

Officers Report

Planning Application No: 135567

PROPOSAL: 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.

LOCATION: Land off Deepdale Lane Nettleham Lincoln LN2 2LT

WARD: Nettleham

WARD MEMBERS: CLLR A WHITE AND CLLR G MCNEILL

APPLICANT NAME: Allison Homes Ltd and LACE

TARGET DECISION DATE: Extended to 30/8/17

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- *£124,040 towards meeting the requirement for 11 primary school places generated by this development. The money would be spent on providing extra capacity via a 0.5 form entry extension to Monks Abbey Primary School*
- *£27,842 to provide capital towards making internal alterations to create two consulting/treatment rooms at Nettleham Medical Practice at Lodge Lane Nettleham LN2 2RS.*

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Description

The application site consists 5.66 hectares of agricultural land on the northern fringes of Nettleham. The site comprises two fields bisected by public right of way (PROW) 166. The western field is cultivated and the eastern field has been used as pasture and retains evidence of ridge and furrow. There is a small pond on the northern boundary. The site rises away from Deepdale Lane and to the west, with a natural low point lying in the south east corner of the site. The site benefits from existing peripheral hedgerows, a hedgerow to the west of the PROW and intermittent boundary trees. The trees fronting Deepdale Lane are protected by a Tree Preservation Order dated 1967.

To the west of the site is a small business park, to the north are further agricultural fields, to the east and south are residential dwellings and to the south west are the headquarters of Lincolnshire Police.

Proposal:

Planning permission is sought for 50 market dwellings and 36 (42%) dwellings specifically for people aged over 55 which are proposed to be affordable housing. This is a joint application from Allison Homes Ltd in relation to the market dwellings and LACE in relation to the over 55's dwellings. Submitted drawing number A00-NET-SITE-01 Rev C demarcates the two elements of the proposal.

A new road junction from Deepdale Lane would provide the main arterial road with small cul-de-sacs leading from it. The market housing would broadly be located along the southern and eastern half of the site closest to the existing dwellings and consists of two storey dwellings, chalet bungalows and bungalows with associated garaging of varying designs in single, double and triple format some of which are attached and others detached.

The over 55's dwellings would be located near the northern boundary of the site, to the west of the PROW and consist of 14 two bedroom bungalows in detached, semi-detached and terraced format, and 22 two bedroom apartments in a two storey building with each apartment on one floor. The semi-detached bungalow blocks would measure a maximum of 16.8m wide, 9.5m deep and 5.2m to ridge height. The block of apartments would measure a maximum of 70m wide, 21.2m deep and 9.6m to ridge height.

The proposed site layout shows the land to the west of the access road remaining undeveloped. A new footpath along the western and northern site boundaries would link to the existing PROW. The existing PROW would be metalled as part of the proposal. A public open space is to be provided with foul water pumping station within. A surface water attenuation basin is to be located near the south eastern boundary. The existing pond would be retained.

The application is reported to planning committee on the basis that the number of dwellings proposed represents a departure from the development plan because the site is allocated for 50 dwellings whereas 86 are proposed.

Relevant history

Western field: WR/25/64- erect dwellings- refused in 1964.

Eastern field: W65/1230/88- outline application for residential development- refused and appeal dismissed in 1988.

Representations

Ward Councillor White (summarised);

- Met with some local residents who expressed concerns.
- Planning notice undated and unsigned (a photograph of a signed and dated site notice was subsequently supplied to the Councillor demonstrating it was erected correctly).
- Site notice not adjacent to fields to be developed (the site notice was erected on a telegraph pole to the front of the houses affected).
- There is a ditch near 14 The Dene and 20 Shaw Way- ditch can be full of water after rain.
- House opposite 20 Shaw Way had two sink holes which overflow when it rains and add to water in the ditch.
- Residents disappointed by this fait accompli as the developer is providing 'what the Parish Council wanted'. They feel they failed to convince the Parish Council of their case.

Nettleham Parish Council commented;

"The Parish Council has been in a dialogue for a number of years with the Developer of this site. Over that period the proposal has evolved to that which has been submitted to the LPA.

In the main, the Proposal accords with the Nettleham Neighbourhood Plan and is an excellent example of what can be achieved when a Developer is prepared to work with a Council in order to meet the aspirations of both parties.

The Council notes that part of the site contains an ancient Ridge and Furrow system of agricultural cultivation and requests that - if the Application is Approved - a detailed archaeological investigation and recording of findings is completed before construction commences. The Parish Council supports this Application.

Should the Planning Authority be minded to approve this Application the Parish Council requests that a S.106 Agreement is effected to provide funds for play equipment to be located at the nearby Bill Bailey Memorial Playing Field."

And;

"Nettleham Parish Council requests a developer contribution towards the provision of new children's play equipment at the Bill Bailey's Memorial Playing Field site on Scothern Road. Bill Bailey's play site is located in the centre of Nettleham and is the main children's play site in the village. A Parish Council survey of village residents in 2016 identified that:

- a large percentage of people use Bill Bailey's play site at least weekly
- the site is used by families resident in the village as well as adult residents with visiting children (e.g. grandparents + visiting grandchildren)

- provision for younger children is good but there is not sufficient play equipment for older children
- residents have a strong preference for expanding existing play sites in Nettleham rather than creating new ones

As a result of this survey Nettleham Parish Council are currently planning to extend Bill Bailey's play site with additional play equipment suitable for older children. This proposed development on Deepdale Lane will increase the demand for play equipment in Nettleham. Nettleham Parish Council are therefore asking for a contribution of £40,000 from the developer towards the costs of enhancing and maintaining the Bill Bailey's play site. The justifications for this request are:

i. WLDC Local Plan 2006 policy RES 5 suggests that a development of this size should consider providing play equipment. Specifically:

- 1.3 "continued development of small sites can...place a strain on existing facilities" - 1.31 "in some circumstances it may be justified to combine development...with the provision of a larger recreational area" The developer should also "liaise closely with the existing community to determine needs".

- 1.32 "the Council may also require the provision of play equipment, safety surfaces, fences etc"

- 1.33 "it will be expected also that a sum of money, sufficient to achieve the recreational objectives set down in the Local Plan First Review and subsequently agreed, will be provided by the landowner and/or developer. In most cases it is likely that a Section 106 Planning Obligation will be required"

ii. Emerging CLLP policy LP24 states that "Development will be required to provide new or enhanced provision of public open space, sports and recreation facilities"

iii. The emerging CLLP Developer Contributions Supplementary Planning Document states that off-site contributions to existing provision for developments of 50+ houses should be "required where need/opportunity are identified"

iii. The majority of the proposed development is within a 500 metres radius

of Bill Bailey's, which complies with the Appendix C standards of the emerging CLLP (i.e. formal equipped play area within a 5 minute walk).

iv. The survey of village residents clearly demonstrated a need for additional play equipment for older children and the desire to enhance the Bill Bailey's site rather than having new onsite provision in new developments.

This demonstrates consistency with LP24 part 1 (on-site provision not suitable in a local context) and part 3 (considering context of existing provision and maximising opportunities for improvement).

v. Approximately half of the requested funds would be spent on new equipment; the other half would be put aside for future maintenance. This approach would satisfy part 4 of policy LP24 (appropriate mechanisms for future maintenance)

vi. The last new provision of play equipment in Nettleham was on the Larch Avenue development. This development was approximately 50 houses, similar to the proposed development on Deepdale Lane. The s106 agreement for this site - signed in 1998 - provided £35,000 for children's play equipment (£15,000 for installation and £20,000 for future maintenance). Allowing for inflation this would represent around £50,000 now. The Deepdale Lane development would create a similar demand on play equipment as the Larch Avenue development, therefore a consistent sum is requested.

vii. This request for a developer contribution meets the relevant criteria of section 122 of the Community Infrastructure Levy Regulations 2010, specifically

- it is directly related to the development*
- it is related in scale and kind to the development*

In summary:

1. The amount requested is £50,000. This would be approximately split 50/50 between purchase of equipment and money put aside for future maintenance.

2. This amount has been calculated based on a previous s106 agreement in Nettleham for a development of a similar size, and then increased for inflation. This amount is consistent with our estimates of developing the Bill Bailey's play site.

3. The money would be used to provide and maintain additional play equipment for older children on the Bill Bailey's site.

The Parish Council request to be a party to the s106/CIL agreement.

The Parish Council will make requests consistent with this one to other developers applying to build large housing developments in the village."

