

RESPONSE TO INSPECTORS' MATTERS, ISSUES AND QUESTIONS

**EXAMINATION OF THE CENTRAL LINCOLNSHIRE
LOCAL PLAN REVIEW**

MATTER 7 – HOUSING SITES

**WL/NHAM/011 – LAND EAST OF BROOKFIELD
AVENUE, NETTLEHAM**

Document Title:	Response to Inspectors' Matters, Issues and Questions Examination of the Central Lincolnshire Local Plan Review		
Site:	WL/NHAM/011 – Land East of Brookfield Avenue, Nettleham		
Client:	Mr James Pickwell		
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1. INTRODUCTION

- 1.1. These representations relate to land described within the Central Lincolnshire Local Plan Proposed Submission Draft (March 2022) (**CLLPPSD**) as land east of Brookfield Avenue, Nettleham (**the Site**). CLLPPSD Policy S80 (Housing Sites in Large Villages) identifies the Site as a Residential Site Allocation under site reference: WL/NHAM/11. CLLPPSD Policy S80 confirms that the sites identified within the policy schedule are “*allocated primarily for residential development*”. The spatial extent of the Site is confirmed by CLLPPSD Policy Map 54 – Nettleham. The Site occupies an area totalling 3.04 hectares with CLLPPSD identifying an indicative capacity of 57 no. dwellings.
- 1.2. Following the publication of the Inspectors' Matters, Issues and Questions document on 03 October 2022 (Examination Document Reference: EX015), Knights have been appointed to make representations on behalf of the Pickwell Family who are the owners of the Site¹. These representations respond to the Matters, Issues and Questions raised specifically by the Inspectors in relation to the Site. Under Matter 7, Issue 4 – Large Villages – Policy S80, Questions 31-34 relate to the Site. For ease of reference, the Inspectors' questions are reproduced below.
- *Q31. How does the site relate to the neighbouring land allocated for development in the existing Local Plan? Will the sites come forward together or in isolation?*
 - *Q32. How will access to the site be achieved? Are there alternative ways of accessing the site without requiring land to the south?*
 - *Q33. Part of the site is within Flood Zone 3. Is the allocation consistent with paragraph 161 of the Framework, which states that all plans should apply a sequential, risk-based approach to the location of development so as to avoid, where possible, flood risk to people and property?*
 - *Q34. Are the requirements to improve pedestrian and cycle links deliverable?*
- 1.3. Questions 31-34 are addressed, in turn, in Section 2 which follows.

¹ Excluding land at No. 52 Brookfield Avenue which is in the ownership of a third party.

2. RESPONSE TO INSPECTORS' MATTERS, ISSUES AND QUESTIONS

Q31. How does the site relate to the neighbouring land allocated for development in the existing Local Plan? Will the sites come forward together or in isolation?

Q32. How will access to the site be achieved? Are there alternative ways of accessing the site without requiring land to the south?

- 2.1. Land to the south of the Site (CLLPPSD Reference: WL/NHAM/018) was granted outline planning permission (**OPP**) on 05 July 2019 by West Lindsey District Council (**WLDC**) for the following development *"Outline planning application for erection of up to 63no. dwellings with garages, access roads, footpaths and open space-access to be considered and not reserved for subsequent applications"* (Application Number: 138494) (**the 2019 OPP**). The application was made by J. Dixon, J. Gauke, J. Pickwell & J. Pickwell. The submitted Site Location Plan edged the Site in blue and confirmed that wider land was under the control of the applicant which included the Site. An application for the approval of reserved matters was subsequently made by Lace Market Properties Ltd. WLDC issued an approval of reserved matters decision notice on 11 March 2021 (Application Number: 141225) (**the 2021 ARM**).
- 2.2. Land to the south of the Site (WL/NHAM/018) is in the process of being developed and built out by a third party. However, we have been informed by the Pickwell Family that the sale of the land to the developer of WL/NHAM/018 included restrictions that ensure that the development of the Site is not constrained by a situation involving a ransom strip. Further information on this point can be provided to the Inspectors on a confidential basis if deemed necessary.
- 2.3. Condition no. 1 of the ARM requires that the approved development must be carried out in accordance with the following drawing: TL065-SL-02 Revision D dated 26th November 2020 – Site Layout Plan. Drawing Reference: TL065-SL-02 Revision D provides for an adopted highway to the northern site boundary of WL/NHAM/018 (identified as 'Road 2') which, in turn, connects to the adopted highway at the Hawthorns (via 'Road 1').



Figure 1: Extract from Drawing Reference: TL065-SL-02 Revision D (not-to-scale).

- 2.4. In summary, WL/NHAM/018 and the Site will come forward as separate district phases. However, vehicular access and a connection to the existing adopted highway will be provided through WL/NHAM/018 to the Hawthorns. Appropriate legal safeguards were put in place as part of the disposal of WL/NHAM/018 to a third party which ensure that the delivery of the Site is not constrained by a situation involving a ransom strip. No objection was raised by the Pickwell Family during the Regulation 19 Proposed Submission consultation stage which took place between March and May 2022 to the Site Specific Requirements (SSR) included within the final column of CLLPPSD Policy S80. This includes SSR (3) which requires “*access to be provided via adjoining adjacent allocation to the south*”. There is no concern from the Pickwell Family that SSR (3) means that the site is not deliverable when applying the definition provided at Annex 2 of the National Planning Policy Framework (**NPPF**).

Q33. Part of the site is within Flood Zone 3. Is the allocation consistent with paragraph 161 of the Framework, which states that all plans should apply a sequential, risk-based approach to the location of development so as to avoid, where possible, flood risk to people and property?

- 2.5. Whilst it is accepted that part of the Site falls within Flood Zone 3, it is not considered that this represents a breach of NPPF Paragraph 161. SSR (1) requires that *“Development of the site will need to assess drainage and surface water flood risk on the site”* and SSR (2) requires that *“Development to avoid areas within Flood Zone 3”*.
- 2.6. The Environment Agency's Flood Map for Planning (Rivers and Sea) confirms that the majority of the Site is Located in Flood Zone 1. As clarified by the Planning Practice Guidance (Paragraph: 065 Reference ID: 7-065-20140306, Revision date: 06 03 2014), this represents a 'Low Probability' of flooding occurring - Land having a less than 1 in 1,000 annual probability of river or sea flooding. Nettleham Beck does however run along the northern boundary of the site. Consequently, portions of the Site adjacent to this watercourse are located within Flood Zone 2 and within Flood Zone 3.
- 2.7. The indicative capacity of the Site provided within CLLPPSD Policy S80 is reduced to 57 no. dwellings which represents a gross development density of 18.75 dwellings per hectare. The indicative capacity and associated development density of the site have been reduced in acknowledgment that the residential development should be excluded from those areas at risk of flooding. The Site itself rises in a pronounced fashion in a general north to south direction and there are no concerns that the Site cannot be developed in a manner which avoids flood risk to people and property in accordance with NPPF Paragraph 161.
- 2.8. Whilst no indicative layout is currently available for the Site, it is possible to illustrate a form of development which could be delivered in accordance with SSR (1) and (2) and NPPF Paragraph 161 by providing reference to a previous application for the erection of up to 200 no. dwellings made to WLDC in 2015 which included the Site and adjacent land at WL/NHAM/018 and WL/NHAM/010 (Application Number: 132847²) (**the 2015 Application**). An extract from Drawing Reference: J1336 (08) 03 Rev E (Indicative Site Layout) submitted in support of the 2015 Application is provided below.

² Application Number: 132847

Description: 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.

Address: Land off Larch Avenue, Nettleham, Lincolnshire

Decision: Refused

Decision dated:15/02/2016



Figure 2: Extract from Drawing Reference: J1336 (08) 03 Rev E (Indicative Site Layout) (not-to-scale).

- 2.9. As is illustrated above, development of the Site provides an opportunity to incorporate green corridors and areas of formal and informal open space – particularly on land which adjoins the Nettleham Beck. This approach would provide public amenity, landscape and biodiversity enhancements as well as sustainable drainage opportunities.

Q34. Are the requirements to improve pedestrian and cycle links deliverable?

- 2.10. It is considered that SSR (4) which requires development to provide pedestrian and cycle connectivity routes across NHAM/018 are deliverable. The Pickwell Family remain in discussions with the owners of No. 52 Brookfield Avenue about an agreement which would see this property purchased either before or conditional on planning permission being granted for the Site. As referenced previously in response to Questions 31 and 32, legal safeguards were put in place as part of the disposal of WL/NHAM/018 to a third party which ensure that the delivery of the Site is not constrained by a situation involving a ransom strip. Accordingly, it is intended that a footway will also be provided which will connect to the adopted highway network delivered in accordance with the planning permission in place for WL/NHAM/018.

3. CONCLUSIONS

- 3.1. CLLPPSD Policy S80 (Housing Sites in Large Villages) identifies the Site as a Residential Site Allocation under site reference: WL/NHAM/11. This emerging allocation continues to be supported by the owners of the Site, the Pickwell Family. No objections are raised to the inclusion of the 5 no. Site Specific Requirements included within the final column of CLLPPSD Policy S80. The Site is considered to be deliverable when applying the definition provided at Annex 2 and, therefore, is expected to make a valuable contribution towards the housing supply position in Central Lincolnshire.