

# Planning Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



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Thursday, 16 May 2024 at 1.00 pm  
Council Chamber - Council Offices,  
St. Peter's Hill, Grantham. NG31 6PZ

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**Committee Members:** Councillor David Bellamy (Chairman)  
Councillor Charmaine Morgan (Vice-Chairman)

Councillor Harrish Bisnauthsing, Councillor Pam Byrd, Councillor Helen Crawford, Councillor Paul Fellows, Councillor Phil Gadd, Councillor Tim Harrison, Councillor Penny Milnes, Councillor Vanessa Smith, Councillor Ian Stokes, Councillor Sarah Trotter and Councillor Paul Wood

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## Agenda

This meeting can be watched as a live stream, or at a later date, [via the SKDC Public-I Channel](#)

- 1. Register of attendance and apologies for absence**
- 2. Disclosure of interests**  
Members are asked to disclose any interests in matters for consideration at the meeting
- 3. Minutes of the meeting held on 14 March 2024** (To Follow)
- 4. Minutes of the meeting held on 18 April 2024** (To Follow)

### Planning matters

To consider applications received for the grant of planning permission – reports prepared by the Case Officer.

*The anticipated order of consideration is as shown on the agenda, but this may be subject to change, at the discretion of the Chairman of the Committee.*

5. **Application S23/1240** (Pages 3 - 47)
- Proposal:** Erection of 250 dwellings with landscaping, open space and associated works
- Location:** Land on the north side of Somerby Hill (A52) / Bridge End Road, Grantham
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions and completion of a Section 106 Agreement.
6. **Application S23/2032** (Pages 49 - 68)
- Proposal:** Reserved matters application for approval of details relating to layout, scale, appearance and landscaping in connection with outline residential development of up to 71 dwellings, vehicle access, public open space and associated infrastructure S19/1784
- Location:** Land east of Folkingham Road, Morton
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.
7. **Application S24/0057** (Pages 69 - 107)
- Proposal:** Erection of Class B2 / B8 (Food Processing Facility) with associated loading and service yard, following demolition of existing warehouse facility
- Location:** Easton Properties Limited, Burton Lane, Easton
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions
8. **Application S23/1432** (Pages 109 - 119)
- Proposal:** Retention of mobile home as a temporary workers dwelling
- Location:** Orchard Corner Farm, Drift Lane, Barkston, Lincolnshire
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

9. **Application S24/0315** (Pages 121 - 147)
- Proposal:** Outline application for the erection of up to 6 dwellings with associated access and infrastructure
- Location:** 30 East Street, Rippingale, PE10 0SS
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.
10. **Application S24/0092** (Pages 149 - 159)
- Proposal:** Section 73 application to vary condition 4 (Noise Management Plan/No of dogs) of S20/0479 (use of land for doggy day care centre, erection of building, driveway and hardstanding) variation is to increase number of dogs allowed on site at any one time from 20 to 40
- Location:** Poplars Farm, High Street, Carlby, PE9 4LX
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.
11. **Any other business, which the Chairman, by reason of special circumstances, decides is urgent**

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**SOUTH  
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## Planning Committee

16 May 2024



## S23/1240

Proposal:	Erection of 250 dwellings with landscaping, open space and associated works
Location:	Land on the north side of Somerby Hill (A52) / Bridge End Road, Grantham
Applicant	Bloor Homes Ltd
Agent	Cerda Planning Limited – Mr Richard West
Application Type:	Full Planning Permission
Reason for Referral to Committee:	Major development which requires a Section 106 Agreement to secure financial contributions; and Called in by Cllr Morgan citing highways impact, landscape impact, loss of agricultural land, flood risk, light pollution, noise pollution, heritage impact and air quality impacts.
Key Issues:	<ul style="list-style-type: none"><li>• Principle of Development</li><li>• Meeting All Housing Needs</li><li>• Design Quality</li><li>• Residential Amenity</li></ul>
Technical Documents:	<ul style="list-style-type: none"><li>• Design and Access Statement</li><li>• Preliminary Ecological Appraisal</li><li>• Archaeological Desk Based Assessment</li><li>• Built Heritage Statement</li><li>• Energy Statement</li><li>• Flood Risk Assessment Drainage Strategy</li><li>• Landscape and Visual Impact Assessment</li><li>• Minerals Resource Assessment</li><li>• Noise Report</li><li>• Ground Investigation Report</li><li>• Transport Technical Note</li><li>• Landscape Strategy</li></ul>

### Report Author

Adam Murray – Principal Development Management Planner



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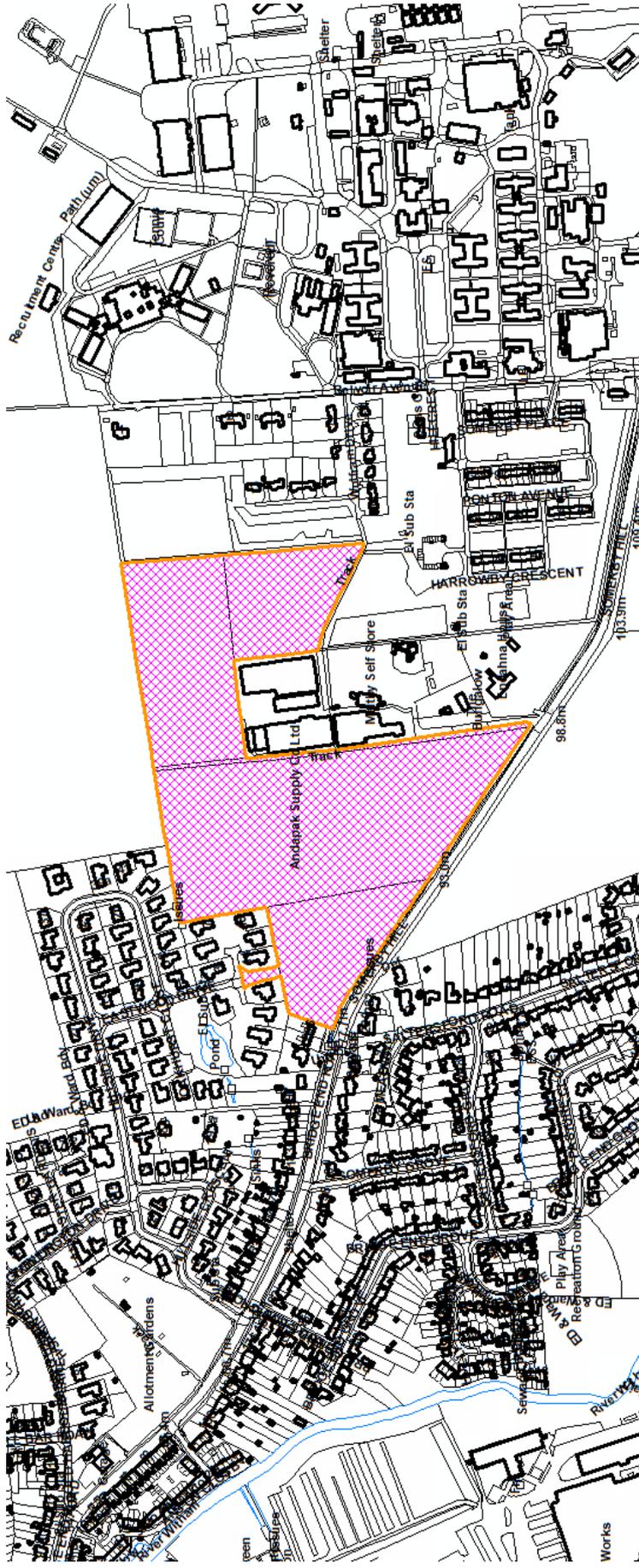
<b>Corporate Priority:</b>	<b>Decision type:</b>	<b>Wards:</b>
<b>Growth</b>	<b>Regulatory</b>	<b>Grantham St Vincent's</b>

<b>Reviewed by:</b>	Phil Jordan, Development Management & Enforcement Manager	8 May 2024
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**Recommendation (s) to the decision maker (s)**

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions and completion of a Section 106 Agreement.

S23/1240 – Land on the north side of Somerby Hill / Bridge End Road, Grantham



Key



Application  
Boundary



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# 1 Description of the site

- 1.1 The application site comprises an area of approximately 9.53 hectares (23.54 acres) of irregular shaped land situated to the north of Somerby Hill / Bridge End Road (A52), located to the south-east of the main built-up area of Grantham. The site currently forms 2 fields of grassland, which is separated by a relatively well-established hedgerow.
- 1.2 The site is bound to the south by Somerby Hill / Bridge End Road (A52) and wraps around the Andapak Supply factory, which is similarly accessed from the A52; to the west and north-west, the site is bound by existing properties forming the David Eatch residential estate; to the east by the Prince William of Gloucester Barracks (PWGB); and to the north by open countryside. The site benefits from clearly defined boundaries to the east, south and west, which are marked by mature treed and hedgerows; whilst the northern boundary to the open countryside is currently undefined.
- 1.3 The proposed development site is situated within a Minerals Safeguarding Area, as designated by the Lincolnshire Minerals and Waste Local Plan, and has been previously identified as being Grade 3B (Moderate Quality) agricultural land. The site is identified as being within Flood Zone 1 of the Flood Map for Planning, and is also identified as being at very low risk of surface water flooding.
- 1.4 Furthermore, whilst the site is bound by existing built-form on both sides, it falls outside of the designated Grantham Urban Area, as identified within the adopted South Kesteven Local Plan. However, it is appreciated that land to the south and south of the site benefit from development allocations within the adopted Local Plan and, therefore, are considered to be committed development proposals.
- 1.5 Prince William of Gloucester Barracks has been allocated as a proposed mixed-use new settlement (Local Plan Ref: GR3-H4), consisting of circa 3,500-4,000 dwellings, 8 hectares of employment generating uses, a new primary school, and a village hub with local neighbourhood shops and community uses, as well as extensive open space and substantial tree planting. Whilst the land to the south of the site (on the opposite side of the A52) forms part of the Spittlegate Heath Garden Village (LP Ref: GR3-H1), which is to comprise of a mixed-use settlement of approximately 3,700 dwellings, and developed on the premise of garden village principles.
- 1.6 The site is located within the Grantham Scarps and Valleys Landscape Character Area (South Kesteven Landscape Character Assessment, 2007). The proposed development site does not contain any designated built heritage assets; however, it is located within close proximity of a number of listed buildings including the Grade II Listed Former Officers Mess at the adjacent PWGB site, and also benefits from clear visibility towards a number of listed buildings located within the main built-up area of Grantham, such as St. Wulfram's Church (Grade I Listed).
- 1.7 In addition, the site is located within close proximity of a number of Local Wildlife Sites, including:
  - Cold Harbour Road verges
  - Cold Harbour Road verges east
  - Blue Harbour Road verges
  - Old Somerby west road verges

- Old Somerby Road verge south

## **2 Description of the proposal**

- 2.1 The current application seeks full planning permission for the erection of 250 dwellings with landscaping open space, and associated works.
- 2.2 The application scheme has been the subject of a number of revisions during the course of the determination period following continued engagement between Officers and the Applicant, including attendance at a number of Design PAD meetings. The revised scheme, subject to determination, was submitted in March 2024 and has been the subject of a further formal consultation with all consultees, neighbours and interested parties.
- 2.3 The proposals have been accompanied by a range of technical reports, including a Built Heritage Statement, Energy Statement, Ecological Appraisal, Transport Technical Note, Flood Risk Assessment and Drainage Strategy, and Noise Report. The submission also includes the following plans: Proposed Site Layout, Proposed Materials Layout, Proposed Boundary Treatments Plan, Soft Landscaping Strategy and Proposed House Type Pack, which indicate that the development would comprise of the following:
- 2.4 The proposed development scheme would provide 250 dwellings, which would consist of the following housing mix:
- Market Housing (175 dwellings)
    - 6 x 2-bed houses
    - 79 x 3-bed houses
    - 90 x 4-bed houses
  - Affordable Homes (Shared Ownership) (10 dwellings)
    - 6 x 2-bed houses
    - 4 x 3 bed houses
  - Affordable Homes (First Homes) (20 dwellings)
    - 8 x 2 bed houses
    - 12 x 3-bed houses
  - Affordable Homes (Affordable Rent) (45 dwellings)
    - 18 x 1-bed houses
    - 13 x 2-bed houses
    - 10 x 3-bed houses
    - 4 x 4-bed houses
- 2.5 Dwellings are proposed to be predominately 2-storey dwellings, with some 2 ½ storey dwellings situated in key focal points throughout the development site. 10% of the overall number of dwellings to be provided on site will be compliant with Building Regulations M4(2). The proposed dwellings would be constructed with three different coloured bricks with render and Tudor boarding with render used on feature plots. Properties would consist of a range of terraced, semi-detached and detached dwellings, and would be distributed into a variety of character areas, defined by the street hierarchy within the site.

- 2.6 Access to the site is proposed to be taken via the formation of a new access from Somerby Hill, which would be a simple T-junction, with the existing carriageway to be narrowed to 6m with a 2m cycleway and 2m footway. Internally, the movement within the site is to be defined by a range of street typologies, which would establish a variety of character areas and focal points within the site. The primary street within the site (referred to as The Gateway, and subsequently as The Avenue) would be routed south-to-north before wrapping around the rear of the Andapak Supply factory before terminating at the north-eastern corner of the site. This primary street would serve a range of secondary and tertiary streets, which are referred to as Homezones and Private Drives.
- 2.7 The Gateway would provide a landscape-led entrance to the site, and would have a grass verge on either side of the carriageway and would also feature mature street trees located on both sides of the road. Footpaths are proposed on both sides of the carriageway and are to be segregated by the green verges; the verge on the western side of the carriageway would include a roadside swale. Similarly, The Avenue would have street trees situated within a roadside swale on the western side of the carriageway and would have footpaths on either side.
- 2.8 The Street (Secondary Street) would have a narrower carriageway, with frontage parking provided consistent on one side of the carriageway, resulting in dwellings be set back from the road. Whilst on the opposite side, buildings would be set immediately to the rear of the footpath with parking located between dwellings.
- 2.9 The Homezone would be shared surface streets generally leading to the edges of the development, where shared private drives would serve a small number of dwellings.
- 2.10 Properties fronting onto the primary streets would have an estate rail with hedgerow planted behind to mark the front boundary. Rear boundaries are to be marked by close boarded timber fencing. Any exposed side boundaries are to be defined by a 1.8m high brick wall.
- 2.11 The Proposed Site Layout has been arranged so that pedestrian connections are retained in the north-east and south-east corner of the site to safeguard potential future connections between the application site and the facilities to be provided as part of the Prince William of Gloucester Barracks redevelopment. In addition, retained options for pedestrian connections to the north of the site have been retained to allow access to the existing network of public rights of way to the north, and the riverside walk.
- 2.12 The proposed dwellings are arranged in a perimeter block layout and includes number of features spaces and nodes. The proposed development has been arranged with a central feature open space positioned within the centre of the site, to provide retained views towards the spire of St. Wulfram's. 3 (no) children's play areas are to be distributed throughout the site; one at the eastern boundary of the site, adjacent to PWGB, one within the centre of the site, and an equipped area of play located along the northern boundary as part of a perimeter walk arranged to the primary open space in the north-western corner of the site. In total 2.61 hectares of public open space is to be provided within the development site.
- 2.13 The existing hedgerow separating the two fields is to be retained, but will be punched through to provide vehicular and pedestrian access. The landscaping proposals for the site include a noise attenuating fence positioned around the Andapak Supply Factory, which would have a maximum height of 7.5m. Properties adjacent to the factory have been designed so that they front onto the fence and will allow the fence to be maintained as part of the private management of all landscaping on site. The acoustic fence is proposed to be soften with a native hedgerow that will be planted along the full extent of the fence, and will

be managed at a height of approximately 2m. This will be further softened by the planting of trees within the verge of the highway, to further screen views of the fence.

- 2.14 Surface water drainage from the development will be managed via SuDS, with a range of conveyance swales running adjacent to the highway, and a small highway soakaway in the eastern part of the site. The swales will drain into an attenuation pond positioned on the western boundary of the site, which will be discharged into the existing public sewer network at a controlled rate. Foul water drainage would be discharge to the existing Anglian Water network located on Somerby Hill.