Local Residents;

Twelve letters of objection have been received from local residents which are summarised as follows;

- Loss of privacy
- Overlooking
- Insufficient separation distance between proposed dwellings and existing dwellings.
- Loss of light/overshadowing
- Visual amenity
- Lack of landscaping.
- New landscaping could overshadow neighbours.
- Concerns about proposed fencing.
- Impact on ecology and archaeology.
- Impact on planning permission 133580 for 2 dwellings at rear of 14 Deepdale (not yet constructed).
- The proposal will exacerbate existing drainage problems including the ditch to the east of the site.
- Some of the dwellings should be bungalows to stop overlooking.

- Would retained hedgerows/trees necessitate application to trim them from utility companies?
- Have utility providers been consulted and would existing? Would utilities be placed underground?
- Speed reducing methods could be installed on Deepdale Lane.
- Pedestrian crossing and or footway on northern side of Deepdale Lane should be constructed.
- Existing dwellings may not be able to extend is proposed dwellings are nearby.
- Lack of consultation for the proposal.
- Permission should be refused because the Council has a 5 year housing land supply.
- Loss of countryside should be resisted for future generations.
- The proposal is not sustainable development.
- Specific concerns about the surface water drainage scheme including the design of the attenuation pond and its ability to retain and infiltrate water.

The Council's Environmental Protection Officer;

It is unclear whether drainage has been considered correctly. The topography may impact the south east corner of the site. Proposed site levels would require significant earth movement. The surface water basin may have impaired onward flow provided access to the compromised watercourse 20m to the east is available. At worst this could result in over ground flow and no flood route. More details required for suggested land drain at southern boundary to prevent surface water entering existing gardens, such as where it will drain and maintenance responsibilities. The EPO stated;

“Albeit that drainage proposal is for an infiltration strategy, the configuration of drainage and the overall drainage proposal would appear to have excluded the presence of the watercourse and ensuring a flood route for exceedance events as such appear to be questionable especially as the site boundary to the east appears to be configured to exclude the watercourse. I am also mindful of the ‘strong’ recommendation on the drawing ‘proposed drainage strategy’ for further infiltration tests to be undertaken before the ‘detailed design stage’.”

Noise and dust pollution could occur during development. Noise from the Deepdale Enterprise Park should be considered to ensure its ability to expand in the future is not limited.

The Council's Tree Officer;

The landscaping details for the market housing, public open space, attenuation pond and footpaths are acceptable. Landscaping commissioning, management and maintenance details are unclear. Landscaping details for

the affordable housing element have not been provided but can be secured via condition. The arboricultural impact assessment appropriately considers the effect on trees and hedges and no objection is raised to their removal. Appropriate replacement trees should be required as should protective fencing until completion as per the tree report. Landscape implementation condition should be attached with 5 years maintenance from planting.

LCC Highways and LLFA;

Initial comments; sought removal of the footway to western side of the proposed access road and the footway to be set behind the drainage on the eastern side; consideration should be given to providing a frontage footway along Deepdale Lane at least from the PROW towards the village; there appears to be an under provision of parking for the LACE element which needs to be justified; revised travel plan is required. The footway amendments within the site and amended travel plan have been received and are acceptable. LCC subsequently conceded there is no requirement for a footway along Deepdale Lane and that the level of vehicle parking within the affordable housing element is acceptable given lower car ownership arising from the nature of the occupation.

Following the receipt of aforementioned amended details LCC Highways raises no objection to the proposal in its capacity as Highway Authority and Lead Local Flood Authority. LCC has been made aware via email and telephone of the objections of local residents on the grounds of the proposed drainage arrangements and potential flood risk posed but it did not consider there to be a need to amend its comments. LCC suggested conditions are recommended below.

LCC Corporate Property Team;

Requires £124,040 towards meeting the requirement for 11 primary school places generated by this development. No secondary school request is made due to pooling restrictions. The money would be spent on providing extra capacity via a 0.5 form entry extension to Monks Abbey Primary School thereby reducing the number of children travelling from Lincoln North to Nettleham. It is requested that the monies are secured by S106 agreement and that they are paid at the halfway point in the development to allow timely investment by LCC whilst not adversely affecting the developers' viability. LCC confirm no more than 5 S106 contributions are pooled towards a specific piece of infrastructure.

Following the applicants withdrawal of information disputing the CIL compliance of the contribution sought, LCC Corporate Property Team has formally withdrawn its objection.

Environment Agency;

Makes no comment.

Anglian Water;

Requires dwellings to be 15m from existing sewage pumping stations. The proposal satisfies this requirement as the nearest station is within the enterprise park to the west. It confirms wastewater from the proposal can be accommodated within the Nettleham Water Recycling Centre. It requests a foul sewage condition regarding a drainage strategy to prevent flooding downstream. It makes comments regarding trade effluent but this is not relevant to the proposal.

LCC Archaeology;

Following requests for and submission of a geophysical survey and trial trenching assessment, it is confirmed that no further archaeological input is required for this development.

LCC PROW;

Suggested the PROW be metalled and gave specific weed suppressant and surfacing guidance. The amended footpath drawings secure all suggested amendments which are acceptable to LCC PROW. It states;

“ii/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

iii/ The construction should not pose any dangers or inconvenience to the public using the right of way.

iv/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division”

Natural England;

Makes no comment.

Lincolnshire Wildlife Trust;

Supports the proposed use of species-rich meadow seed mixes within the area of open space and associated with the SUDS features on site. The western open space could also be made into a meadow instead of agricultural land. Other enhancements could be included in the form of log piles near the pond to benefit amphibians, reptiles and invertebrates and the provision of a range of bird nesting features on mature trees surrounding the site or on buildings. Consideration should also be given to the inclusion of bat roosting units within buildings on site or bat boxes on mature trees. Exterior lighting should be kept to a minimum and be directional/ cowled to avoid light spill onto hedgerows and other habitat areas which may be used by foraging or commuting bats.

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NHS England Central Midlands;

The contribution requested is £323.75 x 86 dwellings = £27,842 to provide capital towards making internal alterations to create two consulting/treatment rooms at Nettleham Medical Practice at Lodge Lane Nettleham LN2 2RS.

Lincolnshire Police;

“Overall a well-considered development making effective use of a largely cul-de-sac layout which has been proven to enhance safety and security and enhance the development of community.” Further general guidance relating to building control requirements for windows and doors, fencing, placement of parking spaces, gates, landscaping, footpaths, lighting etc is provided.

Lincolnshire Fire and Rescue;

Objects to the application on the grounds of inadequate access and water supplies. It requires 2 fire hydrants, and access to buildings to accord with building regulations, and carrying capacity for hard standing for pumping appliances to exceed building regulation requirements.

Relevant Planning Policies

National Policy

National Planning Policy Framework

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

County Policy

Lincolnshire Minerals and Waste Local Plan (LMWLP)

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/core-strategy-and-development-management-policies/116942.article>

The County Council adopted the Core Strategy and Development Management Policies document on 1 June 2016.

Policy M11: Safeguarding of Mineral Resources defines the site as falling within a Limestone Minerals Safeguarding Area (MSA) and states;

“Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the

case, planning permission will be granted when:.... the development is, or forms part of, an allocation in the Development Plan.”

Local Plan

Central Lincolnshire Local Plan (CLLP) adopted 24th April 2017

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

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP9: Health and Wellbeing

Policy LP10: Meeting Accommodation Needs

Policy LP11: Affordable Housing

Policy LP12: Infrastructure to Support Growth

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

Policy LP23: Local Green Space and other Important Open Space

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

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP52: Residential Allocations - Large Villages

Neighbourhood Plan

Nettleham Neighbourhood Plan (December 2015)

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

Nettleham Neighbourhood Plan was formally adopted by West Lindsey District Council at a Full Council Committee meeting on the 3rd March 2016.

The following policies apply;

Policy E–2 Local Green Spaces 13) Ridge and Furrow earthworks off Deepdale Lane.

Policy E-3 Heritage Sites

Policy D-1 Access

Policy D-2 Pedestrian And Cycle Access

Policy D-3 Parking Provision (New Housing)

Policy D-4 Water Resources and Flood Risk

Policy D-6 Design of New Development

Policy H-1 Managed Housing Growth

Policy H-2 Housing Mix

Policy H-3 Housing for Older People

Policy H-4 The provision of Affordable Housing

H-5 Site A Land Behind Deepdale Lane

S-1 Services and Facilities

Main issues

- The principle of development
- Affordable housing
- Landscape and visual impact
- Design
- Residential amenity
- Flooding and drainage
- Highway safety and convenience
- Ecology
- Landscaping
- Archaeology
- Developer contributions/S106/open space

Assessment:

The principle of development

To the extent that development plan policies are material to this application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise as set out in section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

In this case the development plan consists of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (LMWLP) 2016, the Central Lincolnshire Local Plan (CLLP) adopted 24th April 2017 and the Nettleham Neighbourhood Plan (NNP) 2016. The National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG) must be considered.

