

OFFICERS REPORT

PLANNING APPLICATION NO: WL/2024/00779

PROPOSAL: Application for approval of reserved matters for the erection of 3no. dwelling considering access, appearance, landscaping, layout and scale, following outline planning permission 146424 granted 6 October 2023.

LOCATION: Land adjacent 51a Washdyke Lane, Nettleham

WARD: Nettleham

WARD MEMBER(S): Cllr F J Brown, Cllr J S Barratt

APPLICANT NAME: Mr Andrew Boulton

TARGET DECISION DATE: 4th November 2024 (extension agreed until 6th December 2024)

CASE OFFICER: Ian Elliott

Recommended Decision: Grant permission subject to conditions

Planning Committee:

Outline planning application had a resolution of approval from the planning committee at the meeting dated 4th October 2023. As recorded in the approved minutes of the meeting dated 4th October 2023 the planning committee requested that any future reserved matters for the site be presented to the planning committee for their consideration.

Proposal:

The application seeks approval only for the reserved matters of **access, appearance, landscaping, layout** and **scale** following outline planning permission for the erection of 3 dwellings (Ref 146424), granted 6 October 2023.

Description:

The application site is garden land to the side and rear of 51A Washdyke Lane, Nettleham. The host dwelling is a detached two storey dwelling set down a track to driveway parking. The site is set well back from the highway and slopes upwards from east to west. The main part of the site to the side and rear of 51A Washdyke Lane is primarily screened by a mix of high hedging and high fence panels. There are some gaps to the east boundary adjacent the Nettleham Beck. The west boundary section of the site adjacent the east elevation of the host dwelling is partly open and partly screened by low level hedging. Neighbouring dwellings are adjacent or opposite each boundary with the Nettleham Beck to adjacent the east boundary.

The site is in a Limestone Minerals Safeguarding Area. The majority of the site is within flood zone 1 (low probability) with a small section of flood zone 2 (medium probability) and 3 (high probability) adjacent the Nettleham Beck.

1. Relevant Planning History

146424 - Outline planning application for 3no. dwellings - all matters reserved – 06/10/23 - Granted time limit plus conditions

2. Relevant Planning Constraints

- Nettleham Beck is adjacent the east boundary
- The site is in a Limestone Minerals Safeguarding Area.
- The majority of the site is within flood zone 1 (low probability)
- A small area of flood zone 2 (medium probability) and 3 (high probability) are adjacent the Nettleham Beck

3. Representations

Representations made in relation to the application, the substance of which are summarised below (full representations can be viewed online).

Chairman/Ward member(s): No representations received to date

Nettleham Parish Council: Supports with comments

The Parish Council does not object to the principle of the development, we would like to raise some points of concern and request conditions to ensure that the development proceeds in a manner that is compliant with both local planning policies and the needs of the community. These concerns relate primarily to drainage maintenance, restrictions on future alterations affecting drainage, and access issues via the driveway.

Maintenance of Drainage Crates

The Parish Council acknowledges that the proposed development includes the installation of drainage crates as part of the surface water management strategy. However, we emphasise the importance of ongoing maintenance of these drainage crates to ensure their long-term effectiveness. Without regular maintenance, there is a risk that the system may fail, leading to potential flooding or drainage issues on-site or for neighbouring properties. We request that a clear maintenance plan be agreed upon as part of any planning approval, outlining the responsible party and the frequency of inspections and maintenance. This will ensure that the drainage system continues to function as designed and does not present future issues.

Restriction on Future Changes Affecting Drainage

In addition to ensuring the proper maintenance of the drainage system, the Parish Council seeks a restriction on any future modifications to the development that could adversely affect the approved drainage scheme. Given the importance of managing surface water and preventing increased flood risk, it is essential that no alterations—such as extensions, landscaping changes, or surface treatments—be permitted without a thorough review to assess their impact on drainage. We request that any approval for this development include a condition that requires planning permission for any future changes that may affect drainage systems, with a specific focus on ensuring that any modifications do not compromise the efficiency of the drainage crates or other water management infrastructure.