### 3 Relevant Planning History

<u>Application Ref</u>	<u>Description of Development</u>	<u>Decision</u>
S15/3282	Request for screening opinion for residential development up to 250 dwellings	EIA Not Required 11.12.15
S16/0824	Residential development (up to 250 dwellings)	Refused 29.07.16
S19/0338	Residential development (up to 205 dwellings)	Approved Conditionally 29.11.21
S22/1689	Request for an EIA Screening Opinion for proposed residential development of up to 350 dwellings together with public open space, landscaping and associated works.	EIA Not Required 27.09.22

- 3.1 The eastern parcel of the application site (measuring approximately 7.79 hectares) has been the subject of 2 previous planning applications. Firstly, S16/0824 sought outline planning permission for up to 250 dwellings; this application was refused by the Local Planning Authority in July 2016. However, in dismissing the appeal, the Inspector concluded that the development would not have an unacceptable adverse impact on the landscape character of the area, and would give rise to less than substantial harm to the surrounding heritage assets, but that this harm would be outweighed by the public benefits. As such, the Appeal was dismissed solely on the basis of their being insufficient evidence to demonstrate that acceptable living conditions could be achieved for future occupants of the site, given the noise climate from the adjacent Andapak factory.
- 3.2 A subsequent planning application (S19/0338) for residential development of up to 205 dwellings, was granted conditional planning permission in November 2021, following the submission of a detailed scheme of acoustic mitigation; including a 30m standoff distance between the Andapak Factory and the nearest dwellings, a 3m high acoustic fence to surround the standoff distance, acoustic glazing to properties where necessary; and noise insulation works to the Andapak factory which were designed to limit noise break out from the Andapak site to 52db. These off-site measures were secured via a Section 106 Agreement. This planning permission remains extant and represents a valid fallback position for the current proposals.
- 3.3 Nonetheless, it is appreciated that the additional parcel of land at the western side of the site – immediately adjacent to the existing built-up area of Grantham – has not been included in the previous planning applications, and has not been the subject of any previous application history.

## **4 Policy Considerations**

### **4.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)**

Policy SD1 – The Principles of Sustainable Development in South Kesteven

Policy SP1 – Spatial Strategy

Policy SP2 – Settlement Hierarchy

Policy SP3 – Infill Development

Policy H2 – Affordable Housing Contributions

Policy H4 – Meeting All Housing Needs

Policy EN1 – Landscape Character

Policy EN2 – Protecting Biodiversity and Geodiversity

Policy EN4 – Pollution Control

Policy EN5 – Water Environment and Flood Risk Management

Policy EN6 – The Historic Environment

Policy DE1 – Promoting Good Quality Design

Policy SB1 – Sustainable Building

Policy OS1 – Open Space

Policy GR2 – Sustainable Transport in Grantham

Policy ID1 – Infrastructure for Growth

Policy ID2 – Transport and Strategic Transport Infrastructure

### **4.2 Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management DPD (Adopted June 2016)**

Policy M11 – Safeguarding Mineral Resources

### **4.3 Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)**

### **4.4 National Planning Policy Framework (NPPF) (Published December 2023)**

Section 2 – Achieving sustainable development.

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes.

Section 9 – Promoting sustainable transport.

Section 11 – Making effective use of land.

Section 12 – Achieving well-designed and beautiful places.

Section 14 – Meeting the challenge of climate change, flooding and coastal change.

Section 15 – Conserving and enhancing the natural environment.

Section 16 – Conserving and enhancing the historic environment.

Section 17 – Facilitating the sustainable use of minerals.

### **4.5 South Kesteven Local Plan Review 2021 – 2041 (Regulation 18 Draft)**

## **5 Representations Received**

### **5.1 Anglian Water**

5.1.1 No objection subject to conditions.

- 5.1.2 There are assets owned by Anglian Water, or those subject to an adoption agreement, within or close to the development boundary that may affect the layout of the site.
- 5.1.3 The foul drainage from this development is in the catchment of Marston Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity.
- 5.1.4 The sewage system at present has available capacity for these flows.
- 5.1.5 Further assessment is required to establish whether network reinforcement is required for surface water disposal. This assessment and any necessary reinforcement work will be at the developers costs. We therefore request a condition for further assessment.
- 5.2 **Cadent Gas**
- 5.2.1 No objections.
- 5.3 **Grantham Active Travel Campaign**
- 5.3.1 We strongly recommended that a segregated cycleway along the A52 is a requirement.
- 5.4 **Grantham Civic Society**
- 5.4.1 No comments received.
- 5.5 **Heritage Lincolnshire**
- 5.5.1 No objection subject to conditions.
- 5.5.2 The site for the proposed development lies in an area of archaeological interest. Archaeological remains known in the vicinity include evidence of prehistoric features, and extensive remains associated with Roman settlement in the area.
- 5.5.3 A previous geophysical survey (2015) over part of the proposed development area identified field systems and enclosures which may date from the Iron Age, Roman and medieval periods. A series of associated anomalies, though to represent small structures or enclosures, may relate to agricultural or small scale industrial activities. A small circular structure was also recorded.
- 5.5.4 Further evaluation is required to determine the nature, extent and significance of the archaeological features on the site. This evaluation should take the form of additional geophysical survey of areas not previously included, and a programme of trial trenching. The archaeological work to be carried out should be in accordance with an agreed written scheme of investigation.
- 5.6 **Lincolnshire County Council (Education)**
- 5.6.1 No objections.
- 5.6.2 Having assessed the planning areas for Grantham and selected the schools with a 2mile walking radius for primary schools, and a 3 mile walking radius of the secondary schools of the development, we have ascertained that there is capacity for additional children within some of those schools to accommodate the development.
- 5.7 **Lincolnshire County Council (Highways & SuDS)**
- 5.7.1 No objection subject to conditions and Section 106 contributions.

- 5.7.2 The planning application is supported by a Transport Assessment which considers the impact of the proposed development on the highway network. The detailed information concludes that no significant impact will occur on the existing network. However, through previous applications the appropriate mitigation has been established in terms of various contributions.
- 5.7.3 The Transport Assessment concludes that the development can be served by a simple priority T-junction rather than the previously agreed ghost-island right turn lane.
- 5.7.4 The proposals include a variety of car parking solutions, and the number of spaces proposed is in line with Lincolnshire County Council's guidance.
- 5.7.5 The proposed layout provides appropriate connections to create a link between the existing residential areas to the west, through the site, along with links to the adjacent allocated areas to the east and south.
- 5.7.6 The application incorporates the use of various SuDS techniques with a restricted discharge. Therefore, the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.
- 5.7.7 All mitigation associated with the development is in the form of Section 106 requests. These requires are considered to be appropriate mitigation to accommodate the development, including enhanced bus services, junction improvements and the implementation of cycleway infrastructure along Somerby Hill / Bridge End Road.
- 5.8 **Lincolnshire County Council (Minerals)**
- 5.8.1 We have reviewed the submitted Minerals Assessment and have no minerals safeguarding objections.
- 5.9 **Lincolnshire Fire and Rescue**
- 5.9.1 No objections.
- 5.10 **Lincolnshire Wildlife Trust**
- Initial Consultation
- 5.10.1 Holding objection.
- 5.10.2 LWT asks that an updated survey is completed at an appropriate time of year, as it is highly likely that there are species present on site that are not possible to survey in November.
- 5.10.3 LWT are pleased to see the inclusion of a Biodiversity Net Gain (BNG) assessment in this application with predicted positive gains. However, this survey is based on the field survey undertaken in November and so the baseline biodiversity value of the site is likely to be inaccurate. We would request that results from the updated field survey are used to recalculate the BNG, or that additional gain is planned to compensate for this underestimation in baseline value.
- 5.10.4 LWT advise that mitigation for both the loss of ground nesting bird habitat and foraging habitat is provided.
- 5.10.5 There appears to be no form of management plan included in the application. LWT asks that a 30-year management and monitoring plan. This plan should detail how different habitats on site are to be managed to ensure BNG is secured in perpetuity, the responsible party for this management, and outline reviews with the goal of adjusting the plans as necessary over time.

## Final Comments

- 5.10.6 Lincolnshire Wildlife Trust wishes to maintain its holding objection to the above application.
- 5.10.7 The applicant has submitted a BNG assessment for the site with the metric calculating a 7.69 gain in habitat units, which falls below the 10% minimum required by the Environment Act. The 60.66% gain in hedgerow units cannot replace the shortfall in habitat units as these are measuring different habitat types which support different communities of species. We request a condition to secure BNG net gain.
- 5.10.8 The submitted landscaping proposals includes planting details and species used, but these should also be accompanied by a Habitat Management and Monitoring Plan for the full 30-year period required by the Environment Act. The onsite biodiversity units calculated using the metric are predicated on appropriate management to ensure that they reach their target conditions. We also request that this is achieved through a planning condition.
- 5.11 **National Grid**
- 5.11.1 No comments to make.
- 5.12 **National Highways**
- 5.12.1 No objections.
- 5.12.2 National Highways previously responded to the application S16/0824 in 2016 offering no objections.
- 5.12.3 The original development confirmed that all developments in the vicinity, including the link road from the A52 to the A1 (GSSR) had been considered during the transport impact assessment, and a mitigation package was agreed.
- 5.12.4 A technical note produced and submitted as part of the current application, has informed that a revised Transport Assessment is not required, as there are no fundamental changes to the proposed development and the TA submitted in support of the original application was still valid. The agreed mitigation package, namely a contribution towards local bus services and a new junction providing access to the development would still apply.
- 5.13 **Natural England**
- 5.13.1 No comments received.
- 5.14 **NHS Lincolnshire ICB**
- 5.14.1 Section 106 contribution required.
- 5.14.2 The contribution requested for the development is £165,000.00 towards expanding capacity in the Grantham Primary Care Network to mitigate the impact of the development.
- 5.15 **Londonthorpe and Harrowby Without Parish Council**
- 5.15.1 Objection
- 5.15.2 Mention is made of monies to bus and highways contributions, but nothing to cover the impact on healthcare and education. There is no information about monies for the LEAP.
- 5.15.3 We have concerns over the entrance / exit onto the A52. We believe that the road should be widened at this point to allow a filter lane. Whatever is decided must also consider the additional traffic from the larger developments to the east.
- 5.15.4 We are pleased to see no vehicular access is to be allowed onto Eastwood Drive.

- 5.15.5 All properties must have at least two parking spaces and should have the provision with EVCPs.
- 5.15.6 We would request that mitigation measures are provided to achieve appropriate ground conditions.
- 5.15.7 We have doubts and safety concerns about the drainage strategy.
- 5.15.8 The design of the noise abatement measures around the Andapak Factory are more effective than the original planning application. We would ask for confirmation on how this is going to be managed.
- 5.15.9 All homes should have solar panels.
- 5.15.10 All homes should have an outdoor space.
- 5.15.11 We would recommend that some outdoor fitness equipment is installed as part of the open space.
- 5.15.12 The scheme fails to include any bungalows, including backing onto Eastwood Drive, which will result in these existing properties being overshadowed.
- 5.16 **SKDC Planning Policy Officer – Affordable Housing**
- 5.16.1 Section 106 required.
- 5.16.2 In order to provide 30% affordable housing, 75 units of a relevant tenure are required. The application adopts this requirement. The application also meets the required tenure mixes.
- 5.17 **SKDC Conservation Officer**
- 5.17.1 No objections.
- 5.17.2 A less than substantial harm has previously been identified, which is deemed to be outweighed by the public benefit. Updated plans have been submitted, but in regards to the impact on heritage significance, these proposed changes are minor and do not result in any further harm to the heritage significance of the surrounding assets.
- 5.18 **SKDC Environmental Protection**
- 5.18.1 No objection subject to conditions.
- 5.18.2 I note the documents provided by GeoDyne and the findings which has identified a presence of white asbestos across the old track. Based on this finding, and given that the existing site had an agricultural use, and the site is abutted by sites on the contaminated land register, there may be the potential for further land contamination. Therefore, conditions are requested for a precautionary approach.
- 5.18.3 Environmental Protection have reviewed the information provided by the applicant and accepts that the target noise levels previously agreed can be achieved. It is therefore recommended that the noise mitigation scheme details in the noise report is fully implemented.
- 5.18.4 Due to the proximity of the eastern and western boundaries to existing residential properties, and to protect the amenity of these residents, conditions are recommended for a Construction Management Plan, construction and delivery hours.
- 5.19 **SKDC Principal Urban Design Officer**
- 5.19.1 No objections.

- 5.19.2 The scheme provides a connection to the David Eatch estate, a connection in the north-east corner and an outward facing layout that allows further connections northwards. A pedestrian and cycle connection is also provided in the south-west corner in addition to the main vehicular access.
- 5.19.3 Connectivity and permeability of the layout is good. The scheme also provides for good cycle infrastructure and connectivity outside of the site to Grantham Town Centre.
- 5.19.4 Connections to the east have been provided which will bring the facilities at the PWG Barracks into an accessible walking distance.
- 5.19.5 Attempt has been made to acknowledge the spire of St. Wulframs church and align streets and spaces accordingly.
- 5.20 **SKDC Tree Consultee**
- 5.20.1 No objection subject to conditions.
- 5.20.2 The site is generally not populated by a great deal of meaningful vegetation other than the hedgerow network which in itself has some value, but is fragmented. The road frontage hedgerows, which are identified for retention, are significant in terms of providing soft edges to the site. Other internal hedgerows and shared hedges with other properties are all identified for retention (other than where they would be breached by roads and paths).
- 5.20.3 The landscaping plans are comprehensive and include all elements of existing and proposed vegetation. In terms of species and numbers of trees to be planted, and the locations, these have been well thought out and are fit for purpose. Generally, new tree planting is targeted at strategic / communal areas and so minimises the risk of individual householders removing them. The level of retention (especially hedgerows) is good.
- 5.20.4 The detailed specification adds comfort that the scheme would be implemented to a high standard.
- 5.20.5 Although the landscaping is comprehensive, it does not include management / maintenance proposals. Protection of hedgerows and methodology for implementation near to vegetation would also be beneficial. I would therefore suggest that this is secured by condition if planning permission is to be granted.

## **6 Representations as a Result of Publicity**

6.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and letters of representation have been received from 10 interested parties; of which 7 have raised formal objections with the remaining representations remaining neutral. The material considerations raised within the representations can be summarised as follows:

(1) Principle of Development

- Objection to the development of agricultural land

(2) Design Quality

- The proposed green space is not sufficient and will be poor quality.

(3) Impact on residential amenity

- The increase in affordable housing would increase anti-social behaviour.

- The scheme would result in adverse impacts on the privacy of occupants of the David Eatch estate.

#### (4) Pollution Control

- The scheme would have an impact on the operations of the Andapak Supply factory.
- Objection to the increase in air pollution as a result of additional vehicular movements.

#### (5) Access and Highways Impacts

- The development would have an adverse impact on the capacity of the local highways network, in particular with the Bridge End Road / Harrowby Road junction, and also on Springfield Road.
- Additional crossing points should be provided on Bridge End Road.
- The proposed development would have an adverse impact on highways safety.

#### (6) Flood Risk and Drainage

- The development will increase the risk of flooding for properties on the David Eatch estate.

#### (7) Ecology and Biodiversity

- The development should not include the removal any trees.
- Objection to the impact of the development on local wildlife.

#### (8) Infrastructure for Growth

- Insufficient medical facilities to accommodate new development.
- Insufficient education to accommodate new development.

6.2 It is noted that public representations have also expressed concerns about the damage to boundaries of properties on the David Eatch estate during the construction period. This is a private civil matter, which would be resolved through a Party Wall Agreement, and is not relevant to the determination of the planning application.

## **7 Evaluation**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Council adopted the South Kesteven Local Plan 2011-2036 on 30 January 2020, and this forms the Development Plan for the District and is the basis for decision-making in South Kesteven.

7.2 In addition, the Lincolnshire Minerals and Waste Local Plan forms the development plan for the District in relation to minerals planning.

7.3 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is a material consideration in the determination of planning applications.

- 7.4 The policies and provisions of the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023) are also a relevant material consideration in the determination of planning applications.
- 7.5 It is also appreciated that the Local Planning Authority are also in the process of conducting a Local Plan Review. The Regulation 18 consultation on the draft Plan was carried out between February and April 2024. At this stage, the policies contained within the draft Plan Review can be attributed very little weight in the determination of planning applications. However, the updated evidence base which accompanies the ongoing Plan Review is a material consideration, and must be taken into account in the determination of planning applications.
- 7.6 Finally, as referenced above, the eastern parcel of the application site benefits from outline planning permission for residential development of up to 205 dwellings, which was granted in November 2021. This planning permission remains extant and, therefore, capable of implementation, and therefore represents a valid fallback position that the current proposals have to be considered against.
- 7.7 **Principle of Development**
- 7.7.1 It is acknowledged that public representations received on the application have raised objections to the principle of development on the site due to the consequential loss of agricultural / greenfield land.
- 7.7.2 As detailed above, the eastern field of the application site (measuring approximately 7.79 hectares) benefits from outline planning permission for up to 205 dwellings, which was granted in November 2021. This extant planning permission has established the principle of residential development on this part of the site for up to 205 dwellings. This planning permission remains capable of implementation and, as such, the principle of residential development on this part of the site has previously been established.
- 7.7.3 Notwithstanding this, the previous planning permission did not include the parcel of land immediately adjacent to the David Eatch estate (western parcel), and therefore, the principle of residential development on this part of the site has not previously been established.
- 7.7.4 In this context, it is appreciated that previous intrusive ground investigations at the application site have established that it is Grade 3B agricultural land value and, as such, is not defined as being Best and Most Versatile Agricultural Land (BMVAL). As such, development of the application site would be in accordance with the requirements of Policy SP1 of the adopted Local Plan and Section 15 of the Framework in relation to the development of agricultural land.
- 7.7.5 Furthermore, whilst the proposed development site is situated on the edge of the existing built-up area of Grantham, and lies outside, but immediately adjacent to, the defined Grantham Urban Area, it is Officers assessment that development of the western parcel would be viewed in the context of the existing and committed residential development. As noted, the site is bound to the west by the David Eatch estate; to the east by the Prince William of Gloucester Barracks, which has been allocated for a proposed new settlement; and to the south by the A52, beyond which lies the proposed Spittlegate Heath Garden Village. In this context, it is Officers’ assessment that development of the application site would be defined as infill development (albeit at a large scale), and therefore, falls to be assessed against the requirements of Policy SP3 (Infill Development) of the adopted Local Plan.