CLLP/NNP

CLLP Policy LP52 allocates the site for an indicative number of 50 dwellings under reference CL4660. Similarly, the application site is allocated for approximately 50 dwellings under Policy H-5 of the NNP.

NNP Policy H1 states;

“These housing sites will each be restricted to a yield of 50 homes unless it can be demonstrated that their proposed numbers can be satisfactorily incorporated into the community and also that their proposed design, layout and dwelling numbers can be satisfactorily incorporated into their topography and landscape settings.”

The proposal entails 86 dwellings, 36 more than indicatively and approximately envisaged by the CLLP and NNP. Despite this, the support of Nettleham Parish Council should be noted including its statement that *“In the main, the Proposal accords with the Nettleham Neighbourhood Plan”*.

Detailed design and amenity matters are discussed in detail below, but it is considered that despite this application being reported to planning committee on the basis it represents a departure from the development plan, the 36 additional dwellings would not give rise to any harm in principle as they are located within the boundary of the allocations and make effective and efficient use of the land, as required by Policy LP26 of the CLLP. It is considered that the development of 50 dwellings over this site area could lead to an inefficient use of land and inappropriate dwelling sizes and mixes, as required by Policy LP10 of the CLLP.

The proposals map in appendix B of the NNP and policy H-5 map of the NNP provide contradictory positions for the area of local green space to be provided within the site with the former showing it to the eastern boundary of the site and the latter showing it immediately to the east of the public right of way. The implications of this are discussed in more detail below but it does not impact on the acceptability of the development in principle.

A local resident considers permission should be refused because the Council has a 5 year housing land supply. This site forms part of that 5 year housing land supply as set out in the Central Lincolnshire Five Year Land Supply Report 1 April 2017 to 31 March 2022 (Published September 2016). Therefore, to refuse permission on this basis would be incorrect. Local objection based on the loss of countryside should not be given any weight in the decision making process because the site is allocated for housing therefore the loss of countryside has already been accepted.

Minerals

Policy M11 of the LMWLP makes clear safeguarding presumptions within this Limestone Mineral Safeguarding Area do not apply to allocated sites such as this. The potential loss of minerals is therefore acceptable and the proposal is in accordance with Policy M11.

Agricultural land

The Agricultural Land Classification Map East Midlands Region (ALC005) provided by Natural England notes it is intended for strategic use and is not sufficiently accurate for use in assessment of individual fields. However, in the absence of a site specific agricultural land classification report this map indicates the site is likely to constitute grade 2 agricultural land. This falls within the scope of best and most versatile agricultural land as defined by the NPPF. Paragraph 112 of the NPPF requires local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The site is allocated for residential development within the CLLP and NNP therefore the loss of BMV has already been accepted as a matter of principle and these policy matters would have been considered at allocation stage hence there is no requirement to repeat the exercise here. The loss of agricultural land is considered acceptable for these reasons.

The development is considered to be acceptable as a matter of principle based on the aforementioned policy context.

Affordable housing

Policy LP11 sets out the strategic aim to deliver 17,400 affordable houses to meet the needs of residents unable to compete on the open market. Affordable housing is sought on developments of 11 houses or more at a rate of 25% within the Lincoln Strategy Area which includes this site. Tenure mix is to be informed by and compatible with the latest government guidance and an up to date local Strategic Housing Market Assessment, and be informed by discussions with the Council. Affordable housing should be provided on site unless exceptional circumstances are demonstrated. Affordable housing should integrate seamlessly into the site layout amongst the private housing.

The basis for providing affordable housing is the presence of a demonstrable need. The Central Lincolnshire Strategic Housing Market Assessment (SHMA) 2015 identifies a need to provide 676 affordable units per annum to meet newly arising need in the future which will require an uplift to 911 units per annum over the period 2014– 2019. This equates to a total of 17400 affordable houses over the period 2012 – 2036. A further need is evidenced by the Lincolnshire Homefinder housing register which currently has 957 requiring affordable housing within the district of West Lindsey.

The proposal offers 42% (36) affordable housing which is considerably more than the 25% (21.5 (rounded up to 22)) required by Policy LP11. The total number of dwellings proposed is 86 of which it is proposed 36 will be affordable specifically for the over 55's. The Lincolnshire Homefinder housing register currently has 443 household registered who fall into the over 55 age group. This equates to 46% of the households registered in need of affordable housing in West Lindsey. Specific figures in relation to Nettleham provides further evidence of need for affordable housing for this specific age group. There are currently 14 households registered requiring properties in Nettleham with a local connection to the village of whom 9 are aged over 55. There are a further 9 households in this age bracket of which 6 have a connection to West Lindsey who would seek to be accommodated in Nettleham.

The Central Lincolnshire SHMA 2015 states that '*older persons require suitable housing which can enable them to live independently at home for as long as possible.*' It can be concluded therefore that the provision of such housing is necessary to meet these specific housing needs. Census data demonstrates that Central Lincolnshire saw a considerable growth in older persons between 2001 and 2011 particularly in West Lindsey where the number of residents aged 65 and over grew by 28.5%. A Parish housing needs survey carried out in 2008 identified 18 out of 39 households in housing need in the over 55 age group. Whilst this data is not current it is worth noting that no affordable housing to meet this need has come forward in the intervening time.

The affordable housing proposal is for a mix of apartments for rent and bungalows for a mix of rent and shared ownership. This mix will meet the requirements of Policies H3 and H4 within the NNP in which it was demonstrated that circa 40% of the population were in the over 65 age group.

The site was put forward by LACE Housing for funding in the Homes and Communities Agency's (HCA) Shared Ownership and Affordable Homes Programme (SOAHP) 2016 bid round and was successful. Funding is therefore in place for this scheme which contributes towards certainty of delivery. The Council would normally seek to secure the number of affordable houses to be provided by means of a s106 agreement however constraints around this funding regime require affordable housing to be outside of s106 agreements. In such exceptional circumstances it is considered appropriate to condition affordable housing requirements rather than the usual s106 agreement.

Despite proposing 42% (36) affordable housing, Policy LP11 requires only 25% (21.5 (rounded up to 22) affordable housing as secured by condition below. To secure any more than 25% affordable housing via condition would be contrary to the CLLP and such a condition would be unnecessary, contrary to Paragraph 206 of the NPPF which states "*206. Planning conditions should only be imposed where they are necessary*". The developer may seek to unilaterally deliver 42% (36 units) affordable housing which would clearly be of significant benefit but the Council cannot insist on this amount. LCC requests an education contribution in relation to the market dwellings only as there are unlikely to be school age children in over 55's accommodation. The nature of the proposal has therefore attracted lower than normal developer contribution requests. It is therefore legitimate to condition 42% (36 unit) of the dwellings to be for over 55's dwellings on this basis.

The proposal accords with the affordable housing requirements in Policy LP11 of the CLLP and Policies H3 and H4 of the NNP, as well as and the requirements of the NPPF. The proposed affordable housing provision is acceptable.

Landscape and visual impact

The site is visually well contained by the existing residential development to the east and south, and the business park to the west. The topography of the site and wider area is also favourable in that it rises to the north so that the development would be substantially screened from long range views from the north by intervening landform. The existing hedgerow to the northern boundary of the site would be retained, and the new footpath to the western and northern boundaries of the site would benefit from significant soft landscaping. The mature trees along the application site frontage with Deepdale Lane, some of which are protected by TPO, would need to be removed because of their poor condition as demonstrated by the arboricultural impact assessment. This is considered acceptable in the interests of good arboricultural practice and is subject to a condition requiring

suitable replacement trees to be planted which, in time, will assist in screening and softening the development from views along Deepdale Lane.

The western fringes of the proposal would be visible from the Deepdale Lane frontage but the majority of the proposal is located to the rear of and would be substantially screened by the existing houses fronting Deepdale Lane thereby reducing the visual impact. The retention of the western parcel of land within the application site in an undeveloped state will create a visual buffer to both soften the appearance of the development and help it assimilate into the landscape.

