

Officers Report

Planning Application No: 137531

PROPOSAL: Planning application for proposed development of 7no. dwellings

LOCATION: Ambrose House 40 Lodge Lane Nettleham Lincoln, Lincolnshire LN2 2RS

WARD: Nettleham

WARD MEMBERS: Cllr G McNeill & Cllr Mrs A White

APPLICANT NAME: Gelder Ltd & Mr D Tate

TARGET DECISION DATE: 23/05/2018 (Extension of time agreed until 01/06/2018)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Russell Clarkson

RECOMMENDED DECISION: Refuse planning permission.

Description:

The application has been referred to the Committee at the request of the Ward Member.

Planning permission is sought to erect 7no. detached bungalows. This would be across three different houstypes:

- Type 1 / Type 1M (Plots 2, 3 & 6) – 3 bedroom bungalow. 16.5m wide x 12.1m long. Roof ridge 6m high;
- Type 2 (plots 5 & 7) – 3 bedroom bungalow. Maximum 21m wide by 11.5m long. Roof ridge 6m high;
- Type 3 (plots 1 & 4) - 3 bedroom bungalow. Maximum 21.5m wide by 15m long. Roof ridge 6m high;

All three houstypes share similar characteristics, which include integral garages, hipped roofs and chimneys.

The site is located to the south of the village of Nettleham, on the western side of Lodge Lane.

The site comprises an undeveloped grassed paddock, associated with the dwelling at 40 Lodge Lane. The site is enclosed by mature planting along its boundaries.

To the north is an allocated development site – as employment land in the Nettleham Neighbourhood Plan (Site NE(2)); and as a residential site in the Central Lincolnshire Local Plan (site CL4726 – policy LP52). The development of 40 dwellings is presently underway, following the grant of planning permission in 2015.

To the immediate south is 40 Lodge Lane, a bungalow, set back from the road by approximately 35 metres.

A Public Bridleway (Nthm/147/3) runs from Lodge Lane along the southern boundary of no.40, and to the rear of the dwelling and application site (western boundary) before going westward.

Beyond the Public Bridleway, to the South / South-West of the application site, is the Lincoln Rugby Football Club.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development is neither Schedule 1 nor 2 Development and would not therefore be EIA Development for the purposes of the regulations.

Relevant history:

132116 - Outline planning application for the erection of 10no. residential dwellings with access and layout to be considered. **Refused 24th April 2015. Appeal (APP/N2535/W/15/3133902) dismissed, 2nd January 2016.**

130890 - Planning application for residential development of 26no. dwellings. **Refused 30th April 2014.**

On land to the immediate north (site CL4726):

132063 - Outline planning application for erection of up to 40no. dwellings and commercial development to include Class B1-Offices and D1-Non- residential institutions-access to be considered and not reserved for subsequent applications. **Refused 29th May 2015. Appeal allowed (APP/N2535/W/15/3129061) 17th December 2015.**

and

135896 - Application for approval of reserved matters for erection of up to 40no dwellings following outline planning permission 132063 granted at appeal 17 December 2015. **Granted 12th May 2017**

137381 - Application for removal of condition 10 of planning permission 132063 granted on appeal 17 December 2015-re: footpath. **Application under consideration.**

Representations:

Ward Member Cllr G McNeill: Requests that the application is considered by the committee for the following reasons:

- In conflict with a representation received from a parish council (they have registered an objection);

- By virtue of the foregoing Nettleham Parish Council contend that it conflicts with the policies within the made Nettleham Neighbourhood Plan;
- Should the aforementioned be insufficient for a referral I observe that:
 - the application seems to be contradictory in relation to foul water drainage;
 - it conflicts with policy in relation to the location of development (NNP D-5, CLLP LP17 & LP26);
 - there appear to be unresolved issues around the sustainability and accessibility (I note that the Highways authority have made comment on this, albeit without reference to the greater weight that needs to be applied to NNP D-3) in terms of the walking distance to local services, likely to lead to use of motor vehicles.

Whilst it may be possible to resolve some or all these issues, at the current time, I feel that it is necessary for the Council's Planning Committee to determine this application.

Nettleham Parish Council: Objects to the application.

This Application seeks to establish the principle of development taking place on the site. Whilst it contains a number of promises and aspirational ideals, these are precisely that, and therefore cannot be relied upon to be contained within a Full Planning Application in the event of that being forthcoming. The Application itself contains anomalies, e.g. foul sewage is said to be disposed of to the main sewer but at the same time states that it is "unknown" whether connection will be to the existing drainage system.

The Nettleham Neighbourhood Plan (NNP) guides Planning Policy within the village and this Application does not accord with the NNP:

1. Policy H-1 provides for the primary focus of new residential development within the plan area to be focused on four allocated sites within the village. None of these sites are close to the Applicant site and as such an Approval would be contrary to Policy H-1. The Council accepts that the CLLP has included a site to the North of the Applicant site as part of the CLLP Housing Land Supply but would point out that the site was given Approval on Appeal prior to the NNP being adopted.
2. Policy D-5 seeks to resist development in the open countryside. Other than the applicant's bungalow and the club house and associated works for Lincoln Rugby Club, the land to the south and west of the site principally comprises of open agricultural fields, paddocks and sports pitches. Consequently, the provision of new dwellings on this land, which is located on one of the main access roads into the village, would clearly extend the linear format of the settlement out into the open countryside to the south of the existing settlement. Although there are occasional examples of sporadic built development to the south of the settlement, this area is largely defined by open fields, paddock land and playing pitches which contribute to the verdant, semi-rural character of the southern approach into the village. The introduction of

new dwellings within this context would have an urbanising effect and detract from the predominately open pastoral feel of the area. This impact would not be sufficiently mitigated by existing landscaping which defines the boundaries of the Applicant site and partially obscures views from the public right of way which passes to the west of the site. Whilst the approved development on the adjacent land to the North will extend the built form of the settlement to the South, it directly adjoins the village boundary and unlike this proposal, would not therefore encroach out significantly beyond the existing settlement limits of Nettleham. As such, the proposal would conflict with the overall objectives of policy D-5 of the NNP which seeks to protect the countryside and to concentrate new development within or adjacent to the existing village. In addition, the proposed development would conflict with the aims of CLLP Policy LP17 and Policy LP26.

3. Policy D-2 relates to Sustainability and Accessibility. The distance to the majority of local shops and services in the village centre exceeds the maximum walking distance of 800m sought by the Institute of Highways and Transportation document 'Providing for Journeys on Foot' (IHT). A distance of up to 800m is also identified as a characteristic of a walkable neighbourhood in Manual for Streets (section 4.4.1) which provides national guidance on reasonable walking distances. Although the village centre and local schools are within the maximum preferred walking distance cited in the IHT, the Council considers that it is unlikely that potential future occupiers would walk for between 13 and 16 minutes to reach the bus services, shops and schools in the village centre. As such, whilst the village has reasonable public transport provision, the Application site is not well located in terms of accessibility on foot to some of the bus stops, services and facilities in the village which would be required by future residents on a daily basis. The inevitable result would be that additional vehicle journeys would be generated, adding to the already crowded roads leading to and from the village centre and increasing the parking issues already present. One of the aspirational ideals suggested within the Application documents is that properties, if constructed, would be aimed at retirees. That market segment would almost certainly drive to the village centre.
4. Policy D-3 requires proposed developments to provide adequate off street car parking. The Application states that each property would only have two parking spaces which is at odds with the three spaces required by Policy D-3.
5. The CLLP provides for sufficient housing numbers in the plan area to meet government housing targets. Within those numbers Nettleham has already exceeded the stated requirement and therefore additional development in the village is neither necessary to meet targets nor to sustain services.

Local Highways & Lead Flood Authority (LCC): Access is acceptable as is the layout. Frontage footway shown is required and will be subject to final conditions.

The following amendments will be required:

Increase in parking provision.

All plots to have 2 off road parking spaces (garage not included as provision unless it's a double garage or of sufficient size to allow parking and storage).

Public Rights of Way Officer (LCC): The Definitive Map and Statement shows Definitive Bridleway (Nettleham) No.147 adjoining the site although this would not appear to affect the proposed development.

Comments;

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

ii/ Clarification is sought as to the ownership of the hedge between the site and the adjoining field containing the bridleway. If this were the applicant's then this would need to be conveyed to the adjoining households both to entitle their control of the growth levels and to avoid an enduring responsibility on the applicant's part. The county council does not own the hedge and will not intervene in any circumstances of the hedge presenting a danger or nuisance to the proposed homes.

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

Archaeology (LCC): No archaeological input required.

Environmental Protection:

Radon - The site is within an area which may require measures to address Radon.

Noise - The site particularly plots 1 & 2 are situated close to the adjacent pumping station, as such measures ought to be considered to protect these properties from noise from the pumping which may operate at any time of the day or night. A suitable acoustic fence along the boundary should suffice and ought to be conditioned along with a future proof scheme to ensure that it remains maintained.

Local residents:

General observation from **36 Lodge Lane**: I would happily support this application should the Lodge Lane footpath and street lighting offered by the applicant be conditioned within any forthcoming approval in the interests of Highway safety. This would allow a much needed safe link from the village to both the public rights of way and Lincoln Rugby Club on Lodge Lane.

I would also request a condition stating that the existing 30 mph speed limited be relocated to the east of the Rugby Club access should this application be approved and any other traffic calming measures be included, again in the interest of Highway Safety.

Relevant Planning Policies:

Development Plan

Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017); The Nettleham Neighbourhood Plan (2016); and the Lincolnshire Minerals and Waste Local Plan (2017).

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.²

Central Lincolnshire Local Plan (CLLP)³

The CLLP was adopted in April 2017 and forms the Development Plan covering the whole district (and other Central Lincolnshire Authorities). The following policies are considered most relevant in consideration of the application:

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 LP12: Infrastructure to Support Growth
Policy LP13: Accessibility and Transport
Policy LP14: Managing Water Resources and Flood Risk
Policy LP16: Development on Land Affected by Contamination
Policy LP17: Landscape, Townscape and Views
Policy LP18: Climate Change and Low Carbon Living
Policy LP21: Biodiversity and Geodiversity
Policy LP24: Creation of New Open Space, Sports and Recreation Facilities
Policy LP26: Design and Amenity
Policy LP52: Residential Allocations – Large Villages

¹ [Section 38\(6\)](#) of the Planning and Compulsory Purchase Act 2004 and [section 70\(2\)](#) of the Town and Country Planning Act 1990

² [Section 38\(5\)](#) of the Planning and Compulsory Purchase Act 2004

³ Available at <https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

Nettleham Neighbourhood Plan (NNP)⁴

The Nettleham Neighbourhood Plan was formally made in March 2016, following a successful referendum. It forms part of the statutory Development Plan, and covers the Neighbourhood Area covering the Parish of Nettleham (see section 1.3 of the Plan). The following policies are considered most relevant in consideration of the application:

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-5 Residential Developments in the Open Countryside;
Policy D-6 Design of new development;
Policy H-1 Managed Housing Growth;
Policy H-3 Housing for Older People.

Lincolnshire Minerals and Waste Local Plan⁵

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and forms part of the Development Plan. The application site is not within a Mineral Safeguarding Area (MSA).

The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

Main issues

- Nettleham Neighbourhood Plan – Principle of Residential Development (NNP policies H-1 & D-5)
- Central Lincolnshire Local Plan - Principle of Residential Development (CLLP policy LP2)
- Highway Safety, Access and Parking (CLLP policy LP13; NNP policies D-1, D-2, D-3)
- Character, Layout & Design (CLLP policies LP17, LP26; NNP policies D-5 & D-6)
- Housing Types (CLLP policy LP10; NNP policy H-3)
- Flood Risk & Drainage (CLLP policy LP14; NNP policy D-4)
- Biodiversity (CLLP policy LP21; NNP policy D-4)

Assessment:

Planning permission is sought, in full, for seven bungalows, with access to be taken directly from Lodge Lane.

⁴ Available at <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/nettleham-neighbourhood-plan-made/>

⁵ Available at <https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

Previous applications for residential development on the site have been refused. However these decisions predate the current Development Plan. In accordance with planning law this application must be considered against the provisions of the current development plan (unless material considerations indicate otherwise) – now being the adopted policies of the Nettleham Neighbourhood Plan and Central Lincolnshire Local Plan.

(i) Nettleham Neighbourhood Plan (NNP) – Principle of Development

The application site is not allocated for residential development within the Neighbourhood Plan. It is not subject to any specific allocation. The site to the immediate north is allocated as a business development area (site NE(2)).

Within the NNP, policy H-1 states:

“The primary focus of new residential development in the Plan area will be within the four allocated housing sites identified on the Proposals Map.”

Policy D-5 states that:

“New residential developments will be resisted unless they are adjacent to the existing continuous built form of Nettleham. Isolated dwellings in the countryside will not be supported.”

With the supporting text (page 30) it is explained that: *“in order to ensure a sustainable compact growth strategy for the village, new housing will only be permitted on sites adjacent to existing housing (i.e. not in the open countryside).”*

The Parish Council contend that the proposed residential development of the site would not accord with the NNP and is in conflict with policies H-1 and D-5.

Policy H-1 states that “the primary focus of new residential development...” will be on the allocated sites. It does not state that the allocated sites would be the sole or only focus, nor does the policy set out that residential development beyond the allocated sites should be resisted. The inference from the use of the word ‘primary’ is that there will be some ‘secondary’ development elsewhere. The proposals do not conflict with policy H-1.

Policy D-5 which states that “*New residential developments will be resisted unless they are adjacent to the existing continuous built form of Nettleham*”, explicitly acknowledging that residential development beyond the allocated sites under H-1 will be considered.

At the time of the Case officer’s site visit (3rd May 2018), development of the allocated site (CL4726) to the immediate north was heavily underway. Two storey dwellings immediately adjacent to the northern boundary of the application site, appeared to be complete and had covered roofs. The effect of the residential development now underway, is to redefine the “continuous built

form” of Nettleham. It can be concluded that, unlike with earlier decisions, the application site is now adjacent to the existing continuous built form of Nettleham.

The policy is clear that “*isolated dwellings in the countryside*” will not be supported. The term “isolated dwellings” has, for planning purposes, been the recent subject of a Court of Appeal judgment⁶. The Court upheld an earlier High Court Judgment⁷ in which Mrs Justice Lang observed that “*isolated*” should be given its ordinary objective meaning of “*far away from other places, buildings or people; remote*” and not the claimant’s position that isolation should be taken to mean away from services and facilities.

Following this legal interpretation, I consider that, in view of the development underway on site CL4726, the presence of 40 Lodge Lane and the Rugby Club, then proposed dwellings on the site would not be “isolated” and the development would not therefore be contrary to policy D-5 in this regard.

The policy also sets out that “*proposed new residential development along the principal access roads into the village will only be permitted where those proposals would not extend the linear format of the settlement*”.

I am mindful of the previous findings of Planning inspector Tom Cannon BA DIP TP MRTPI, who when dismissing an earlier appeal against refusal of planning permission on the site, had considered (following a site visit on 5th November) that:

“The appeal site is currently separated from the southern edge of the settlement by an open field. I recognise that the adjoining land is allocated for employment use in the LPR and benefits from planning permission for light industrial and office use. A recent appeal (Ref: APP/N2535/W/15/3129061) has also been allowed for a mixed residential and employment development on this site. However, as neither of these permissions has been implemented, the appeal site cannot be considered to be adjacent to the ‘existing continuous built form of the settlement’ and would therefore conflict with policy D7 of the ENP. Moreover, other than the applicant’s bungalow and the club house and associated works for Lincoln Rugby Club, the land to the south and west of the site principally comprises of open agricultural fields, paddocks and sports pitches. Consequently, the provision of 10 new dwellings on this land which is located on one of the main access roads into the village would clearly extend the linear format of the settlement out into the open countryside to the south of the existing settlement. As such, the proposal would conflict with the overall objectives of policy D7 of the ENP which seeks to protect the countryside and to concentrate new development within or adjacent to the existing village.”

⁶ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610 Case Number: C1/2017/3292

⁷ Braintree District Council v Secretary of State for Communities and Local Government & Ors. [2017] EWHC 2743 (Admin)

Whilst the Inspector had previously found that development of the site would *“clearly extend the linear format of the settlement out into the open countryside”*, the developing out of the allocated site is a significant material consideration, from the time of the Inspector’s conclusions. The application site is no longer separated away from the village, comprising linear development into the open countryside. It would comprise development immediately adjacent to the *“existing continuous built form of Nettleham”* which is supported by policy D-5, and enclosed by the public bridleway.

Overall therefore, whilst having had regard to the Parish Council’s comments, I find that development of this land adjacent to the existing continuous built form of the settlement would be in accordance with, not contrary to, policy D-5. It would not be contrary to policy H-1 which is otherwise silent on the matter of residential development upon non-allocated sites.

(ii) Central Lincolnshire Local Plan - Principle of residential development

The site is not allocated for residential development in the Central Lincolnshire Local Plan. Under CLLP policy LP2, Nettleham is identified as a ‘Large Village’ within the settlement hierarchy. The policy states:

“[Large villages] will be a focus for accommodating an appropriate level of growth. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”

The policy defines ‘developed footprint’:

“...as the continuous built form of the settlement and excludes:
a. individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;
b. gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;
c. agricultural buildings and associated land on the edge of the settlement; and
d. outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.”

“Infill” is defined, within the glossary (appendix D) as *“development of a site between existing buildings”*.

The applicant puts forward that *“the site is bounded by non-agricultural uses on all four of its boundaries, Lodge Lane to the east, the Lincoln rugby club west, a dwelling (40 Lodge Lane) to the south and a residential development to the north. As a consequence, the site should be considered as infill due to*

the surrounding development that has effectively redefined the boundaries of Nettleham village.”

Planning permission has now been implemented and development of the site to the north is significantly underway. The effect of this is to redefine the settlement boundary to the northern boundary of the application site. The application site should now be considered as being adjacent to the “existing continuous built form of the settlement”.

Whilst I recognise the views of the applicant, I am unconvinced that the application site itself should now be seen to be included within the ‘developed footprint’, as defined under LP2. My perception of the site was as an undeveloped paddock associated with the dwelling at 40 Lodge Lane, which effectively separates the dwelling away from the built up area. My perception was of land more closely related to the surrounding countryside than to the built up area and that it does not form part of the continuous built form of the settlement. To the east are open fields, and to the south and west the site is enveloped by the Rugby Club (beyond the public bridleway). The policy definition is specific that “*outdoor sports and recreation facilities*” are not considered to be within the ‘developed footprint’.

To this end, I conclude that the development would not comprise the “*appropriate infill, intensification or renewal within the existing developed footprint*” as supported by policy LP2. Instead the application proposes the development of undeveloped paddock land, (now) adjacent to the developed footprint.

In reaching this conclusion, I have had regard to the recent appeal decision⁸ by Inspector D Hendley BA(Hons) MA MRTPI. In dismissing an appeal against the refusal of a single dwelling on Land off Manor Lane, Aisthorpe (application reference 136888) he concluded that “...*the proposal would not, therefore, constitute infill. It would not be within the continuous built form of the settlement, and so it would not be within the developed footprint of the village.*” Whilst every case is to be determined on its own individual merits, by way of comparison I would conclude that the application site is even further related to the countryside than the Aisthorpe site.

Nonetheless, policy LP2 does state that, “*in ‘exceptional circumstances’ additional growth on non-allocated sites in ‘appropriate locations’ outside of, but immediately adjacent to, the developed footprint.. might be considered favourably...*”.

The policy sets out that ‘appropriate locations’ means a location which does not conflict with planning policy, and if developed would:

- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement’s character and appearance; and*

⁸ Appeal APP/N2535/W/18/3195173

- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.*

The application site is enclosed by mature planting, and enveloped by the public bridleway to the rear and presence of no.40 to the south. The plans indicate that the mature planting would be maintained to the rear (western boundary) and to the frontage (eastern boundary) with Lodge Lane. Plots 1 & 7 would be set back some 30 metres (in line with no.40) behind the retained landscaping boundary. In this respect the visual impact of development will be significantly mitigated, and limited to glimpses through the planting, and along the proposed access road. I am therefore of the view that, as a result of its enclosed nature, adjacent to the existing built form, that the development would retain the core shape and form of the settlement, would not harm the character and appearance of the settlement, or the surrounding countryside. It can be considered to be an 'appropriate location' subject to meeting with all other planning policies.

'Exceptional circumstances' in the policy is a 'matter for the decision maker to determine, but could be, for example, where the development delivers a community facility (see Policy LP15) substantially above and beyond what would ordinarily be required by Policy LP12 or LP15 (or any other policy in the Local Plan), and for which a clear need has been identified.'

The applicant has been asked to set out what 'exceptional circumstances' could be taken into consideration, who responds as follows:

"We will voluntarily deliver all of the properties to M4(2) of the building regulations. We are looking at possibly undertaking two of the properties (Plots 1 & 4) as M4(3)'s – but we are still assessing this so would not want to commit just yet.

We will fill provide a 1.8m wide footpath across the front of the application site and Ambrose Cottage. This would extend the footpath to the public ROW / Bridleway that abuts Ambrose House. We are willing to extend this further into the bell mouth of Lincoln Rugby Club but would need the landowners consent - whether that is highways or Lincoln Rugby Club. Either way, this is not expected to be an issue as LRFC are supportive of the proposals."

(iii) Highway Safety, Access and Parking

CLLP policy LP13 requires that development should *"provide well designed, safe and convenient access for all"*.

Access is proposed to be taken directly off Lodge Lane. The national speed limit (60mph single carriageway) applies along this section of Lodge Lane. The site is set back from the road by a deep grass verge (measuring 6m on plan), indicating that a satisfactory visibility splay can readily be achieved. The Local Highways Authority have not raised any concerns on safety grounds and advise that "access is acceptable as is the layout".

The application seeks permission for only seven dwellings (non-major development). This would not lead to a material change in the volume or character of traffic entering or leaving the highway, and will therefore meet with NNP policy D-1.

Policy (CLLP policy LP13 & NNP policy D-2) seeks to incorporate pedestrian and cycling access into the design. Drawing PLA103 shows that a pedestrian footway will be incorporated onto one side of the road serving properties.

Furthermore, the plan indicates a pedestrian footway will be introduced within Lodge Lane itself – heading north up to the boundary with the allocated site; and south, providing access to the public bridleway, and up to the Rugby club. This would significantly improve accessibility to the Public Bridleway and access to the countryside, and to an existing sports and recreational facility.

Development would accord with LP13 and D-2 in this respect.

The Parish Council put forward that it would be an unsustainable location by virtue of walking distances to the village centre, leading to an over-reliance on private vehicles. Whilst NNP policy D-2 requires new development to *“incorporate routes and access arrangements that minimise distance to travel to the village centre”*, it does not set out any minimum distance requirements from the village centre. As previously stated, policy D-5 makes clear that countryside development will be resisted unless *“adjacent to the existing continuous built form of Nettleham”* indicating that development in such locations is deemed acceptable.

NNP policy D-3 sets out a minimum requirement of 3 off street car parking spaces per 3 bedroom dwelling. The applicant has revised the layout (drawing PLA103) in order to ensure each dwelling can accommodate a minimum of three cars (including the integral garage spaces).

(iv) Character, Layout & Design

The layout (see drawing PLA104) indicates seven bungalows across the 0.77ha site – a low gross density of 9.09 dwellings per hectare (dph).

Plot's 1 & 7 would be orientated to 'face' the western boundary with Lodge Lane. They would however be set back from the boundary by a minimum of 30 metres – in line with 40 Lodge Lane. The plans indicate that the established mature boundary treatments would remain along the site boundaries – effectively minimising the visual impacts of development. This approach would accord with NNP policy D-6 criteria (e) and (f).

It would also accord with the Village Design Statement⁹ which states (p13) that *“The open approach of the country lanes into the village, with their wide verges and distant views, should be retained and protected”* and that

⁹ Available at <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/nettleham-neighbourhood-plan-made/>

“Hedgerows adjacent to roads should be retained wherever possible in order to maintain the character of the area”.

A planning condition to secure the retention of mature planting along the boundaries, would be recommended.

An illustrative masterplan has been submitted. It is considered necessary and reasonable for a planning condition to secure final landscaping details, in order to ensure both ‘hard’ and ‘soft’ landscaping adheres to policies LP26 and D-6.

In regard to house styles, the Character Assessment (appendix A of the NNP) states that *“In the building developments of the latter half of the twentieth century, the buildings are typically constructed of imported brick with tile roofs. Within these distinct areas there are other individual styles, but they tend to be ‘infill’ developments, often visually obtrusive and would not meet recent planning guidance.”*

The dwellings proposed are true, single storey bungalows. Three different housetypes are shown but all would have hipped roofs, with a maximum ridge height of 6m and eaves level of approximately 3 metres high.

No details of materials are given and this would need to be subject of a planning condition, to ensure adherence to CLLP policy LP26 and NNP policy D6.

Overall, however, it is considered that the development offers a low density scheme of low height dwellings, set back from the road and enclosed by mature planting. Enclosed by the dwelling at no.40 and the public bridleway, It would not necessarily result in ribbon development, but instead would offer a gentle transition from the settlement edge into the countryside. It is considered to accord with CLLP policy LP26 and NNP policy D-6 in this regard.

(v) Housing Types

The development is proposed across three house types, as follows:

- Type 1/1M (plots 2, 3 & 6): approximately 150m² GIA (Gross Internal Area);
- Type 2 (plots 5 & 7): 185 m² approximately GIA;
- Type 3 (plots 1 & 4): 210 m² approximately GIA.

The applicant in fact calculates a total floorspace (GIA) of 1266m².

CLLP policy LP11 will require affordable housing provision on sites of less than 11 units where the total floorspace exceeds 1000m². The site is within the Lincoln Strategy Area where the policy will seek a contribution of 25% (2 dwellings).

The applicant advises it had not been their intention to provide affordable housing, but if the development qualifies they would like to offer an off-site financial contribution.

In order for the development to comply with CLLP LP14 and NNP policy H-4, the applicant will need to commit to the provision of affordable housing, likely through a S106 planning obligation.

CLLP policy LP10 seeks the provision of higher accessible homes by delivering 30% of dwellings to M4(2) of the Building Regulations. It adds that *“Proposals which voluntarily deliver more than 30%, or deliver the 30% requirement to the higher M4(3) standard will be supported.”*

The applicant has advised that they are seeking to deliver all of the properties to at least M4(2), and at the time of writing are looking at the possibility of undertaking two of the properties to M4(3).

NNP policy H-3 sets out a requirement to incorporate appropriate provision for older persons' housing.

The applicant proposes that the development will meet *“the needs of older members of the community whose homes and gardens are too big for them now and who need to downsize but still wish to retain a high quality home.”*

The Neighbourhood Plan states that *“this [older persons' housing] provision could be achieved through bungalows and homes which are flexible to cope with changing needs of their occupants.”*

The proposed bungalows, built to the higher accessibility standards of Part M4(2), would potentially meet with this aim. The applicant has however advised that they would not wish to commit to the provision of the dwellings being older persons' housing through an obligation. They explain *“Whilst we are intending to market these properties to retirees / older persons from Nettleham Village, we realise that these some of these properties would be suitable for wheelchair users. Therefore we would prefer not to have a planning obligation.”*

(vi) Flood Risk & Drainage

The site is within flood zone 1 (low probability). It therefore meets with CLLP policy LP14's sequential test with the aim of directing development to those areas at lowest risk of flooding.

The application form states that surface water will be disposed off via sustainable drainage system (SuDS). This would accord with CLLP policy LP14 and NNP policy D-4, which requires SuDS unless otherwise shown to be impractical.

It may be noted that the drainage scheme for the allocated site¹⁰ to the north incorporates above ground water conveyancing (swales) and storage (balancing pond) – with a discharge into a culverted waterway within Lodge Lane. As no further drainage details are provided with this application –a condition to secure final details is considered to be necessary and reasonable.

The application form states that foul sewage will be disposed of to the main sewer, although states it is unknown whether it is proposed to connect to the existing drainage system. It is noted that the site to the north connects foul sewage to the mains sewer that runs across that site. It is considered in view of the ambiguity, that a planning condition would be necessary to secure full details in order to ensure compliance with CLLP policy LP14 and NNP policy D-4.

(vii) Biodiversity

Policy (CLLP LP21) requires that all development should “protect, manage and enhance the network of habitats, species and [designated] sites”, minimise impacts on, and seek to deliver a net gain in biodiversity and geodiversity.”

A [Phase 1] Protected Species and Ecology Walkover has been submitted with the application.

In summary it concludes as follows:

Habitats - The grassland does not meet the required standard to qualify as a Local Wildlife Site. The boundary hedgerows and trees have some local value for nature conservation; under the current proposals the hedgerows and many of the planted trees will be retained.

A planning condition to secure the retention of existing trees / hedges is therefore recommended.

Bats - A single willow tree located in the north-west section of the northern hedgerow has features with high potential to support roosting bats. If it is necessary to fell or manage this tree then further survey work and advice will be required. The site will undoubtedly be used for foraging and commuting by local bats (there are records of bat species in the local area). It is recommended that any proposed lighting schemes are designed in order to allow the boundaries of the site to remain unlit and dark and therefore suitable for use by foraging/commuting bats.

A condition to secure a lighting scheme would therefore be recommended.

Reptiles & Amphibians - Some areas of the rough grassland were considered to have potential for use by both reptiles and amphibians.

¹⁰ See reference 137167.

A condition to secure a walkover survey prior to works commencing is therefore recommended.

Birds - The site has very high potential for use by nesting birds.

A condition would be recommended to ensure that any site clearance work that has any impact upon the hedgerows/trees should be timed to avoid the bird breeding season, which runs from March to September (inclusive).

The assessment indicates that the impact upon habitats and species will be minimal, in accordance with LP21. Measures to deliver a net gain in biodiversity are not detailed – a planning condition would therefore be recommended to secure this.

Other matters

The Environmental Protection team has raised the potential for requiring measures to address Radon. The applicant has subsequently submitted a Report from Public Health England to show this is not a Radon affected area.

Plot 1 would be located within 10 metres of the pumping station within the site to the north. It is recognised that the garage would be located along this side of the dwelling, but in view of the close proximity, it would be considered relevant and necessary for a planning condition to secure measures for noise mitigation for this property.

Residential development for dwellings will be liable for the Community Infrastructure Levy (CIL). The site is within zone 1 (Lincoln Strategy Area) where the rate is £25 per square metre. As Nettleham has a Neighbourhood Plan in place, 25% of CIL raised will be passed to the Parish Council.

Overall Balance and Conclusions

Planning permission for residential development on the site has previously been refused. However, planning law requires the application to be considered against the provisions of the development plan, unless material considerations would indicate otherwise.

The development plan now comprises the provisions of the Nettleham Neighbourhood Plan and the Central Lincolnshire Local Plan.

Following the development of allocated site CL4726 on the northern boundary, the developed footprint of the settlement is considered to have extended up to the northern boundary of the application site. It should now be considered as being adjacent to the developed footprint of the village.

This would accord with the Neighbourhood Plan (policy D-5) which states that *“New residential developments will be resisted unless they are adjacent to the*

existing continuous built form of Nettleham.” The development will now be adjacent to the continuous built form of Nettleham.

Under policy LP2 of the Local Plan “*in ‘exceptional circumstances’ additional growth on non-allocated sites in ‘appropriate locations’ outside of, but immediately adjacent to, the developed footprint.. might be considered favourably...*”.

It is considered that the development offers a low density scheme of low height single storey bungalows, set back from the road and enclosed by mature planting. With the presence of the dwelling at no.40 and enclosed by the public bridleway, It would not necessarily result in ribbon development, but instead offers a gentle transition from the settlement edge into the countryside. It is therefore considered that it could qualify as an ‘appropriate location.’

Nonetheless, the essence of the policy is to focus development upon allocated sites (of which Nettleham has five, with an indicative total capacity of 237 dwellings), or “appropriate infill, intensification or renewal within the existing developed footprint”. It is only in exceptional circumstances that additional growth on non-allocated sites adjacent to the developed footprint of a large village might be considered favourably.

The applicant proposes that the houses will be marketed to older persons, for which the Neighbourhood Plan identifies a Parish need, but is not willing to commit to an obligation that would secure them only for such persons. Accordingly, this limits the amount of weight that can be attributed to this potential benefit of development.

The applicant does propose that all of the dwellings are built to the higher accessibility standards of at least part M4(2), exceeding the policy requirement of CLLP policy LP10. Nonetheless, the provision of higher accessibility housing is undermined by locating it at the very edge of the village. Policy LP10 does state that “*Where possible, higher accessible homes should be located close to any existing or proposed centre (as defined in Policy LP6) and public transport connections.*”

The application does also propose a public footpath within the highway, providing connection to the public bridleway and the entrance to Lincoln Rugby Club. Improved accessibility and public connectivity could be considered as a benefit of development. Nonetheless, such works within the public highway could be achieved without development taking place outside the development footprint.

In conclusion, it is considered that exceptional circumstances have not been demonstrated that may otherwise give support to additional growth on a non-allocated site adjacent to the developed footprint of this large village. This would undermine the clear policy intention to focus non-allocated growth within the developed footprint. Development is therefore contrary to policy LP2 of the Central Lincolnshire Local Plan.

Recommendation

It is recommended that planning permission is refused for the following reason:

1. The application seeks residential development on a non-allocated site outside of, but immediately adjacent to the developed footprint of Nettleham, a large village. Policy LP2 of the Central Lincolnshire Local Plan seeks that most large village growth to be via sites allocated in the development plan, or appropriate infill, intensification or renewal within the existing developed footprint. It is only in exceptional circumstances that additional growth may be considered in such locations. It is considered that exceptional circumstances have not been demonstrated that may justify additional growth outside of the developed footprint. Development is therefore contrary to the provisions of the development plan, in particular policy LP2 of the Central Lincolnshire Local Plan.

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