- 7.7.6 With regards to this, the application site would comprise a substantially built-up frontage situated between the David Eatch estate, the Andapak Supply factory and the Prince William of Gloucester Barracks. Development of the site would effectively result in the infilling of land between existing and committed residential development, and therefore, would not extend the pattern of development beyond the existing built-form of Grantham. As such, it is Officers' assessment that development of the site would be in accordance with the requirements of Policy SP3(a)(d).
- 7.7.7 Taking all of the above into account, it is Officers' assessment that the application proposals would accord with Policy SP1, SP2 and SP3 of the adopted Local Plan and would accord with the principles of the overall spatial strategy. Consequently, the principle of development is acceptable, subject to material considerations. These matters have been assessed in detail below.
- 7.8 **Meeting All Housing Needs**
- 7.8.1 As identified above, the current application proposals seek full planning permission for the erection of 250 dwellings.
- 7.8.2 Whilst the application site is located immediately adjacent to the existing built-up area of Grantham, it does lie outside of the identified Grantham Urban Area and, therefore, would be required to deliver 30% affordable housing.
- 7.8.3 The submitted Proposed Site Plan demonstrates that the scheme would meet this policy requirement through the provision of 75 affordable dwellings. The proposed affordable housing would consist of 10 shared ownership dwellings (13%), 20 First Homes (26%), and 60% affordable rented dwellings.
- 7.8.4 The Council's Planning Policy Officer – Affordable Housing has been consulted on the application proposals and has confirmed that the proposed quantum and tenure mix of the affordable dwellings would meet the requirements of Policy H2 of the adopted Local Plan and Section 5 of the National Planning Policy Framework.
- 7.8.5 In respect of the distribution of the affordable dwellings within the application site, it is acknowledged that this are principally located immediately adjacent to the Andapak Factory. However, as required by Policy H2, the proposed affordable dwellings would be visually indistinguishable from the proposed market dwellings and would be clustered in groups of no more than 16 dwellings, which includes the proposed First Homes. As such, it is the Case Officers' assessment that the proposed distribution of affordable housing within the application site would be sufficient to meet the overall objectives of delivering a mixed and balanced community. The proposed affordable housing mix and layout are to be secured through a Section 106 Agreement.
- 7.8.6 As such, subject to the completion of a Section 106 Agreement, the scheme would be in accordance with Policy H2.
- 7.8.7 In terms of the mix of property types and sizes to be provided across the development, Policy H4 (Meeting All Housing Needs) requires all major proposals for residential development to provide an appropriate type and size of dwellings to meet the needs of current and future households in the District.
- 7.8.8 In this respect, the 2023 Local Housing Needs Assessment, which accompanied the Regulation 18 consultation on the Local Plan Review, advises the following housing mix over the period to 2041:

Number of bedrooms	Market	Affordable Ownership	Affordable Rent
1 bedroom	1% – 5%	10% - 15%	30% to 35%
2 bedrooms	30% – 35%	40% - 45%	45% to 50%
3 bedrooms	45% - 50%	30% - 35%	20% to 25%
4 bedrooms	10% - 15%	5% - 10%	1% to 5%
5+ bedrooms	1% - 5%	1 to 5%	

7.8.9 The submitted proposals would provide housing of the following mix:

Number of bedrooms	Market (175 dwellings)	Affordable Ownership (30 dwellings)	Affordable Rent (45 dwellings)
1-bedroom	0 (0%)	0 (0%)	18 (40%)
2-bedrooms	6 (4%)	14 (47%)	13 (29%)
3-bedrooms	79 (45%)	16 (53%)	10 (22%)
4-bedrooms	90 (51%)	0 (0%)	4 (9%)
5+ bedrooms	0 (0%)	0 (0%)	0 (0%)

7.8.10 In respect of the above, it is acknowledged that the proposed affordable housing mix would be broadly in accordance with the recommendations of the latest Housing Needs Assessment. However, in reviewing the proposed market housing mix, Officers' acknowledge that this is significantly disproportionate to the recommended mix contained within the Housing Needs Assessment. Most notably, the scheme would include a significant over-provision of 4-bed dwellings, and comparable under-provision of 2-bed dwellings. However, it is noted that the proposed development would provide 10% accessible adaptable dwellings that would comply with the requirements of Building Regulations M4(2). On balance, it is Officers' assessment that the proposed development scheme would provide a range of housing options, which would cater for a variety of market and affordable housing needs.

7.8.11 Taking the above into account, it is concluded that, subject to the completion of a Section 106 Agreement to secure the required affordable housing contributions, the proposal would be in accordance with the principles of Policy H2 and H4 of the adopted Local Plan, and Section 5 of the National Planning Policy Framework.

## 7.9 Design Quality and Visual Impact

7.9.1 In relation to the design quality and visual impact of the scheme, it is appreciated that the proposed development would invariably result in a visual impact as a result in the change from the current, undeveloped, agricultural fields to a residential housing scheme. However, the impact of residential development of the site was considered by the Appeal Inspector as part of the public inquiry following the refusal of S16/0824. In determining that appeal, the Inspector concluded that development of the site would not have an adverse impact on the

character and appearance of the area, when considered in the context of the existing and committed development in the area.

- 7.9.2 In this context, the site's location means that the development proposals would be seen in long-distance views from Cold Harbour Lane to the north of the site, and the network of public rights of way that run to the north of the site – including Public Footpath Gran/10/1. In addition, the scheme would be prominent on the entry to Grantham from the east along Somerby Hill (A52). However, it is Officers' assessment that the application proposals would be seen in the context of the existing built form which bounds the site to the east and west, and over-time would also be seen in the context of the proposed PWGB redevelopment and the new Spittlegate Heath Garden Village. As such, it is Officers' assessment that the application proposals would not have an unacceptable adverse effect on the landscape character of the area.
- 7.9.3 With regards to the quantum of development proposed, the application scheme would entail the development of 250 dwellings on a site of 9.53 hectares, which equates to a density of development of approximately 26 dwellings per hectare across the gross site area. In considering the density of development on the net site area, the proposed development would provide a density of development of approximately 30 dwellings per hectare. IN this respect, it is Officers' assessment that the proposed quantum of development and the corresponding density of development, would be an efficient use of land, and would be appropriate for an edge of settlement scheme. By way of context, the adjacent PWGB development and Spittlegate Heath Local Plan allocations require those schemes to have an approximate density of development of 30 dwellings. As such, the proposed development scheme would be directly comparable to the density of development which has been deemed to be appropriate for the committed schemes in the immediate surroundings.
- 7.9.4 In respect of the design quality of the detailed development proposals, as alluded to above, the scheme has been the subject of extensive engagement between Officers' and the Applicant throughout the pre-application and determination period. This has included presentation of the scheme to a number of the Council's Design PAD meetings, and a number of revisions to the scheme in response to the comments raised during the Design PAD.
- 7.9.5 In particular, the proactive engagement with the Council's Design PAD service has resulted in the following amendments being made to the scheme:
- Future connections have been made available to the east of the site.
  - The street hierarch has been made more pronounced i.e., street trees added to both sides of the main street and strong front boundary treatments have been added, whilst the secondary streets have been toned down.
  - House types and materials have been distributed throughout the site in a more logical manner to enhance legibility.
  - House types have been revised to ensure that the provide a strong sense of enclosure to feature spaces, and to provide strong housetypes at key focal points i.e. to terminate views down streets.
  - Additional swales have been added, including roadside swales to the primary street.
  - Affordable housing has been re-distributed through the site to reduce the size of clusters.

- A more considered response to the variable topography of the site (namely the marked levels differences in the north-west corner of the site).
- 7.9.6 In relation to the above, the Council's Principal Urban Design Officer has been formally consulted on the revised plans and they have confirmed that they have no objection to the proposed scheme. The Urban Design Officer has completed a Building for Healthy Life Assessment and this has demonstrated that the scheme performs positively against this nationally accredited design metric.
- 7.9.7 The application proposals are reflective of the principles of high quality design. The proposed site layout is clear and coherent and adopts an outward facing approach, which provides suitable connections to the north, east and west of the site, and the available facilities within the locality. The scheme adopts a perimeter block layout, which includes a number of feature spaces and focal points, with the layout designed to ensure that these spaces are well enclosed by strong housetypes.
- 7.9.8 The revisions secured through the Design PAD have resulted in a strong street hierarchy, which results in a development scheme that is easy to navigate and legible, and results in a varied character, with housetypes, materials and boundary treatments organised on site in a manner which is consistent with the street hierarchy. The proposed dwellings would be constructed with a mix of 3 bricks, and dwellings also include render and Tudor boarding to provide visual interest, and strong features at key focal points. Conditions are proposed to require the submission of a detailed specification of building materials prior to any development above damp-proof course.
- 7.9.9 The proposed scheme includes a considered landscaping strategy, which provides a variety of open spaces throughout the site, each with a varied character and function, and a planting strategy that is reflective of the varied character. The Council's Tree Consultee has been consulted on the submitted soft landscaping proposals and has confirmed that they have no objections. In particular, they have stated that the proposed strategy is well thought-out and provides a range of suitable species. Conditions are proposed to require the submission of a Landscape and Ecological Management Plan to ensure that the proposed on-site open spaces are appropriately managed, including the management of the proposed play areas. In addition, conditions are proposed to require the timely implementation of the soft landscaping scheme, and the submission of further details relating to the protection of the existing hedgerows during the course of the construction period.
- 7.9.10 The proposed scheme would retain the existing boundary hedgerows, with the exception of areas proposed for vehicular and pedestrian connections, and the proposed property boundaries would provide include estate railing and hedgerow to front boundaries along the primary street; whilst exposed side and rear boundaries are to be defined by brick walls. Conditions are proposed to require the implementation of these boundary treatments prior to first occupation of the dwellings, to ensure that each property has a clear demarcation between public and private spaces. In this regard, it is Officers' assessment that the proposed landscaping strategy would assist in assimilating the site to the surrounding area, and would soften the proposed built form.
- 7.9.11 Taking the above into account, it is Officers' assessment that the application proposals would provide an acceptable appearance, layout, landscaping and scale which would ensure that the development scheme integrates positively with the character and appearance of the surrounding built form. Consequently, it is Officers' position that the application scheme would accord with Policy DE1 and EN1 of the adopted South Kesteven

Local Plan, the adopted Design Guidelines SPD, and Section 12 of the National Planning Policy Framework; although appropriate conditions are attached to ensure that the scheme delivers on the intended design quality.

#### 7.10 **Impact on residential amenity**

- 7.10.1 With regards to the impact of the proposed development on residential amenity, it is appreciated that representations received from members of the public, as well as the Parish Council have raised objections due to the potential impact of the development on the amenities of properties on the David Eatch estate. In particular, it has been suggested that the proposed development would result in overshadowing and a loss of privacy for these properties.
- 7.10.2 In assessing the application proposals against the standards set out within the adopted Design Guidelines SPD, it is Officers' assessment that the orientation of the proposed houses, coupled with the separation distances between the existing and proposed dwellings, would ensure that the proposed development would not give rise to any unacceptable adverse impacts on the existing properties in respect of loss of privacy, overshadowing and outlook. In particular, it is noted that the smallest separation distance between the existing dwellings at 14-18 Eastwood Drive and proposed plots 23 and 30 is approximately 18m, and this is a rear elevation to side elevation relationship. In this respect, the side elevation of these dwellings are not proposed to feature any windows to primary habitable rooms.
- 7.10.3 Furthermore, it is acknowledged that public representations received on the application have raised objections on the basis that the provision of the affordable dwellings would result in an increase in anti-social behaviour.
- 7.10.4 In this regard, it is Officers' assessment that there is no evidence to suggest that the provision of affordable housing would directly result in any increase in anti-social behaviour. Notwithstanding this, in respect of relevant planning considerations relating to crime and disorder, it is Officers' assessment that the application scheme has been appropriately designed in order to reduce the potential for crime; this has included the use of a perimeter block layout, which minimises potential access to the rear gardens of the proposed and existing dwellings, and the implementation and retention of the existing boundary treatments, which assists in clearly defining public and private space. As such, it is Officers' position that the proposed development would not result in any adverse impacts in relation to crime and disorder.
- 7.10.5 In respect of the provision of an appropriate level of amenity for future occupiers of the proposed development, it is noted that the proposed development site would be situated immediately adjacent to the Andapak Supply factory. As detailed above, the previous planning history of the site has established that a key material consideration is the impact of noise resulting from the Andapak factory operations on the living conditions of future occupants of the site.
- 7.10.6 The extant planning permission includes a comprehensive scheme of noise mitigation, which is secured through planning conditions and through the Section 106 Agreement. These mitigation measures established that 52db Laeq / 15 minutes is the recorded noise levels which determine the acceptability of the living conditions on site.
- 7.10.7 It is noted that the representations received on the application from members of the public, including the operators of the Andapak Factory, and the Parish Council have raised

objections on the basis that the application scheme would have an adverse impact on the operations of the Andapak factory.

- 7.10.8 In this respect, the current application has been accompanied by an updated Noise Assessment (Sharp Acoustics) (June 2023), which concludes that the previously accepted internal and external noise levels can be achieved through the implementation of an alternative scheme of acoustic mitigation. In this case, the proposed acoustic mitigation is to consist of the erection of an acoustic screen / fence along the boundary with the Andapak supply factory. The proposed acoustic fence will vary in height from 2m to 7.5m, and will also vary between being a wooden acoustic fence (at the further extent of the boundary) and an acoustic living wall (at the points immediately adjacent to the Andapak factory buildings). The acoustic living wall is to comprise of a single native hedgerow that will be planted along the full extent of the wall and will be managed at a height of 2m, in addition there will also be mature tree planting to further screen the acoustic wall.
- 7.10.9 With regards to the effectiveness of the proposed scheme of mitigation, the Council's Environmental Protection Team have been consulted on the revised scheme and they have confirmed that they accept that the scheme of mitigation would achieve the target noise levels that were previously deemed to be acceptable as part of the extant planning permission. As such, conditions are proposed to ensure that the noise mitigation scheme is fully implemented in accordance with the approved details, as well as the completion of the necessary validation testing to ensure that it has achieved the required noise mitigation levels.
- 7.10.10 In terms of the impact of the proposed scheme of mitigation on the amenity of future occupiers of the site, in respect of the impact of the acoustic fence on the outlook and light serving the dwellings, the proposed site layout ensures that dwellings situated near to the 7.5m extent of the acoustic screen would be set back from the boundary by approximately 16m, and would be separated from the acoustic wall by the proposed road network and the further area of tree planting and landscaping. Whilst the proposed dwellings would be orientated so that they face towards the acoustic screen, it is Officers' assessment that the proposed soft landscaping, coupled with the proposed separation distances, would ensure that the future occupants of these dwellings benefit from an acceptable standard of outlook and daylight serving the habitable windows situated in the front elevation of these properties.
- 7.10.11 In relation to the impacts of construction activities on the amenities of existing residential properties, it is appreciated that the application site is located immediately adjacent to the existing residential edge of Grantham and, therefore, there is the potential for short term impacts on the residential amenity of the existing properties as a result of noise, dust and vehicular movements associated with the construction of the proposed scheme. In view of the above, conditions are proposed to require the submission of a Construction Management Plan prior to the commencement of the development, and conditions controlling the construction hours and delivery hours of the proposed development, in order to mitigate these potential impacts.
- 7.10.12 Taking the above into account, subject to the imposition of conditions, it is Officers' assessment that the application proposals would not have any unacceptable adverse impacts on the amenity of neighbouring properties, and would provide an appropriate level of amenity for future occupants. As such, the application would accord with Policy SP3, DE1 and EN4 of the adopted Local Plan, and Section 12 and 15 of the National Planning Policy Framework in respect of residential amenity considerations.