The West Lindsey Landscape Character Assessment (WLLCA) (August 1999) classifies the site as part of the Lincoln Fringe with key characteristics including medium sized fields with low hawthorn hedge boundaries and few hedgerow trees as found on the application site. The *Principles for Accommodating New Development* state there is scope for a more varied range of buildings in terms of height, scale and style on the fringes of villages. Buildings can be accommodated provided they are accompanied by sensitively designed tree and woodland planting. Developments should include new greens, tree groups etc to create a distinctive identity. Trees should be incorporated as part of an overall landscape strategy within the development and along its boundaries. Edges of developments on the fringes of settlements would benefit from tree and hedgerow planting which should integrate the development with the surrounding field pattern. Small fields should be retained to provide a robust and distinctive landscape setting.

The proposal accords with these guidelines by providing a wider variety of building designs whilst retaining existing boundary hedges and trees where possible, preserving the existing field pattern by retaining the hedgerow to the west of the PROW, and retaining an open field to the western fringed on the site with new tree planting alongside the new footpath. The new public open space would be akin to a village green. The proposal is in accordance with the WLLCA. Objections to the lack of soft landscaping and means of enclosure have been received but the extensive soft landscaping proposed and proposed means of enclosure are considered entirely appropriate and acceptable.

It is considered that the proposal would not give rise to harm to the landscape, the visual amenities of the area or the character and appearance of the streetscene in compliance with CLLP Policy LP17 and the associated WLLCA, and the topographical and landscape elements of Policy H1 of the NNP.

Design

The design entails a new vehicle access from Deepdale Lane leading to a central spine road through the development with a series of small cul-de-sacs leading from it. The development is designed to create active frontages with good natural surveillance, a concept broadly supported by Lincolnshire Police as noted above. The layout, density and scale of the proposals are

considered to be appropriate because they result in a form of development that would not appear cramped and incongruous whilst providing appropriate separation distances between properties and suitable private amenity areas.

The design entails two distinct groups of buildings; the first, over 55's housing; the second, market housing. It is noted Policy LP11 requires affordable housing to integrate seamlessly with the wider development. However, there are considered to be sufficient grounds to depart from this policy requirement because grouping the affordable housing together makes servicing and maintaining it efficient and economical; and it would assist in creating an over 55's community with associated social benefits.

The over 55's housing contains a relatively large block of flats. Some articulation is provided by the smaller central entrance link, roof hips and front projections with stepped building line to break up the form of the building. The external finishing materials include beamish bricks, white render and concrete dark grey roof tiles. It is considered that the design of this building is dictated, to a significant degree, by its function as over 55's apartments which necessitates access to the communal facilities within and an economical construction style. The design of this building is considered acceptable. The surrounding over 55's bungalows are of modest scale and simple design with dual pitched roofs, small front projections and a buff brick, white render and dark grey roof tile finish which is acceptable in design terms.

The second element is the open market housing containing various dwelling designs including two storey (some with rear wings) and bungalows. These are primarily detached with some semi-detached. Some dwellings have integral garages whereas others are detached in single, double and triple format. The design includes a variety of features such as brick and stone window cills and lintels, entrance canopies, brick and stone quoins, eaves dormer windows, bay windows with lead work above, exposed rafters, chimneys and brick arches above windows.

The proposal initially entailed a number of dwelling types that featured blank elevations with no openings or design features to add design interest. Appropriate amendments in the form of recessed bricked up window openings and additional windows have been secured via negotiations with the applicant which results in the more conspicuous elevations having appropriate design interest with subsequent benefit to the streetscene.

Roofing materials within the market housing element are to include sandtoft Calderdale dark grey and sandtoft double pantile rustic. Elevational treatments are to include Mercia antique, hardwicke lenton cream multi, clumber red, reconstituted stone and ivory render.

Nettleham features a wide variety of building designs and external finishing materials as noted in the evolution and growth of housing section of the NNP. Given the mixed palette of materials found in the area, the proposed external finishing materials are considered appropriate, as are the range of building designs. The comments of Lincolnshire Police are noted but do not

necessitate amendments. The applicant has agreed to install two fire hydrants within the development as per Lincolnshire Fire and Rescue comments and is conditioned accordingly. The additional requirement for road strengths above building control requirements is not a material planning consideration. The proposed design accords with Policy LP26 of the CLLP, Policy D-6 of the NNP and the requirement for good design set out in section 7 of the NPPF.

Residential amenity

The objections of local residents are acknowledged. It should be noted that since the vast majority of these objections were received, the applicant has amended the proposed layout, the latest version being drawing number SK01 Rev M. The main change in relation to residential amenity is that plot 21 has been moved northwards to increase the separation distance between it and the property to the south to 21m. It is clear from the amended site layout that the proposed dwellings along the southern boundary of the application site are 21m or more from the main body of the dwellings to the south. This is considered sufficient distance separation to avoid adverse impacts in terms of loss of privacy or overlooking.

The specific objections of the owners of the land to the rear of 14 Deepdale Lane are noted. These relate to the impact the proposal would have on an unimplemented planning permission for 2 dwellings (ref 133580) to the rear of number 14. The permission is extant and the owner has confirmed the intention to implement it in the near future therefore it is a material consideration. Plot 2 of permission 133580 would be near proposed plots 34 and 35. The west facing elevation of plot 2 would feature a clear glazed breakfast area and kitchen windows, and a utility door. The upper floor features two bathroom windows which are indicated to be obscure glazed. The angled nature of the relationship between plot 2 and plot 34 of the proposal means there would be a gap of approximately 17m to 25m between the side of plot 2 and rear of plot 34. Condition 6 of permission 133580 requires *"6. The existing hedgerow along the western boundary of the site, where adjacent to plots 1 and 2, shall be retained at a minimum height of 1.8 metres."* This condition would prevent any mutual overlooking at ground floor and if the hedge were ever removed the likely replacement fence would similarly prevent overlooking.

The only potential for overlooking is from the 2 first floor rear facing bedroom windows of plot 34 to the aforementioned side openings of plot 2. The most southerly of said first floor windows would be more than 21m from any of the side openings so no harm would arise. The most northerly of these windows would be approximately 18m from the nearest side opening. By their very nature bedrooms tend to be used less in the day time thereby resulting in less overlooking than a living room window for example. Furthermore, the approximate 18m gap is substantial. There is considered to be no harmful mutual overlooking between proposed plot 34 and plot 2 of permission 133580 for these reasons.

Plot 35 is a chalet bungalow with ground floor south facing side openings including a clear glazed kitchen door and kitchen window. These openings would be approximately 12m from 2 first floor north facing bedroom windows to plot 2 of permission 133580. The aforementioned logic is reiterated regarding the use of bedrooms during the day time and it is considered that no harmful mutual overlooking would arise.

Plots 36, 37 and 38 are bungalows which do not give rise to ground floor overlooking to the properties to the east due to intervening fences and landscaping. The first floor windows of the properties to the east are either 21m or more from the rear elevations of plots 36-38 or serve bedrooms which are used as noted above and are not likely to result in harmful overlooking. The amended layout increases the distance between the rear elevation of plot 38 and that of the dwelling to the east to approximately 18m and given the angled relationship between the two dwellings this is not considered to give rise to harm to residential amenity.

The proposal will certainly be a significant change for existing neighbours of the site therefore objections relating to issues including loss of privacy, overlooking, insufficient separation distances, loss of light, overshadowing and other residential amenity concerns are understandable. However, the proposal either provides reasonable separation distances between properties to mitigate the impact or the likely nature of the overlooking would not be harmful as described above, nor would any harmful loss of light or overshadowing arise from the proposal.

The Council's Environmental Protection Officer notes the potential for noise and dust pollution. Such issues are controlled by the construction management plan condition which is required by Policy H1 of the NNP. The EPO also seeks to ensure the future expansion of the business park to the west would not be prevented by the proposal. Any future application to expand the business park would need to be considered on its merits.

The impact on residential amenity is considered acceptable and in accordance with Policy LP26 of the CLLP. The ability of residents to extend their properties in the future is not a material planning consideration and any application would need to be determined on its merits at the time of submission.

Flooding and drainage

The objections of local residents regarding flooding and drainage, and lack of comment from the Environment Agency are noted. The site is in flood zone 1 (low risk) and therefore the most sequentially preferable for residential development which formed part of the reason for allocating the site for residential development. The main flood risk issues to consider are foul and surface water drainage.

Foul drainage will be via gravity to an adoptable on site pumping station (as proposed) and will then be pumped into the existing sewer network that is

located in Deepdale Lane. All foul water from the site will drain to the existing Anglian Water network. Anglian Water has confirmed there is capacity within the local Nettleham Water Recycling Centre to serve the foul flows from the development. Anglian Water has requested a pre-commencement foul water drainage condition because it provided pre-application advice to the applicant on the basis of a gravity fed system as opposed to a pumped solution therefore it needs to agree suitable infrastructure and discharge rate with the applicant prior to commencement.

