21/3269692 was allowed for 33 entry level homes with the below layout –



The field access is highlighted by the green arrow. This was approved in application 141032. The site of 141032 is shown below –



Appeal APP/N2535/W/21/3271598 allowed 30 entry dwellings with the below layout –



The field access is highlighted by the yellow arrow.

This application seeks permission for the same site and for 30 dwellings, with a slightly altered red line, to allow for a change to the field access. The site still remains unallocated bar a small amount of the access off Baker Drive. The dwellings proposed are all on unallocated land, a requirement of paragraph 72 of the NPPF.



The site plan below shows the new layout with proposed new field access –



The proposed field access is highlighted by the green arrow. The area in blue above is under consideration under application 145353.

The principle for 30 level entry level houses on the site is considered to have been previously established, and is therefore acceptable subject to the following considerations.

### Highways

Policy S47 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.

A Transport Statement and Transport Statement Addendum have been prepared to demonstrate that the revised layout, with it's the altered field access will not represent a material increase in traffic and will still accord with the principles set out in the NPPF. It shows that safe and suitable access can still be achieved, and the layout will still be acceptable.

LCC Highways have been consulted on the application and state that the submitted Transport Statement is a fair and reasonable representation of the developments likely impact on the public highway and it is considered acceptable.

The previous applications were approved with the following parking spaces –

|                  |          |
|------------------|----------|
| 1 bedroom        | 1 space  |
| 2 bedroom        | 2 spaces |
| 3 and 4 bedrooms | 3 spaces |

Policy S49 states the following parking spaces –

|                    |          |
|--------------------|----------|
| 1 bedroom          | 1 space  |
| 2 bedrooms         | 2 spaces |
| 3 bedrooms         | 3 spaces |
| 4 or more bedrooms | 3 spaces |



The Nettleham Neighbourhood Plan Review proposes the same level of parking as the current Neighbourhood Plan. However, limited weight is attached to the NNPR.

The proposal provides the same level of parking as previously approved and is considered acceptable.

Furthermore, 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.

This is the newly adopted Central Lincolnshire Local Plan.

Concern from residents, the Parish Council and the Ward Member have been raised that this proposal provides an alternative access to the farmers field and the safety of residents. There is already field gate access approved in to this land from Baker Drive. Therefore, it is not considered that an alternate proposal that is accessed off Baker Drive and through this part of the site would cause a significant highway impact given the current access arrangements.

The applicant has stated that

*“As part of a contractual obligation, the field gate access must be built to the equivalent width of an adoptable highway, however, on the original application, this was not provided due to an error and there was no scope to increase the width of the original access. There was also issue with third party land on the original access.”*

Therefore, this application *“amended this and the field now has access that is the equivalent of adoptable highway standards and accords with the obligation in our contract with the landowner and does not involve third party land.”*

Furthermore they state *“As part of the new application, a Transport Statement Addendum has been provided to West Lindsey District Council and Lincolnshire County Council, and no objections were received from Lincolnshire County Council Highways.”*

There is currently an application considered alongside this application which removes the existing approved access in lieu of the access being repositioned in this application.

Concern from objectors have also raised traffic congestion and highway safety issues.

The principle of 30 dwellings has already been approved at this site which remains extant.

Concerns are noted with regards to farm vehicles and the potential conflict with kids playing and parked cars. However, it is not considered that the proposed access for

farm vehicles would raise a severe highways issue to withhold permission. LCC Highways have been consulted on the proposal and do not raise any objections to a farm access through the site.

LCC Highways have requested a 1.8m metre wide frontage footway, from the western boundary footpath to the junction of Baker Drive, to connect the development to the existing footway network, and a level access Bus Stop at a suitable location.

They have also requested a tactile crossing.

However, a bus stop and tactile crossing were not conditioned on the previous application. Therefore, it is considered unreasonable to request these for this application.

With regards to mud on the road from the tractor, this is a matter for the farmer and to accord with separate legislation under the Highways Act 1980 and the Road Traffic Act 1988 for which planning has no jurisdiction.

The proposal is considered to be in accordance with policy S47 of the Central Lincolnshire Local Plan.

#### Infrastructure

Policy S45 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 have requested £36,734 to mitigate for the 2 primary school places the development would generate.

The applicant has provided the following evidence with regards to primary school places

–

Lincolnshire County Council have provided insufficient detail as to why the two schools cannot cope with an extra two places created from this scheme. However, the table below demonstrates the pupil numbers from the Nettleham Infant School and the Nettleham Church of England Voluntary Aided Junior School.

| Year | School Type | School                  | Total Offers Made | Pupil Admission Number | Free Places |
|------|-------------|-------------------------|-------------------|------------------------|-------------|
| 2022 | Primary     | Nettleham Infant School | 58                | 60                     | 2           |
| 2021 | Primary     | Nettleham Infant School | 60                | 60                     | 0           |
| 2020 | Primary     | Nettleham Infant School | 46                | 60                     | 14          |
| 2019 | Primary     | Nettleham Infant School | 52                | 60                     | 8           |
| 2018 | Primary     | Nettleham Infant School | 48                | 60                     | 12          |
| 2018 | Primary     | Nettleham Infant School | 46                | 60                     | 14          |

The above has been taken from the Lincolnshire County Council School Admissions data, which is in the public domain and holds information from 2018-2022 for all schools in Lincolnshire County Council's authority. As evidenced from the tables above, in 2022, both the Nettleham Infant School and the Nettleham Church of England Voluntary Aided Junior School had spare capacity for an additional two places, with the latter having 5 free places based on its 2022 roll figures, and the former having 2 free spaces based on the 2022 roll figures.

Further evidence contained within the applicant's response<sup>3</sup> states

*"Combined, the two schools had 7 spare places in 2022 and 12 in 2021, and with pupil numbers expected to drop in West Lindsey between 2022 and 2025, we expect that there will still be spare places, especially as no other development (10+ dwellings) is currently in planning as of April 2023, so there is not expected to be a significant rise in the need for primary places in the Nettleham Primary Planning Area."*

LCC Education responded with the following –

*"The methodology employed by the County Council for forecasting pupil numbers is validated annually by Central Government through its School Capacity (SCAP) Survey process. Information about the methodology is set out below.*

*The County Council groups schools across the County into 'pupil planning areas'. For this application the Nettleham Planning area consists of Nettleham Infant School, Nettelham Junior School and Scothern Ellison Boulters Primary School.*

*Forecasts for Lincolnshire primary planning areas reflect data relating to:*

- *the local population. This data is taken from the Office for National Statistics, and includes information relating to the migration of pre-school children between different planning areas*
- *the children and young people attending our primary schools. This data is taken from the DfE's statutory schools census*

<sup>3</sup> Nettleham Education Consultation Response (Applicant) <https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?id=146082&nb=1>

- *pupils moving between schools during academic years (i.e. an in-year 'cohort flux') new housing that has been identified by the relevant planning authority as having a high probability of delivery within the next 5 years*
- *school reception year places allocated, via the current admissions process, for the start of the next academic year*

*In order to forecast school capacity, the projected demand for places (as described above) is compared with the known capacity figures of schools in the given pupil planning area. When determining a school's capacity, the County Council adheres to the DfE's SCAP guidance.*

*It should be noted that the DfE anticipates that Local Authorities will maintain a margin to allow for in-year movement between. This does not include new families moving into an area as a result of them occupying newly built houses. Therefore, seemingly 'spare' capacity at a school does not necessarily equate to there being sufficient capacity. Lincolnshire ascertain that if a planning area is 95% or over an education ask will be made to mitigate the additional children.*

*Some further detail to behind the education ask from this development is that the planning area (with schools included mentioned above) is 102% FULL and does not have enough spaces for the children already predicted to be within the planning area.*

*If we remove Scothern Ellison Boulters from the equation the position is still the same with Nettleham Infant School (which is restricted further by infant class size regulations) projected to be at 95% FULL in 2025/2026 and Nettleham Junior School predicted to be 102% FULL additional children cannot be accommodated naturally."*

However, an education contribution was not requested in the previous scheme which is extant. As permission can be started without this requirement, it is not considered reasonable to secure in this application. Furthermore, the evidence provided does indicate a fall in birth rates and that there is some capacity available.

The secondary contribution that would have been requested falls under the Community Infrastructure Levy under the Developer Contributions Supplementary Planning Document.

NHS Lincolnshire have requested £18,975 as the development will impact Nettleham Medical Practice, Welton Family Health Centre, Brayford Medical Practice, Glebe Park Surgery, Lindum Medical Practice and Minster Medical Practice as the development is within their catchment areas. They wish for the monies to contribute to the refurbishment of existing rooms at Nettleham Medical Practice to increase clinical capacity.

This contribution is secured in the unilateral undertaking.

### Flood Risk and Drainage

Policy S21 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 S21 states that development proposals should demonstrate:

- g) that water is available to support the development proposed;*
- h) that adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development. Non mains foul sewage disposal solutions should only be considered where it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible;*
- i) that they meet the Building Regulation water efficiency standard of 110 litres per occupier per day or the highest water efficiency standard that applies at the time of the planning application (see also Policy S12);*
- j) that water reuse and recycling and rainwater harvesting measures have been incorporated wherever possible in order to reduce demand on mains water supply as part of an integrated approach to water management (see also Policy S11);*
- k) that they have followed the surface water hierarchy for all proposals:*
  - i. surface water runoff is collected for use;*
  - ii. discharge into the ground via infiltration;*
  - iii. discharge to a watercourse or other surface water body;*
  - iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*

- v. discharge to a combined sewer;
- l) that no surface water connections are made to the foul system;
- m) 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;
- n) that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated;
- o) 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;
- p) 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;
- q) how Sustainable Drainage Systems (SuDS)/ Integrated Water Management to deliver improvements to water quality, the water environment and to improve amenity and biodiversity net gain wherever possible have been incorporated into the proposal unless they can be shown to be impractical;
- r) 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);
- s) that suitable access is safeguarded for the maintenance of watercourses, water resources, flood defences and drainage infrastructure; and
- t) that adequate provision is made to safeguard the future maintenance of water bodies to which surface water and foul water treated on the site of the development is discharged, preferably by an appropriate authority (e.g. Environment 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, Anglian Water have confirmed that there is capacity for foul waters.

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<sup>4</sup> and a final drainage scheme can be conditioned.

The proposal, subject to conditions, is considered to be in accordance with policy S21 of the Central Lincolnshire Local Plan.

### *Design*

Policies S23 and S53 of the Central Lincolnshire Local Plan and policy D-6 and H-2 of the Nettleham Neighbourhood Plan set the design criteria and housing mix for the development.

The dwellings design and appearance of the homes will very much echo those within Phase 1, with some of the house types being the same as Phase 1 and of the dwellings already approved.

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

The application proposes a mix of 8 one bed roomed 13 two bed roomed, 8 three bed roomed and 1 four bed roomed dwellings.

This is still considered to be acceptable.

The proposal is not considered to be over-development as stated within objection to the application.

The principle has already been established for the level of dwellings and density.

All the dwellings are proposed are still 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 S23 and S53 of the Central Lincolnshire Local Plan and policy D-6 and H-2 of the Nettleham Neighbourhood Plan.

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<sup>4</sup> Paragraph: 080 Reference ID: 7-080-20150323, <https://www.gov.uk/guidance/flood-risk-and-coastal-change#sustainable-drainage-systems>



Paragraph 130 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.

Policy D-6 and H-2 of the NNP are consistent with the NPPF and are attached full weight.

#### Open Space

Policy S51 states in all new residential developments of 10 dwellings or more, development proposals will be required to provide new or enhanced publicly accessible open space, sports and leisure facilities to meet the needs of their occupiers in accordance with this policy.

Appendix 3 states that open space should be provided as per the following –

**Table A3.2. Thresholds for On-Site and Off-Site Open Space Provision**

| Type of Open Space                      | Development Scheme Thresholds for Open Space Provision |                     |                     |                     |                                  |
|---|--|---------------------|---------------------|---------------------|----------------------------------|
|   | <10 dwellings*   | 10-49               | 50-99               | 100 -499            | 500+ Sustainable Urban Extension |
| Allotments and Community Growing Spaces | No requirement   | Off-site            | On-site or off-site | On-site or off-site | On site                          |
| Amenity Greenspace                      | No requirement   | On-site or off-site | On-site or off-site | On-site or off-site | On site                          |
| Provision for Children and Young People | No requirement   | On-site or off-site | On-site or off-site | On-site or off-site | On site                          |
| Outdoor Sports Facilities (Public)      | No requirement   | Off site            | On-site or off-site | On-site or off-site | On site                          |
| Natural and Semi-Natural Greenspace     | No requirement   | On site or off site | On site             | On site             | On site                          |

\* Smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of open space in the area.

Within the red line plan is an area to the south of the pond which can be utilised for providing open space in accordance with the above. There is a requirement for off-site contributions for allotments. As permission can be started without this requirement, it is not considered reasonable to secure in this application.

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 S53 states all development proposals will be compatible with neighbouring land uses and not result in likely conflict with existing uses.

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.

The proposal is considered to be in accordance with policy S53.

Minerals

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

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

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

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

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

A Minerals and Waste Assessment has not been submitted with this application but 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 concluded 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 conclusions are considered unchanged and the proposal is therefore deemed to be in accordance with policy M11 of the Lincolnshire Minerals and Waste Core Strategy.

### Ecology

Policy S60 states that all development should protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance

Policy S61 states that all qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric.

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.

It has not been requested that exact figures be submitted using Natural England's Biodiversity Metric as permission can be started without this requirement.

### Archaeology

Policy S57 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.

### *Other matters*

Speeding is a matter for the police.

The responsibility for the footpath to the rear of the site is the owner which is the applicant. It does not form part of this application. However, the Public Right of Way, is expected to be transferred into a management company, who will maintain the public right of way and ensure that it is kept to a usable standard.

A final drainage strategy is to be conditioned which will detail surface water run-off.

It is not clear what the concern is over the bin storage as each plot has ample space to store bins.

The newly adopted Central Lincolnshire Local Plan includes a suite of climate change policies which include the following –

S6: Design Principles for Efficient Buildings

S7: Reducing Energy Consumption – Residential Development

These require design expectations and an energy statement. However, as permission can be started without this requirement, these have not been requested.

## **Conclusion**

The proposal has been considered against the Development Plan namely policies S1: The Spatial Strategy and Settlement Hierarchy, S4: Housing Development in or Adjacent to Villages, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S12: Water Efficiency and Sustainable Water Management, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S22: Affordable Housing, S47: Accessibility and Transport, S48: Walking and Cycling Infrastructure, S49: Parking Provision, S53: Design and Amenity, S57: The Historic Environment, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains and S66: Trees, Woodland and Hedgerows 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 principle of entry level dwellings has already been established in the appeals of APP/N2535/W/21/3269692 and APP/N2535/W/21/3271598.

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 policy S53 of the CLLP and D-6 of the NNP. The proposal would provide a suitable mix of dwellings in accordance with policy S23 of the CLLP and H-2 of the NNP

The proposal would be in accordance with the affordable housing policies of S22 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 S47, S53, S60 of the CLLP and H-1 of the NNP.

The proposal includes the provision of open space in accordance with policy S51 of the CLLP. There is also pedestrian and cycle connectivity in accordance with S48 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 S57 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 S21 of the CLLP and D-4 of the NNP.

The proposal is recommended for approval with 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-NET-SL-03 C  
L000-A102-DS-01 AS  
L000-A102-DS-01 OP  
L000-B204-E-DS-01 AS  
L000-B204-M-DS-01  
L000B204-E-DS-01 OP  
L000-C305-DS-01 AS  
L000-C305-DS-01 OP  
L000-C308-DS-01 AS  
L000-C308-DS-01 OP  
L000-C308-E-DS-01  
L---/C308A/DS/01  
L---/C308A/DS/01  
L---/D407/DS

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 S21 of the Central Lincolnshire Local Plan.

**5.** 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 S53 of the Central Lincolnshire Local Plan.

**6.** 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 S53 of the Central Lincolnshire Local Plan.

**7.** 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 S53 of the Central Lincolnshire Local Plan and D-6 of the Nettleham Neighbourhood Plan.

**8.** The development shall be carried out in accordance with the submitted flood risk assessment dated March 2023 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

**9.** 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