## 7.11 Access and Highways Impacts

- 7.11.1 It is noted that public representations received on the application have raised objections in relation to the impact of the proposed development on highways safety and highways capacity. In particular, it has been stated that traffic generated by the proposed development would have an adverse impact on the local highways network, specifically the Bridge End Road / Harrowby Road junction, and also on Springfield Road. In addition, it has been suggested that the proposed scheme would not provide adequate pedestrian connections to the town centre, and would result in an increase in the risk of vehicular and pedestrian accidents occurring.
- 7.11.2 Lincolnshire County Council (as Local Highways Authority) have been consulted on the application proposals and have confirmed that they have no objections, subject to the imposition of conditions and financial contributions towards off-site improvements, which are to be secured through a Section 106 Agreement.
- 7.11.3 In assessing the submitted scheme, LCC Highways have confirmed that they are content that the proposed development would not give rise to any severe impacts on the local highways network in terms of capacity and / or safety. Furthermore, they have also confirmed that they accept that the scheme can be appropriately served by a priority T-junction rather than a ghost-island right turn as previously approved.
- 7.11.4 Additionally, they have also stated that the revised proposals would also ensure that the Proposed Site Layout provides appropriate connections between the site, and the existing residential estate to the west, and into the allocated development sites to the east and south.
- 7.11.5 As alluded to above, the Local Highways Authority have requested financial contributions to off-site highways works to ensure that the impacts of the development are appropriately mitigated; this includes a £30,000 per annum contribution to improving local bus services so that residents of the site are appropriately served by a bus route; £500,000 towards junction improvements at Gainsborough Corner and Harrowby Lane; and £300,000 towards the implementation of cycling infrastructure along Bridge End Road / Somerby Hill. It is Officers' assessment that these financial requests would meet the relevant legal tests, and therefore, have been included within the heads of terms for the Section 106 agreement.
- 7.11.6 Conditions are also proposed to require the estate roads and footways to be completed to finished surface levels prior to first occupation of the development, and to also require details of the phasing and completion of the development roads, as well as the implementation of a Travel Plan in order to encourage the use of sustainable forms of transport.
- 7.11.7 In addition, National Highways have also been consulted on the application proposals and have also confirmed that they have no objections.
- 7.11.8 Consequently, subject to the imposition of conditions and the provision of financial contributions towards off-site highways improvements, it is concluded that the site benefits from a location which would allow future occupants to travel to / from the site via sustainable modes of transport. The application proposals would not give rise to any unacceptable adverse impacts on highways safety and / or capacity, and would provide an appropriate level of parking provision. As such, the application proposals are assessed as being in accordance with Policy ID2 of the adopted South Kesteven Local Plan and Section 9 of the Framework.

## 7.12 **Flood Risk and Drainage**

- 7.12.1 In respect of flood risk and drainage matters, it is noted that representations received from members of the public and the Parish Council have raised concerns that the proposed development would increase the risk of flooding for properties on the David Eatch estate.
- 7.12.2 The application site is located within Flood Zone 1 of the Flood Map for Planning and is also identified as being at very low risk of surface water flooding. As such, it is concluded that the site presents an overall low risk of flooding.
- 7.12.3 As detailed above, the application proposals have been the subject of extensive discussions through the Council's Design PAD process, which has involved participation from the Lead Local Flood Authority (LLFA). As a direct result of the Design PAD process, the application scheme has been revised to incorporate additional SuDS measures, including an increase in the number of conveyance swales included within the scheme, as well as the provision of soakaway for infiltration located in the eastern part of the site. Surface water runoff from the site will be captured in the conveyance swales and drained into an attenuation pond positioned on the western boundary of the site (lowest point), which will subsequently be discharged in the existing public sewer network at the greenfield runoff rate. The surface water drainage system would be managed by the private management company, who will be responsible for the site. Foul water drainage is proposed to outfall to the existing Anglian Water network located on Somerby Hill.
- 7.12.4 Lincolnshire County Council (as Lead Local Flood Authority) have provided formal comments on the application scheme, and have confirmed that the proposal now incorporates the use of various SuDS techniques with a restricted rate of discharge. As a result, they are satisfied that the proposed development would not increase the flood risk of the site and / or neighbouring properties. Conditions are proposed to require the submission of a detailed surface water drainage plan, which will also be subject to a separate technical approval process with Lincolnshire County Council; this condition is to be required as a pre-commencement submission.
- 7.12.5 Furthermore, Anglian Water have also been consulted on the application proposals, and have confirmed that they have no objection subject to the imposition of conditions requiring the submission of a detailed surface water drainage strategy. Whilst they have indicated that the Marston Water Recycling Centre does not currently have capacity to accommodate the development, Anglian Water have a statutory obligation to accommodate foul water flows from developments with the benefit of planning permission. Therefore, Anglian Water would be required to take any necessary steps to ensure that there is sufficient capacity. In the event that substantive works were required to accommodate the development, it is anticipated that Anglian Water would have requested further conditions to allow for a suitable scheme of phasing / mitigation to be agreed.
- 7.12.6 Taking the above into account, subject to the imposition of conditions, the application proposals would accord with Policy EN5 of the adopted South Kesteven Local Plan and Section 14 of the Framework in relation to flood risk and drainage.

## 7.13 **Pollution Control**

- 7.13.1 It is appreciated that representations received from the Parish Council have raised concerns in relation to the potential for sources of ground contamination to be present at the application site.

7.13.2 In connection with the above, the application has been accompanied by a Phase I and Phase II Site Investigation (GeoDyne) (November 2022), which identifies the following key conclusions:

- Based on the testing undertaken, the surface topsoil and the Natural Strata, together with the localised Made Ground may be considered to be chemically uncontaminated.
- No specific remediation works will be required for the majority of the site, other than the provision of topsoil in the proposed gardens and other soft landscaped areas to provide a suitable growing medium for plants. It may be necessary increase the thickness of topsoil around the root balls of trees to suit the proposed planting regime.
- As the existing topsoil (excluding the Made Ground topsoil along the route of the track) is considered suitable for re-use at the site, it is considered unlikely that there will be a requirement to import topsoil.

7.13.3 In light of the above, the Council's Environmental Protection Team have been consulted on the application proposals and have confirmed that they accept the conclusions of the GeoDyne assessment. As such, they have confirmed that they have no objections to the application subject to the imposition of conditions requiring works to stop, and further investigation and remediation to be undertaken, in the event that any previously unexpected contamination is identified during the course of the development.

7.13.4 In addition, public representations have also raised objections on the grounds of the potential increase in air pollution resulting from vehicular movements generated by the development.

7.13.5 With regards to this, the application site does not fall within the Air Quality Management Area for Grantham. As referenced above, the Council's Environmental Protection Team have been consulted on the application proposals and have not raised any objections in relation to air quality impacts arising from the development. As such, it is concluded that the proposed development scheme would not result in any unacceptable adverse impacts on air quality.

7.13.6 Taking the above into account, it is concluded that, subject to the imposition of conditions, the proposed development would not give rise to any unacceptable risks of ground contamination, or air, noise or odour pollution. As such, the application proposals would accord with Policy EN4 of the adopted Local Plan and Section 15 of the Framework on these matters.

#### 7.14 **Biodiversity and Ecology**

7.14.1 It is noted that public representations received on the application have raised objections on the basis of the proposed impact of the development on local habitats and protected species. Furthermore, representations have also requested confirmation that the proposed scheme would not result in the removal of any trees.

7.14.2 The application has been accompanied by an Ecological Appraisal (FPCR) (June 2023), and accompanying Biodiversity Metric Assessment, which outlines the following:

- Hedgerows within the site are considered to be a Priority Habitat within the Biodiversity Action Plan, These have been retained where possible within the development, and those to be retained are recommended to be buffered and enhanced within the landscaping scheme.

- Any hedgerows and trees to be retained are to be suitably protected during construction activities.
- The retained hedgerows are linked where possible to additional high quality habitats to be created within the site. The low ecological value of the ruderal vegetation and the improved grassland within the Site presents scope for ecological enhancement and the following matters have been included in the landscaping designs: use of species rich grasslands; planting of additional native scrub and tree species; creation of a large SuDS area to be maintained with species rich wet grassland.
- The site provides some foraging and commuting habitat for bats, limited to the boundary hedgerows and tree lines. It is recommended that a range of bat boxes should be installed on selected dwellings and retained trees across the site to provide roosting opportunities.
- The proposed development would result in a net gain of 1.45 habitat units (7.69%); and 2.05 hedgerow units (60.66%).

7.14.3 In relation to the above, Lincolnshire Wildlife Trust have been consulted on the application and it is noted that they have registered a holding objection. However, it is noted that Lincolnshire Wildlife Trust objected on the basis that the scheme does not provide the 10% net gain required by the Environment Act, and similarly, that the scheme does not include a Habitat Management and Monitoring Plan for a 30 year period, also required by the Environment Act.

7.14.4 In this regard, it should be noted that the application proposals were submitted in advance of the statutory obligations for major planning applications coming into effect. As such, whilst the proposed development falls to be assessed against Policy EN2 of the adopted Local Plan, which seeks to achieve a net gain where possible, there is no policy obligation for the development to achieve a minimum 10% net gain or to provide a Habitat Management and Monitoring Plan.

7.14.5 In this context, it is Officers' assessment that the application proposals would achieve a net gain in biodiversity as required by Policy EN2, and the proposed soft landscaping scheme has appropriately incorporated the recommendations of the Ecological Appraisal.

7.14.6 Conditions are proposed to require the development to be carried out in accordance with the ecological mitigation and enhancement measures set out within the Ecological Appraisal, including the provision of a scheme of bird and bat boxes, and compliance with the proposed soft landscaping plans. Conditions are also proposed to require the submission of a Landscape and Ecological Management Plan to ensure the appropriate measures are implemented for the establishment of the soft landscaping scheme. Finally, conditions are also proposed to require the submission of a Hedgerow Management Plan, which would ensure that these assets are appropriately protected throughout the construction period.

7.14.7 In view of the above, it is Officers' assessment that, subject to the imposition of conditions, the proposed development would not result in any unacceptable impacts on ecological assets, and would result in an overall biodiversity net gain. As such, the application proposals would accord with Policy EN2 of the adopted Local Plan, and Section 15 of the Framework in respect of ecology, biodiversity and arboriculture.

## 7.15 **Climate Change**

- 7.15.1 It is noted that representations received from Londonthorpe and Harrowby Without Parish Council have requested that all new dwellings erected at the site are fitted with electric vehicle charging points and solar panels.
- 7.15.2 In this regard, it should be noted that the adopted Local Plan does not set out a policy requirement for all dwellings to be fitted with EVCPs and solar panels; instead, the requirement is for developments to maximise the use of renewable and low carbon energy generation systems, and support low carbon travel. This policy wording is reflective of the principle of reducing carbon emissions through development, but recognises that there are multiple options for achieving this target without specifically requiring the installation of solar panels etc.
- 7.15.3 The application has been accompanied by an Energy Strategy Statement (Briary Energy) (June 2023), which sets out an assessment of the suitability of low carbon energy efficiency measures for the proposed development. The submitted statement identifies the following:
- The developer will first ensure a Building Regulations compliant carbon reduction across all dwellings through fabric measures, before assessing LZC technologies where appropriate.
  - In order to achieve Building Regulations standards or better improvement (Part L) 174kWp will be applied, following initial demand reduction through fabric efficiency measures.
  - Waste Water Heat Recovery Systems will be applied to 176 dwellings across the site resulting in carbon reduction of 3.85%.
- 7.15.4 It is Officers' assessment that the proposed measures would be reflective of the overall principles of sustainable construction referenced in Policy SB1. However, further details will be required relating to the implementation of EV charging points; it is Officers' assessment that these details can be appropriately secured through planning conditions.
- 7.15.5 As such, subject to the imposition of conditions requiring the development to be carried out in accordance with the submitted Energy Strategy, including the submission of a scheme for EV charging points, the proposal would represent sustainable development when assessed as a whole, and would accord with the requirements of Policy SB1 and SD1 of the adopted Local Plan.

## 7.16 **Impact on heritage assets**

- 7.16.1 As previously identified, the previous planning appeal for the site has determined that the site forms part of the setting of St. Wulfram's Church, St. John's Church and St. Vincent House.
- 7.16.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard for the desirability of preserving listed buildings and their settings, or any special architectural or historic interest which it possess.
- 7.16.3 In respect of the above, it is noted that the Appeal Inspector concluded that the harm to the significance of the aforementioned heritage assets would be less than substantial, but that this level of harm would be outweighed by the public benefits associated with this scheme.
- 7.16.4 Notwithstanding the above, it is noted that the current application scheme would involve the development of the western parcel of land which was not included in the previously

approved development site, and similarly the quantum of development proposed has also been increased.

- 7.16.5 In this regard, the Council's Conservation Officer has been consulted on the application proposals and they have confirmed that they have no objections. In providing their comments, they have confirmed that the proposed changes to the scheme would not result in any further harm to the heritage assets beyond those previously identified by the Appeal Inspector.
- 7.16.6 As such, it is concluded that the proposed development scheme would result in less than substantial harm to the significance of St. Wulframs' Church, St John's Church and St. Vincent House. As such, in accordance with Policy EN6 of the adopted Local Plan, and Paragraph 208 of the Framework, the identified harm falls to be weighed against the overall public benefits.
- 7.16.7 In this case, it is Officers' assessment that the provision of 250 residential dwellings, including 30% affordable housing, represents a significant public benefit which should be attributed significant weight. Similarly, the proposed development scheme would also provide economic benefits through the construction and occupation of the development, together with environmental benefits associated with the net gain in biodiversity. As such, it is Officers' assessment that the public benefits of the scheme would outweigh the less than substantial harm to the identified heritage assets. As such, the application would be in accordance with Policy EN6 of the adopted Local Plan and Section 16 of the Framework on these matters.

#### 7.17 **Open Space Provision**

- 7.17.1 In respect of the provision of open space as part of the application proposals, it is noted that public representations received on the application have objected on the basis that the scheme fails to provide sufficient public open space to cater for the needs of future occupants, and similarly that the quality of the proposed open spaces would be inadequate.
- 7.17.2 With regards to the above, the application scheme has been accompanied by a detailed Landscaping Strategy and Soft Landscape Proposals Plans, which demonstrate that the site would feature 2.61 hectares of informal and formal open space to be provided throughout the development site; this includes the provision of informal areas of open space, which would provide retained views towards St. Wulframs Church, perimeter walks throughout the site; and 3 (no) children's play areas, including 1 fully equipped play area which includes a series of swings, climbing frames and rocking toys.
- 7.17.3 It is Officers' assessment that the proposed on-site open space would meet the requirements for informal open space and young person's play space identified within Policy OS1 of the adopted Local Plan. This on-site open space would be secured through the Section 106 Agreement.
- 7.17.4 In respect of the requirements for outdoor sports provision, it is noted that there are no proposals for the provision of such facilities within the application site, and as such appropriate contributions will be required towards enhancing off-site facilities in order to mitigate against the impacts generated by the additional population resulting from the development. In this case, the financial contribution required would be £173,887.56 which would be utilised to improve existing sports facilities located within the Grantham Urban Area.

7.17.5 As referenced above, it is anticipated that management of the on-site open space would be undertaken via a private management company. However, it is proposed to include conditions to require the submission of a Landscape and Ecological Management Plan, and the details submitted pursuant to this condition would be required to confirm the long-term management arrangements.

7.17.6 Taking the above into account, subject to the imposition of conditions and the completion of a Section 106 Agreement, the application scheme would provide sufficient open space to meet the needs of the development, as required by Policy OS1 of the adopted South Kesteven Local Plan, and Section 8 of the National Planning Policy Framework.

#### 7.18 **Impact on archaeological assets**

7.18.1 With regards to the impact of the development on archaeology, the application submission has been accompanied by an Archaeological Desk Based Assessment (RPS) (March 2023), which sets out the results of the programme of archaeological evaluation undertaken to date on the site.

7.18.2 Heritage Lincolnshire (as Local Archaeological Advisors) have been consulted on the submitted details and have confirmed that part of the site has been the subject of a previous geophysical survey, which identified the presence of archaeological features. As such, it is considered that the site offers the potential for remains to be present. Therefore, further investigation is required to include a scheme of geophysical survey of the area not previously surveyed, together with a programme of trial trenching. These works are proposed to be secured via pre-commencement planning conditions.

7.18.3 Therefore, subject to the imposition of conditions, the application proposals would not have any unacceptable adverse impacts on any below ground archaeological assets. As such, the proposals would be in accordance with Policy EN6 of the Local Plan and Section 16 of the National Planning Policy Framework.

#### 7.19 **Minerals Safeguarding**

7.19.1 As previously discussed, the proposed development site is situated within a Minerals Safeguarding Area, as designated by the Lincolnshire Minerals and Waste Local Plan.

7.19.2 Lincolnshire County Council (as Minerals Planning Authority) have been consulted on the application, and have confirmed that they have no minerals safeguarding objections.

7.19.3 Consequently, it is concluded that the application would be in accordance with Policy M11 of the Minerals and Waste Local Plan, and Section 17 of the Framework.