The proposals include the provision of permeable paving solutions to private driveway areas and shared drives. The proposed adopted highway is to drain into a roadside swale / filter drain designed to adoptable standards. The swales will convey the road drainage run off towards the infiltration pond situated to the south east corner of the site.

Trial Pit details have been provided from Environmental Protection Strategies Ltd (EPS) dated 20th October 2015 along with infiltration tests. The north of the site is deemed unsuitable for soakaways however the central and southern areas of the site, where shallow limestone is present, is suitable for soakaways.

The Lead Local Flood Authority raises no objection to the drainage proposals for the site subject to conditions. The Council's Environmental Protection Officer has expressed concerns as noted above regarding the surface water drainage strategy. The applicant has responded by providing additional information regarding the surface water drainage strategy including;

- If the existing flow on the minor watercourse (to the east of plots 35-38) is impaired then this is an issue for the relevant riparian owners to ascertain and rectify if there is a restricted flow issue. The surface water drainage discharge for the site is not into the watercourse as the current Greenfield flow is only partially into the watercourse.
- As the boundary of this site leads to the top of bank of the watercourse, it is therefore proposed that as the minor watercourse passes adjacent to the developers land, as part of the detailed design process, this will be reviewed on site and any improvement / remedial works identified and viable within the developers land would be included within the detailed design drawings.
- Therefore the site only contributes a small amount of flow into this watercourse and therefore the surface water run-off connectivity is minimal under the current scenario. There is only 0.16ha of land which potentially outfalls into the watercourse to the east.
- Existing contours and topographical gradients confirm a fall towards the south east corner of the site not towards the open watercourse.
- At the low point of the site in the South East corner is where the proposed infiltration basin is located. Being at the natural low point of the site is good practice and the percolation testing done to date confirms good infiltration rates which in line with the SUDS hierarchy, infiltration is the preferred method of surface water discharge.
- The risk of flooding to this South East corner is dealt with by the proposed drainage design for the site. The proposed infiltration pond is

designed to accommodate the 1 in 100 year event including climate change allowance of 40% without flooding.

- The only potential areas which would potentially flow towards the minor watercourse are the rear gardens of plots 35 to 38 which is less than the current potential contributing area to this watercourse from the Greenfield scenario.
- There will also be consideration to a potential infiltration filter drain surrounding the pond which will intercept any potential overflow from the pond area (the ditch will be an infiltration ditch into the natural strata). Routing any overflow towards the open watercourse in extreme events would not be proposed as this would introduce additional flows into the watercourse during extreme events.

The Council's Environmental Protection Officer has considered the additional information and expresses disappointment that a known problem with impaired flow along the eastern water body is not resolved as part of this application whilst exacerbating it through the creation of additional riparian owners. He states *"I note comment regarding a 40% climate change allowance and 300mm freeboard, and ask in view of there being no flood route apparent (other than a possible infiltration trench with any remaining capacity), what size storm event this will accommodate and what will be the drain down time in terms of infiltration so as to retain or reintroduce capacity in the proposed attenuation basin?"*

The notes on the drainage drawing on page 21 of the FRA strongly recommend further infiltration testing for the locations of soakaways, retention basins and swales before the detailed drainage design is formulated. The notes also describe the drainage strategy as preliminary.

Given the level of local concern about surface water drainage, the comments of the EPO and the FRA's acknowledgement of outstanding issues yet to be dealt with such as consideration to a potential infiltration filter drain surrounding the pond, the need for further infiltration testing and preliminary nature of the drainage strategy it is considered that a pre-commencement SUDS condition is required to provide certainty as to the final design, capacity and future management of the SUDS. It is appreciated that the applicant requested as few pre-commencement conditions as possible due to funding timing constraints but SUDS has not been entirely addressed whilst noting sufficient information has been submitted to establish the principle of the proposed drainage strategy is acceptable.

The recommended foul and surface water drainage conditions are required in order to comply with Policy LP14 of the CLLP which requires there is no unacceptable increased risk of flooding to the development site or to existing properties and that SUDS have been incorporated where practical; and Policy D-4 of the NNP which requires new development to have appropriate SUDS and enhance ecology. Subject to the above, the flooding and drainage impacts of the proposal are acceptable.

Impact on highway safety and convenience

The submitted transport assessment (TA) thoroughly analyses the transport implications of the proposal.

Following the publication of the NPPF, there is no longer a need for local authorities to set maximum car parking standards. Accordingly, LCC has ceased using the previously adopted maximum standards.

Proposed parking provision at new developments is hence being dealt with on a case-by-case basis, with the main issue being the provision of sufficient off-street parking to avoid the over-spill of parked vehicles onto the highway to the detriment of road safety and capacity.

As shown on the proposed site layout, all dwellings would be provided with safe, secure and convenient parking arrangements. Each plot would typically be provided with two off-road parking spaces. The provision of garages will also allow for visitor parking to be accommodated off-road, should there be demand. The affordable housing element would provide 31 spaces.

In accordance with the Manual for Streets (MfS), for a 30mph road such as Deepdale Lane, 43 metres visibility splays should be achievable from the junction. Such measurements are taken from a point 2.4 metres back from the give-way line, which represents a reasonable maximum distance between the front of the car and the driver's eye. Visibility is typically measured along the nearside kerb line of the main arm. The provision of the access road from Deepdale Lane accords with NNP Policy H-5 part a. The same road can be used by cyclists to safely access the site in accordance with NNP Policy H-5 part d.

The TA demonstrates that a large refuse vehicle can appropriately manoeuvre via the site access without any conflicts.

In accordance with MfS, a 2.0 metre wide footway would be provided along the eastern side of the access junction to facilitate pedestrian movements to and from the site. The footway would be extended to the eastern side of the access junction. As shown in the TA, tactile paving and dropped kerbs would be installed where the footway ceases, to appropriately accommodate movements across Deepdale Lane to the southern footway.

As shown on the proposed site layout plan, the existing public right of way, connecting Deepdale Lane to the east of All Saints Lane and running north-south through the site, will be retained as part of the proposals. The applicant has confirmed the PROW would be metalled in accordance with the suggestion of LCC PROW and has provided a specification which is acceptable to LCC PROW team. A new footpath would be provided as part of the proposal to the western and northern boundaries of the application site which is located in the field to the west of the allocation shown in the NNP. Whilst this is not strictly in accordance with Policy H-5 part e it provides an extended PROW network and has not attracted objection from the Parish

Council and is considered an acceptable departure from the NNP. Part c of the same policy is ambiguous as it seems to refer to a need for footpaths to link an open space to the east of the site which is not shown on the allocation drawing. Existing and proposed footpath provision creates good permeability for the proposal and encourages walking and cycling in accordance with Policy LP13 of the CLLP.

The development can be accessed by sustainable modes of transport. An assessment of the sustainable transport opportunities in the area has concluded that no additional interventions are necessary to satisfy the demand for walking, cycling and public transport created by the development.

The submitted travel plan (TP) explores opportunities to actively encourage sustainable travel choices by promoting walking, cycling and use of public transport. The TP commits the developer and travel plan coordinator to pay for and provide information to occupants regarding sustainable transport options, and to monitor the uptake and success of these alternatives to car travel. LCC Highways suggested slight amendments to this document which have been received and are considered acceptable. The TP recommendations are condition below.

LCC Highways does not consider there to be a requirement for speed reducing methods on Deepdale Lane nor a formal pedestrian crossing and or footway on northern side of Deepdale Lane contrary to local objections.

It is noted that LCC Highways raises no objection to the proposal subject to conditions. It is considered that the site access, internal road layout, vehicle parking levels, and pedestrian and cycle provision are all acceptable with no resultant harm to highway safety and convenience in accordance with Policy LP13 of the CLLP and Policies D1, D2, D3, H-5 part a, b, (c is unclear), d and e of the NNP.

Ecology

The submitted ecological scoping survey recommends that if any of the trees or hedgerows are to be removed then this should be carried out outside the bird breeding season (March to September) inclusive, if this is not practical then a qualified ecologist should make an inspection prior to removal. A selection of nest boxes should be erected to compensate for the potential loss of nesting sites. Lighting within the development should be directed downwards with the use of hoods and cowls. These recommendations are secured by condition.

