

## **Officers Report**

**Planning Application No: WL/2024/00049 (147514)**

**PROPOSAL:** Planning application for erection of 47no. dwellings.

**LOCATION:** Land off Cricketers Drive Nettleham Lincoln LN2 2GS

**WARD:** Nettleham

**WARD MEMBER(S):** Cllr F Brown & Cllr J S Barrett

**APPLICANT NAME:** Truelove Property & Construction Ltd

**TARGET DECISION DATE:** 01/02/2024

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Holly Horton

**RECOMMENDED DECISION:** Grant – subject to conditions and the signing of a s106 Agreement.

---

**This application has been referred to the Committee at the request of Nettleham Parish Council, who have concerns around its compliance with the Nettleham Neighbourhood Plan (adopted November 2024).**

**Description:** The site is located at the north-eastern edge of Nettleham with access being obtained from Scothern Road to the west. This development relates to several parcels of land within a site allocation in the Central Lincolnshire Local Plan (CLLP) being designated as WL/NHAM/034. To the west and south-west are established residential streets on Scothern Road and other adjoining roads which collectively form the northern edge of Nettleham.

The site was formerly arable field and is located within Flood Zone 1 (low probability) which is considered to be at the lowest risk of flooding. The site also lies within a Limestone Minerals Safeguarding Area. A Public Right of Way, namely Nthm/149/2 runs through the middle of the site, connecting High Leas with the open countryside to the east of the site.

The site is an existing residential development site, which was originally granted planning permission in 2017, and is understood to have started construction in July 2020.

Planning permission is being sought for the erection of 47no dwellings on two distinct 'sub-parcels' of land within the wider site allocation. The applicant has proposed twelve affordable housing units on-site, and the proposed development would also secure relevant education and NHS contributions alongside providing a 10% net gain in biodiversity on the wider site.

The site currently has permission for 80 dwellings. The proposal for 47 dwellings would take place on areas already permitted for development – consequently, it would result in a net increase of 27 dwellings, and 107 dwellings in total on the site.

The site is allocated for residential development within the CLLP (WL/NHAM/034) which has an indicative housing figure of 68 dwellings, and notes that the site has planning permission.

Additional permission for minor residential development has been granted since the original outline planning permission in 2017 (ref 131975 for 68 dwellings) which has subsequently increased the overall total of residential development on the site to 80 dwellings.

All of the applications for residential development on the site have recently been varied through a suite of 5no s73 applications, to the original outline and reserved matters permissions (131975 and 137106 respectively), as well as the 3no standalone permission that increased the number of dwellings on the site from 68no to 80no.

This site over-laps with the red line boundary approved under applications WL/2024/00548 and WL/2024/00550. This development would increase the number of dwellings within this part of the site. This would be achieved by a re-configuration of the existing layout of the site to achieve a more efficient use of land within an approximate density of 23.7 Dwellings Per Hectare (DPH) for the development proposed within the red line of this site. The total density of the site as a whole (107 dwellings) would be increased to approximately 18.1 DPH.

The application has been amended since submission from the erection of 39no dwellings, to the erection of 47no dwellings. The red line site area has increased to include more of the area of the site contained within WL/2024/00548 and WL/2024/00550 which have varied the original outline and reserved matters approvals on the site (131975 and 137106).

### **Relevant history:**

**131975** – Outline planning application to erect 68 dwellings – 10 affordable – including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke – layout and scale to be considered and not reserved for subsequent applications. Permission granted 14/03/17.

**136312** – Planning application to erect 68 dwellings with associated garages and infrastructure and footpath/cycleway link to Sudbrooke – Permission refused 08/12/2017

**136900** – Application for a non-material amendment to previously approved outline application 131975 granted 14 March 2017 – amendments to layout – Granted 31/10/2017.

**137106** – Application for approval of reserved matters (appearance and landscaping) to erect 68 dwellings – following outline planning permission 131975 granted 14 March 2017. Permission granted 22/03/18.

**137462** - Request for confirmation of compliance with conditions 3, 4, 5, 6, 7, 9, 10, 12, 13, 14, 15, 16 and 17 of planning permission 131975 granted 14 March 2017 – Condition discharged 05/11/2018.

**139085** - Application for non-material amendment to planning permission 131975 & 137106 granted 14 March 2017 - Amendment to plots 1,2,3,4,11,12,13 and 14 and changes to the site plan. – Granted without conditions 29/03/2019.

**139351** - Application for non-material amendment to planning permission 131975 granted 14 March 2017 - amendment to plots 19 - 23 inclusive and site plan – Refused – planning permission required 14/05/2019.

**139697** - Application for non-material amendment to planning permission 131975 granted 14th March 2017 - changes to layout. – Withdrawn by applicant 25/09/2019.

**139998** - Application for non-material amendment to planning permission 131975 granted 30th September 2014. – Granted without conditions 07/11/2019.

**140292** – Planning application to vary condition 1 of reserved matters approval 137106 (erect 68 dwellings considering appearance and landscaping granted 22 March 2018) – variation of plots (4, 5, 10, 19, 23, 26 & 68) to include alterations to housing designs, relocation of houses and garages on plots together with provision of substation at plot 19. Permission granted 08/07/2020.

**140640** – Planning application to vary condition 19 of outline planning permission ref. 131975 granted 14 March 2017 (as amended by 139998 approved on 7 November 2019) (erect 68no. dwellings-10no. affordable including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke considering layout and scale) - variation of plots (4, 5, 10, 19, 23, 26 & 68) to include alterations to housing designs, relocation of houses and garages on plots together with provision of substation at plot 19. Permission granted 08/07/2020.

**141487** - Application for non-material amendment to planning permission 131975 granted 14 March 2017 - amendment to boundary locations – Part granted, part refused 04/09/2020.

**141843** – Outline planning application to erect 68no. dwellings-10no. affordable-including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke-layout and scale to be considered and not reserved for subsequent applications – being variation of condition 19 of planning permission 131975 granted 14 March 2017 (as amended by 140640 granted 8th July 2020) – amended plans to change position of plots 15, 16, 17, 18 and 26, change house types of plots 5, 10, 15, 16 and 17 and include conservatories on plots 20-23. Granted January 2021.

**142448** – Application for non-material amendment to planning permission 141843 – Granted without conditions 10/03/2021

**142609** - Application for non-material amendment to planning permission 141843 granted 12 February 2021 - amendment to the curve on the estate road and repositioning of various plots. – Granted with conditions 08/04/2021

**142542** – Planning application to erect 3no. dwellings. Granted 11 November 2021.

**143657** – Planning application to erect 4no. dwellings, including 1no. affordable bungalow. Refused 30/11/2021.

**143824** - Planning application to erect 2no. dwellings. Refused 23/12/2021.

**144115** - Planning application to erect 5no. dwelling, including 2no. social housing dwellings. Refused 24/03/2022.

**144264** – Planning application to vary condition 5 of outline planning permission ref. 131975 granted 14 March 2017 (as amended by 140640 approved 8 July 2020 and 141843 approved 12 February 2021) (erect 68no. dwellings-10no. affordable- including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke considering layout and scale) - amended construction method statement. Permission refused 14/04/22. Appeal allowed 06/10/22.

**144569** - Request for confirmation of compliance with condition 13 of planning permission 131975 granted 14 March 2017 – Condition discharged 19/04/2022

**144480** – Planning application to erect 7no. dwellings. Permission granted 12/04/2023.

**144614** – Application for non-material amendment to planning permission 131975 granted 14 March 2017 - adding orangeries to plots 35, 38, 40, 41, 60, 62, 63, 64, 66 and 67. Granted without conditions 29/04/2022.

**144725** – Application for non-material amendment to planning application 131975 granted 14 March 2017 - addition of conservatory to plot 5a. Granted without conditions 04/05/2022.

**144807** – Application for non-material amendment to planning permission 131975 granted 14 March 2017 - amend location of plot 43 and 52. Granted without conditions 17/05/2022.

**145048** – Planning application to vary condition 5 of outline planning permission ref. 131975 granted 14 March 2017 (as amended by 140640 approved 8 July 2020 and 141843 approved 12 February 2021) (erect 68no. dwellings-10no. affordable- including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke considering layout and

scale) - amended construction method statement - resubmission of 144264. Permission refused 07/09/2022.

**145058** – Application for non-material amendment to planning permission 131975 granted 14 March 2017 - amend the position of plot no.48. Refused 06/07/2022.

**145076** – Planning application for 2no. dwellings. Permission granted 12/04/2023.

**145845** – Application for non-material amendment to planning permission 131975 granted 14 March 2017 – amended plot position – refused 24/11/2022

**146528 – FPA** - Planning application to erect 1no. dwelling being variation of house type to plot 24 – Granted 18/05/2023

**146824** - Application for non-material amendment to planning permission 139998 granted 7 November 2019 - amended house type for plot 58. – Part granted, part refused 13/06/2023.

**146849** – Application for non-material amendment to planning permission 146528 granted 18 May 2023 – Amendment to plot 24 to make the garage internal – permission required.

**WL/2024/00327** – Application for non-material amendment to planning permission 144264 allowed on appeal 6 October 2022 – Reposition and change the house type of one dwelling – Withdrawn.

**145948** – Planning application to vary condition 17 of application 144264 allowed on appeal 6 October 2022 - swap plot 35 with plots 36 & 37 to allow gardens to be more proportioned. Withdrawn.

**WL/2024/00548** - Outline planning application to erect 68no. dwellings - 10no affordable - including open space provision, associated garages and infrastructure and footpath cycleway link to Sudbrooke - layout and scale to be considered and not reserved for subsequent applications being variation of condition 19 of planning permission 131975 granted 14 March 2017 - To amend the allotment and drainage basin position and alterations to the footpath - Approved December 2024

**WL/2024/00550** - Application for approval of reserved matters (appearance and landscaping) to erect 68no. dwellings - following outline planning permission 131975 granted 14 March 2017 being variation of condition 1 of planning permission 137106 granted 22 March 2018 – Revised site layout, changes to house types and addition of orangeries, amend the allotment and drainage basin position, and alterations to the footpath - Approved December 2024

**WL/2024/00551** - Planning application to erect 3no. dwellings being variation of condition 2 of planning permission 142542 granted 11 November 2021 –

design changes to plot 19A with amended garage position and design changes to plot 24A including addition of orangery - Approved December 2024

**WL/2024/00552** - Planning application to erect 7no. dwellings being variation of condition 2 of planning permission 144480 granted 12 April 2023 – Amend plot 41A to include orangery and larger garage. - Approved December 2024

**WL/2024/00554** - Planning application to erect 2no. dwellings being variation of condition 2 of planning permission 145076 granted 12 April 2023 - Altered garage position and house type for plot 4B - Approved December 2024

### **Representations:**

The summary below represents a summary of any representations received. Full responses can be found on the public website. A full assessment of the relevant material planning considerations are outlined within this report.

Chairman/Ward Member(s) - No representations received to date.

Nettleham Parish Council – 16/10/2024 – Objection.

Nettleham Parish council strongly object to this application and request that it be called in to the WLDC Planning Committee.

The Parish Council would like to reiterate the contents of the objection sent to WLDC on the 30/11/2023, when the application was known as 147514, which still stand.

We would particularly like to highlight point 13 of our objection regarding the necessity under D3:1 of the Nettleham Neighbourhood Plan, for developers to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development as demonstrated through a Flood Risk assessment.

Nettleham Parish Council strongly objects to this planning application on the following grounds:

1. The original 4.42 Ha. site was designated in the Nettleham Neighbourhood Plan 2016 for the construction of 50 dwellings and provision of other facilities and amenities for residents. The CLLP 2017 then designated the site for 68 dwellings. (Neighbourhood Plan Allocation B: Land off High Leas, Nettleham); residents wanted to see a number of smaller developments rather than a small number of large developments.
2. The whole site was granted planning permission PA 131975 in 2017 for 68 new homes, including 10 affordable, on a spacious building scheme which left room for the developers who already owned the land to create an imaginative and desirable rural development. The S106 agreement: Schedule 5: clauses 6- 8 covenanted allotment land and brick built storage area. The plans included a woodland walk, public footpath down to, and alongside the Beck,

plus a new road to provide access to the allotment land. This application was supported by the Parish Council as it met the aims and objectives of the Nettleham Neighbourhood Plan.

3. Since that time, we have witnessed numerous changes proposed for this site: more than 10 amendments and 5 variations of conditions (Planning History 4.10 pages 16 -19 in the Planning Statement). The number of houses approved for the site has been increased to 80; this latest application would take it to a total of 107.
4. The latest proposal seeks to split the original site into 2 by applying for permission to build an additional 27 in the area, taking the total to 107 on a site originally approved for 50; more than twice the number proposed in the CLLP by increasing the housing density. This also represents an almost 50% increase in the land area to 6Ha. We are not sure whether this is proposed as a new application for land adjacent to the original site or as an extension of the original site, an application for a new development of 1.9Ha or a variation of the original application for a 4.4Ha site.
5. Nettleham Neighbourhood Plan identifies the max housing density typical of new development in the village as 20/Ha. Policy D6 states that new development should recognise existing housing densities. The Review of the Nettleham Neighbourhood Plan 2023 (which is now at Examination stage: Regulation 17), and carries some weight, also recognises this maximum housing density in policy D4:2a and states that development should have regard for the site context and its surrounding area.
6. So logically, if the site is split in two then the new application site should relate to the building density of the first phase of the construction which the Planning Statement states is 16.8hph.
7. There is a disparity of the PA 147514 site size between the area stated in the application form which states the proposed site area is 2.2Ha (22008.00square metres) and the area in the Planning Statement which states it is 1.9Ha. Therefore, in order to correctly identify the density of the site, we also require clarification on the area of this part of the site and the total area of the site as approved on March 10, 2017. (Application 131975).
8. If the applicant is asking to put 27 more houses on the originally allocated site, then that would clearly exceed the 20hph density. If the applicant is asking for an extension of the built area to accommodate an additional 27 houses, this would require an additional 1.9-2.2 Ha of land to be approved, which is not currently allocated in the CLLP. CLLP policy S4 Housing development, states that “development on non-allocated sites will not generally be supported.”
9. There are also some mathematical errors in the Planning Statement paragraph 5.30 that the site density as a whole would be 17.8dph (including the first and second phases). The introduction to the officer’s report for application 131975 states that the area of land is 4.4Ha, If, however, the whole area is 4.4Ha then the density will be 24.3dph. (107 divided by 4.4) so the densities stated in the Planning Statement at 5.29 and 5.30 also require clarification. We estimate that the area has been increased to 6Ha to accommodate these extra houses.

10. The mixture of new homes proposed is dominated by 4 and 5 bed homes representing 55% of the total, and only 16% are 2 bed homes. This is contrary to the Nettleham Neighbourhood Plan policy H2 and Review of the Nettleham Neighbourhood Plan Policy D7 which calls for a housing mix to meet the local needs with a larger proportion of smaller 1,2, 3 bed houses. This is because the present housing availability in Nettleham is unevenly balanced with a higher proportion of larger 4 and 5 bedroom properties in comparison to smaller size dwellings. This is evidenced by the West Lindsey 2021 Council Tax Band figures in the Plan.
11. The original perimeter walk, as set out in Application 131975, does not now seem to connect to the road or another foot path at the eastern end of the site as originally proposed in Application 147514. So, a circular walk would not be practical with this scheme.
12. Planning Statement: Paragraph 5.14. refers to the 1999 LCA and NCA as providing the most local advice relating to the context and identity of Nettleham. There are much more recent documents which could have been referred to such as the Review of the Nettleham Neighbourhood Plan Character Assessment which points to the massive expansion of housing in the village. There has been considerable housing development in Nettleham and other Lincoln fringe villages such as Dunholme, Welton and Saxilby since 2013. Since then in Nettleham there have been over 130 completed and another 170+ approved and at various stages of development in the village, with a further 175 proposed in the Central Lincolnshire Local Plan 2023. This represents a 30% increase in homes in Nettleham in a couple of decades. There is already considerable pressure on the infrastructure, the Medical Centre and school places, especially secondary school places. C.L.L.P. 2023: 8.0.6. states "Recent growth in primary school age children is now starting to impact upon capacity within secondary schools. Within secondary schools, there is limited capacity to accommodate growth in pupil numbers in a number of locations". This matter is now impacting Nettleham and the sustainability of all these developments and is contrary to the NPPF which promotes sustainable development.
13. Policy S21 of CLLP, Policy D4 of the Nettleham Neighbourhood Plan 2016 and Policy D3 of the Review of the Nettleham Neighbourhood Plan 2023: D3:1 requires developers to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development as demonstrated through a Flood Risk Assessment.
14. Nettleham Parish Council believes that the conditions of PA 131975 Section 106 agreement have been met for a transfer of ownership of the Allotment Land: 'not more than 40% of the Open Market Dwellings to be occupied' and it has not been transferred.
15. As part of previous applications there was also a cycle and footpath path proposed by the developers along the single track Sudbrooke Lane. This seems to have now been omitted from the current plan and should be reinstated.



16. If the committee is minded to approve this development the Parish Council would request that the S106 agreement includes:

Tree planting to the south of the site between site's southern edge and down to the beck, to provide some woodland, enhanced biodiversity and a visual buffer between this development and the new allocated site on the opposite side of the beck for 54 new homes. It would also have a positive influence on flood risk in the area, slowing rainwater runoff into the beck. In addition, with so many new homes now being proposed for this location, there will be a need for a children's play area on site and this should be a requirement for development.

Nettleham Parish Council requests that this application is called in to the Planning Committee.

15/02/2024 – Comments in relation to Biodiversity Net Gain

- We feel the location of the BNG site is better located in its original site nearer to the houses and the allotments, to provide some open space amenity, rather than moved near the attenuation on pond.
- We do not think that car parking provision meets the requirements of the Nettleham Neighbourhood Plan 2016 and the revised plan, currently at examination, which calls for 5-bedroom houses to have four spaces.

30/11/2023 - Objection – Nettleham Parish Council raised an objection to the application on a number of grounds which included the following:

- Concerns regarding the principle of development which include the overall increase and density of the amount of housing, layout and scale since the original permission was granted;
- Site areas between all the different applications appear to be different;
- Unacceptable housing mix which doesn't need local needs, too many larger houses and not enough smaller houses;
- Impact of the proposal on the character and appearance of the area in relation to the Draft Nettleham Neighbourhood Plan and the ongoing review of the Nettleham Neighbourhood Plan Character Assessment;
- Concerns relating to the inadequate capacity of infrastructure, wider housing growth within Nettleham and the Lincoln Fringe;
- Comments in relation to the original applications and original s106 Agreement. Allotments have not been transferred, footpaths have not been implemented;
- Requests inclusion of tree planting in S106.

### Local Residents

Objects:

52 Sudbrooke Lane, Nettleham; 24 Highfields, Nettleham; Orchard House, 1 Sudbrooke Lane, Nettleham; 16 The Green, Nettleham –

- Increase in numbers is contrary to NNP, revised NNP and CLLP. The original 68 dwellings was more than the NNP allocation of 50.
- The current application is the biggest yet and takes the number of new houses to over 100.
- No benefit to the Nettleham community with the types of large houses being built, they won't be affordable to the young or elderly. 4 and 5 beds are proposed contrary to NNP and CLLP which call for more 1, 2 and 3 bed houses to counterbalance the disproportionate number of larger homes in the village.
- The application would put more strain on the resources of the community such as the local schools, drainage and healthcare provision, and it would increase traffic flow in the village.
- Either the site area is being increased or the density is greater than designated in the Nettleham NP 2016 and NP review 2023 which both reference 20dph as the max density.
- The application should be rejected as it is not on allocated land. There is an additional section of land stretching towards the sewage works which isn't within the allocation.
- The timing of the application before the revised NNP is cynical.
- Concerns over the claims re BNG. There were hedgerows and trees on the site prior to development which isn't accounted for. The hedgerow along the eastern boundary has deteriorated as a result of their own activities.
- Why are some elements redacted in the ecology survey?
- The loss of habitats and hedgerows is unacceptable against policy S66 of the CLLP.
- What management plan is there for the wildlife meadow? Will off-site trees be native species? There is no hedgerow specification.
- None of the elevation drawings show solar panels.
- The builders show bad faith, the allotments on the original provision have not been delivered, nor have the footpaths/cycle routes. The number of variations make it onerous for residents concerned with the increasing spread of the village to respond.
- A Flood Risk Assessment should be carried out which will show that the extension will further increase the risk of flooding in the rest of the village due to water run off and increased effluent. The extension should be refused.
- Footings and brickwork have been started despite planning not being approved. Plot 34 will be approx. 4 metres from my property boundary and a quarter of my garden and of No22s will be overshadowed by a house wall 4 metres away. There is no consideration of existing homeowners.

Make a General Observation:

24 Cricket's Drive, Nettleham –

- The proposed Bio-diversity area appears to stretch halfway along the rear of our property. Will the develop and planners please consider

extending this to run across the entire width of the area behind our property.

LCC Strategic Property – 07/10/2024 - Requested a financial contribution of £336,829 to mitigate the resulting demand of 17 new primary places.

26/01/2024 - Requested a financial contribution of £198,135 to mitigate the resulting demand of 10 new primary places.

09/11/2023 - Requested a financial contribution of £297,000 to mitigate the resulting demand of 15 new primary places.

LCC Highways/Lead Local Flood Authority – 20/02/2024 - No Objections and request an informative.

Comments: The site has been subject to previous planning applications, the initial application, 131975, was for 68 dwellings. Subsequent applications have been submitted increasing the site to 80 dwellings. 11 of the dwellings subject to this application have been included within the previous applications therefore the total increase in dwellings is 27. The site has received technical approval and the revised layout broadly correlates to the road layout that has been technically approved through the S38 process.

29/11/2023 - Comments – *Please request the applicant refer to Lincolnshire Development Design Guide which advises the following on parking provision - 2 spaces for a dwelling with 3 or less bedrooms and 3 spaces for dwellings with 4 or more bedrooms. For garages to be counted as a useable space they should be long enough to provide storage in addition to a car.*

WLDC Economic Development - No representations received to date.

WLDC Neighbourhood Planning Policy – 11/10/2024 - The Plan Review has been successful at referendum held on 26 September 2024 and should be given full weight. It is to go to the Full Council meeting on 4 November with a recommendation that it be adopted.

10/11/2023 - Comments – Confirmed that the Nettleham Neighbourhood Plan Review has now reached its Regulation 16 submission consultation stage. This closed on December 22<sup>nd</sup> 2023. There are 17 policies for consideration, although some are site-specific.

LCC Archaeology – 18/10/2024 - We continue to recommend that our standard archaeological condition wording be placed. However, in line with updated advice provided by our department and due to the fact that part of the proposed site area has not been archaeologically evaluated, the archaeological Written Scheme of Investigation prepared should be for a phased mitigation strategy instead of for archaeological monitoring and recording of groundworks. This would include further evaluation in the areas which were not initially covered prior to any potential archaeological mitigation if required. This is in order to establish the extent, character, significance and depth of any below-ground archaeological remains in the area which has not

previously been evaluated prior to commencement of the development. This will help to avoid any unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that can come with archaeological monitoring and recording during groundworks phase.

13/12/2023 - We have commented on earlier proposals for this site and would recommend that the same conditions as added to previous permissions (131975, 137084) also apply to the present application. Our previous comments have been reiterated below. The previous evaluation results showed that part of the site contained some significant Roman remains, namely a track way and some quarrying pits. Most notable was the remains of a Roman stone structure with a tiled floor and evidence of a potential hypocaust indicating a possible bath house. Given the high status of this potential building and the finds found here it is recommended that archaeological monitoring is done on the most sensitive part of the site, using drawing number 016-SP-03 as a guide (submitted with planning application 136312) we recommend that plots 45-46 and plots 53-58 be monitored.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

WLDC Strategic Housing – 05/11/2024 – The amended plans provided are acceptable to overcome the previous concerns.

29/10/2024 - Should the proposal be acceptable, the application would trigger an affordable housing obligation of 25% under Policy S22 of the adopted Central Lincolnshire Local Plan (April 2023) as the site falls within Value Zone A. Due to a change in approach since my previous comments, this is now applicable to the total dwelling number on the application, and so equates to 12 affordable housing units which is the number proposed.

The applicant is advised that the specific affordable house types must be acceptable to Registered Providers who would be seeking to acquire the Affordable Rent and Shared Ownership units, particularly in relation to size. The proposed 1 bedroom house type (TL014-1BA-08) and 3 bedroom house type (TL016-A1-06) are acceptable. However, the proposed adjoined 2/3 bedroom semi-detached house type (TL016-SP-52a) is not acceptable as both properties are significantly below the standard acceptable to Registered Providers, and therefore require revision to address this.

A Section 106 agreement will be required in order to secure the affordable housing obligation. The Council's preferred tenure split for the site is currently:  
7 x Affordable Rent units through a Registered Provider  
2 x Shared Ownership units through a Registered Provider

3 x First Homes units

Early engagement with a Registered Provider is necessary in relation to delivery of the Affordable Rent and Shared Ownership units. It should also be noted that Policy S22 applies a maximum value price cap to a First Home of £179,000 after the necessary 30% discount is applied, with this figure being adjusted annually in April.

10/01/2024 - Given the net uplift of 27 dwellings from those approved under previous permissions, this equates to 6.75 affordable housing units.

The affordable housing obligation arising from the application is therefore for 7 affordable housing units to be provided on the site although it is noted that only 6 are proposed.

The applicant is advised that the specific affordable house types must be acceptable to Registered Providers who would be seeking to acquire the Affordable Rent and Shared Ownership units, particularly in relation to size. Clarification is sought as to the floor areas of the proposed affordable house types. In addition, the "Quarter House" floor plan is titled as a "1 bed house" but is shown as containing 2 bedrooms, and so clarification is requested on this matter as the size is significantly below national standards for a 2-bedroom property.

A Section 106 agreement would be required in order to secure the affordable housing obligation. Following the introduction of the government's First Homes policy, the Council's preferred tenure split for the site is:

- 2 x First Home units
- 1 x Shared Ownership unit
- 4 x Affordable Rent units

Anglian Water – 19/10/2024 – Request informatives to be added to a decision should permission be granted.

30/09/2024 & 15/11/2023 - Comments – *'We are unable to make an accurate assessment for the proposed development because no drainage strategy has been submitted with the application and therefore it is not clear where the applicant is proposing to connect to Anglian Water network.'*

Lincolnshire Fire & Rescue - No representations received to date.

Lincolnshire Integrated Care Board (ICB) - 08/10/2024 - The contribution requested for the development is £29,727.50 (£632.50 x 47 dwellings).

17/11/2023 - Comments – Financial contribution request of £632.50 per dwelling totalling £24,035.00 (£632.50 x 38 dwellings). The development of 38 dwellings would assume a total population of 2.3 people per dwelling for the West Lindsey District Council Area.

Lincolnshire Policy Authority – 08/11/2023 - Comments – The Lincolnshire Policy Authority does not appear to have raised any comments which are specific to the proposed development but have raised standard comments which aim to reduce the risk of crime, create active frontages and ensure adequate security for new homes. There are also some references to Building Regulations standards.

Lincolnshire Wildlife Trust - No representations received to date.

The Ramblers Association - No representations received to date.

Natural England - No representations received to date.

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (CLLP) (adopted in April 2023), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and the made Nettleham Neighbourhood Plan Review (adopted November 2024).

Under planning law<sup>1</sup>, If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

In addition, Paragraph 31 of the National planning Policy Framework (NPPF, Dec 2024) states that *“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”*

### Development Plan

- **Central Lincolnshire Local Plan (CLLP) (Adopted April 2023)**

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S4: Housing Development in or Adjacent to Villages

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption – Residential Development

Policy S12: Water Efficiency and Sustainable Water Management

Policy S14: Renewable Energy

---

<sup>1</sup> S38(6) Of the Planning & Compulsory Purchase Act 2004 (as amended)

Policy NS18: Electric Vehicle Charging  
Policy S20: Resilient and Adaptable Design  
Policy S21: Flood Risk and Water Resources  
Policy S22: Affordable Housing  
Policy S23: Meeting Accommodation Needs  
Policy S47: Accessibility and Transport  
Policy S49: Parking Provision  
Policy S53: Design and Amenity  
Policy S57: The Historic Environment  
Policy S60: Protecting Biodiversity and Geodiversity  
Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains  
Policy S80: Housing Sites in Large Villages

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP) (Adopted June 2016)**

The site is in a Limestone Minerals Safeguarding Area and Policy M11 of the Core Strategy applies.

- **Nettleham Neighbourhood Plan (NNP) (Adopted November 2024)**

The NNP was adopted in November 2024, and forms part of the statutory development plan against which decisions must be made. It immediately supersedes the 2016 Neighbourhood Plan. The relevant policies include:

Policy D1 – Parking Standards for New Residential Development  
Policy D3 – Water Resources, Quality and Flood Risk  
Policy D4 – Design of New Development and Parish-wide Design Code Principles  
Policy D5 – Climate Change Mitigation and Adaption  
Policy D6 – Housing Development in Nettleham  
Policy E5 – Major and Minor Green Corridors

Draft / emerging policy

Whilst not part of the statutory development plan against which decisions must be made, emerging policy may still be a material consideration.

Paragraph 49 of the NPPF states that “*Local planning authorities may give weight to relevant policies in emerging plans according to:*

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”*

- ***Draft Minerals and Waste Local Plan (DMWLP)***

Lincolnshire County Council are currently reviewing the Minerals and Waste Local Plan. The draft Minerals and Waste Local Plan has been through a consultation which started in July and closed on 24<sup>th</sup> September 2024.

The Draft Plan has not been adopted as yet but once adopted would cover the period to 2041. The consulted draft plan includes the following relevant policy:

SM15: Safeguarding of Mineral Resources

The draft plan may have some limited weight in the decision-making process.

National Policy & Guidance (Material Consideration)

- **National Planning Policy Framework (NPPF – December 2024)**
- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **National Model Design Code (2021)**

**Main issues**

- Principle of Development
- Affordable Housing
- Strategic Infrastructure Requirements
- Visual Amenity
- Residential Amenity
- Highways
- Archaeology
- Ecology & Biodiversity
- Climate Change
- Flood Risk and Drainage
- Other Matters

**Assessment:**

Principle of Development

The proposed development is located at the north-eastern edge of the village of Nettleham which is situated within the Lincoln Fringe and to the east of the A46. Nettleham is designated as a 'Large Village' which places it within Tier 4 of the settlement hierarchy which is established by Policy S1 of the CLLP. Based on the principles within paragraph 11 of the NPPF which outlines that there is a presumption in favour of sustainable development, the aim of this policy first and foremost is to steer growth within Central Lincolnshire towards the largest settlements with proportionate and sustainable growth being



allocated elsewhere. Policy S1 describes the role of a 'Large Village' as follows:

*Large villages are defined as those with 750 or more dwellings at 1 April 2018. To maintain and enhance their role as large villages which provide housing, employment, retail, and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth via sites allocated in this plan. Beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages or other policies relating to non-residential development in this plan as relevant.*

The site is allocated for residential development within the CLLP (WL/NHAM/034) which has an indicative housing figure of 68 dwellings, and notes the site has planning permission. The principle of residential development is therefore in general accordance with the development plan.

The site was originally granted permission for 68 dwellings in 2017 (ref 131975). Subsequently, a series of incremental and additional permissions for minor residential development has been granted which has now increased the overall total of permitted residential development on the site to 80 dwellings.

All of the applications for residential development on the site have recently been varied through a suite of 5no s73 applications, to the original outline and reserved matters permissions (131975 and 137106 respectively), as well as the 3no standalone permission that increased the number of dwellings on the site from 68no to 80no.

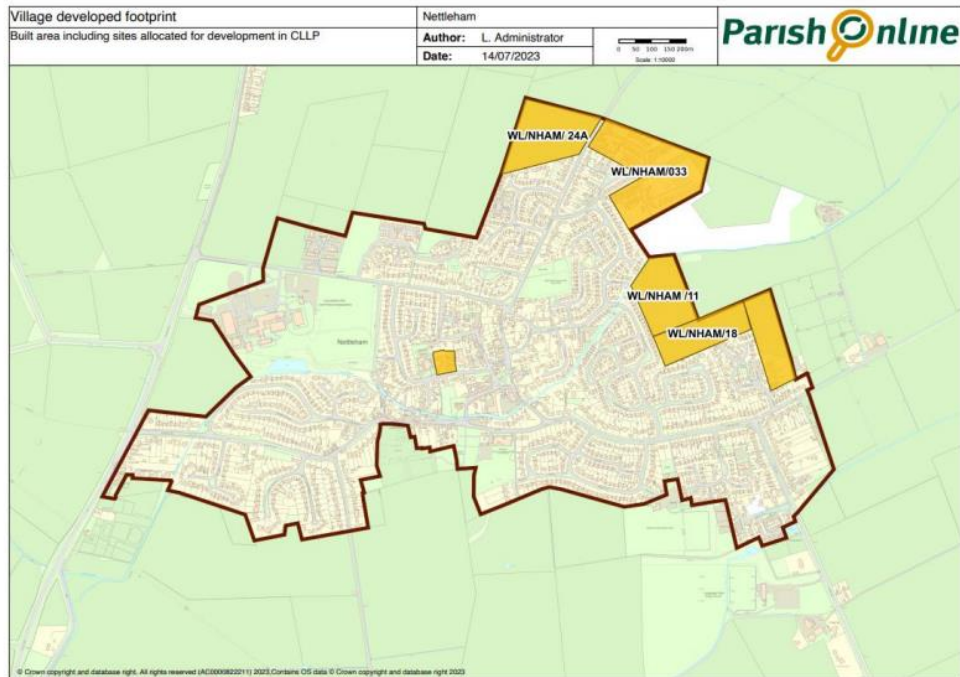
This application, despite the description of development stating that the proposal is for 47 dwellings, would only represent a net increase of 27 dwellings, as the red line boundary of this site over-laps with the red line boundary approved under applications WL/2024/00548 and WL/2024/00550. If the applicants were to implement and 'build out' this permission, they would replace the dwellings on the same footprint approved under the previous permissions. This would bring the overall total number of dwellings on the site to 107. This is achieved by a re-configuration of the existing layout of the site to achieve a more efficient use of land within an approximate density of 23.7 Dwellings Per Hectare (DPH) for the development proposed within the red line of this site. The total density of the site as a whole (107 dwellings) would be increased to approximately 18.1 DPH.

#### *Wider Site and Indicative Figures*

There has been some contention in representations received from Nettleham Parish Council and a number of representations which have been received challenging whether the principle of the development is acceptable, and whether the density of development is acceptable. Since the submission of this application in November 2023, the Nettleham Neighbourhood Plan Review (adopted November 2024) is the version of the Neighbourhood Plan

that this application is now to be considered against. Unlike the previous 2016 iteration of the Neighbourhood Plan (now superseded), the new 2024 Nettleham Neighbourhood Plan no longer has a site-specific policy for this site. It does however recognise that it is a development site under Map 7, and includes the CLLP site allocation within the “developed footprint”.

**Map 6: Developed Footprint in Nettleham village**



*Extract from Nettleham Neighbourhood Plan (Nov 2024): Map 6: Developed Footprint in Nettleham Village*

Policy S80 of the CLLP outlines that the site allocation has planning permission, and provides an indicative capacity for 68 dwellings. However, this does not represent an absolute upper limit for development on this site. The supporting text of the CLLP in paragraph 13.2.3 states the following:

*The indicative numbers of dwellings are used to demonstrate how the Local Plan requirement can be met. It is emphasised that they are only ‘indicative’, and do not represent a fixed policy target for each individual site.*

Therefore, whilst the comments within the received representations are acknowledged, this indicative figure has already been exceeded and the current number of dwellings with planning permission on the site stands at 80. Whether the proposed development is acceptable therefore depends on whether the proposed development accords with the relevant policies in the Development Plan (being the CLLP and NNP) and any other material considerations which are relevant to the proposal.

Despite the site allocation figure being indicative, it is important to clarify the exact boundary of the site allocation, as there is a partial contrast between the boundary of the site allocation and the actual red line boundary which has

been established since the original grant of outline planning consent under application ref 131975. The NNP identifies the following allocation boundary, with the CLLP identifying a slightly different boundary also.

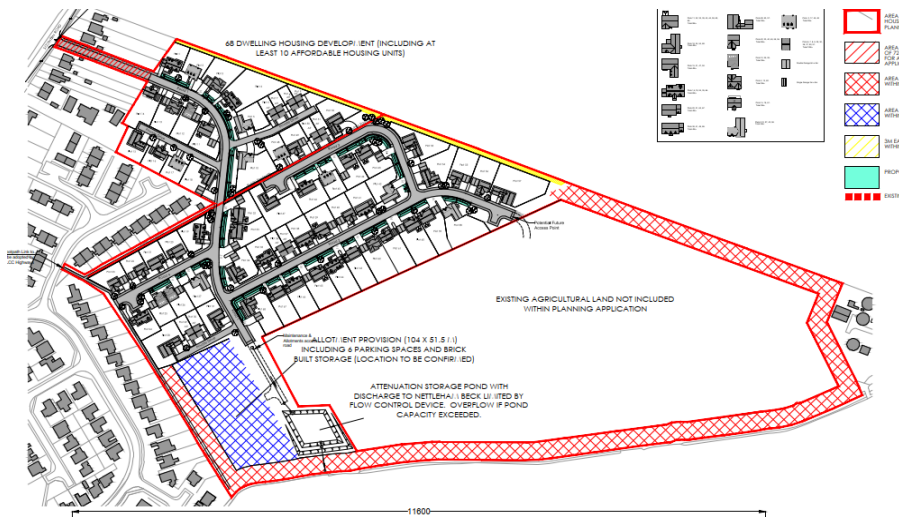


**Figure 1: Left - WL/NHAM/032 taken from Nettleham NP Review page 51, Right - taken from CLLP Interactive Map.**

The contrast between the site allocations and the proposed site layout has been raised explicitly in one of the submitted representations from a local resident and indirectly by Nettleham Parish Council. If the fixed boundary of this site allocation were to be overlaid with the proposed site layout, part the proposed development would fall outside of the boundary of this allocation, and outside the development footprint defined at map 6 of the NNP.

Therefore, at face value, part of the consideration of the application would fall to Policy S4, which relates to residential development within or adjacent to villages. This policy is connected to the residential site allocations for 'Large Villages' within Policy S80 and beyond allocated sites is supportive of residential development of up to 10 dwellings on unallocated sites for development that falls within the developed footprint of a settlement and is considered to be an appropriate location. A simplistic assessment of *Figure 1* above would suggest that part of the proposed development is outside of this site allocation and therefore directly adjacent to the developed footprint. In this circumstance, only First Homes or an affordable housing exceptions site would be acceptable under policy S4 of the CLLP.

However, the reality of the spatial context of this site is more complex, the boundary of this site allocation has proved not to be immutable. The red line site boundary approved under application 131975 is as below:



The original outline permission 131975 has since been amended, and application WL/2024/00548 has amended the red line of the site as follows:



The layouts above demonstrate that the site has always extended to the northern boundary since the original grant of outline planning consent in 2017 (131975), and this area of development has been consistent throughout the various permissions granted on this site.

Therefore, despite the concern about the gradual increase in the number of houses being noted, every application should be assessed on its own merits as a matter of planning judgement. This application would not result in the further protrusion of the existing continuous built footprint into open countryside (this is abundantly clear both on site and on satellite imagery) and would remain within the area of land where development has already been given permission.



The exception to this is the area of land at the south-west of the site, where the developed area would extend further south than previously approved (and would be developed on land that was previously proposed as allotment land). As discussed in applications WL/2024/00548 and WL/2024/00550, the allotment provision has been moved further towards the southeast of the site, and the provision has been increased. Therefore, whilst the proposal would extend beyond the original built footprint of the development, development in this location is not considered to be unacceptable, subject to satisfying the other policies within the Development Plans.

With regard to densities of development, Policy D4 point 2 criteria a of the NNP states that development should:

- a) *achieve a density having regard to the type and nature of uses proposed and the site context, in relation to the site's surrounding area, taking into account:*
  - I. *location setting;*
  - II. *local distinctiveness and built character, including the prevailing and/or emerging form and proportion of development;*
  - III. *public transport and cycle accessibility, taking into account current and future levels of planned public transport/cycle infrastructure;*

Whilst comments from the Parish note that the (then draft) Neighbourhood Plan states that the max housing density for new development in the village is typically 20 DPH, this is no longer the case as the NNP now references the above.

The Examiners Report on the NNP explains that policy D4 was expressly required to delete reference to a 20DPH limit as being unnecessarily prescriptive:

*“The commentary about densities of new housing development not exceeding 20 homes per hectare has generated commentary from the development industry. They highlight that the made Plan addressed the matter in a more general way. I have considered this matter very carefully, including NPC’s response to the clarification note. On the balance of the evidence, I recommend that this element is deleted from the policy. It is unnecessarily prescriptive and may prevent otherwise acceptable development from coming forward. WLDC will be able to consider individual proposals on their merits and in accordance with the broader contents of this policy and other development plan policies.”*

(Paragraph 7.59 - A report to West Lindsey District Council on the Review of the Nettleham Neighbourhood Development Plan)

Nevertheless, the proposed density for the area proposed to be developed as part of this application would be approx. 23.7 DPH, with the entire wider site (107 dwellings) having an average of approx. 18.1 DPH. As such, the site as a whole is considered to retain a relatively low density of overall development. The dwellings in the surrounding area to the west of the wider site have an average density of 24.4 DPH therefore the proposal would achieve a density similar to that of the dwellings in the surrounding location and character area.

This accords with paragraph 129 of the NPPF (dec 2024) which states that “Planning policies and decisions should support development that makes efficient use of land” whilst taking into account local conditions and character.

The density of development is considered to be acceptable in principle and would be generally consistent with the pattern and density of development within Nettleham, despite what has been stated within the submitted representations. A more efficient use of land should be afforded significant weight in the planning balance in favour of granting planning permission as this objective is consistent with paragraph 123 of the Framework.

For all the reasons explained within this section, it is considered that the proposed development is acceptable and would accord with Policies S1, S2, S4 and S80 of the CLLP, Policy D4 of the NNP, and paragraph 123 of the NPPF.

### Affordable Housing

Policy S22 of the CLLP states that *‘affordable housing will be sought on all qualifying housing development sites:*

*a) of 10 or more dwellings or 0.5 hectares or more;*

Policy S22 states that where a site qualifies for affordable housing (as above), the percentage sought would be based on the value zones indicated on Map 3. The site is located within Value Zone A on Map 3 and therefore should be required to provide 25% affordable housing. With a proposal for 47 dwelling units, this would equate to 12 units.

The WLDC Strategic Housing team have confirmed that the affordable housing units required would be 12 units and that a *“Section 106 agreement will be required in order to secure the affordable housing obligation. Following the introduction of the government’s First Homes policy, the Council’s preferred tenure split for the site is:*

*7 x Affordable Rent units through a Registered Provider*

*2 x Shared Ownership units through a Registered Provider*

*3 x First Homes units*

The applicant is proposing 12no affordable housing units with a mix of 8 x 1 beds and 4 x 3 beds. The Strategic Housing Team have confirmed that this mix is acceptable in this instance. This would take the total number of affordable housing units on the site to 16no (15 percent of units).

A S106 Agreement has been instructed and is being prepared by the Local Authorities legal team. The development would therefore be in accordance with the affordable housing contribution required by local policy S22 of the CLLP and the provisions of the NPPF.

#### Strategic Infrastructure Requirements

Local policy S45 of the CLLP states that *‘Planning permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development. Development proposals must consider all of the infrastructure implications of a scheme; not just those on the site or its immediate vicinity’.*

Local policy S54 of the CLLP states that *“The Central Lincolnshire authorities will expect development proposals to promote, support and enhance physical and mental health and wellbeing, and thus contribute to reducing health inequalities. This will be achieved by:*

- *Seeking, in line with the Central Lincolnshire Developer Contributions SPD, developer contributions towards new or enhanced health facilities from developers where development results in a shortfall or worsening of provision, as informed by the outcome of consultation with health care commissioners”*

#### *National Health Service (NHS):*

The development falls in the catchment area of Nettleham Medical Practice, Glebe Park Surgery, Minster Medical Practice and Lindum Medical Practice, and therefore would have an impact on these facilities. The contribution requested for the development is £29,727.50 (£632.50 x 47 dwellings). This will help contribute to the expansion in capacity through remodelling/changes to layout or extension the existing facilities within the IMP Primary Care Network (PCN) at Nettleham Medical Practice, Glebe Park Surgery, Minster Medical Practice and/or Lindum Medical Practice. Where appropriate, the contribution may be used to support the expansion in capacity at an

alternative general practice site as required to meet the local population health need.

This request would accord with the Central Lincolnshire Planning Obligations Supplementary Planning Document (SPD), which states *“Local GP practices work as part of a Primary Care Network (PCN) and therefore the capital request will be viewed considering the PCNs ability to support the planned development. Patient choice needs to be considered to avoid funding being restricted to the nearest Practice.”*

The above contribution, to be secured through a S106 agreement being prepared by the Local Authorities legal team, is considered to accord with Policy S45 of the CLLP.

#### *LCC Education*

The Education department at Lincolnshire County Council has requested that contributions of £229,263 for secondary extension and £85,973 for sixth form extension are required. As confirmed by the response, secondary school and sixth form contributions are already secured through the collection of Community Infrastructure Levy (CIL) contributions. The contribution would not need to be duplicated through the S106 agreement for this application.

The Education department has requested a contribution of £336,829.50 for primary extension as there are insufficient places available for a 2026/2027 start. This request would accord with the Central Lincolnshire Planning Obligations Supplementary Planning Document (SPD) which states that *“obligations could be sought, where appropriate, for: b. a financial contribution to provide additional capacity for a new or existing education facility off-site”*.

It is noted that the contribution request has changed throughout the application determination period, this was due to the increased number of dwellings proposed within this application. The representation made on 26th January 2024 refers to an incorrect number of dwellings, therefore this is an error, however a representation has been received since, which refers to the correct number of dwellings.

The above primary extension contribution, to be secured through a S106 agreement being prepared by the Local Authorities legal team, is considered to accord with Policy S45 of the CLLP.

#### Visual Amenity

Policy S53 of the CLLP requires that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.



From the perspective of visual amenity, it is considered that the proposed development would not result in an unacceptable impact on the character and appearance of the area. The main issues for consideration are whether the net increase would be acceptable in terms of their layout, scale, form, external appearance and the overall resultant impact on the character and appearance of the area.

Firstly, the proposed development would be split into two separate clusters one being at the far south-west of the site and one occupying the east/south-east of the wider site. This would result in an increase in the overall density of the dwellings on the overall site to 18.1 DPH, but despite the increase in the number of dwellings from 80 to 107, the areas of the site that would be redeveloped would remain broadly consistent with the rest of the site as can be seen below:



The areas of the site that the proposed development relates to were previously of an exceptionally low density when compared to the rest of the site to a degree where some of the rear gardens of the currently approved plots being so large that if developed, they would be larger than entire house plots for four to five-bedroom detached dwellings across the rest of the site. This is not to relitigate the previous planning approvals as policy actively encourages that development should encourage a high standard of residential amenity for existing and future users. However, this level of garden space far exceeds any technical standards which could be extracted from a Supplementary Planning Document (SPD) or national policy requirement. Therefore, the development proposed would harmonise the areas proposed for development as part of this application, with the rest of the site without compromising the overall established core shape and form of the wider development. On the wider landscape, the proposed development would not have a discernible impact and therefore the visual intrusion of the proposed development is completely negligible compared to a development for 27 dwellings that further extended into the open countryside. In this manner, the

proposed development not only preserves the character and appearance of the area, but makes for a more efficient use of land which has already been afforded significant weight in the planning balance.

Furthermore, the overall form and spatial relationship between the new dwellings in terms of considerations such as plot sizes and separation distances would be consistent with dwellings that already have planning permission so the layout and form are both considered to be acceptable. In terms of scale, the new dwellings would fit with the overarching scale of the dwellings which already have planning permission which is predominantly detached dwellings of a relatively low density and reasonably generous plot sizes (even when considering the reduction in the plots when compared to existing approved development).

Policy D4 – Design of New Development in the NNP states that development proposals should be designed led and ensure that built development and associated spaces are high quality and distinctive to the parish. It further states that development should positively address the relevant principles in the Nettleham Character Assessment and Design Code principles for the relevant character area. Development should be sensitive to the site's context, and reinforce and enhance the special and distinctive visual, historical, environmental, social and functional qualities of buildings, spaces and places that positively contribute to local identity, character and sense of community.

There is presently no Design Code for Nettleham. The Character Assessment places the site within Character Area 4: Rural Outer Landscape which is characterised predominantly by arable fields. Given the site has had planning permission since 2017, with Google Earth satellite imagery showing that development on the site commenced as early as March 2019, it is unclear as to why the site is considered to be within the 'Rural Outer Landscape' character area.

The Nettleham Character Assessment does not explicitly state any design principles for future development, rather it is more of an assessment of the area as it is currently appreciated. Therefore, the proposal is being assessed against the context in which the current development is viewed within.

The schedule of materials is outlined in full in the '*Materials Scheduled – Proposed Planning*' received 26<sup>th</sup> November 2024. A varied palette of materials is proposed which would create a variation in the external appearance of each dwelling type which would be consistent with the rest of the site and would also prevent the site looking overly uniform in appearance. The external appearance of the existing dwellings are considered to be of a high quality and prevents the excessive visual homogeneity that is exhibited by many large-scale developments. The proposal would also avoid an excessive overuse of different materials which if too varied can result in a development being devoid of any character with the result being a patchwork effect with no overriding pastiche.

Considering each part of the proposed dwellings in turn, the roofing would all be composed of pantiles with an external finish of red, clay (orange), grey and black. The bricks are also proposed to comprise of several types but all would have an external appear that is either cream or reddish-brown with varied brick bonds and soldiers etc. Windows would predominantly be either cream and Windsor mixed with some anthracite and brown. Overall, it is considered that this material specification is acceptable, is based on a sound understanding of the context of the development currently approved and would result in a visual enhancement to the character and appearance of the surrounding residential area. The overall development is considered to be well-designed and is therefore in accordance with Policy S53 of the CLLP, Policy D4 of the NNP, and Section 12 of the NPPF.

### Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things. Furthermore, paragraph 135 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users.

It is considered that the overall development, despite the reduction in the overall garden space, would still achieve a high standard of residential amenity for future users. The previous garden spaces for some of the detached dwellings would have exceeded 1000 square metres being larger than entire housing plot. Each new detached dwelling would have a total rear garden space up to 200 square metres with the largest plots having significantly more rear garden space. The small quarter houses and semi-detached dwellings would achieve a more modest 70-75 square metres of rear garden space but given the significantly smaller footprint that these dwellings would occupy, this is considered to be acceptable.

The overall layout arrangements would achieve end to end separation distances that are comparable to the existing layout of the site and the vast majority of the dwellings would be orientated parallel to each other so overlooking would be limited to standard window views and the level of privacy at each dwelling would generally be high. Where perpendicular spatial relationships exist, the separation distance would also be around 10 metres which is considered to be acceptable. The parallel arrangement of the dwellings is also considered to prevent unacceptable overshadowing.

A comment has been received from a neighbouring dwelling regarding concerns with the separation distances of the proposed dwellings and the boundaries of the properties to the west of the site, and the associated overshadowing into the garden areas of these dwellings. The separation distance between the gable wall of plot 94 and the rear elevation of the dwellings to the west would be approximately 21 metres. The dwelling within plot 94 would also be situated approximately 4 metres from the boundary with the dwellings to the west, and a new public footpath would run between the

proposed dwellings and the existing dwellings to the west. A similar relationship would exist between plot 93 and the dwellings to the west also.

Whilst an element of overshadowing would occur into the rear garden areas of the existing dwellings along Highfields to the west, when the sun is rising in the east, and when it is low in the sky, this would be for a limited period of the day, and the gardens would still benefit from the usual level of light throughout the rest of the day. Given the separation distances between the dwellings, it is not considered that the relationship would cause any unacceptably harmful overshadowing or over-dominance concerns to the occupiers of the dwellings forming Highfields.

Finally, new development is also considered to meet the national technical space standards which are a material consideration in planning decisions. The purpose is to ensure that new dwellings afford a minimum level of internal floorspace to minimise the risk of overcrowding which is associated with a number of negative externalities. The detached dwellings are considered to comply with the national technical space standards or are within a few square metres of these standards and this is not considering garage space and the significant amount of amenity space that each detached dwelling would have access to. The one-bedroom quarter houses fully comply with the national technical space standards. Whilst the two-bedroom semi-detached dwellings only have gross floorspace of approximately 60 square metres, the applicant has proposed a good amount of rear garden amenity space and there is also the requirement to provide on-site parking provision to accord with Policy S49.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP, Policy D4 of the NNP, and paragraph 135 f) of the NPPF.

### Highways

Policies S47, S48 and S49 collectively require that development proposals do not have an unacceptable impact on highway safety or a severe cumulative impact on the wider highway network. Policy S48 requires that development proposals should facilitate active travel. It also requires that first priority should be given to pedestrians, cyclists, and people with impaired mobility. Policy S49 of the CLLP sets out minimum parking standards that are required for residential and non-residential development within Central Lincolnshire, stating that 1 bed dwellings in villages and rural areas must have 1 space, 2 bed dwellings must have 2 spaces, and 3, 4 and 5+ bed dwellings must have 3 parking spaces. Policy D1 of the NNP re-enforces the contents of Policy S49.

Paragraph 96 of the NPPF supports development proposals that allow for the creation of healthy and safe places. This is reinforced by paragraph 114 of the NPPF which requires that development proposals provide safe and suitable access to all users. Paragraph 115 of the NPPF in turn states that development proposals can only be refused on highways grounds where

there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.

No objection to the proposed development has been received from the Local Highway Authority with respect to highway safety or the wider cumulative impact of the proposal. The proposal would result in the reconfiguration of the existing layout to create a more efficient use of land. The main access from Cricket's Drive onto Scothern Road would remain unaltered. It is considered that an overall site density of 23.7 DPH would not result in an unacceptable impact on highway safety or a severe cumulative impact on the wider highway network.

The Local Highway Authority requested that the applicant demonstrate that sufficient parking provision can be provided on each plot. The applicant has provided a site layout that demonstrates that each of the plots provides sufficient parking in line with the required parking standards, without requiring the use of the garages which can often be used for storage. This would comply with the requirements in Policy S49 of the CLLP.

In respect of the above, it is considered that the proposed development would accord with Policies S47 and S49 of the CLLP, Policy D1 of the NNP, and paragraphs 96, 114 and 115 of the NPPF.

### Archaeology

Policy S57 of the CLLP requires that development proposals should take opportunities to protect and where possible, enhance the significance of heritage assets. Appropriate assessment proportional to the significance of a potential heritage asset should be submitted and where this is still sufficient, appropriate intrusive and non-intrusive mitigation should be undertaken. Similar guidance is also contained within paragraph 211 of the NPPF.

The comments from the Historic Environment Officer are noted. However, the proposed development relates to a reconfiguration of the existing site and dwellings were proposed to be built across all areas of the site, including in all areas where development of new dwellings is being proposed. The most recent variation of the previous outlined planning consent stated the following:

*The development shall proceed in strict accordance to the written scheme of archaeological investigation by PCAS Archaeology (approved under condition discharge approval 144569).*

*Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with policy S57 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.*

In respect of the above, it is not considered to be either reasonable or necessary to impose further requirements for archaeological investigation on-site when the principle of residential development on-site has already been

established and there is a fall-back position where the applicant could build out the dwellings which already have planning permission. It should be noted that development has also already commenced on-site so their prospect of this fall-back position is almost certain. An updated version of the condition attached above will be attached to this decision alongside a precautionary informative.

Subject to this one condition, it is considered that the proposed development is in accordance with Policy S57 of the CLLP and paragraph 211 of the NPPF.

### Ecology & Biodiversity

Biodiversity Net Gain (BNG) is mandatory on minor developments from 2nd April 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). It requires that development must deliver a net gain of 10% to ensure that habitats for wildlife are left in a measurably better state than they were before the development. This application was submitted in February 2024 before BNG became mandatory, however it was a policy requirement under policies S60 and S61 to achieve a net gain on site, as below.

Local policy S61 of the CLLP requires *“all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geo-diversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management”*. Local policy S61 goes on to state that *“All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric”*.

The application has been accompanied by a Biodiversity Net Gain Plan and Preliminary Ecological Appraisal. The submitted PEA confirms that subject to the recommendations outlined in the report, the proposed development would not unacceptably harm biodiversity. The recommendations will be conditioned as part of this approval.

In terms of Biodiversity Net Gain (BNG) requirements, the submitted BNG Plan has confirmed that the development would achieve a 10.23% net gain in habitat units and a 263% net gain in hedgerow units (due to a low on-site baseline). The location of the BNG area is separate from the housing development directly to the south of the site. This area has subsequently been altered to move the area further to the south towards the attenuation area. An email from the ecologist has confirmed that this would not alter the assessment of the site that has been undertaken and would likely provide a further benefit to biodiversity as the net gain area would be more tightly bound the Nettleham Beck corridor.

Two conditions will be attached to this permission. The first relates to conditioning the recommendations in the submitted PEA and the second will

require the submission of a Landscape and Ecological Management Plan (LEMP) in order to secure more details for the on-going management of the BNG area to the south of the site.

Subject to these conditions, it is considered that the proposed development is in accordance with S60 and S61 of the CLLP, Policy E5 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

### Climate Change

Policy S6 sets out the overarching principles that relate to design of energy efficient buildings. In turn, Policy S7 outlines a specific requirement for all new residential development to be accompanied by an Energy Statement. This sets out two criteria which require that new residential development provides at least the same amount of on-site renewable energy as the dwelling consumes. The second criteria states that no single dwelling should exceed a total energy demand of 60 kWh/m<sup>2</sup>/yr with a site average of 35 kWh/m<sup>2</sup>/yr. Should an application be submitted, it would need to be accompanied by an Energy Statement demonstrating that a new dwelling could comply with the above criteria.

The applicant has provided an Energy Statement in support of the proposed development which includes details that satisfy both criteria 1 and 2 of Policy S7. A specification of solar panels have also been provided alongside the average space heating demand and total energy demand for each house type. The total energy demand for each house type would range from 26.89 to 45.75 kWh/m<sup>2</sup>/yr. This would equate to between five and 12 solar panels being required to meet the on-site energy demand for each dwelling type.

Some caution is needed when interpreting the u-values as some fall short of the optimal standard that is set out in the Energy Efficiency Design Guide SPD, but they only miss these standards by a marginal amount. The overall site average for the proposed development would be 35 kWh/m<sup>2</sup>/yr and no single dwelling would come close to hitting the policy mandated upper limit of 60 kWh/m<sup>2</sup>/yr. The fact that the site average meets the target energy efficiency rating is afforded modest weight in the planning balance in favour of granting planning permission.

Therefore, it is considered that the proposed development is in accordance with Policies S6, S7 and S20 of the CLLP subject to the imposition of the standard energy efficiency planning conditions.

### Flood Risk and Drainage

Policy S21 of the CLLP requires that development proposals do not have an unacceptable impact on flood risk and implement appropriate mitigation (such as the use of SuDS) wherever possible. Paragraphs 165 and 173 of the NPPF respectively require that development should be diverted away from areas at the highest risk of flooding and that all development proposals should not increase the risk of flooding elsewhere.

Nettleham Parish Council have concerns regarding flood risk and have stated that "*Policy S21 of CLLP, Policy D4 of the Nettleham Neighbourhood Plan 2016 and Policy D3 of the Review of the Nettleham Neighbourhood Plan 2023: D3:1 requires developers to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development as demonstrated through a Flood Risk Assessment.*"

The proposed development is located within Flood Zone 1 (low probability) which is at the lowest risk of flooding. A Flood Risk Assessment (FRA) has been provided within this application. The submitted FRA confirms that the site is at a low risk of flooding and at a very low risk of surface water flooding. It is therefore considered that the site is not only sequentially preferable for development, but also makes a more efficient use of land as opposed to development land which currently does not have planning permission for residential development.

#### *Foul Drainage*

Page 12 of the FRA contains an email from drainage calculations previously provided showing the site could accommodate the net increase in the number of dwellings. It is proposed to discharge sewage via the mains sewer.

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

The applicant has confirmed that the drainage connection will be into the existing network which is subject to an existing S38 agreement.

LCC as the Lead Local Flood Authority have no objections in principle to the proposed drainage.

Given drainage details and drawings have been provided as part of this application, it is not considered reasonable or necessary to further foul drainage, therefore were it minded to approve the application, a condition would be included to ensure the drainage is completed in accordance with the submitted drainage plans.

#### *Surface Water Drainage*

The comments from Anglian Water are noted, however, the final sign-off for a sewage connection is controlled via separate legislation under Section 104 of the Water Industry Act 1991. The FRA states that the existing drainage systems on the site has the capacity to accommodate the additional dwellings and the existing pond and flow control continues to operate as it should. The site has previously received technical approval from LCC Highways for the existing drainage system on the site which has been implemented. There is no evidence before me to conclude that the additional residential development would have an unacceptable cumulative impact on the wider drainage network.



The proposed development is therefore considered to accord with Policy S21 of the CLLP, Policy D3 Nettleham Neighbourhood Plan and Section 14 of the NPPF.

### **Other Matters:**

#### Open Space

*Part A of Policy S51 of the CLLP states that:*

*'In all new residential developments of 10 dwellings or more, development proposals will be required to provide new or enhanced publicly accessible open space, sports and leisure facilities to meet the needs of their occupiers in accordance with this policy, the standards set out in Appendix 3, and in compliance with the latest Central Lincolnshire Developer Contributions SPD (or similar subsequent document).'*

The requirements of Policy S51 above are noted. However, due to the proposed development being a reconfiguration of the existing site, it is considered that the matters relating to open space have been addressed by previous development on the site and the subsequent s106 obligations. The site already has secured significant allotment provision and a public footpath around the site boundary. WL/2024/00548 and WL/2024/00550 also increased the size of the allotment land provision. In addition, Nettleham Play Area/Playing Field with grassed football pitch and play area equipment lies an approximate 600 metre walk from the middle of the site. It is therefore considered that there is adequate play area/open space provision within the close vicinity of the site.

For this reason, given the site is largely a re-configuration of a site with an existing permission, it is considered that the proposed development would not cause a deficiency in open space provision and it is considered that the proposal would accord with the aims of Policy S51 of the CLLP.

#### Mineral Safeguarding

Policy M11 of the LMWLP requires that development proposals do not result in the unnecessary sterilisation of the potential minerals reserves. Paragraph 217 of the NPPF requires that planning decisions should give great weight to the benefits of mineral extraction, including to the economy. Paragraph 218 states that development should not normally be permitted in Minerals Safeguarding Area if it might constrain future minerals development.

The proposed development is located within a Limestone Mineral Safeguarding Area. In accordance with Policy M11, given that the proposed development forms part of a wider site allocation within the CLLP, it is considered that a Minerals Assessment is not required and the proposed development is consistent with the requirements of Policy M11 and the NPPF, as well as the Draft Minerals and Waste Local Plan.

## Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. The site is within zone 1 where there is a charge of £25 per square metre created.

## Other Matters

- This application has been considered against the policies contained within the Nettleham Neighbourhood Plan November 2024. The comments made in relation to the previous NNP are noted (which was the plan at the time this application was submitted), however this has now been formally superseded by the November 2024 version. The 2016 version is no longer part of the statutory development plan against which decisions must be made.
- Concerns in relation to the original S106 contributions on the original applications for the site are noted, however, matters in relation to the original applications have recently been dealt with through 5 no s73 applications to a suite of applications on the site, and a 'super' S106 has been created as a result, to tidy up all of the outstanding contributions on the site. As discussed above, this application will have its own separate s106 agreement.
- The location of the BNG has been confirmed acceptable by the Ecology Officer. It is not a useable space to be used and walked over etc. by the public, rather it is a space to provide biodiversity enhancements.

## **Conclusion:**

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, Housing Development in or Adjacent to Villages, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S12: Water Efficiency and Sustainable Water Management, S14: Renewable Energy, NS18: Electric Vehicle Charging, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, Policy S22: Affordable Housing, S23: Meeting Accommodation Needs, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S57: The Historic Environment, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan. Policies in the Nettleham Neighbourhood Plan 2024 have been considered in the decision-making process. Relevant guidance in the NPPF and NPPG has also been considered.

In light of the assessment outlined in this report, it is considered that subject to conditions, the proposed development is acceptable on its merits. It is therefore recommended that planning permission is granted subject to conditions.

## **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

### Conditions

#### **Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

2. Prior to the commencement of the development, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details:
  - Details of the size, species, planting arrangement and position of all trees, hedgerows and other vegetation to be planted in accordance with the details in the submitted Preliminary Ecology Appraisal and Biodiversity Net Gain Report received 2<sup>nd</sup> November 2023.
  - Details of required ongoing management;

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policies S53, S60 and S61 of the Central Lincolnshire Local Plan and Sections 12 and 15 of the National Planning Policy Framework.

#### **Conditions which apply or are to be observed during the course of the development:**

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out

in accordance with the drawings as listed on Drawing Schedule (Rev F) dated 27/11/2024

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

4. The development must be completed in strict accordance with the external materials listed on the application form and on the submitted Materials Schedule received, 26<sup>th</sup> November 2024.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework, Policy S53 of the Central Lincolnshire Local Plan and Policy D4 of the neighbourhood Plan.

5. No development above damp-proof course level shall take place until a landscaping scheme has been submitted including details of the:
  - position, type and height of boundary treatments including where necessary the, size, species and density of all hedging to be planted; and,
  - surface materials for the access, private drive, parking areas and any other hard surfacing; have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping is introduced to help ameliorate the impact of the new dwelling on the character, appearance and rural setting of the site and in the interests of biodiversity to accord with the National Planning Policy Framework and Policies S53, S57 and S60 of the Central Lincolnshire Local Plan.

6. The development hereby permitted shall be carried out in accordance with the mitigation measures outlined in Section 3 of the submitted Flood Risk Assessment, received 6<sup>th</sup> December 2023.

Reason: To prevent flooding and protect future residents to accord with the National Planning Policy Framework and local Policy S21 of the Central Lincolnshire Local Plan.

7. The development hereby permitted shall be carried out in accordance with the details set out in the updated Energy Statement received 09/10/2024 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S7 of the Central Lincolnshire Local Plan (2023).

8. No dwelling hereby permitted shall be occupied unless a written verification statement has been provided to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement dated 09/10/2024 and approved in writing by the local planning authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of policies S6 and S7 of the Central Lincolnshire Local Plan (2023).

9. The development hereby permitted shall only be carried out in strict accordance with the recommendations outlined in the submitted Preliminary Ecological Appraisal received, 2<sup>nd</sup> November 2023.

Reason: To ensure that the proposed development does not have an unacceptable impact on biodiversity to accord with S60 and S61 of the Central Lincolnshire Local Plan and Section 15 of the National Planning Policy Framework.

10. The development shall proceed in strict accordance with the written scheme of archaeological investigation by Allen Archaeology Limited (approved under condition discharge approval 137462).

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with Policy S57 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

11. Prior to occupation of the approved dwelling, evidence must be submitted to the local planning authority that a rainwater harvesting butt of a minimum 100 litres has been installed.

Reason: In the interests of sustainable water management in accordance with policy S12 of the Central Lincolnshire Local Plan.

12. The dwellings hereby approved shall be constructed to ensure that the consumption of wholesome water by persons occupying the dwelling/s is in accordance with the Building Regulations Approved Document G, Requirement G2/Regulation 36 Optional Technical Requirement of 110 litres per person per day.

Reason: To minimise impacts on the water environment and to accord with Optional Technical Housing Standards to accord with Policies S12 and S53 of the Central Lincolnshire Local Plan (2023).

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling(s) hereby approved.

Reason: In the interests of energy efficiency to accord with Policies S6 and S7 of the Central Lincolnshire Local Plan (Adopted 2023).

14. All planting, seeding or turfing comprised in the approved details of landscaping as required by condition 5 shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees 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 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 that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

#### **Informatives:**

#### **HIGHWAYS**

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

#### **ANGLIAN WATER**

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
2. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is

recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

3. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## **BIODIVERSITY NET GAIN**

Unless an exception or a transitional arrangement applies<sup>1</sup>, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan<sup>2</sup> has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be West Lindsey District Council.

### **Biodiversity Gain Plan**

The biodiversity gain plan must include/accompanied by<sup>3</sup>:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat<sup>4</sup> present within the onsite baseline.

(h) any additional information requirements stipulated by the secretary of state<sup>5</sup>.

**The effect of section 73D of the Town and Country Planning Act 1990**

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

<sup>1</sup> listed exemptions from Statutory BNG and transitional arrangements can be found at [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments). The LPA advises that all perceived exempt applications complete a Statutory Metric Baseline Assessment prior to commencement. Should the relevant exemption cease to apply following commencement, a higher value precautionary assessment will be required if an appropriate pre-commencement baseline was not conducted.

<sup>2</sup> The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>

<sup>3</sup> Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)

<sup>4</sup> Irreplaceable habitats for the purposed of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found

at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

<sup>5</sup>Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your

application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>