#### 7.20 **Infrastructure for Growth**

7.20.1 It is appreciated that representations received on the application from members of the public and the Parish Council have raised objections on the basis that there is insufficient education and healthcare capacity within the local area to accommodate the development.

7.20.2 In this respect, Lincolnshire Integrated Care Board (LICB) have been consulted on the application and have confirmed that the development will impact on healthcare capacity within the local area. As such, they have requested financial contributions towards expanding healthcare provision within the primary care network.

7.20.3 Lincolnshire County Council (as Local Education Authority) have been consulted on the application, and following an additional review of the existing education capacity, and the forecasted growth in population within Grantham, they have confirmed that there is sufficient

existing capacity within primary, secondary and sixth form education. As such, they have not requested any mitigation to be provided as part of the development.

7.20.4 As discussed previously, Lincolnshire County Council (as Local Highways Authority) have requested financial contributions towards providing cycle infrastructure on Somerby Hill, bus service improvements to serve the development site, and junction improvements at Gainsborough Corner and Harrowby Lane. These contributions are included in the proposed heads of terms.

7.20.5 Consequently, the application proposals are for a major residential development and would result in the need for Section 106 contributions as follows:

- **Open Space** – on-site provision as per the approved plans, and £173,887.56 towards enhancing sports facilities within the Grantham Urban Area.
- **Affordable Housing** – 30% of all dwellings on site consisting of:
  - Affordable Homes (Shared Ownership) (10 dwellings)
    - 6 x 2-bed houses
    - 4 x 3 bed houses
  - Affordable Homes (First Homes) (20 dwellings)
    - 8 x 2 bed houses
    - 12 x 3-bed houses
  - Affordable Homes (Affordable Rent) (45 dwellings)
    - 18 x 1-bed houses
    - 13 x 2-bed houses
    - 10 x 3-bed houses
    - 4 x 4-bed houses

Dwellings to be provided as per the approved plans, and additional details to be provided to secure the appropriate Nominations Agreements.

- **Healthcare** - £165,000.00 towards expanding healthcare capacity in the Primary Care Network.
- **Highways (Junction Improvements)** - £500,000 towards junction improvements at Gainsborough Corner and Harrowby Lane.
- **Highways (Cycle Infrastructure)** - £300,000 towards cycleway improvements on Somerby Hill / Bridge End Road.
- **Highways (Bus Services)** - £20,000 per annum for 3 years towards bus service improvements
- **Monitoring Fee** - £15,000.00

7.20.6 As such, in the event that the application was deemed to be acceptable in all other respects, the above financial contributions would ensure that the local infrastructure is appropriately upgraded to cope with the additional population generated by the development. As such, it is concluded that these financial requests are compliant with the statutory tests of the CIL Regulations, as well as local and national planning policy requirements.

7.20.7 Therefore, subject to the completion of a Section 106 Agreement, the application proposals would accord with Policy ID1, ID2 and H2 of the adopted South Kesteven Local Plan.

## **8 Crime and Disorder**

8.1 It is concluded that the proposals would not result in any significant crime and disorder implications.

## **9 Human Rights Implications**

9.1 Article 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is concluded that no relevant Article of the Act will be breached in making this decision.

## **10 Planning Balance and Conclusions**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

10.2 The current application seeks full planning permission for the erection of 250 dwellings with landscaping, access, open space and associated works.

10.3 As discussed, the eastern field of the application site benefits from outline planning permission for up to 205 dwellings, which was granted in November 2021. This extant planning permission has established the principle of residential development on this part of the site, and remains capable of implementation. As such, it represents a valid fallback position that the current application is assessed against.

10.4 In relation to the remaining / western parcel of the site, whilst this parcel of land is situated on the edge of the existing built-up area of Grantham, it lies outside, but immediately adjacent to the defined Grantham Urban Area. Nonetheless, it is Officers' position that development of this parcel of land falls to be viewed in the context of the existing and committed residential development, which bounds the site to the west, east and south. As such, the development of the site would be defined as infill development (albeit on a large scale) and would be in accordance with Policy SP3 of the adopted Local Plan. Therefore, it is Officers' assessment that the application proposals would be in accordance with the adopted spatial strategy, as set out in Policy SP1, SP2 and SP3 of the Local Plan, and therefore, would be acceptable in principle, subject to material considerations.

10.5 The application scheme would deliver 250 dwellings, including 30% affordable housing, which would make a substantial contribution towards the Council's five year housing land supply, and would assist in meeting the acute need for affordable housing in Grantham. The provision of this additional housing is a significant benefit, which Officers' would attribution significant weight.

10.6 In respect of the design and visual impact of the scheme, the application scheme has been the subject of revision following extensive engagement with the Council's Design PAD service, and this has resulted in a development proposal which would be high-quality and perform positively against Building for Healthy Life. The proposals are an appropriate layout, appearance, landscape and scale of development, which would integrate with the existing and committed residential estates to the south, east and west. Furthermore, having regard to the proposed scheme and the relationship with existing residential properties, the development would not give rise to any unacceptable impacts on residential amenity.

- 10.7 In addition, whilst the proposed development scheme would result in less than substantial harm to the significance of St Wulframs Church, St John's Church, and St. Vincent House, it is Officers' assessment that the public benefits of this scheme would demonstrably outweigh the level of harm caused. As such, the application would accord with Policy EN6 of the adopted Local Plan, and Section 208 of the NPPF.
- 10.8 Similarly, subject to the imposition of conditions, the application scheme would accord with the adopted Development Plan in respect of all technical material considerations.
- 10.9 Taking the above into account, it is Officers' assessment that the application proposals would accord with the adopted Development Plan when taken as a whole, and the material considerations in this case, including Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which has been attributed considerable weight and importance, also indicate that planning permission should be granted; although appropriate conditions are recommended.

## **11 Recommendation**

### **Recommendation – Part 1**

- 11.1 To authorise the Assistant Director – Planning to GRANT planning permission, subject to the completion of a Section 106 Agreement securing the necessary financial contributions set out within the report above, and subject to the proposed schedule of conditions detailed below.

### **Recommendation – Part 2**

- 11.2 Where the Section 106 Agreement has not been concluded prior to the Committee, a period not exceeding twelve weeks after the date of Committee shall be set from the completion of the obligation.
- 11.3 In the event that the agreement has not been concluded within the twelve-week period and where, in the opinion of the Assistant Director – Planning, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused for the following reason(s):
1. The applicant has failed to enter into a planning obligation to secure the required level of affordable housing, as well as necessary financial contributions to healthcare, open space and highways mitigation as required by Policy ID1, ID2, H2 and OS1 of the adopted South Kesteven Local Plan 2011-2036.

## **Schedule of Condition(s)**

### **Time Limit for Commencement**

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans**

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - a. Proposed Planning Layout (Ref: EMxxx-PD-021)
  - b. Proposed Materials Plan (Ref: N1971/600/Rev E)
  - c. Proposed Boundary Treatment Plan (Ref: N1971/700/Rev E)
  - d. Proposed Soft Landscaping Plans (Ref: GL272/01D)
  - e. Proposed Soft Landscaping Plans (Ref: GL272/02D)
  - f. Proposed Soft Landscaping Plans (Ref: GL272/03D)
  - g. Proposed Soft Landscaping Plans (Ref: GL272/04D)
  - h. Proposed Soft Landscaping Plans (Ref: GL272/05D)
  - i. Proposed LEAP Plan (Ref: GL2072/06B)
  - j. Proposed Landscape Plans – Street Typologies (Ref: GL2072/07A)
  - k. House Type Pack – Market Housing and Affordable Housing (received 22 January 2024)

Unless otherwise required by another conditions of this permission.

Reason: To define the permission and for the avoidance of doubt.

### **Before the Development is Commenced**

#### **Archaeological Investigation**

- 3) Before the development hereby permitted is commenced, a written scheme of archaeological investigation shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the archaeological investigations shall be completed in accordance with the approved details.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan.

#### **Construction Management Plan**

- 4) No development, including demolition of buildings hereby approved, shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall include measures to mitigate the adverse impacts during the construction stages of the permitted development and shall include:
- a. The phasing of the development, including access construction
  - b. The on-site parking of all vehicles of site operatives and visitors
  - c. The on-site loading and unloading of all plant and materials.
  - d. The on-site storage of all plant and materials used in constructing the development.
  - e. Dust suppression measures
  - f. Wheel washing facilities
  - g. A strategy stating how surface water runoff on and from the development will be managed during construction, and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during all construction works.
  - h. A detailed phasing plan and timetable for the development, including the build routes.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: In the interests of the residential amenity of the neighbouring properties.

#### Drainage Strategy

- 5) Before the development hereby permitted is commenced, a scheme for the treatment of surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- a. Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
  - b. Provide flood exceedance routing for storm events greater than the 1 in 100 year event;
  - c. Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
  - d. Provide attenuation details and discharge rates which shall be restricted to 2.0 litres per second;
  - e. Provide details of the timetable for and any phasing of the implementation for the drainage scheme; and
  - f. Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

Thereafter, no dwelling shall be occupied until the approved scheme has been completed or provided on site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

#### Hedgerow and Tree Protection Plan

- 6) No works or development shall take place until a final, detailed arboricultural method statement and protection plan for the protection of the retained trees and hedgerows has been submitted to, and approved in writing by, the Local Planning Authority. The method statement and plan shall meet with the standards set out in the BS5837:2012.

The protection scheme and plan shall be completely implemented prior to site preparation, clearance and building works starting on site and not removed until entirely complete. The protection scheme must include details of all trees and hedgerow to be retained and positioning of protection fencing and ground covers to create construction exclusion zones. No retained tree or hedgerow shall be cut down, uprooted, or destroyed, nor shall any retained tree or hedgerow be pruned in any manner without the prior writing approval of the Local Planning Authority.

Reason: In the interests of visual amenity and for the avoidance of doubt.

#### Estate Road Phasing Plan

- 7) Prior to the development hereby permitted is commenced, an Estate Road Phasing and Completion Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Thereafter, the development shall be undertaken in accordance with the approved details.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

#### **During Building Works**

#### EV Charging Points Plan

- 8) No development above damp-proof course shall take place until a plan detailing the location of electric vehicle charging points, as required by Local Plan Policy SB1, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved electric vehicle charging points shall be installed prior to first occupation of the dwellings hereby permitted.

Reason: To ensure the development mitigates against and adapts to climate change in accordance with Policy SB1 of the adopted South Kesteven Local Plan.

### Construction Hours

- 9) Construction work on site shall only be carried out between the hours of 0730 and 1800 Monday to Friday, and 0900 to 1300 on Saturdays. Construction work shall not be carried out on Sundays or Public Holidays; unless otherwise agreed in writing by the Local Planning Authority.

The term “construction work” shall include all mobile and fixed plant and machinery, radios and the delivery of materials.

Reason: To minimise noise impacts on the adjacent residential dwellings.

### Ecological Mitigation

- 10) All works on site, including construction and delivery works, shall be carried out in accordance with the recommendations contained within the Preliminary Ecological Appraisal (FPCR) (June 2023).

Reason: In the interests of best ecological practice and in accordance with Policy EN2 of the adopted South Kesteven Local Plan.

### Bat and Bird Roosting Boxes

- 11) No development above damp-proof course shall take place until a scheme for the installation of bat roosting boxes and bird roosting boxes has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in broad accordance with the recommendations contained within the Preliminary Ecological Appraisal (FPCR) (June 2023).

Thereafter, the approved scheme shall be installed on site prior to first occupation of the development hereby permitted, and shall be retained for the lifetime of the development.

Reason: In the interests of best ecological practice and in accordance with Policy EN2 of the adopted Local Plan.

### Previously Unidentified Contamination

- 12) Should the developer, during excavation and construction works of the approved development site, find any area where it is suspected that the land is contaminated, then all works must stop and the Local Planning Authority notified immediately. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared in accordance with current good practice and legislation, and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved remediation scheme shall be implemented in accordance with the approved details.

Following the completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby permitted.

Reason: Previous activities associated with the site may have caused, or had the potential to cause, land contamination and to ensure that any site investigation and remediation will not cause pollution, in the interests of the amenities of future residents and users of the development; and in accordance with Local Plan Policy EN4 (Pollution Control).

### Materials Specification

13) Before any of the works on the external elevations of the dwellings hereby permitted are begun, a detailed specification of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces of the dwellings shall have been submitted to and approved in writing by the Local Planning Authority. Details shall be in broad accordance with the following approved plan: Proposed Materials Plan (Ref: N1971/600/Rev E).

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

### Finished Floor Levels

14) Before any development above foundation level is commenced, plans showing the existing and proposed land levels of the site (including spot heights, contours and finished floor levels of all buildings) with reference to an off-site datum point, shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved details and the site levels completed as approved in accordance with the approved Phasing Plan and Timetable required by Condition 4 above.

Reason: In the interests of the visual amenity of the area, and in accordance with Policy DE1 of the adopted South Kesteven Local Plan 2011-2036.

## **Before the Development is Occupied**

### Sustainable Building

15) Prior to the occupation of each dwellings hereby approved, works shall be undertaken to conform with the sustainable building measures detailed in the approved Energy Strategy Statement (Briary Energy) (Dated June 2023).

Reason: To ensure the development mitigates against and adapts to climate change in accordance with Policy SB1 of the adopted South Kesteven Local Plan.

### Acoustic Mitigation Implementation

16) Before any dwellings hereby permitted is occupied, the scheme for acoustic mitigation as detailed in the Noise Report (Sharps Acoustics) (June 2023) shall have been completed in full.

Reason: To ensure that future residents of the development benefit from an appropriate level of amenity in accordance with Policy DE1 and EN4 of the adopted South Kesteven Local Plan.

### Noise Validation Testing

17) Before any dwelling hereby permitted is occupied, a verification report that scientifically and technically demonstrates the effectiveness of the noise remediation scheme, as required, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the residential amenity of future occupiers of the development.

### Estate Road Junction

18) Before any part of the development is occupied, all of that part of the estate road and associated footways that forms the junction with Somerby Hill / Bridge End Road, and which will be constructed within the limits of the public highways, shall be laid out and constructed to finished levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

### Travel Plan

19) Before any dwelling hereby permitted is occupied, the measures contained in the Residential Travel Plan (ADC Infrastructure) (Ref: ADC2970-RP-C) shall be implemented in accordance with the timetable contained within the approved document and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is reduced dependency on the private car for journeys to and from the development.

### Materials Implementation

20) Before the dwellings hereby permitted are first occupied, the external materials must have been completed in accordance with the approved external materials details.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

### Hard Landscaping Implementation

21) Before any part of the development hereby permitted is occupied, all hard landscaping works shall have been completed in accordance with the approved details.

Reason: Hard landscaping makes an important contribution to development and its assimilation with its surroundings, and in accordance with Policy DE1 and EN6 of the adopted South Kesteven Local Plan.

### Boundary Treatments Implementation

22) Before each dwelling hereby permitted is occupied, the works to provide the boundary treatments relating to that part of the development shall have been completed in accordance with the approved boundary treatment scheme.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed and neighbouring dwellings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

### Landscape and Ecological Management Plan

23) Before any part of the development hereby permitted is occupied, a Landscape and Ecological Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a. Long term design objectives
- b. Management responsibilities; and
- c. Maintenance schedules for all landscaped areas, other than privately owned, domestic gardens.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 and EN2 of the adopted South Kesteven Local Plan.

## **Ongoing**

### Accessible and Adaptable Dwellings

24) The dwellings identified as being Accessible and Adaptable in line with the standards set out in Part M4(2) of the Building Regulations on the approved Planning Layout, shall be completed in accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

Reason: To ensure the development meets the needs of all potential future occupiers in accordance with Policy DE1 of the Local Plan.

### Soft Landscaping Implementation

- 25) Before the end of the first planting / seeding season following the first occupation of the development hereby permitted, all soft landscaping works shall have been carried out in accordance with the approved soft landscaping works.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings, and in accordance with Policy DE1 and EN6 of the adopted South Kesteven Local Plan.

### Soft Landscaping Protection

- 26) Within a period of five years from the first occupation of the final dwelling / unit of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping, in accordance with the approved designs and in accordance with Policy DE1 and EN2 of the adopted South Kesteven Local Plan.

### Compliance with LEMP

- 27) Following the first occupation of the final dwelling hereby permitted, the approved Landscape and Ecological Management Plan shall be adhered to in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Soft landscaping make an important contribution to the development and its assimilation with its surroundings and in accordance with Policy DE1 and OS1 of the adopted South Kesteven Local Plan.

### Standard Note(s) to Applicant

- 1) In reaching this decision, the Council has worked with the Applicant in a positive and proactive manner by determining the application without undue delay. As such, it is considered that the decision is in accordance with Paragraph 38 of the National Planning Policy Framework (December 2023).
- 2) All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are out forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction, and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily out forward for adoption as public highways may be subject to action by the Highway Authority under Section 219 (Advanced Payments Code) of the Highways Act 1980.