The survey also recommends that if a tree with bat potential is to be removed then emergence/return-to-roost surveys will be required to establish if bats are using the tree to roost. The mature ash identified in the Ecological Scoping Survey as being a high potential for supporting bats is TPO ash T4. This tree is actually just to the west side of the proposed site entrance and is not the tree to the east as shown by the blue circle in Appendix 4 of the Ecological Scoping Survey, which is a horse chestnut. The applicant proceeded to

provide a bat assessment that considered there to be low potential for three trees which are to be removed, namely a sycamore and two ash trees fronting Deepdale Lane, to support roosting bats. Other trees have negligible potential to support roosting bats. The ecologist recommends that the three trees in question should be removed with a supervised soft fell protocol as detailed in paragraphs 7.1-7.7 of the report. This approach is considered to comply with the standing advice of Natural England and that of the Bat Conservation Trust "Bats & Trees 2015".

The existing on site pond would be retained, as would the vast majority of existing hedgerows surrounding and within the site. Considerable additional planting would take place particularly along the new footpath. The new surface water basin would benefit ecology.

The comments of Lincolnshire Wildlife Trust are noted. It is considered that requiring the developer to make the entire western field into a wildflower meadow would be excessive and unnecessary to make the development acceptable in planning terms. The ecological appraisal notes potential for nesting birds on the site therefore ecological enhancements in the form of nesting boxes as part of the development are proportionate, as is directing lighting downwards for the benefit of foraging bats so both are conditioned. The additional enhancements recommended by the Trust are not required to make the development acceptable in planning terms.

The proposal protects existing ecological interest at the site and would significantly enhance it in accordance with Policy LP21 of the CLLP, NNP Policy D-6 part d, and the requirement within paragraph 109 of the NPPF to "*minimising impacts on biodiversity and providing net gains in biodiversity where possible*". The ecological impacts are acceptable contrary to local objections.

Landscaping

Amended soft landscaping drawings, landscape schedule and landscape maintenance schedule have been provided for the market housing, public open space, attenuation pond and new footpath to the western and northern boundaries of the site. These are considered to provide an appropriate mix of small scale landscaping such as hedges and plants for the tighter parts of the site around dwellings and trees where space allows such as around the footpaths, water retention basin and public open space. The aforementioned landscaping details are considered acceptable by the Council's Tree Officer and are conditioned. A 5 year failed landscaping replacement condition is attached, as is a requirement for in perpetuity public landscaping management details.

No specific soft landscaping details for the over 55's housing have been provided beyond the indicative landscaping on the proposed site plan. The applicant has requested a condition securing details of the over 55's housing landscaping prior to its occupation which is appropriate. To this end, the applicant has provided drawing number A00-NET-SITE-01 Rev C to define

the boundary of the over 55's housing site so that landscaping, maintenance and in perpetuity management within it can be conditioned as below.

The submitted arboricultural impact assessment appropriately considers the effect on trees and hedges on and around the site. It is demonstrated that the TPO trees fronting Deepdale Lane are in poor health/condition and require removal. It is considered that their removal is in the interests of good arboricultural practice and, subject to suitable replacement trees being planted as secured by condition below, no objection is raised to their removal. The erection, prior to commencement and until after completion of construction, of protective fencing around the construction exclusion zone for the remaining trees and hedges shown within the submitted arboricultural impact assessment is conditioned below.

It is considered, subject to conditions, that the arboricultural impact and proposed landscaping details are acceptable in accordance with Policy LP26 of the CLLP and Policy D-6 parts e, f and g of the NNP.

Archaeology

The request of Nettleham Parish Council for a detailed archaeological investigation and recording of findings to be completed before construction commences is noted. The objections of local residents regarding loss of archaeology are also noted.

LCC Archaeology initially considered insufficient information had been submitted with the application to determine the impact on archaeology. It requested, as a minimum, a geophysical survey be submitted and depending on results trial excavation prior to determination of the application.

Following the submission of a geophysical survey and associated trial trenching, which investigated areas of interest highlighted by the former with no significant results, LCC Archaeology has confirmed there is no further requirement for archaeological works.

The impact on archaeology is acceptable in accordance with Policy LP25 of the CLLP and Policies E-3 and D-6 part c of the NNP, as well as the requirements of the NPPF.

Contributions/S106/open space

Health

NHS England Central Midlands considers the proposal would result in 151 additional patients. This would result in 3.9 hours per week demand for a GP consulting room and 1 hour per week for a practice nurse treatment room. This will place constraints on existing premises for example extra appointments lead to additional consulting/treatment room requirements. The practice most likely to be affected by any increase in population as the

development is within its catchment area is Nettleham Medical Practice at Lodge Lane, Nettleham.

NHS England Central Midlands requests a contribution of £323.75 x 86 dwellings = £27,842 to provide capital towards making internal alterations to create two consulting/treatment rooms at Nettleham Medical Practice at Lodge Lane Nettleham LN2 2RS. This would mean re-housing the medical records storage to accommodate the extra consulting space requirements. The NHS does not detail a trigger point for payment of the contribution.

It is clear that, without the contributions described above, the proposal would give rise to a detrimental impact on health care provision in Nettleham contrary to Policy LP12. It is considered that the contribution is necessary to make the development acceptable in planning terms; is directly related to the proposal; and is fairly and reasonably related in scale and kind to the development in accordance with paragraph 122 of the Community Infrastructure Levy Regulations 2010 (as amended). With regards to paragraph 123 of the same regulations and in light of the 5 contribution pooling restriction imposed therein (In the event that five obligations have already been entered into since 5th April 2010 then that new planning obligation cannot be entered into), the following existing contributions towards Nettleham Medical Practice are of note;

- 1) 132063- Land off Lodge Lane, Nettleham- approved 17 December 2015- £17,000 “as a financial contribution towards health care facilities” “for the purposes of providing, extending, improving or altering health facilities within Nettleham, the exact nature of which shall be at the discretion of the NHS”.
- 2) 131975- Land to the rear of 72 Scothern Road, Nettleham- approved 14 March 2017- £18,466.00. “towards the extension or reconfiguration of the car parking facilities and the internal room configuration of the Practice to accommodate the extra consulting space at Nettleham Medical Practice”.
- 3) 132847- Land off Larch Avenue, Nettleham- Appeal undetermined- £85,000 “towards the extension/alteration of the car park and the provision of additional rooms to assist consultations at Nettleham Medical Practice”.
- 4) 133284- Land adjacent Sudbrooke Park, Off West Drive, Sudbrooke- appeal allowed 27 June 2016. £59,500 towards NHS primary care facilities within a five mile radius of the appeal site.

This evidence demonstrates the pooling restriction has not been exceeded and the contribution can therefore be secured in the s106 agreement. A reasonable trigger for payment is considered to be the halfway point (on occupation of the 43rd dwelling) of the entire development.

Education

LCC Corporate Property Team requests a contribution of £124,040 towards meeting the requirement for 11 primary school places generated by this development. No secondary school request is made due to pooling restrictions. The money would be spent on providing extra capacity via a 0.5 form entry extension to Monks Abbey Primary School thereby reducing the number of children travelling from Lincoln North to Nettleham.

LCC assesses capacity in school planning areas, the Nettleham schools fall into Lincoln North School planning area. The projected capacity figures for 2019/20 show that 100% of the capacity in Lincoln North will be required for existing children, however there will still be sufficient places – this development will push over that line and, as a direct consequence, will mean that there are not sufficient places in the school planning area. Without this development, there is sufficient capacity for all children, albeit with no spare capacity; however with this development there will not be sufficient capacity in the area for all children.

It is requested that the monies are paid at the halfway point in the development to allow timely investment by LCC whilst not adversely affecting the developers' viability. LCC confirm no more than 5 S106 contributions are pooled towards a specific piece of infrastructure. The Council's own records show the following relevant contributions;

1) 132847- Land off Larch Avenue, Nettleham- Appeal undetermined-£451,057 towards one form entry extension of either Carlton Academy or Monks Abbey Primary School.

2) 131907- Land to the west of Manor Farm, High Street, Scampton-approved on appeal 21 August 2015. The sum of £45,105 to be paid to the County Council towards the cost of Education Provision. Education provision means the making good of the identified deficiency in primary school provision in the area in which the site is situated and which arises from or is attributable to the development.

3) 124283- Roman Gate, Nettleham Road, Lincoln- approved 30th July 2012. £30,183.00 "to use the Education contribution only for the purposes of a primary school extension or increasing capacity of primary school(s) in the locality of the site and to advise the Owners in writing of the particular purpose to which it has been expended."

This evidence demonstrates the pooling restriction has not been exceeded and the contribution is CIL compliant and can therefore be secured in the s106 agreement. A reasonable trigger for payment is considered to be the halfway point (on occupation of the 25th dwelling) of the market housing development because this contribution excludes the over 55's dwellings.

It is considered that the aforementioned developer contribution requests comply with the requirements of regulations 122 and 123 of The Community Infrastructure Levy Regulations 2010 (as amended) and Policy LP12 of the CLLP. The contributions are secured via a s106 agreement with the trigger for payment noted above.

Nettleham Parish Council request

The request of Nettleham Parish Council for a contribution towards play equipment at Bill Bailey's Memorial Playing Field on Scothern Road is noted. The request contradicts itself by requesting both £40,000 and £50,000. NPC's evidence for this request revolves around a 2016 survey of existing residents which identifies existing shortfalls in play equipment for older children. Whilst acknowledging some demand for use of play equipment would arise from this proposal, it is a well-established principle that developer contributions should not be sought to address existing shortfalls but should be sought to mitigate the developments own impacts. Its reference to the West Lindsey Local Plan should be discounted as it has been superseded by the CLLP, noting reference to the WLLP is understandable because this application was submitted when it was in force. Reference to LP24 is relevant and it should be noted the proposal is providing a significant new public open space within the development which would serve as an alternative to Bill Baileys Playing Field but without play equipment. Reference to the draft developer contributions SPD carries little weight because this document is draft, is likely to be subject to further change and further consultation, and does not provide a firm basis for requesting contributions. NPC indicate half the funds would be used for future maintenance of the equipment. However, this is not the intention of Policy LP24 part d. The intention is for a management company or Parish Council to take responsibility for future management and maintenance of the equipment rather than the developer paying for this. NPC seeks to justify the amount sought on the basis of a 1998 legal agreement which was prepared in an entirely different planning policy context and with less onerous conditions relating to developer contributions, as opposed to identifying specific equipment and its cost. The amount sought is not demonstrated to be directly related to the development and is not fairly and reasonably related in scale and kind to the development contrary to paragraph 122 of the CIL regulations. Such a contribution request is not CIL compliant for these reasons and cannot be secured.

Open space

Policy LP24 requires new development to provide an appropriate amount of new open space, sports and recreation facilities, and improve the quality of, and access to, such existing facilities in accordance with the standards in Appendix C. The proposal provides 0.5ha of on-site public open space. This meets the policy preference for on-site provision and is an appropriate amount. Policy H-5, part f, of the NNP requires the provision of an area of not less than 0.25Ha of land containing examples of the ridge and furrow to be

preserved as public open space. The detailed landscaping plans show 0.5ha of public open space as an area of ridge and furrow grassland which complies with the requirements of the NNP. It is considered that because the proposal provides double the amount of public open space required by the NNP it would be unreasonable to require the provision of play equipment in addition. The proposed open space would be a local usable greenspace within a village and would be provide informal play space, amenity space and informal kick about space as set out in Appendix C and accords with Policy LP24 and H-5.

Conclusion

The proposal has been considered against relevant policies in the development plan, namely Policy M11 of the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies; Policy LP1: A Presumption in Favour of Sustainable Development, Policy LP2: The Spatial Strategy and Settlement Hierarchy, Policy LP3: Level and Distribution of Growth, Policy LP9: Health and Wellbeing, Policy LP10: Meeting Accommodation Needs, Policy LP11: Affordable Housing, Policy LP12: Infrastructure to Support Growth, Policy LP13: Accessibility and Transport, Policy LP14: Managing Water Resources and Flood Risk, Policy LP17: Landscape, Townscape and Views, Policy LP21: Biodiversity and Geodiversity, Policy LP23: Local Green Space and other Important Open Space, Policy LP24: Creation of New Open Space, Sports and Recreation Facilities, Policy LP25: The Historic Environment, Policy LP26: Design and Amenity and Policy LP52: Residential Allocations - Large Villages of the Central Lincolnshire Local Plan adopted 24th April 2017; and Policy E-2 Local Green Spaces 13) Ridge and Furrow earthworks off Deepdale Lane, Policy E-3 Heritage Sites, Policy D-1 Access, Policy D-2 Pedestrian And Cycle Access, Policy D-3 Parking Provision (New Housing), Policy D-4 Water Resources and Flood Risk, Policy D-6 Design of New Development, Policy H-1 Managed Housing Growth, Policy H-2 Housing Mix, Policy H-3 Housing for Older People, Policy H-4 The provision of Affordable Housing, H-5 Site A Land Behind Deepdale Lane and S-1 Services and Facilities of the Nettleham Neighbourhood Plan, as well as the National Planning Policy Framework and the associated guidance within the Planning Practice Guidance.

It is considered that the development is acceptable as a matter of principle. The significant contribution the proposal makes to housing provision and in particular affordable housing are significant social benefits. The proposal would have an acceptable impact on the landscape and visual amenities of the area. The proposal constitutes good design and would have an acceptable impact on residential amenity, flooding and drainage, highway safety and convenience, ecology, landscaping and archaeology. Appropriate developer contributions are secured via s106 to mitigate the health and education impacts of the proposal and provide management and maintenance details of landscaping outside residential curtilage.

The social benefits arising from the proposal are significant and attract substantial positive weight in the planning balance. The environmental

impacts have been mitigated where required and gains include the creation of a local green space, active SUDS management, and ecological enhancements. The environmental impacts of the proposal weigh in favour of the proposal. Economic benefits arise from the construction phase of the development and increased spending power within the village. The proposal is considered to represent sustainable development therefore planning permission should be granted.

Recommendation: That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- **£124,040 towards meeting the requirement for 11 primary school places generated by this development. The money would be spent on providing extra capacity via a 0.5 form entry extension to Monks Abbey Primary School**
- **£27,842 to provide capital towards making internal alterations to create two consulting/treatment rooms at Nettleham Medical Practice at Lodge Lane Nettleham LN2 2RS.**

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

Conditions

- 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).

- 2) The development shall proceed in accordance with the following drawing numbers and external finishing materials;
 - 606-9-LP101, SK01 Rev M, EX-01, PS-01, RT-01, Plot Materials Schedule- Nettleham Rev 2, Hanson Clumber Red, Ibstock Hardwicke Lenton Cream, Ibstock Mercia Antique, Sandtoft Calderdale dark grey, Sandtoft Double Pantile terracotta red, 1206/A00/DS, 1207/A00/DS/AS REV A, 1207/A00/DS/OPP REV A, 1303/A00/DS, 1401/NET/DS/01, 1401/NET/DS/02, 1401/NET/DS/03, 1401/NET/DS/04, 1501-P-010, 1501-P-011,

1501-P-101, 1501-P-201, 1501-P-202, 1501-P-203, 1501-P-204, 1501-P-205, 2307/NET/DS/01, 2308/A00/DS/03, 2318/A00/DS, 2318b/A00/DS/02, 2324/NET/DS/02, 2324/NET/DS/01 Rev A, 2401/A00/DS, 2404/A00/DS, 2407/NET/DS/01, 2428/NET/DS/01, 2434/NET/DS/01, 2430/NET/DS/01, 2431/NET/DS/01, 2433/NET/DS/01, 2502/A00/DS1, 2502/A00/DS2, GARAGES DOUBLE, A00/GAR/05/DS GARAGES TRIPLE (SINGLE + DOUBLE) DESIGN SHEET, GARAGES SINGLE and GARAGES PAIR.

Reason: For the sake of clarity and in the interests of proper planning.

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

- 3) No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the strategy has been completed in relation to that dwelling in accordance with the approved foul water strategy.

Reason: In order to secure appropriate foul drainage to serve the development and prevent pollution of the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 4) No development shall take place until a scheme for the provision of 25% (21.5 units rounded up to 22 units) affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be located within the red line on drawing number A00-NET-SITE-01 Rev C. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework ('the framework') or any future guidance that replaces it. The scheme shall include:
 - i. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - ii. The arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iii. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: In order to meet a specific housing need within the district in accordance with Policy LP11 of the Central Lincolnshire Local Plan adopted 24th April 2017, and Policies H-3 and H-4 of the Nettleham Neighbourhood Plan.

- 5) No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the routing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) details of noise reduction measures;
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - (xi) Measures for tree and hedgerow protection.

Reason: In the interests of amenity and in accordance with Policy LP26 of the Central Lincolnshire Local Plan adopted 24th April 2017 and Policy H1 of Nettleham Neighbourhood Plan.

- 6) No development shall take place until a detailed surface water attenuation scheme in accordance with SUDS principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall;
- 1. Accord with the principles detailed within the submitted Millward Flood Risk Assessment dated December 2016 and additional letter dated 20th February 2017.
 - 2. Provide details of the infiltration filter drain surrounding the surface water basin.
 - 3. Provide further infiltration testing for the location of the surface water basin and soakaways.
 - 4. Provide cross sections of the surface water basin that show its relationship with surrounding existing and proposed dwellings.
 - 5. Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

6. Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second/ha.

The agreed scheme shall be implemented in full prior to the first occupation of the development and shall thereafter be retained and maintained in perpetuity.

Reason: To ensure satisfactory drainage of the site in accordance with Policy LP14 of the Central Lincolnshire Local Plan adopted 24th April 2017 and Policy D-4 of the Nettleham Neighbourhood Plan.

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

- 7) Visibility splays of 43 metres at a point 2.4 metres back from the give-way line shall be achieved at the new vehicle access with Deepdale Lane prior to the first occupation of the development and shall thereafter be retained in perpetuity.

Reason: To ensure safe access to the site and in accordance with Policy LP13 of the Central Lincolnshire Local Plan adopted 24th April 2017 and H-5 of the Nettleham Neighbourhood Plan.

- 8) The removal of trees with bat roost potential shall take place in accordance with the method described in the submitted Tree Assessment on Land off Deepdale Lane, Nettleham, Lincolnshire May 2017.

Reason: To prevent harm to protected species in accordance with Policy LP21 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 9) Tree and hedge removal shall be carried out as described in the submitted Arboricultural Impact Assessment April 2017. Protective fencing shall be erected in the position shown prior to commencement of development and shall remain in place until after completion of development.

Reason: In the interests of good arboricultural practice and in accordance with Policy LP26 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 10) The development shall proceed in accordance with the details contained within the submitted Travel Plan (version 4 date of issue 19/4/17).

Reason: In order to promote sustainable transport in accordance with LP13 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 11) The mitigation measures detailed in section 7.2 'Recommended Mitigation Measures' of the submitted flood risk assessment shall be implemented prior to occupation of each individual dwelling.

Reason: To ensure appropriate flood risk mitigation in accordance with Policy LP14 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 12) Prior to the first occupation of the development, a scheme, including cross sections and materials, shall have been submitted to and approved in writing by the Local Planning Authority for the construction of the 2m wide footways at the entrance to the site from Deepdale Lane as shown on drawing number NTT/2451/100-01 Rev P1 of the submitted Transport Assessment, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed scheme shall be fully implemented before any of the dwellings are occupied or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and in accordance with Policy LP13 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 13) Prior to first occupation of the development, the off-site public highway improvement works, namely footways and tactile paving crossing point to enable the public to cross over Deepdale Lane, as identified on drawing number NTT/2451/100-01 Rev P1 of the submitted Transport Assessment shall be completed and thereafter retained in perpetuity.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and in accordance with Policy LP13 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 14) Prior to the first occupation of the development, details shall have been submitted to and approved in writing by the Local Planning Authority of the position and design of two on site fire hydrants for the use of Lincolnshire Fire and Rescue. The agreed details shall be implemented prior to the first occupation of the development and thereafter retained in perpetuity.

Reason: In order to secure appropriate fire and rescue infrastructure in accordance with Policy LP12 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 15) Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and

footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety and in accordance with Policy LP13 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 16) Prior to the first occupation of the over 55 year olds dwellings hereby approved, details of their hard and soft landscaping to both public and private areas, means of enclosure, implementation programme and maintenance and management responsibility details for the area within the red line shown on drawing number A00-NET-SITE-01 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the agreed implementation programme. Any trees, hedges 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.

Reason: To ensure appropriate landscaping of the over 55 year olds dwellings and in accordance with Policy LP26 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 17) Prior to the occupation of the tenth market dwelling hereby permitted, an in perpetuity management plan for the areas of publicly accessible open space within the market dwellings element of the development (namely all such areas within the application site outlined in red on the site location plan but excluding the area outlined in red on drawing number A00-NET-SITE-01 Rev C), including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance of these areas shall be carried out in accordance with the details so approved in perpetuity.

Reason: To ensure appropriate landscaping of the development in accordance with Policy LP26 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 18) The hard and soft landscaping, and means on enclosure shall proceed in accordance with the following;
- Drawing- Nettleham SL/01 Sheet 1 of 3
 - Drawing- Nettleham SL/01 Rev A Sheet 2 of 3
 - Drawing- Nettleham SL/01 Rev A Sheet 3 of 3
 - Drawing- AH/NPT/LA1
 - Perimeter treatment to Allison Homes Development a Deepdale Lane dated 14/2/17

- Landscape Schedules Dec 2016 rev A February 2017
- External works detail: Lincolnshire post and rail fence, 1.2m high metal estate fencing, 215mm brick wall 1.8m high, close boarded fence 1.8m high, and vertical bar steel fence 1050mm high
- HL-01
- FPP-01 Rev A (footpath upgrade and new footpath details)

Notwithstanding the submitted information any trees, hedges 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). These landscaping details shall be completed in relation to each individual dwelling prior to its first occupation. The hard and soft landscaping (including public open space) and means of enclosure not located within the residential curtilage of a dwelling shall be completed prior to the first occupation of the 25th market dwelling hereby permitted. Upon completion of the public open space it shall be retained for such use in perpetuity. The ridge and furrow earthworks within the public open space shall not be altered or removed during construction and shall be retained in perpetuity.

Reason: To ensure appropriate landscaping of the site in accordance with Policies LP24 and LP26 of the Central Lincolnshire Local Plan and Policy H-5 part f) of the Nettleham Neighbourhood Plan.

- 19) The vehicle turning space, garage spaces and parking spaces hereby permitted shall be completed in full and available for use prior to the first occupation of the individual dwelling concerned and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall thereafter be retained in perpetuity for that purpose unless planning permission for any alternative use has first been granted by the Local Planning Authority.

Reason: To ensure adequate off-street parking exists to serve the development in accordance with Policy LP13 of the Central Lincolnshire Local Plan adopted 24th April 2017 and Policy D-3 of the Nettleham Neighbourhood Plan.

- 20) Tree or hedgerow removal shall be carried out outside the bird breeding season (March to September) inclusive, if this is not practical then a qualified ecologist should make an inspection prior to removal.

Reason: To ensure no harm arises to protected species and in accordance with Policy LP21 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 21) Prior to the first occupation of the development hereby permitted, details of four replacement trees including their species, size, location, implementation programme, maintenance schedule, and means of protection during site development to compensate for the removal of trees marked T3, T4, T5 and T6 in the submitted Arboricultural Impact Assessment which are protected by Tree Preservation Order, shall be submitted to and approved in writing by the Local Planning Authority. Any tree 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

Reason: To compensate for the removal of protected trees and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

- 22) Lighting within the development should be directed downwards with the use of hoods and cowls.

Reason: To ensure no harm arises to protected species and in accordance with Policy LP21 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 23) Twenty bird nest boxes as detailed in appendix 9 of the submitted ecological scoping survey dated March 2015 shall be erected in the landscaping around the periphery of the site within one year of the completion of said landscaping.

Reason: To ensure ecological enhancements are secured in accordance with the terms of the NPPF and in accordance with Policy LP21 of the Central Lincolnshire Local Plan adopted 24th April 2017.

- 24) Prior to the first occupation of the development hereby permitted elevations, a floor plan and schedule of finishing materials for the bin store associated with the over 55 year olds dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented in full prior to the first occupation of the development hereby permitted and shall be retained for such use in perpetuity.

Reason: To ensure bin storage in a manner that does not detract from the character of the area in accordance with Policy LP26 of the Central Lincolnshire Local Plan adopted 24th April 2017.

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

- 25) The bungalows and apartments within the area outlined in red on drawing number A00-NET-SITE-01 Rev C shall be occupied by people aged 56 years and over.

Reason: In recognition of the terms of the planning application and because the education contributions and amount of vehicle parking have been reduced to take account of the amount of over 55's accommodation proposed, and in accordance with Policy LP10 and LP12 of the Central Lincolnshire Local Plan adopted 24th April 2017.

26) Notwithstanding the provisions of Classes A and B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwellings within the area outlined in red on drawing number A00-NET-SITE-01 Rev C hereby permitted shall not be extended, unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the affordability of the dwellings concerned in accordance with Policy LP11 of the Central Lincolnshire Local Plan adopted 24th April 2017.

Notes to the Applicant

Comments from LCC Public Rights of Way;

“ii/ It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

iii/ The construction should not pose any dangers or inconvenience to the public using the right of way.

iv/ If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division”

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report