Access and Egress via the Driveway – Need for Passing Place or Turning Circle

The Parish Council has concerns regarding the restrictive nature of access and egress via the driveway for this development. The current layout may lead to congestion or safety issues, particularly when vehicles enter and exit the site simultaneously or need to reverse due to limited space. This could pose risks for both residents and visitors, as well as contribute to traffic management problems on the adjoining roads. To mitigate this issue, the Parish Council recommends that the applicant consider the provision of a passing

place or turning circle on the driveway. This would allow vehicles to pass or turn safely, reducing the risk of accidents and improving overall access to and from the site. Such a feature would enhance the usability of the driveway and reduce potential conflicts between vehicles, particularly during busy periods.

Local residents: Representations received from:

Kemmel, Lincoln Road, Nettleham

Support:

- The design of the proposed houses is excellent and blends well with the character of other buildings in the local area.
- The addition of bat and swift boxes is a commendable step toward enhancing local biodiversity, and the inclusion of solar panels and air-source heat pumps aligns well with modern sustainability goals.
- I appreciate the careful approach taken to address potential flood risks in the area, which is a responsible and proactive step in protecting both new and existing properties.

Observations:

- I have suggestion to relocate the window for Bedroom 2 on Plot 1 (the most westerly plot) to the north elevation, where it would overlook mature orchards and trees rather than the rear gardens of neighbouring properties, including mine and that of my neighbour,
- I request that the west-facing bathroom window on Plot 1 be made opaque or frosted.

Hillcrest, Lincoln Road, Nettleham

Support:

- I am writing to express my general support for the planning application adjacent to 51A Washdyke Lane. The plans show consideration for the area's ecology and sustainability, which I find reassuring.

Observation:

- I would, however, like to support my neighbour's suggestion to adjust the location of the Bedroom 2 window on Plot 1 (the most westerly plot) to the north elevation and making sure the bathroom window is opaque.

LCC Highways and Lead Local Flood Authority: No objections with advice

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

This proposal is for 3 dwellings, the access meets the guidelines set out in Manual for Streets, adequate parking and turning provision is proposed within the limits of the site. Therefore, it is considered that the proposals would not result in an unacceptable impact of highway safety.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Environment Agency: No objections

Representations received 24th October 2024:

Condition 7 of 146424

All 3 plots are situated within FZ1. Although Plot 3 is partially within FZ3, the main dwelling remains within FZ1 adhering to condition 7.

Condition 12 of 146424

After reviewing the amended drawings supplied by the agent, it appears that the finished floor levels of the 3 plots are 200mm-300mm above the existing ground level, which the Environment Agency deems to be satisfactory due to the low residual risk to this phase of the site

LCC Archaeology: No objections

Tree and Landscape Officer: No objections

Representation received 29th October 2024:

- Tree species for each tree to be planted has been clarified
- Tree form at time of planting is now provided, and sizes increased to 1.75m minimum, which are suitable.
- Details are suitable.
- The tree protection details and the revised landscape details plan revision P03 are now suitable.

Representation received 25th October 2024:

- Further information is required for the landscape scheme, and it needs to clarify exactly what IS intended to be planted, rather than giving options.
- Common green elder should not be planted in prominent positions adjacent the access road, unless it is the purple elder that is proposed, as the purple elder would provide good visual amenity and feature along the access road. See comments in item 3. above.
- Tree form is required, and sizes should be increased to 1.75m high as a minimum.

Natural England: No objections

WLDC Building Control: Comment

The foul water is shown discharging to an existing foul water sewer via pumps. This should be OK as long as all necessary permissions have been granted.

The storm water is shown discharging to soak-aways. These are based on a percolation tests. The actual soak-away design and details do not appear to have been included.

LCC Minerals and Waster: No representations received to date

Lincolnshire Wildlife Trust: No representations received to date

Date System Checked: 19th November 2024

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 (adopted in April 2023), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and Neighbourhood Plan (Made 4th November 2024)

Development Plan:

- **Central Lincolnshire Local Plan 2023**

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy

S21 Flood Risk and Water Resources

S23 Meeting Accommodation Needs

S47 Accessibility and Transport

S49 Parking Standards

S53 Design and Amenity

S66 Trees, Woodland and Hedgerows

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

- **Nettleham Neighbourhood Plan (NNP)**

Relevant policies of the NNP include:

D1 Parking Standards for New Residential Development

D3 Water Resources, Quality and Flood Risk

D4 Design of New Development and Parish Design Code Principles

D5 Climate Change Mitigation and Adaption

D6 Housing Development within Nettleham

[https://www.west-lindsey.gov.uk/sites/default/files/2024-](https://www.west-lindsey.gov.uk/sites/default/files/2024-11/Nettleham%20Neighbourhood%20Plan%20Final%20Version%20November%2020)

[11/Nettleham%20Neighbourhood%20Plan%20Final%20Version%20November%2020](https://www.west-lindsey.gov.uk/sites/default/files/2024-11/Nettleham%20Neighbourhood%20Plan%20Final%20Version%20November%2020)

Appendix A – Nettleham Character Assessment

Character Area 2: 20th Century and Later Village Development Areas (Page 30-41)

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is within a Limestone Minerals Safeguarding Area and policy M11 of the Core Strategy applies. This was considered at outline application stage and is not relevant to be considered at reserved matters.

<https://www.lincolnshire.gov.uk/directory-record/61697/minerals-and-waste-local-plan-core-strategy-and-development-management-policies>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2023.. Paragraph 225 states:

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

<https://www.gov.uk/government/publications/national-design-guide>

- **National Model Design Code (2021)**

<https://www.gov.uk/government/publications/national-model-design-code>

Draft Local Plan/Neighbourhood Plan/Minerals Plan (Material Consideration)

NPPF paragraph 48 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 24th September 2024.

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

SM15: Safeguarding of Mineral Resources

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

Main Considerations:

Planning permission has already been granted. This application considers only whether to approve the outstanding 'reserved matters' of access, scale, appearance, layout and landscaping.

- Access

In planning law¹, these are defined as:

¹ Article 2, The Town & Country Planning (Development Procedure) (England) Order 2015 (as amended)

‘the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made’

- Scale and Appearance

‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.

- Layout

‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- Landscaping

‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

Assessment:

Access

The Parish Council have raised highway safety concerns over the access/egress via the driveway for this development.

Local policy S47 of the CLLP states that *“development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.”*

Policy D1 of the NNP states that *“where appropriate, all development proposals will need to demonstrate that they can provide suitable access, clear visibility, and pedestrian safety to and from the site”.*

Section 2 of Policy D6 of the NNP states that development *“will be supported where they meet the following criteria:*

“g) they would have no unacceptable impacts on the existing highway capacity or highway safety of the area”.

Paragraph 115 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

The proposed development would access the site using the existing access which serves 51A Washdyke Lane (see below photos).



The proposed access is set back from the highway due to the grassed verge and pedestrian footpath. Washdyke Lane is a straight 30mph highway with good visibility in both directions. The Highways Authority at Lincolnshire County Council have no objections to the proposed development as it *“meets the guidelines set out in Manual for Streets”*.

It is therefore considered that the proposed access would accord with the requirements of local policy S47 of the CLLP, policy D1 and D6 of the NNP and the provisions of the NPPF.

Scale and Appearance

Local policy S53 states that *“all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.”*

Local policy S53 includes 10 criteria most importantly criteria 1 (Context), 2 (Identity) and 3 (Built Form)

Criteria 2 of policy D4 states *“as appropriate to their scale, nature and location, development proposals should be informed by an understanding of local context and incorporate a design-led approach”*.

Criteria 2 b) V. of policy D4 states that development needs to address *“the proportion of development (including height, scale, mass and bulk) in the surrounding area”*.

The Nettleham Character Assessment describes Washdyke Lane of comprising dwellings from the first half of the 20th century to post 1970's.

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The immediate area around the site comprises a mix of dwelling ages, appearances, designs and scales.

The dwellings are proposed to be (all approximate from submitted plans):

Plot	Beds	Height	Eaves	Length	Width	Type
1	3/4	8	5	11.1	10.1	2 Storey Detached
2	3/4	8	5	11.1	10.1	2 Storey Detached
3	4/5	8	5	13.4	10.1	2 Storey Detached

The flat roof single garage to plot 1 is proposed to be:

- 2.8 metres high
- 7.3 metres long
- 4.1 metres wide

The submitted elevation and floor plans includes a key which identifies the external materials.

Key	
Ref.	Description
1	Clay pantiles
2	Yellow stone
3	brick (stretcher bond)
4	brick (herringbone bond)
5	black uPVC gutters and downpipes
6	Timber casement windows
7	Composite front door
8	Decorative stone gable vent

The external materials on each dwelling would be the same apart from the inclusion of timber rooflights to plot 3.

The type of materials proposed would integrate well into an area of mixed dwellings designs and appearances. The proposed two storey dwellings would be not overly large in terms of height.

The development would comprise dwellings of an appropriate design and appearance including external materials. The application site is completed surrounded by the existing residential build form of Nettleham and would not be expected to be in view from any public highways or public rights of way. Any possible views of the development would viewed in context with the built form of Nettleham.

It is therefore considered that the proposed scale and appearance of the dwellings accords to local policy S53 of the CLLP, policy D4 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

Layout

Local policy S49 (appendix 2) and S53 of the CLLP plus policy D4 and D6 of the Nettleham Neighbourhood Plan again apply to the layout. Policy D1 of the NNP references the parking standards identified in appendix 2 of the CLLP.

The proposed site plan identifies 3 dwellings in a row from the east to west with the internal road to the north. The shape and constraints of the site has a considerable bearing on the position of the dwellings and the linear arrangement matches the dwellings along Lysterfield End. The layout would also relate well to the density of the surrounding area. The dwellings would be adequately separated and would comprise sufficient parking and garden space.

All of the dwellings would be located within flood zone 1 with only a limited area of the external space of plot 3 in flood zone 3. The development therefore accords to condition 7 of outline planning permission 146424. Condition 7 states:

“No development hereby permitted must take place within flood zones 2 or 3.

Reason: To ensure the dwelling are located in an area at the lowest risk of flooding in accordance with policy S21 of the Central Lincolnshire Local Plan and Policy D-3 of the Nettleham Neighbourhood Plan.”

The Environment Agency have not objected to the layout of the development and agreed that the development meets the restriction imposed by condition 7 of outline planning permission 146424.

Local policy S49 (Appendix 2) of the CLLP and policy D1 of the NNP requires 3-, 4- and 5-bedroom dwellings to have at least 3 off street parking spaces. The submitted site plan identifies 3 off street parking spaces for each dwelling plus areas for turning to allow vehicles to leave the site in a forward gear.

The roads within the site (excluding the existing driveway to 51a Washdyke Lane) are approximately 4 metres in width which when compared to the average width of a car (1.7 metres) would allow two vehicles to pass one another.

The section of driveway to 51a Washdyke Lane would be shared with the proposed dwellings. The driveway is approximately 51 metres in length and between 2.5 to 2.9 metres wide. This driveway would only therefore be capable of handling one vehicle at a time. At the end of the driveway is a area measuring 9.8 metres by 6.6 metres where a vehicle leaving the site could wait whilst a vehicle enters the driveway off Washdyke Lane. There would be instances where a vehicle wanting to enter the site would have to wait on Washdyke Lane whilst a vehicle leaves the site. However, the traffic generation from the site (including 51a Washdyke Lane) would mean that the potential for this to occur would be very remote. The Highways Authority at Lincolnshire County Council have no objections to the layout of the development and have no requested any improvements such as passing places. It is unlikely that would be any room for passing places along the 51 metres of driveway off Washdyke Lane due to the width of the driveway and the proximity of trees (see photos below).



The proposed layout retains the area of trees or orchard to the north east section of the site.



The impact of the development on the living conditions of adjoining residents will be discussed later in this report.

It is therefore considered that the layout accords with local policy S49 and S53 of the CLLP, policy D1, D4 and D6 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

Landscaping

Local policy S53 of the CLLP and policy D4 and D6 of the Nettleham Neighbourhood Plan apply to the landscaping of the site. The application has included the submission of landscaping plan J1852-PL-04 Rev P03 dated 28th October 2024.

The Authority's Tree and Landscape Officer (TLO) has assessed the soft landscaping details and initially requested further information to be added to the landscaping plan. This led to the submission of Rev P03 of the landscaping plan which has subsequently been accepted by the TLO in terms of species and planting details.

Landscaping plan J1852-PL-04 Rev P03 dated 28th October 2024 additionally identifies all the hard landscaping including the boundaries to divide the plots

It is considered that the revised landscaping plan provides the required information to accord with local policy S53 of the CLLP, policy D4 and D6 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

Other Considerations:

Residential Amenity

Comments have been made by neighbouring dwellings in relation to the position of certain openings and overlooking.

Local policy S53 section 8 criteria d) states that *“Not result in harm to people’s amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare.”*

Criteria 2 f) i) of policy D4 of the NNP states that development should follow the following principle *“positively address amenity of existing and future occupiers and uses, as well as the amenity of neighbouring properties and uses with regard to:*

- i. providing appropriate privacy for users of the development and those in neighbouring properties, ensuring development does not result in unreasonable levels of overlooking”*

The site is completely surrounded by residential dwellings. These are:

- 51a Washdyke Lane to the north
- 28 Cliff Avenue to the east
- 1, 2 and 3 Lysterfield End to the south
- Kemmel, Lincoln Road to the west
- Hillcrest, Lincoln Road to the north west

(All approximate measurements taken from submitted plans)

51a Washdyke Lane:

The north side elevation of proposed plot 2 and 3 would be 9.6 metres to 12 metres from the rear elevation of 51a Washdyke Lane. 51a Washdyke Lane has dormer windows on its east side and rear south roof plane. These windows will not overlook the private gardens of proposed plot 2 and 3 due to the angle of view from the dormer windows and the high hedging that is to be retained between 51a Washdyke Lane and proposed plot 2 and 3.

28 Cliff Avenue:

The rear elevation of proposed plot 3 would be 25 metres from the west side of Nettleham Beck and a further 14 metres from the rear elevation of 28 Cliff Avenue.

1, 2 and 3 Lysterfield End:

The south side elevation of plots 1, 2 and 3 are between 7.4 metres and 10.2 metres from the north side elevation of 1, 2 and 3 Lysterfield End. The existing boundary screening between proposed plot 1 and 2 and 1 and 2 Lysterfield End would be retained.

Proposed plot 3 would be closest to 3 Lysterfield End. Plot 3 has no openings on its south elevation. 3 Lysterfield End as identified on the photo below has 2 windows at ground and first floor level on its side north elevation.



These windows are north facing so would receive little or no sunlight during the day. The south side elevation of plot 3 would be 7.4 metres from the north side elevation of 3 Lysterfield End.

Kemmel, Lincoln Road:

The occupant of Kemmel has requested that the:

- Rear first floor bathroom window is obscurely glazed
- Rear first floor bedroom window is removed and added to the north side elevation,

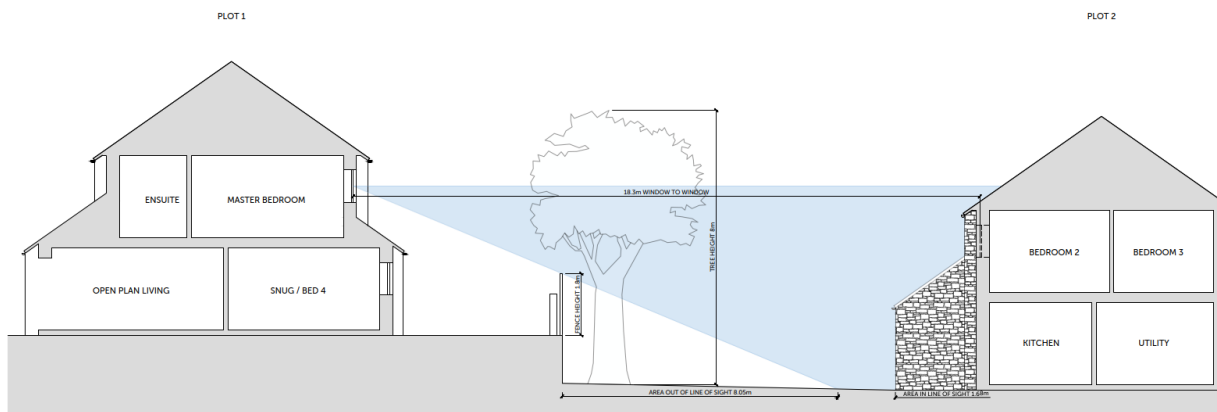
The rear two storey elevation of plot 1 would be 15.5 metres from the shared boundary with Kemmel and 55 metres from the rear elevation of Kemmel. The separation distances would therefore be more than sufficient. In addition the removal of the rear first floor bedroom window would give the rear elevation an imbalanced appearance.

Hillcrest, Lincoln Road:

The corner of the rear/north side elevation of plot 1 would be 9 metres from the shared boundary with Hillcrest and 40 metres from the rear elevation of Hillcrest.

Proposed dwellings:

The proposed dwellings would be sufficiently separated and Plot 1 and 3 would have more than adequate private garden space. The front elevation of plot 1 would be 5.5 metres from the shared boundary with plot 2 and 17.2 metres from the rear elevation of plot 2. The site slopes upwards from east to west as demonstrated on the indicative section plan submitted by the agent (see plan below)



The plan demonstrates that the front first floor windows of plot 1 would be able to view into the immediate rear garden space of plot 2 but at a distance of 18 metres. At least the rear half of plot 2's garden would be able to be used as private garden space.

Therefore, the development would accord with local policy S53 of the CLLP, policy D4 of the Nettleham Neighbourhood Plan and the provisions of the NPPF.

Drainage

Comments have been received from the Nettleham Parish Council in relation to the maintenance and management of the surface water drainage system and that any future development that may affect the drainage system requires planning permission.

The Parish Council have also requested that any future development that may impact the final drainage scheme should require planning permission. This again would not be considered as relevant or necessary.

Condition 8 of outline planning permission 146424 states:

“No development above ground level must take place until full details of a scheme for the disposal of foul and surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. The Drainage Strategy should comply with the principle of the Flood Risk Assessment (version A02) and will need to identify how run-off from the completed development will be prevented from causing an impact elsewhere. No occupation of each individual dwelling must take place until its individual foul and surface water drainage connection has been fully installed in strict accordance with the approved details. The approved drainage scheme must be retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy S21 of the Central Lincolnshire Local Plan 2023.”

Criteria k of the flood risk section of local policy S21 of the CLLP requires that:

“they have followed the surface water hierarchy for all proposals:

- i. surface water runoff is collected for use;*
- ii. discharge into the ground via infiltration;*
- iii. discharge to a watercourse or other surface water body;*
- iv. discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*
- v. discharge to a combined sewer;*

Criteria 2 of policy D3 of the NNP Plan requires that *“all major developments should positively contribute to reducing flood risk. Sustainable Urban Drainage systems (SuDS) should be incorporated in line with national standards“*. It is a little unclear if criteria 2 only applies to major developments or if only the first sentence applies to major developments only.

The application includes:

- Preliminary Drainage Plan 10936/D/100 Rev P01 dated 23rd July 2024
- Preliminary Plot 1 Drainage Plan 10936/D/200 Rev P01 dated 23rd July 2024
- Preliminary Plot 2 Drainage Plan 10936/D/300 Rev P01 dated 23rd July 2024
- Preliminary Plot 3 Drainage Plan 10936/D/400 Rev P01 dated 23rd July 2024
- Percolation Test Report by Origin Design Studio dated 4th August 2024

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that *“Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.”*

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate.”

Paragraph: 020 (Reference ID: 34-020-20140306) of the water supply, wastewater and water quality section of the NPPG states:

“When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”

The preliminary drainage plans are indicative only and note they could be subject to change. The indicative scheme does demonstrate that the development could incorporate a drainage scheme which would not require changes to the layout submitted and percolation tests demonstrate that soakaways would be an adequate means of disposing surface water from the development. Foul water would additionally be connected to the mains sewer.

The management and maintenance of the soakaways would be the responsibility of the landowner and is not considered necessary or relevant to condition. If it was considered relevant and necessary, it would have been included in condition 8 of outline planning permission 146424.

Therefore, whilst a preliminary indicative scheme has been submitted it is considered that drainage is still a matter to be dealt with through condition 8 of 146424.

Flood Risk

Condition 7 of outline planning permission 146424 restricts development within areas of flood zone 2 and 3. Condition 12 of 146424 requires the dwellings to be located 200-300 millimetres above the existing ground level.

The EA have commented stating that *“all 3 plots are situated within FZ1. Although Plot 3 is partially within FZ3, the main dwelling remains within FZ1 adhering to condition 7”* and *“it appears that the finished floor levels of the 3 plots are 200mm-300mm above the existing ground level, which the Environment Agency deems to be satisfactory due to the low residual risk to this phase of the site”*.

It is considered that the development would accord to condition 7 and 12 of outline planning permission 146424.

Nettleham Beck, Orchard and Ecology Enhancements

Condition 10 of outline planning permission 146424 states:

“Any reserved matters planning application submitted to the Local Planning Authority must include the details listed below as recommended in the Preliminary Ecological Appraisal by CGC Ecology dated June 2023:

- *Hedgehog appropriate fencing including elevation plan.*
- *Integral swift box (Manthorpe Swift Brick, Woodstone, Vivara Pro or Schwegler type) identified on the northern or eastern elevation of each dwelling.*

- *Integral Habitat, Ibstock or Woodstone bat box identified on the southern or eastern elevation of each dwelling for use by pipistrelle bats.*
- *Retention of the orchard or justification for its removal with appropriate compensation by re-planting*
- *Nettleham Beck enhancements*

Ecology:

The submitted landscaping plan includes detail on the use of hedgehog fencing to divide the plots. The bat and bird boxes are identified on the elevation plan for each dwelling. The water vole survey is only required if the development impacts the Beck. The eastern edge of the patio to plot 3 would be at least 20 metres from the edge of the Nettleham Beck. A protective buffer zone during the construction phase of the development would be detailed within a construction method statement which would be required to be submitted as part of a future condition discharge application. This would be assessed with advice from the Principal Ecology and Wildlife Officer.

Nettleham Beck:

Policy D4 of the NNP protects natural features such as the Nettleham Beck which runs adjacent the east boundary of the site. The proposed dwellings would be 25 metres from the western edge of the Nettleham Beck. The Preliminary Ecology Appraisal requests:

- Further water vole surveys if there are to be any impacts to Nettleham Beck
- It is recommended that a buffer zone of 3 metres is installed along the edge of the Nettleham Beck to protect the Beck during construction.

The distance the built works (including the road/patio/driveways) would be from the Nettleham Beck and the submission of an appropriate buffer zone would suitably protect the Nettleham Beck from the construction and operation phase. The

Orchard:

The development has retained the orchard area to the north of plot 3.

Trees

Local policy S66 of the CLLP provides protection to trees. The landscaping plan identifies the removal of some trees but this is compensated for by the planting of new trees. The application includes Tree Protection Plan 5031 dated 3rd September 2024.

The authority's Tree and Landscape Officer has assessed the detail submitted and has after receiving further information accepted the planting and tree protection details. The development would therefore accord with local policy S66 of the CLLP and the provisions of the NPPF.

Energy Efficiency

Outline planning permission 146424 was determined prior to adoption of the Central Lincolnshire Local Plan 2023 comprising policy S6 and S7. The officers report for 146424 stated *"in this case with consideration given to the date of validation it is considered that it would be unreasonable to expect the applicant to satisfy the requirements of local policy S6 and S7 of the CLLP."*

Energy efficiency is a principle matter therefore it would be unreasonable to require an energy efficiency statement with this application which only requires the reserved matters of access, scale, appearance, layout and landscaping to be considered.

However, whilst this is the case the application has included an energy statement which demonstrates that the development would meet the average space heat demand of 15-20kWh/m²/yr (14.38kWh/m²/yr) and site average total energy demand of 35 kWh/m²/yr (32.4438kWh/m²/yr). The dwellings would also comprise sufficient solar panels to meet their energy needs.

Therefore, if it was considered necessary the development would accord with the energy requirements of local policy S7 of the CLLP. This is therefore considered as a benefit to the development and can be given some weight in the decision making process

Biodiversity Net Gain

Outline planning permission 146424 was determined prior to adoption of the Central Lincolnshire Local Plan 2023 comprising policy S61 and prior to the mandatory 10% BNG requirement under the Environment Act 2021 coming into force. Biodiversity Net Gain is a principle matter therefore it would be unreasonable to require a Biodiversity Net Gain Statement and Metric with this application which only requires the reserved matters of access, scale, appearance, layout and landscaping to be considered.

Biodiversity Net Gain The application was submitted prior to the mandatory 10% BNG requirement under the Environment Act 2021 coming into force.

Nonetheless, Local policy S61 of the CLLP requires *“all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity 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 development would include new planting and the incorporation of ecology enhancements such as bird boxes, bat boxes and hedgehog fencing. Additionally the development would meet the requirements of condition 10 of outline planning permission 146424. Therefore, the proposed development would provide some Biodiversity Net Gain for habitats and hedgerows.

Conditions on Outline Permission 146424

This reserved matters application has include details to satisfy the requirements of condition 4 (tree protection), 7 (flood zone 2 and 3), 9 (parking standards), 10 (preliminary ecological appraisal recommendations) and 12 (floor level).

This means that condition 5 (construction method statement) and 8 (Drainage) of Outline Permission 146424 are left to be discharged (approved)

Community Infrastructure Levy (CIL)

The development is liable to a CIL payment. The site is within charging zone 1, where the charge would be £25 per square metre for houses.

Conclusion and reasons for decision:

The decision has been considered against local policies S1 The Spatial Strategy and Settlement Hierarchy, S21 Flood Risk and Water Resources, S23 Meeting Accommodation Needs, S47 Accessibility and Transport, S49 Parking Standards

S53 Design and Amenity and S66 Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan 2023 and D1 Parking Standards for New Residential Development and Policy D3 Water Resources, Quality and Flood Risk, D4 Design of New Development and Parish Design Code Principles, D5 Climate Change Mitigation and Adaptation and D6 Housing Development within Nettleham of the made Nettleham Neighbourhood Plan. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code. In light of the assessment the scale, appearance, landscaping and layout of the development is acceptable. The development would not have an unacceptable harmful visual impact on the site, the street scene or the surrounding area. The proposal would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings and highway safety.

Conditions:

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

NONE (See time limits on outline permission 146424)

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

NONE

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

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
 - J1852-PL-03 Rev P02 dated 21st October 2024 – Site Plan
 - J1852-PL-04 Rev P03 dated 28th October 2024 – Landscape Plan
 - J1852-PL-05 Rev P02 dated 21st October 2024 – Access Plans
 - J1852-PL-10 Rev P01 dated 14th June 2024 – Plot 1 Floor Plans
 - J1852-PL-11 Rev P02 dated 21st October 2024 – Plot 1 Elevation Plans
 - J1852-PL-20 Rev P01 dated 14th June 2024 – Plot 2 Floor Plans
 - J1852-PL-21 Rev P02 dated 21st October 2024 – Plot 2 Elevation Plans
 - J1852-PL-30 Rev P01 dated 14th June 2024 – Plot 3 Floor Plans
 - J1852-PL-31 Rev P02 dated 21st October 2024 – Plot 3 Elevation Plans
 - J1852-PL-40 Rev P02 dated 21st October 2024 – Plot 1 Garage Elevation and Floor Plans
 - 5031 dated 3rd September 2024 – Tree Protection Plan

The works must 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, local policy S47, S53 and S66 of the Central Lincolnshire Local Plan 2023 and D1, D4 and D6 of the Nettleham Neighbourhood Plan.

2. No occupation of each individual dwelling must take place until the individual dwellings driveway identified on site plan J1852-PL-03 Rev P02 dated 21st October 2024 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2023 and policy D1, D4 and D6 of the Nettleham Neighbourhood Plan.

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

3. All planting or turfing comprised in the approved details of landscaping (J1852-PL-04 Rev P03 dated 28th October 2024) must be carried out in the first planting and seeding season following 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 must 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. The landscaping should be retained thereafter.

Reason: To ensure that appropriate soft landscaping including new and infill planting are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework, local policies S53 and S66 of the Central Lincolnshire Local Plan 2023 and policy D4 and D6 of the Nettleham Neighbourhood Plan.

Decision Level: Committee

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

Prepared by: Ian Elliott

Date: 19th November 2024



Authorising Officer:

Date: 19/11/2024