- 3) In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highways Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.
- 4) Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development hereby 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 our website via the following links:  
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>  
Licences and Permits – <https://www.lincolnshire.gov.uk/licences/permits>.
- 5) Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets with either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before the development can commence.
- 6) Notification of intention to connect to the public sewer under Section 106 of the Water Industry Act approval and consent will be required by Anglian Water under the Water Industry Act 1991. Contact Development Services on 0345 606 6087.
- 7) No building will be permitted within the statutory easement width of 3m from the pipeline without agreement from Anglian Water.
- 8) 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 Section 104 of the Water Industry Act 1991), they should contact the Development Services Team 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.

Site Location Plan



Key  
Application boundary  
0.5ha (22.54 acres)



**BLOOR HOMES**

**nineteen47**  
A BLOOR HOMES COMPANY

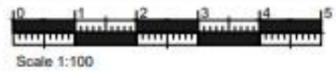
Somerby Hill, Grantham

Site Location Plan

Project No.	19071	Revision No.	001	Scale	1:1,250 @ A1
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Proposed House Types



**FRONT ELEVATION**  
Refer to materials plan for individual plot finishes



**SIDE ELEVATION**



**REAR ELEVATION**



**SIDE ELEVATION**

National Space Standards - CLASSICS		
	Actual Area	NSS Requirement
Ground Floor Plan	60.91m <sup>2</sup>	
First Floor Plan	59.38m <sup>2</sup>	
Total floor area m <sup>2</sup>	120.28m <sup>2</sup>	97.00m <sup>2</sup>
Total floor area ft <sup>2</sup>	1296ft <sup>2</sup>	1044ft <sup>2</sup>
Bedroom 1	13.68m <sup>2</sup>	11.5m <sup>2</sup>
Bedroom 2	9.69m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3	8.23m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4	7.80m <sup>2</sup>	7.5m <sup>2</sup>
Store Bedroom 1	0.58m <sup>2</sup>	
Store Bedroom 4	1.46m <sup>2</sup>	
Store Stairs	0.98m <sup>2</sup>	
<b>Built in store total</b>	<b>3.02m<sup>2</sup></b>	<b>3.0m<sup>2</sup></b>

**WYATT**  
TUDOR  
476.PL-03

DATE: JAN 2023      REV:  
SCALE: 1:100 @ A3

DRAWN: MW      121.81m<sup>2</sup>  
CHECKED: GPM      1311ft<sup>2</sup>





Scale 1:100



**474**  
**FRONT ELEVATION**  
Refer to materials plan for individual plot finishes



**474**  
**SIDE ELEVATION**



**474**  
**REAR ELEVATION**



**474**  
**SIDE ELEVATION**

National Space Standards		
	Actual Area	NSS Requirement
Ground Floor Plan	51.23m <sup>2</sup>	
First Floor Plan	65.35m <sup>2</sup>	
Total floor area m <sup>2</sup>	116.58m <sup>2</sup>	106.00m <sup>2</sup>
Total floor area ft <sup>2</sup>	1255ft <sup>2</sup>	1141ft <sup>2</sup>
Bedroom 1	13.55m <sup>2</sup>	11.5m <sup>2</sup>
Bedroom 2	9.87m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 3	8.35m <sup>2</sup>	7.5m <sup>2</sup>
Bedroom 4	8.11m <sup>2</sup>	7.5m <sup>2</sup>
Store Hall	1.35m <sup>2</sup>	
Store Landing 1	0.48m <sup>2</sup>	
Store Landing 2	0.70m <sup>2</sup>	
Store Bedroom 1	0.54m <sup>2</sup>	
<b>Built in store total</b>	<b>3.06m<sup>2</sup></b>	<b>3.0m<sup>2</sup></b>

**SKELTON**  
TUDOR  
474.PL-03

DATE: JAN 2023      REV:  
SCALE: 1:100 @ A3

DRAWN: RW      118.47m<sup>2</sup>  
CHECKED: GPM      1275ft<sup>2</sup>





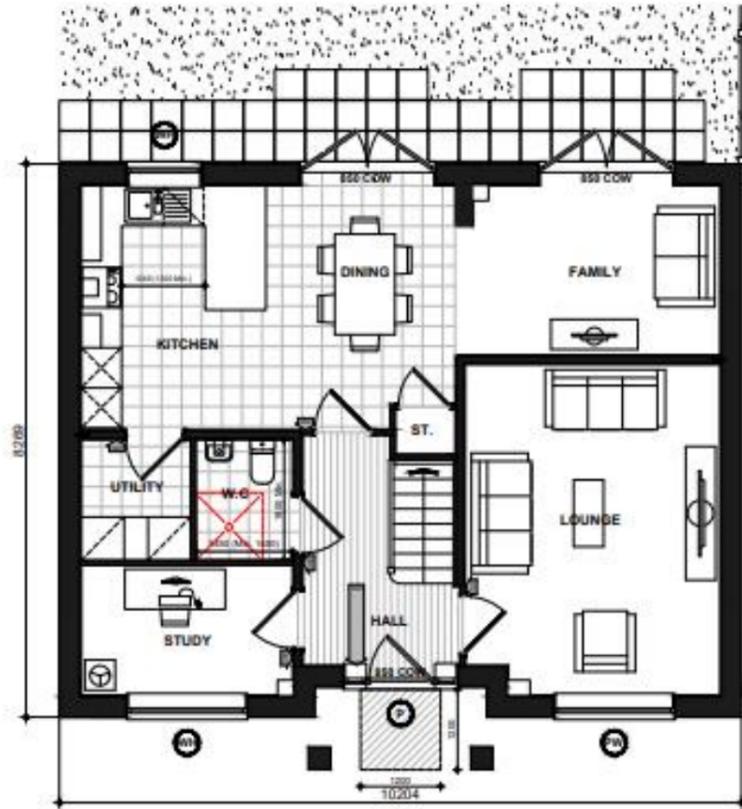
CLAM482  
FRONT ELEVATION



CLAM482  
SIDE ELEVATION

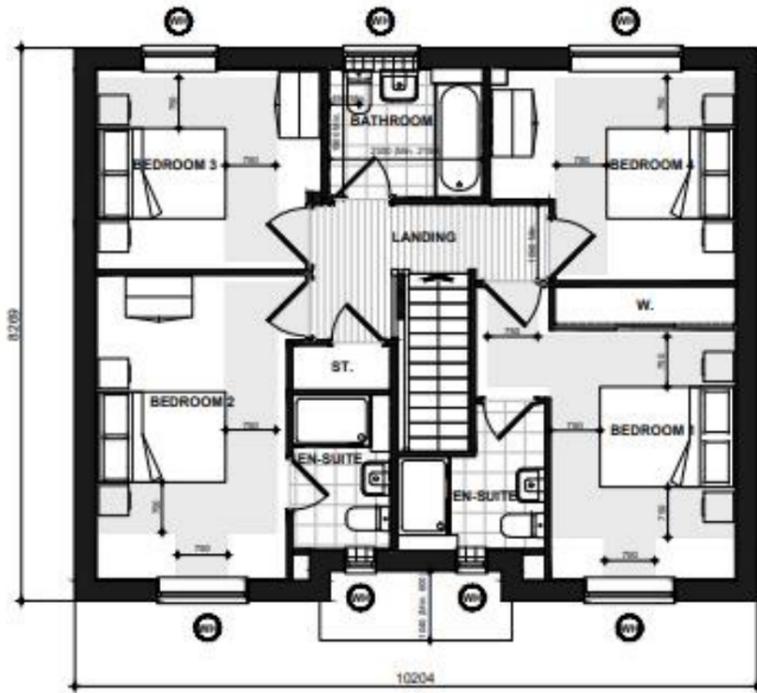


CLAM482  
REAR ELEVATION



M482  
GROUND FLOOR PLAN

- ⊙ (DENOTES - PRINCIPLE PRIVATE ENTRANCE NOMINATED AS STEP FREE ACCESS. ENTRANCE DOOR TO COMPLY WITH PROVISIONS A - I OF PARAGRAPH 2.20 PART M4(2) PRIVATE ENTRANCES. WITH A LEVEL EXTERNAL LANDING MIN. WIDTH/DEPTH OF 1200MM. FULLY DIFFUSED AUTOMATED LIGHTING TO BE PROVIDED TO ENTRANCE. | DOOR REVEAL DEPTH MAX 20MM TO DOOR FACE WHEN CLOSED.
- ⊙ DENOTES - ENTRANCE DOORS TO HAVE 850mm CLEAR OPENING WIDTH. IN ACCORDANCE WITH PART M4 (2) DIAGRAM 2.2.
- DOUBLE DOORS NOT CLASSIFIED AS PRINCIPLE OR ALTERNATIVE ENTRANCE TO HAVE ONE OR BOTH LEAVES WITH 750MM CLEAR OPENING WIDTH OR BE ABLE TO BE OPERATED WITH SINGLE ACTION REASONABLY ACCESSIBLE TO WHEELCHAIR USER.
- NOTE : PLEASE REFER TO SITE LAYOUT FOR AN ALTERNATIVE PRIVATE ENTRANCE WHERE A STEP FREE ACCESS CANNOT BE ACHIEVED TO THE PRINCIPLE PRIVATE ENTRANCE.
- LEVEL EXTERNAL LANDING IS COVERED BY PORCH. MIN. WIDTH OF 900mm AND DEPTH OF 600mm FULLY DIFFUSED AUTOMATED LIGHTING TO BE PROVIDED TO ENTRANCE.
- ⬇ DENOTES - 300mm NB IS PROVIDED TO THE LEADING EDGE OF ALL DOORS ON THE ENTRANCE STOREY.
- ⬇ DENOTES - PRINCIPLE PRIVATE ENTRANCE A 300mm NB IS PROVIDED TO THE LEADING EDGE AND THE EXTRA WIDTH MAINTAINED 1200mm BEYOND IT. 1200mm MIN. CLEAR SPACE IN FRONT OF AND BETWEEN ALL KITCHEN UNITS & APPLIANCES.
- ⊙ (DENOTES - PRINCIPLE LIVING SPACE. GLAZED DOOR OR WINDOW CILL TO START MAX. 850MM AFTL. HANDLE OF 1900 MIN WINDOW IN PRINCIPLE LIVING AREA BETWEEN 450MM - 1200MM AFTL. UNLESS FITTED WITH REMOTE OPENING DEVICE WITHIN THIS HEIGHT RANGE.)
- ⊙ (DENOTES - ALL OTHER WINDOWS TO HAVE HANDLES LOCATED BETWEEN 450MM-1400MM AFTL. UNLESS FITTED WITH A REMOTE OPENING DEVICE.)
- BOILER TIMER CONTROLS & THERMOSTATS SHOULD BE EITHER MOUNTED BETWEEN 900MM AND 1300MM ABOVE FINISHED FLOOR LEVEL ON THE BOILER, OR HAVE SEPARATE CONTROLLERS (WIRED OR WIRELESS) MOUNTED ELSEWHERE IN AN ACCESSIBLE LOCATION WITHIN THE SAME HEIGHT RANGE.
- ALL WALLS, DUCTS AND BOXINGS TO THE WC/CLOAKROOM, BATHROOM AND SHOWER ROOM SHOULD BE STRONG ENOUGH TO SUPPORT GRAB RAILS, SEATS AND OTHER ADAPTATIONS THAT COULD IMPOSE A LOAD OF UP TO 1.5kN/m²
- ACCESSIBLE BATHROOM WITH WC/BASIN/BATH ON THE SAME FLOOR AS THE PRINCIPLE DOUBLE BEDROOM.
- BED REFERENCES:  
 KSB - KING SIZE BED 1500 X 2000  
 DB - DOUBLE BED 1500 X 1350  
 SB - SINGLE BED 900 X 1900
- DOUBLE BEDROOM (PRINCIPLE) TO HAVE 750mm CLEAR ACCESS ZONE TO BOTH SIDES AND FOOT OF BED.
- SINGLE OR TWIN BEDROOM TO HAVE 750mm CLEAR ACCESS ZONE TO ONE SIDE OF BED.
- REFER TO DETAILS 18906.1 & 18906.2 FOR FURTHER INFORMATION.



M482  
FIRST FLOOR PLAN

**PORTLAND**  
 CLA BRICK  
 M482.PL-01

DATE: JUN 2023      REV:  
 SCALE: 1:100 @ A3

DRAWN: JC                      144.31m²  
 CHECKED: GPM                1553ft²

**BLOOR HOMES**

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**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

16 May 2024



## S23/2032

Proposal:	Reserved matters application for approval of details relating to layout, scale, appearance and landscaping in connection with outline residential development of up to 71 dwellings, vehicle access, public open space and associated infrastructure S19/1784
Location:	Land east of Folkingham Road, Morton
Applicant:	Mr Dan Drage Balfour Beatty Homes
Application Type:	Reserved Matters
Reason for Referral to Committee:	Reserved matters pursuant to outline consent that was determined by Planning Committee
Key Issues:	Design and Visual Impact Impact on heritage assets
Technical Documents:	Construction Management Statement Environmental Noise Survey Built Heritage Assessment Addendum Ecology Mitigation/Enhancement Strategy report Materials Schedule report Accommodation Schedule and Housing Justification Statement Drainage Strategy Report and Condition Landscape and Ecological Management Plan Design and Access Statement

### Report Author

Venezia Ross-Gilmore, Senior Planning Officer



01476 406080 ext 6419



[venezia.ross-gilmore@southkesteven.gov.uk](mailto:venezia.ross-gilmore@southkesteven.gov.uk)

**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Morton**

**Reviewed by:**

Phil Jordan, Development Management and  
Enforcement Manager

8 May 2024

**Recommendation (s) to the decision maker (s)**

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.



## **1 Description of Site**

- 1.1 The application site is a 5-hectare parcel of agricultural land located to the north of the village of Morton. To the west of the site is a narrow strip of allotment land, beyond which is the A15 Folkingham Road. The northern boundary of the site is defined by a hedgerow running east-west, to the east is further hedgerow running north-south. To the south of the site is the historic part of the village which follows High Street and is within the village's conservation area. Beyond the site to the north and east is open countryside.
- 1.2 The site is currently accessed by a public right of way, a public footpath PF44 off High Street, which links into a network of rights of way across the site and beyond. There is also public footpath PF43 and public footpath PF41 crossing the site. The site was previously agricultural land used as pasture, and there are a several mature hedgerows around that define the site boundaries.
- 1.3 The site is allocated for residential development in the Local Plan Policy LV-H9: Folkingham Road (SKLP111). The allocation provided an indicative density of 25 dwellings per hectare which suggested an indicative allocation of 70 units.
- 1.4 The site was granted outline permission (S19/1784) for up to 71 dwellings including details of new vehicular access, public open space, and associated infrastructure by Planning Committee on 25 November 2020.

## **2 Description of Proposal**

This is a reserved matters application seeking the approval of details relating to layout, scale, appearance, and landscaping, pursuant to outline planning permission S19/1784.

- 2.1 The layout broadly reflects the Illustrative Layout ref. 423750-003 submitted with the outline application (S19/1784) and the Feasibility Layout Plan ref. 1311-001 B submitted with the pre-application enquiry (S23/0009), with a pedestrian access to the High Street to the south and a vehicle access to the A15 Folkingham Road.
- 2.2 The proposed residential dwelling houses are set out in a block arrangement facing onto the estate roads which provides natural surveillance and active frontages. There is a network of private drives with a central spine road in the centre running east to west with SuDs features, and this is lined with highway trees. There is open space to the northeast corner of the site providing informal space and a children's play area, and the open space to the south is again informal space, but with SuDs attenuation ponds. The public rights of way, public footpaths PF41, PF43 and PF44 on the site are retained within the proposed layout. There is enhanced proposed boundary planting to the north, east, south, and west.
- 2.3 The dwellings would be a mixture of apartments, two storey terraced, semi-detached and detached, and all dwellings have off street parking provision. There would be 50 open market houses with 5x 2-bed dwellings, 24x 3-bed dwellings, 20x 4-bed dwellings, and 1x 5-bed dwelling. There would be 21 affordable dwellings with 4x 1-bed dwellings, 9x 2-bed dwellings, 6x 3-bed dwellings and 2 4-bed dwellings.

2.4 The applicant has engaged positively with the Council during the life of the application and attended a Design PAD workshop and a meeting with the local highways officer and planning officer, which resulted in the following improvements to the design of the scheme:

- Provision of a 3m wide tarmac shared footway/cycleway linking the development site to the High Street for safe pedestrian and cyclist access.
- Revised layout to amend the position of the single attenuation area into two site attenuation areas to the south of the site in order to provide an attractive gateway into the development site with open space and the footway/cycleway as well as the public footpath linkages, and benches. This area has enhanced planting to improve visual amenity.
- Improvements to the public rights of way network including a 2m wide timber edged hoggin path on the line of PF41 and a timber post and rail chicane baffle barrier to the Folkingham Road access (to replace the stile).
- Alteration to the maisonette building Plots 37-40 to reposition it to provide an attractive frontage facing into the gateway area, and end gable has been modified to provide an active frontage. The building now provides natural surveillance and a focal point when entering/exiting the site. Planting and boundary treatments were amended to improve visual amenity.
- Improved boundary treatments to various plots including the inclusion of estate rails fencing to all main roads, and stone walls to the focal junction in the centre of the development.
- End gables on buildings enhanced throughout the site to improve visual amenity.
- Improvements to proposed materials replacing reconstituted stone with stone.
- Discouraged pedestrian access to the A15 Folkingham Road through the removal of footway alongside access road.
- Improvements to building design to meet the requirements for sustainable building as required by policy SB1.
- Improvements to planting in the attenuation areas to add marginal/aquatic planting to improve biodiversity and visual amenity.
- Amended Landscape design to include increased native planting and support the hierarchy of streets. Inclusion of on-plot hedgerow planting to back of footway to improve the character of the streetscene and demark boundary between private and public space.
- Inclusion of block paved edge lanes to internal roads.
- Removal of footways from internal turning heads.
- Moving the substation from behind the rear of Grade 2 listed no.19 High Street to another location on the site to prevent harm to the listed building and Conservation Area.

### 3 Planning History

Reference	Proposal	Decision	Date
S19/1784	Outline planning for up to 71 residential dwellings including details of new vehicular access, public open space and associated infrastructure.	Approved Conditionally	25/11/2020
S23/0009	Pre-application enquiry	Answered	30/03/2023
S24/0093	Submission of details in relation to conditions 5 (sustainable building), 6 (foul drainage), 8 (engineering details), 9 (surface water drainage), 13 (infrastructure phasing), 14 (biodiversity mitigation), 15 (construction management) of permission S19/1784 (outline)	Conditions 5, 6, 14 and 15 Discharged	05/04/2024

### 4 Relevant Planning Policies & Documents

#### 4.1 SKDC Local Plan 2011 - 2036

Policy SD1 – The Principles of Sustainable Development in South Kesteven  
Policy SP1 – Spatial Strategy  
Policy SP2 - Settlement Hierarchy  
Policy EN1 - Landscape Character  
Policy EN2 – Protecting Biodiversity and Geodiversity  
Policy EN3 – Green Infrastructure  
Policy EN4 – Pollution Control  
Policy EN5 – Water Environment and Flood Risk Management  
Policy EN6 – The Historic Environment  
Policy H2 - Affordable Housing Contributions  
Policy H4 - Meeting All Housing Needs  
Policy DE1 – Promoting Good Quality Design  
Policy ID2 - Transport and Strategic Transport Infrastructure  
Policy SB1 – Sustainable Building  
Policy LV-H9 Folkingham Road

#### 4.2 National Planning Policy Framework (NPPF) (updated December 2023)

Section 5 - Delivering a sufficient supply of homes  
Section 8 – Promoting healthy and safe communities  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed and beautiful places  
Section 14 – Meeting the challenge of climate change, flooding and coastal change  
Section 16 – Conserving and enhancing the historic environment

## **5 Representations Received**

### **5.1 Natural England**

5.1.1 No comments.

### **5.2 LCC Highways & SuDS Support**

5.2.1 No objections, subject to planning conditions as detailed in the substantive response.

5.2.2 The principle of development was established at outline stage. This application is for Reserved Matters relating to layout, scale, appearance and landscaping. The site is allocated for residential development within the adopted South Kesteven Local Plan. The site extends to approximately 5ha and comprises agricultural land. It is located to the east of Folkingham Road, the A15, and to the north of the village of Morton, South Kesteven.

5.2.3 To the west of the site is a narrow strip of allotments, beyond which is the A15, which intersects the village and provides vehicular links to the larger settlement of Bourne to the south. The site is bound to the south by existing residential development which comprises the more historic part of the village along High Street which is in large part located within the conservation area. To the north and east of the site is open countryside.

5.2.4 The site is currently accessed via a Public Right of Way that runs in off High Street which further links to a network of footpaths beyond.

5.2.5 The submitted Transport Statement concludes that there would be no significant or severe impacts on highways as a result of the development. The Report goes on to note that the site is accessible by sustainable transport modes, with a number of local facilities being accessible by foot, bus or cycle.

5.2.6 Adequate parking spaces are proposed within the limits of the site. However, we would like to note concerns with the layout of the on-plot car parking arrangements, namely the tandem spaces. In accordance with LCC guidance on car parking, we only consider tandem car parking spaces to count as one car parking space. We advise that on-plot car parking spaces be delivered side-by-side rather than in tandem.

5.2.7 The scheme has been amended at different stages to accommodate adoptable edge lanes, therefore achieving permeability through the site.

5.2.8 As a result of the proposed development, Public Footpath 41 will require resurfacing, a scheme for which should be submitted to LCC for approval. It is also agreed that the applicant will replace the stile at the junction with the A15. The Local Planning Authority will need to consider the outstanding issue regarding the cycle route/footway, which is to be formed onto the High Street. Vehicular access, to serve the development, will only be from the A15, which also includes construction traffic. No vehicular access is permitted from the High Street.

5.2.9 It is acknowledged that the site is located within Flood Zone 1, which represents the lowest risk of flooding. The submitted Flood Risk Assessment concludes that the site is suitable for residential development without compromising the risk of flooding and this is considered acceptable by the Lead Local Flood Authority.

5.2.10 As per the outline consent, a pedestrian crossing point is to be delivered at the High Street and a contribution towards bus services.

### 5.3 **Affordable Housing Officer (SKDC)**

5.3.1 The proposed development will provide 30% socially rented/affordable rent/intermediate rent and intermediate market housing. On a development of 71 units this would be 21 units of relevant tenure. Of the total affordable homes, SKDC policy stipulated a mix of 60% affordable rent (13 units) and 40% affordable ownership (8 units).

5.3.2 The proposal is policy compliant in terms of the number of affordable units.

### 5.4 **Heritage Lincolnshire**

5.4.1 No comments, subject to the successful implementation and completion of the agreed programme of archaeological works/mitigation for the site.

### 5.5 **Environmental Protection**

5.5.1 No further comments to make.

### 5.6 **Cllr Woolley**

5.6.1 Expressed concerns regarding the drainage issues and effect this may have on capacity of the Victorian rundle on High Street and Station Road. Would the additional housing lead to greater risk of flooding.

### 5.7 **Conservation Officer (SKDC)**

5.7.1 The Conservation Officer had the following comments:

5.7.2 The layout, landscaping and appearance of the proposals will not impact the Morton Conservation Area substantially. The development will be visible, but there is some screening by existing development, hedges and trees, slightly mitigating the decrease in the amenity of the Conservation Area.

5.7.3 The lighting decisions for the path between the development and High Street using bollards, is sensitive to the light levels that already exist in the village. The planting and landscaping are also helping to shield the development from the Conservation Area reducing the harm on the listed buildings and Conservation Area.

5.7.4 The orientation of Plots 37-40 now creates a more welcoming approach from the existing village via the pedestrian path. There is now no longer a blank wall oriented towards the shared path, which has removed the dominating elevation facing the Conservation Area. Therefore, reducing the level of harm caused to the setting and amenity of Morton Conservation Area.

5.7.5 The current proposals will result in low levels of less than substantial harm to Morton Conservation Area and nearby listed buildings.

### 5.8 **Anglian Water**

5.8.1 There are assets owned by Anglian Water within or close to the development boundary. The foul drainage from this development is in the catchment of Bourne Water Recycling Centre that will have available capacity for these flows.

5.8.2 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Anglian Water has reviewed the submitted surface water drainage information and found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset.

## 5.9 **Morton and Hanthorpe Parish Council**

5.9.1 The Parish Council has the following comments:

5.9.2 Heavy plant has already been brought to the location, accessing the site from Morton High Street. The resulting churned up deep mud being evidence of this ingress. Please could Planning clarify if this is the intended access to the site throughout the build? If so, the Council have a concern of firstly, mud on the High St. but also being washed into the main surface water drain, the rundle, which even in the recent rain has overflowed and caused localised road flooding.

5.9.3 Surface water is the prime concern. The new hard surfaces will restrict absorption and increase run-off. Most of the proposed solutions by the developers seem to be for 'slowing' release rather than re-directing making the rundle a transfer/discharge source: as stated already inadequate for even mild rain.

5.9.4 Sewage: The approach proposed for waste water is connection to the main sewer which runs under the A15. This would require a 'dog-leg' turn from the High St. (Uphill from the majority of the village!). Additionally extra works were needed to accommodate the waste from the 22 dwellings at from The Pastures development. A further 71 would likely cause back-up/failure of the system.

5.9.5 Please consider these points in your decision or ensure that they are adequately addressed.

## 6 **Representations as a Result of Publicity**

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and three letters of representation have been received (representing two addresses). The points raised can be summarised as follows:

- Concerned about flooding and that the additional housing would affect lower lying residences.
- Would like to see a green corridor between the proposed houses and the Conservation Area, as was illustrated on the outline plans.
- Neighbouring garden is visited by birds, hedgehogs, grass snakes, crested newts, squirrels, bats, butterflies, dragonflies, frogs, field mice and beetles. Impacted by the development on site.
- Review of the submitted ecology report with comments regarding the reports findings.
- Concerns regarding impact on the conservation area by the ridge heights of the proposed houses.
- Site will be visible from the A15 Folkingham Road.
- There are 3 public footpaths on the site.

## 7 **Evaluation**

### 7.1 **Principle of the Development**

7.1.1 Outline planning permission has already been granted for the development of up to 71 dwellings on the site under S19/1784. There have been a number of minor amendments to the proposed scheme following discussions and the Design PAD, however the application

remains for 71 dwellings. The outline permission included a number of conditions requiring any reserved matters applications to comply with sustainable buildings, foul water drainage, archaeology, footways/cycleways, surface water drainage, accessible homes, land levels, noise, infrastructure phasing, biodiversity, and construction management:

- Condition 5 – details demonstrating how the proposed dwellings would comply with Local Plan Policy SB1
- Condition 6 – details of foul water drainage
- Condition 7 – written scheme of archaeological investigation
- Condition 8 – details of engineering, drainage, street lighting, construction of pedestrian and cycleways
- Condition 9 – details of surface water drainage
- Condition 10 – details demonstrating at least 10% of the dwellings would be constructed as 'accessible and adaptable'.
- Condition 11 – details of existing and proposed land levels
- Condition 12 – further noise assessment
- Condition 13 – details of a phasing plan for Infrastructure Delivery Plan
- Condition 14 – Biodiversity Mitigation and Enhancement scheme
- Condition 15 – Construction Management Plan and Method Statement

7.1.2 The reserved matters application is considered in accordance with the above conditions and the relevant details have been submitted with this application or as an application for the discharge of planning conditions under ref. S24/0093. The principle of development has therefore been established.

## 7.2 Meeting All Housing Needs

7.2.1 In terms of the mix of property types and sizes to be provided across the development, Policy H4 (Meeting All Housing Needs) requires all major proposals for residential development to provide an appropriate type and size of dwellings to meet the needs of current and future households in the District.

7.2.2 In this respect, the 2023 Local Housing Needs Assessment, which accompanied the Regulation 18 consultation on the Local Plan Review, advises the following housing mix over the period to 2041:

<b>Number of bedrooms</b>	<b>Market</b>	<b>Affordable Ownership</b>	<b>Affordable Rent</b>
<b>1 bedroom</b>	1% – 5%	10% - 15%	30% to 35%
<b>2 bedrooms</b>	30% – 35%	40% - 45%	45% to 50%
<b>3 bedrooms</b>	45% - 50%	30% - 35%	20% to 25%
<b>4 bedrooms</b>	10% - 15%	5% - 10%	1% to 5%
<b>5+ bedrooms</b>	1% - 5%	1 to 5%	

7.2.3 The submitted proposals would provide housing of the following mix:

Number of bedrooms	Market (50 dwellings)	Affordable Ownership (8 dwellings)	Affordable Rent (13 dwellings)
1-bedroom	0 (0%)	0 (0%)	4 (31%)
2-bedrooms	5 (10%)	3 (37.5%)	6 (46%)
3-bedrooms	24 (48%)	3 (37.5%)	3 (23%)
4-bedrooms	20 (40%)	2 (25%)	0 (0%)
5+ bedrooms	1 (2%)	0 (0%)	0 (0%)

7.2.4 In the context of the most up to date housing needs assessment for the district, it is Officers' assessment that the proposed housing mix would provide a range of housing options, which would cater for a variety of market and affordable housing needs.

7.2.5 Taking the above into account, it is concluded that, the proposal would be in accordance with the principles of Policy H2 and H4 of the adopted Local Plan, and Section 5 of the National Planning Policy Framework.

### 7.3 Design

7.3.1 Local Plan Policy DE1 states (amongst other criteria) that to ensure high quality design is achieved throughout the District, all development proposals will be expected to make a positive contribution to local distinctiveness, vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the streetscene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area. The NPPF (section 12) states that high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

7.3.2 Reserved matters applications are primarily concerned with the detailed design of a scheme. The design has gone through a number of iterations in consultation with the local authority's officers, including the Council's Urban Design Officer and following a review at the Design PAD. Each of the reserved matters which have been included for consideration in this application are discussed further below.

### 7.4 Layout

7.4.1 The house types and density are appropriate for this edge of town context and the layout broadly corresponds with that shown on the illustrative masterplan from the outline scheme and Feasibility Layout Plan from the pre-application enquiry.

7.4.2 The layout has been designed to provide clearly defined and legible street hierarchy, with overlooking and natural surveillance from the proposed dwelling houses fronting the public highway. The areas of proposed open space are also overlooked with dwellings facing, and

proposed planting considers attractiveness, amenity and surveillance. The dwellings follow regular building lines, and dwellings positioned on corners are designed to have a dual aspect or attractive end gables onto the public highway. The affordable dwellings have been distributed to the south of the site and integrated within the market units.

- 7.4.3 One of the key layout amendments was the alteration of the plans from a proposed single attenuation area to two attenuation areas to the south of the site to ensure that the site could provide an attractive 'gateway' into the development site with open space. The amendment to this area of the site alludes to the importance of the main entrance to the site, and recognises this is the key pedestrian and cyclist connection to the village providing essential linkage to the rest of the village including the village shop and school. This area now has connections for sustainable modes of travel and open space with amenity value, when providing access onto the High Street. The amended layout provides a shared 3m wide tarmac footway/cycleway provision and the public footpath connection in the form of the retained PF44.
- 7.4.4 The vehicle access remains from the A15 Folkingham Road, and the access deters pedestrians by providing no footway connections to the vehicle access. The amended layout retains the other two public footpaths PF41 and PF43 within the site, combined with the open space to the north, east and south of the site providing an attractive pedestrian facility. Furthermore, it is proposed to improve the retained public footpath PF41 to include a 2m wide timber edged hoggin path and a timber post and rail chicane baffle barrier to the A15 Folkingham Road access.
- 7.4.5 Lincolnshire County Council (as local highway authority) have assessed the scheme in terms of traffic capacity and highway safety, during the outline planning application process. Lincolnshire County Council have again assessed the scheme for the reserved matters application in terms of layout of the internal road network and public rights of way network. The local highways authority has been involved in discussions with the applicant throughout the process including through the Design PAD meeting, and the proposed scheme has been amended in response to highways comments and concerns.
- 7.4.6 In the local highway authority's final substantive response LCC commented that the submitted Transport Statement concludes that there would be no significant or severe impacts on highways as a result of the development. There are adequate parking spaces proposed within the limits of the site, however, highways note concerns with the layout of on-plot car parking as this includes tandem spaces and they advise that on-plot car parking spaces be delivered side-by-side rather than in tandem. LCC commented that the accommodation of adoptable edge lanes, achieves permeability through the site. With regard to the public rights of way network, LCC commented that Public Footpath 41 will require resurfacing and the replacement of the stile at the junction with the A15 Folkingham Road, as a result of the development.
- 7.4.7 To summarise the scheme has had the following amendments in response to discussions with the local highway authority. The proposals include for design features such as SuDs and highway trees on the central spine road, block paved edge lanes to internal roads, superfluous footways have been removed from internal turning heads and improvements to the public rights of way network.
- 7.4.8 Finally, in considering the layout of the proposed development during the Design PAD, the Conservation Officer raised concerns regarding the apartment Maisonette building at the

entrance gateway. The layout has been amended turning the building to face the gateway and main pedestrian/cyclist route into the site. This provides a more welcoming approach than the previous layout with the building sideways and a blank wall orientated to the shared path. Another concern with the layout was the proposed substation proposed to the rear of a Grade 2 listed building on the High Street. Following discussions this has been moved elsewhere on the site to prevent harm to the listed building and Conservation Area. The resulting layout is considered sympathetic to the local character, landscape setting and the neighbouring conservation area.

- 7.4.9 Whilst the conservation officer has noted that the proposed layout would result in a low level of less than substantial harm to the setting of the Morton conservation area and listing buildings within the conservation area, this is considered to be outweighed by the significant benefits attributed to this allocated scheme, which include the provision of 50 market and 21 affordable dwellings, as well as the local economic benefits associated with the construction of the scheme.
- 7.4.10 The proposed internal layouts and amenity space are considered to provide an appropriate level of amenity for future occupiers.
- 7.4.11 As such, in respect of layout, the proposal would be in accordance with Local Plan Policies DE1 and EN6.

## 7.5 **Scale**

- 7.5.1 The majority of the proposed dwellings are two-storey in height, apart from a maisonette block of apartments at the entrance gateway to the site. The proposed dwellings vary in size between 1, 2, 3 and 4 bedrooms, and are arranged in detached, semi-detached and short terrace forms. The scale, combined with layout (discussed above) would ensure no adverse impact on residential amenity or the neighbouring conservation area. The scale of the buildings reflects the existing form of development in the village, mainly detached and semi-detached houses with private amenity space to the front and rear, and is therefore appropriate for this context.
- 7.5.2 The proposed size and tenure of the affordable units meets the requirements of the S106 agreement with the outline planning permission, and the internal layout of these properties and garden areas is considered to provide a good standard for the future occupiers of these properties. The resultant development is appropriate for the village of Morton, and considers the surrounding built environment.
- 7.5.3 As such, in respect of scale, the proposal would be in accordance with Local Plan Policies DE1 and EN6.

## 7.6 **Appearance**

- 7.6.1 The palette of materials has been chosen to reflect those used locally in the village of Morton, including heritage white monocouche render, ponton base bed stone, and two varieties of red brick. The choice of materials was discussed in the Design PAD meeting and the applicant produced a revised Contextual Analysis and Materials Schedule report following discussions to ensure the proposals reflect the local area.

- 7.6.2 The layout ensures that the estate has a mixture of materials and house types, and affordable plots are not denoted by the use of different materials. Roofing consists of terracotta and grey tiles. Driveways are a permeable block paving, and the outer areas of estate roads and central junction consists of brindle block paving.
- 7.6.3 Boundaries consist of a low stone walls to the focal junction on the central spine road, and estate rail along the central spine road itself and the entrance spine road. On key locations there are facing brick walls, and elsewhere a mix of picket fences, and timber knee rails. Rear gardens are enclosed with close board fencing. Again there have been amendments to the boundary treatments on the site to reflect comments from discussions and the Design PAD meeting.
- 7.6.4 The houses themselves are of traditional vernacular design and appearance, some of which feature stone cills, timber/brick porches or bay windows to add interest to the streetscene. The resultant scheme is visually attractive with well-defined boundaries between private and public space. The building types reflect high quality design and materials provide an attractive and distinctive sense of place.
- 7.6.5 As such, in respect of appearance, the proposal would be in accordance with Local Plan Policies DE1 and EN6.

## 7.7 Landscaping

- 7.7.1 The extent of open space for the wider scheme was discussed at the outline stage of the planning permission. The main area of open space to the northeast is retained in the previously proposed location, and this will provide the children's play area, as well as informal open space. There is further informal open space to the south of the site and at the entrance gateway to the site. This includes planting and seating, improving the amenity of the gateway and main pedestrian and cyclist entrance into the site. Furthermore, the public footpaths have been retained in their current alignment and transverse the areas of public open space providing an effective landscaped environment.
- 7.7.2 The hard landscaping details have been designed to provide permeable block paving for private drives and parking areas in consideration with the treatment of surface water drainage on the site. Boundary treatments to the rear gardens are shown to be 1.8m close boarded fencing. To the frontage of the dwellings the boundary treatments vary dependent on their location within the streetscene. At the key focal junction on the central spine road there is low stone walls, and the remainder of the spine road has estate rails. Elsewhere within the estate there are facing brick walls, picket fences and timber knee rails denoting the boundaries of private space. Again, it should be noted that the improved boundary treatments to various plots is a result of officer's discussions and the Design PAD meeting, with officer raising concerns that the design quality was not sufficiently high and requesting improved boundary treatments.
- 7.7.3 The Landscaping scheme illustrated in the Soft Landscape Proposals contain details of proposed trees, shrubs, hedgerows, shrubs on plot, marginal/aquatics, turf areas, amenity grassland, meadow grassland and west meadow grassland. The proposals include confirmation that the existing hedgerows on the site are to be retained and enhanced as part of the ecological mitigation strategy. The Ecology Layout includes details of proposed bat boxes, retained trees, bird boxes, hedgehog access, dead wood piles, and hibernaculum to be installed as part of the development proposals.

7.7.4 In summary, the reserved matters details would provide a good quality design and a development that would be appropriate and integrate well with the surrounding context in accordance with Local Plan Policies EN6 and DE1, and the NPPF (sections 12 and 16).

## **8 Drainage**

8.1.1 The foul water drainage details were approved under S24/0093 relating to condition 6 of the outline consent S19/1784. The condition 9 with details of surface water drainage will be considered through a further submission of details application following the approval of the reserved matters application, and a confirmed site layout.

## **9 Crime and Disorder**

9.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## **10 Human Rights Implications**

10.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

10.2 It is considered that no relevant Article of that act will be breached.

## **11 Planning Balance and Conclusion**

11.1 In summary, the details of layout, scale, appearance and landscaping of the proposed scheme accord with the principles in the design and access statement and illustrative masterplan from the permitted outline scheme, and would provide a range of housing types and tenures to meet the local need. The proposals would be well integrated with the existing village and adjacent conservation area, creating a well connected and landscaped addition to the village.

11.2 With regards to highways, the local highway authority assessed the proposed development during the outline application and this reserved matters application. Lincolnshire County Council, have commented that there would be no significant or severe impacts on highways as a result of the development. The development proposes adequate levels of on-plot parking within the layout. There are also proposals to improve the public rights of way network within the development.

11.3 There would be minimal impact on the conservation area and neighbouring listed buildings, which is considered to be outweighed by the significant benefits attributed to this allocated scheme, which include the provision of 50 market and 21 affordable dwellings, as well as the local economic benefits associated with the construction of the scheme. In this respect, the scheme would comply with Local Plan Policy EN6 and the NPPF (section 16).

11.4 Taking the above into account, it is Officers' assessment that the application proposals would accord with the adopted Development Plan when taken as a whole, and the material considerations in this case, including Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which has been attributed considerable

weight and importance, also indicate that planning permission should be granted; although appropriate conditions are recommended.

## Approved Plans

1 The development hereby permitted shall be carried out in accordance with the following list of approved plans:

- Site Location Plan, drawing ref. FRM-101-23 (received 02/11/23)
- Planning Layout, drawing ref. 1311-004 Rev D (received 29/04/24)
- Ecology Layout, drawing ref. 1311 BAT Rev C (received 29/04/24)
- Affordable Housing Tenure, drawing ref. 1311-AH Rev C (received 29/04/24)
- Enclosures Plan, drawing ref. 1311-005 Rev D (received 29/04/24)
- EV Charging Points Locations, drawing ref. 1311-EV Rev D (received 29/04/24)
- Housing Mix, drawing ref. 1311-HM Rev D (received 29/04/24)
- Materials Proposals, drawing ref. 1311-006 Rev D (received 29/04/24)
- Soft Landscape Proposals, drawing ref. GL2176 01A (received 06/03/24)
- Soft Landscape Proposals, drawing ref. GL2176 02A (received 06/03/24)
- Soft Landscape Proposals, drawing ref. GL2176 03A (received 06/03/24)
- Private Lighting Layout, drawing ref. 28345\_02\_100\_01 A (received 31/01/24)
- Levels Layout, drawing ref. 1205-00-05 A (received 02/11/23)
- Indicative Streetscenes, drawing ref. FRM002-23 (received 02/11/23)
- Tree Protection Plan, drawing ref. FRM-012-23 (received 23/11/23)
- Vehicle Tracking Plan, drawing ref. 1205-00-02 Rev A (received 06/03/24)
- Drainage Strategy Plan, drawing ref. 1205-00-03 Rev E (received 06/03/24)
- Post and Rail fence Plan, drawing ref. FRM-DET-001 (received 06/03/24)
- Close Boarded Fence Plan, drawing ref. FRM-DET-002 (received 06/03/24)
- Stone and brick Wall Details Plan, drawing ref. FRM-DET-003 (received 06/03/24)
- LEAP Proposals Plan, drawing ref. GL2176 04A (received 06/03/24)
- Tree Pit Details Plan, drawing ref. GL2176 06T (received 06/03/24)
- Surface Water Management Plan, drawing ref. MORT.TW-SW.01 (received 06/03/24)
- Adoptable Highway Construction and kerbing, drawing ref. 1205-02-05 Rev D (received 26/03/24)
- Safety Signage for Attenuation Areas (received 02/11/23)
- Fixed Entrance Gates, drawing ref. 001 (received 02/11/23)
- Fixed Entrance Gates, drawing ref. 002 (received 02/11/23)
- Fixed Entrance Gates, drawing ref. 003 (received 02/11/23)

### House Type Information –

- 'Oak' Plans and Elevations, drawing ref. PH531.1/3 A (received 29/04/24)
- 'Oak' Plans and Elevations, drawing ref. PH531.1/3.1 A (received 29/04/24)
- 'Oak' Plans and Elevations, drawing ref. PH531.1/3.2 A (received 29/04/24)

- 'Bramber' Plans and Elevations, drawing ref. PH441. 1/3 A (received 06/03/24)
- 'Lester' Plans and Elevations, drawing ref. PH334.1 (received 02/11/23)
- 'Chestnut' Plans and Elevations, drawing ref. PH337.1 (received 02/11/23)
- 'Larch' Plans and Elevations, drawing ref. PH430.1/3 (received 02/11/23)
- 'Larch' Plans and Elevations, drawing ref. PH430.1/3.1 (received 02/11/23)
- 'Pine' Plans and Elevations, drawing ref. PH436.1/3 (received 02/11/23)
- 'Pine' Plans and Elevations, drawing ref. PH436.1/3.1 (received 02/11/23)
- 'Ravensworth' Plans and Elevations, drawing ref. PH438.1 (received 02/11/23)
- 'Dalton' Plans and Elevations, drawing ref. PH440.1/3 (received (02/11/23)
- 'Dalton' Plans and Elevations, drawing ref. PH440.1/3.1 (received (02/11/23)
- 'Dalton' Plans and Elevations, drawing ref. PH440.1/3.2 (received (02/11/23)
- 'Cedar' Plans and Elevations, drawing ref. PH442.1/3 (received 02/11/23)
- 'Harewood' Plans and Elevations, drawing ref. PH532.1/3 (received 02/11/23)
- 'Aspen' Plans and Elevations, drawing ref. PH533.1/3 (received 02/11/23)
- Floor Plans, drawing ref. SH133.1/3 A (received 06/03/24)
- Elevations, drawing ref. SH133.1/3.1 A (received 06/03/24)
- Elevation and Floor Plans, drawing ref. SH202.1/3 A (received 06/03/24)
- Elevation and Floor Plans, drawing ref. SH320.1/3 A (received 06/03/24)
- Elevation and Floor Plans, drawing ref. SH321.1/3 (received 02/11/23)
- Elevation and Floor Plans, drawing ref. SH430.1 A (received 06/03/24)
- Affordable Plots Block Elevations, drawing ref. FRM-001-23 A (received 06/03/24)

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

### **Before the Development is Occupied**

- 2 Before any part of the development hereby permitted is occupied/brought into use, the works to provide the boundary treatments shall have been completed in accordance with the approved boundary treatment scheme.

Reason: To provide a satisfactory appearance to any boundary treatments and by screening rear gardens from public view, in the interests of the privacy and amenity of the occupants of the proposed and neighbouring dwellings and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

- 3 Before the end of the first planting/seeding season following the occupation/first use of any part of the development hereby permitted, all soft landscape works shall have been carried out in accordance with the approved soft landscaping details.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

## Ongoing Conditions

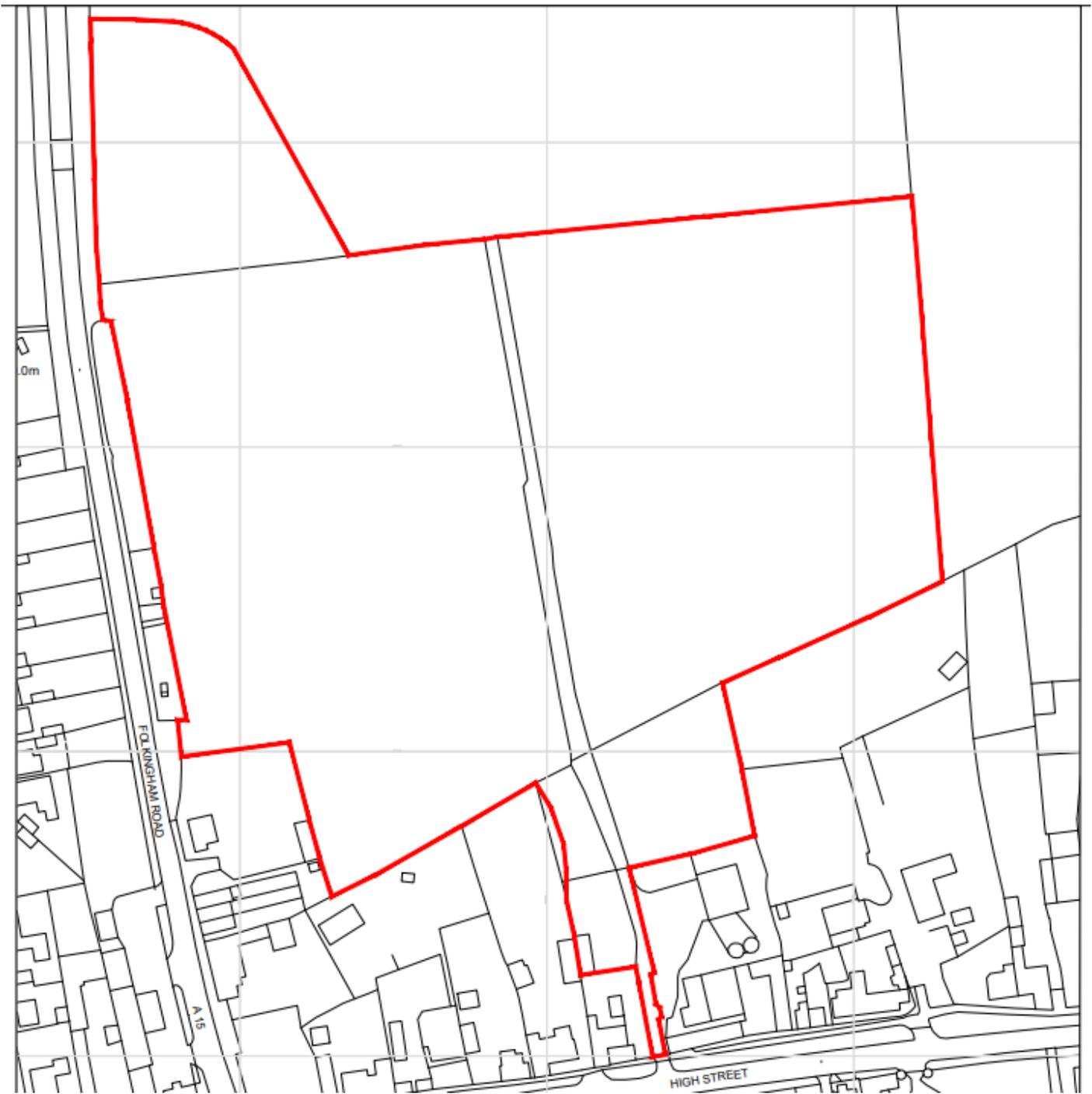
- 4 Within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

### **Standard Note(s) to Applicant:**

- 1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.

# Site location plan



# Proposed Layout





SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

## Planning Committee

16 May 2024



## S24/0057

Proposal:	<b>Erection of Class B2 / B8 (Food Processing Facility) with associated loading and service yard, following demolition of existing warehouse facility</b>
Location:	Easton Properties Limited, Burton Lane, Easton
Applicant:	Easton Properties Limited
Agent:	E4environment Ltd – Deborah Cairns-Stoll
Application Type:	Full Planning Permission with Environmental Impact Assessment
Reason for Referral to Committee:	Called in by Cllr Bellamy – citing matters relating to transport impacts and odour and light pollution.
Key Issues:	Principle of Development incl. economic considerations Landscape and Visual Impact Impact on heritage assets Pollution Control Access and Highways Impacts
Technical Documents:	<ul style="list-style-type: none"><li>• Environmental Statement, including chapters on:<ul style="list-style-type: none"><li>○ Landscape and Visual Impacts</li><li>○ Air Quality</li><li>○ Transport</li><li>○ Noise</li><li>○ Cumulative Impacts</li><li>○ Flood Risk and Drainage</li><li>○ Ecology and Biodiversity</li></ul></li><li>• