

WEST LINDSEY DISTRICT COUNCIL  
PLANNING APPLICATION – PARISH/TOWN COUNCIL OBSERVATIONS

24 April 2015

Application Ref No. 132847

:

Location : Land off Larch Avenue Nettleham Lincolnshire

Proposal : Hybrid planning application for a change of use to provide areas of public open space-sports facilities, including outline planning application for the erection of up to 200no. dwellings and associated roads and infrastructure with access to be considered and not reserved for subsequent applications.

My Council has no comments \_\_\_\_\_ (please tick)

OR

My Council has the following comments/objections to make on the proposal:

**Introduction**

The Parish Council convened a Special Meeting on the 2 June 2015 to consider this matter. The Meeting was attended by some 230 residents who were overwhelmingly opposed to the proposals. The Council was disappointed and dismayed by the fact that the Applicants were not represented at that Meeting; instead, they sent along their Planning Consultant who was only able to stay for 30 minutes (the Meeting lasted 2 hours).

**Nettleham Parish Council Strongly Objects to this Application.**

**Planning context**

**WLDC Local Plan (first review) 2006**

The proposal is contrary to Strat 1

*All development must take full account of the need to protect the environment so that present demands do not compromise the ability of future generations to meet their own needs and enjoy a high quality environment. Development must reflect the need to safeguard and improve the quality of life of residents, conserve energy resources and protect the Plan area's character and be satisfactory with regard to:*

- i. The number, size, layout, siting, design and external appearance of buildings and structures;*
- ii. The provision of adequate and safe access to the road network to prevent the creation or aggravation of highway problems;*
- iii. The scope for providing access to public transport;*

- iv. *The scope for reducing the length and number of car journeys;*
- vi. *The impact on the character, appearance and amenities of neighbouring, and where relevant, other land, including visual encroachment into the countryside;*
- ix. *The availability and capacity of infrastructure and social/community facilities to adequately serve the development;*
- xii. *Any other material considerations properly related to regulating the use and development of land, including:*
  - *Protecting general water quality and the quality of groundwater;*
  - *Protecting air quality;*
  - *Maximizing the use of previously developed land;*
  - *Avoiding utilizing land subject to flood risk;*
  - *Creating local distinctiveness.*

### **Nettleham Neighbourhood Plan**

Nettleham has submitted its emerging Neighbourhood Plan (NNP) for its 6wk Reg16 Consultation to WLDC, which will run until 17 July 2015. The Secretary of State has produced guidance that significant weight should be given to an emerging Neighbourhood Plan document once it has reached a sufficiently advanced stage (i.e. past Reg 14) and policies contained within it. The NNP has therefore now advanced sufficiently through its statutory stages to enable significant weight to be given to it.

The NNP satisfies the requirements of NPPF para 17 as the first of 12 principles espoused, namely:-

*Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

- *be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*

### **Conflict with the NNP**

**1. Housing Numbers:** Following extensive consultation with the residents of Nettleham as part of the Neighbourhood Plan (NNP) it is clear that residents want a number of smaller sustainable developments in different parts of the village rather than 1 large development. Nettleham is characterised by housing development over the past 5 decades of approximately 50-70 houses per site. This is considered to be the appropriate number for any new individual development in the village thus avoiding a significant change to the character of the settlement, (NPPF, para 55).

The NNP identifies a requirement for some 180 new dwellings in total spread over 4 sites, one of which has recently gained outline approval. However, if this individual site for 200 homes were approved it would almost double the

number of new homes proposed by the NNP and judged appropriate for local needs and services. This is reflected in the NNP **policy H1**. Which states that *no single site would normally be permitted to have more than 50 homes to ensure better integration into the existing community.*

**Therefore 200 houses on one site is totally contrary to the NNP and NPPF 55.**

**2. Housing Locations:** Some 30 sites around the settlement were assessed for the NNP and a Strategic Environmental Assessment Report produced.

**Policy H 8** of the NNP identifies approximately 3.5Ha of the applicant's site (of 15Ha) for potential development of approximately 50 dwellings. However the area identified in the NNP is on higher land adjacent to the currently built area behind The Hawthorns using an access point identified by the applicant for his scheme.

A key reason for selecting this limited site within the NNP was that it was considered to be sustainable, and far enough away from the Nettleham Beck not to exacerbate the flooding which occurs from time to time along the south side of the Beck. Some of the land within this part of the applicants proposed site is already prone to such flooding.

**3. Flooding:** in June 2007 the centre of Nettleham experienced extensive flooding following heavy rainfall. Nettleham sits in a shallow valley with much surface water runoff from fields, and the built area, being deposited in the Beck. The Beck has a low fall rate between the village centre down to the proposed development; the fall is between 1-2m over a distance of 500-800m. Any increase in water level immediately downstream of the current built environment has an impact upstream on the centre of the village. For this reason the NNP policy D 4 requires an effective drainage strategy, and specifically **policy D 6** calls for hydraulic modelling investigation of the Beck to accompany any application for development within 200m of the Beck to demonstrate that the proposed development will not increase the flood risk for the rest of the community, both up and down stream. The need for hydraulic modelling accords with the recommendation made in the Expert's Report commissioned by the Parish Council following the 2007 flooding event. However, no such investigations have been carried out by the applicant.

### **Concerns raised about evidence provided by the Applicant**

#### **1. Flood risk assessment report**

This report does identify the magnitude of the problem of surface water run-off from a housing development of the proposed scale on this site. Also the magnitude of the water storage required, below ground of 1150m<sup>3</sup> and in addition 1073 m<sup>3</sup> above ground, to be stored within the confines of the site prior to subsequent slow release into the Beck is identified. It does not however investigate the impact on adjacent properties both upstream and downstream following a prolonged high rainfall event similar to the one experienced in the Village only 8 years ago, nor the impact of mechanical failure of the proposed pumped attenuation scheme. The Report has not been independently vetted by the Environment Agency and the Parish Council considers that this is essential.

It is also noted that the pre-application assessment report produced by Anglian Water related to 70 new homes not 200 as stated in the application, this is a fundamental error of scale. During the discussions, as part of the NNP process, on capacity of the Sewage Treatment Works (STW) Anglian Water stated that it had capacity for 200 new homes. However, this development would result in an additional total of 330 new dwellings to their system. As previously explained the total number identified in the NNP is approx. 180 with 50 being allocated to this site. There is no evidence that 330 extra houses is within the capacity of the current facility.

## **2. STW Smell nuisance assessment.**

The applicant's consultant's report is flawed in that it relies on the metrological office measurements for wind speed and direction at RAF Scampton. RAF Scampton is located on the Lincoln Ridge which projects some 30m above the adjacent flat farmland to the west; its windy nature is the reason it was originally chosen as a suitable site for an air force base some 80 years ago. In contrast the site of the proposed development and STW is over 4 miles away in a sheltered small valley to the east of Nettleham. Clearly local wind speeds and direction are likely to be substantially different between the 2 locations. It is therefore inappropriate to rely on the conditions at Scampton when determining local wind speed and direction in parts of Nettleham.

Residents living on Larch Avenue, some 600m from the STW, report adverse smells from the works at roughly weekly intervals. There is a particular nuisance on warm summer days with slack winds. There is a need for further investigation given the close proximity of the STW to some of the proposed dwellings and the even closer proximity of the proposed public recreational/sports facilities.

## **3 Traffic**

According to the site Travel Plan, traffic exiting the proposed site is forecast to be 1305 - 2 way trips in the space of 12 hours, averaging approximately 108 per hour in each direction or one car every 30 seconds onto a narrow rural lane. Of course the peak levels will be much higher than this. Traffic will exit the proposed site by either The Hawthorns or Larch Avenue through an existing residential area of some 50 dwellings including a children's play area, and will converge in Larch Avenue before leaving the area via a single exit onto Sudbrooke Lane. This is currently a narrow rural lane which is in part a single track lane with passing places. It is misleading for the applicant to claim that there will be 2 site exits. All road users will necessarily converge onto just one exit from the total development (comprising the existing and proposed). This means a total of 250 households, in addition to service vehicles, will be joining Sudbrooke Lane via one road junction onto a narrow rural lane.

A development that quadruples the size indicated in the NNP will inevitably quadruple the traffic flows from this site. Unless there is a clear advantage to Lincoln bound traffic (and further onward bound travel) travelling via Lodge Lane and the A158, then traffic flows through the congested village centre, particularly along High Street and the site of the Junior School, will inevitably exacerbate the already unsatisfactory situation. This is one of the principal reasons why the NNP has limited site size (to approx. 50 dwellings) and encouraged distribution of those sites around the village thereby using the differing access roads.

The junior school is over 1km from the proposed development and it is reasonable to assume that the majority of the children will be taken to school by car thereby increasing the already serious congestion at peak times in the village centre. Again a development that quadruples the NNP preferred size will quadruple this issue. In this connection it is noted that the Consultant's report indicates that only 20% (which may be optimistic) of journeys will be by foot or cycle with 80% being by car.

**S106:** Should the Planning Authority be minded to grant permission to this application as proposed then the Parish Council believes that it is essential that some unilateral S106 money be allocated to improve the junction of the A158 and Lodge Lane to improve right turning residents traffic's access onto the A158. The likely volume of traffic at peak times onto the A158 will otherwise encounter severe delays. This will have the knock on effect of encouraging residents from the proposed development to travel through the village to exit onto the A46 adding to even more congestion through the village centre (as well as adding to the access problems at the Washdyke Lane & A46 junction).

#### **4. Maintenance of proposed facilities and green space**

Questioning of the Applicant's Planning Consultant at the Special Parish Council Meeting on the 2 June (see above) demonstrated that the developer was expecting the Parish Council to take responsibility for the upkeep and maintenance of the wetlands and public spaces created by their scheme. There was also the implication that the Parish Council would subsidise or maintain any associated sporting or recreational facility. This is not something that has been agreed or even discussed with the Parish Council. The Parish Council already has substantial open space and sporting facilities to maintain and it has no desire to add a further 5Ha to its responsibilities under current resource constraints.

The cricket club, whilst originally expressing an interest in the possibility of a new facility, have now made it clear, at the Public Meeting that they are content to continue to use the existing facility provided by the Parish Council at Mulsanne Park. Nettleham is well served with outdoor sports facilities and playgrounds, having a 4Ha site at the Mulsanne Park location with facilities for cricket, football, tennis, a multi-use games area, skate park and pavilion. Nearby there is also a bowls club, rugby club and children's play area. There are two other additional children's play areas and the original Bill Bailey's Memorial field. Additional sports areas are therefore not required.

In practice the Developers proposals offer no significant Community Benefits that in any way compensate for the proposed scale of development of this site. Their proposals would merely impose additional financial liabilities on to the Parish Council.

#### **5. Consultation**

The applicants have stated in Section 4 of the Integrated Planning Statement (IPS) that there has been consultation with residents via 2 drop in sessions (held on one day in January) organised to explain their proposals and the potential benefits to the community. Mention was made in the IPS of the number of people who turned up to those sessions, being in the range of 200 – 300. The applicants stated that they had received written responses of concerns expressed; however these responses have not been shared with the Parish Council. The document fails to mention that only 5 attendees

expressed written support for the proposals. This is in sharp contrast to the over 90% support given to the Nettleham Neighbourhood Plan in numerous consultations involving a large number of residents held during the NNP process over many months.

As mentioned earlier in this submission, the Parish Council arranged a Special Parish Council Meeting, on 2 June 2015, to enable the Developer to present his plans to the residents of Nettleham. Despite adequate notice to the Developer only the developer's agent Globe Consultants was present. Unfortunately, he was only present for the first 30 minutes of the meeting, due to personal commitments. No other representatives of the developers were present to answer questions from the public. If the developers were really interested in engaging with the community in relation to this particular matter then they should have had senior members of their team present.

Regrettably, this has been the case throughout this particular application with this developer. The Parish Council and WLDC are both keen to see the active engagement of prospective developers with the local community. This has certainly been the case with regard to the other potential development sites specified in the NNP. As a matter of record, the Parish Council has had no discussions whatsoever with this particular developer in relation to this specific application. This developer along with other land owners/developers was consulted as part of the NNP process. The Council were not even consulted about this developers Drop in Session in January 2015. This is completely counter to the spirit of the NNP and Central Government's guidance in relation to planning matters.

## **Conclusion**

It is clear that this application is completely contrary to the Nettleham Neighbourhood Plan, a plan that is at a very advanced stage and one that has been drawn up in conjunction with professional officers of WLDC and others. It has the overwhelming support of residents and that has been the position throughout its evolution. This proposed development is substantially larger than the one put forward in the NNP, with all the associated adverse implications for traffic, sustainability and local services. Practical management proposals for the ongoing maintenance of this site are missing. Some of the supporting Reports are in the opinion of the Parish Council flawed.

This larger site also encompasses an area that will exacerbate the flooding risk both in terms of the surface water runoff and a rise in the level of the Beck. This could in turn result in the water in the Beck backing up and thereby cause a flood risk to the centre of the village. This risk has not been fully assessed and needs to be hydraulically modelled before any application for planning permission is entertained.

Accordingly, the Parish Council is implacably opposed to this development; it is a fundamental negation of the Nettleham Neighbourhood Plan. In the view of the Parish Council approval of this development proposal would destroy the credibility of the Plan and fundamentally erode public confidence in the whole planning process.

## **Addendum**

Should this Application be dismissed and the Developer subsequently elects to Appeal prior to the NNP being formally adopted, then the Parish Council will request that the Secretary of State calls in the Application until the Neighbourhood Plan process has been completed and the NNP carries full weight.

### **Executive Summary**

1. The proposed development conflicts with the 2006 WLDC Local Plan, the NNP and the NPPF.
2. Further investigations are required to support this application, namely:–
  - (i) Hydraulic Modelling of the Nettleham Beck in order to assess the increase risk of flooding caused by the proposed development
  - (ii) A smell/ nuisance assessment of the effects of the STW on houses and other facilities comprised within the proposed development.
3. Advice should be sought from the Statutory Bodies as follows:–
  - (i) The Environment Agency regarding the potential flood risk arising from the proposed development
  - (ii) LCC Highways regarding the traffic/ highway implications of the proposed development
  - (iii) Anglian Water regarding the capacity of the STW to cope with the flows from 330 additional dwellings in Nettleham (being the proposed development plus the other x3 sites identified in the NNP).
4. Finally, no meaningful consultations have been held with the Parish Council and the Community in relation to this particular Application.

Signed *J Finn* ..... Date 9 June 2015.....

For Nettleham Parish/Town Council

Please return form within 28 days of the date given in the heading, to the Development Services Manager, West Lindsey District Council, Guildhall, Marshall's Yard, Gainsborough, Lincs, DN21 2NA.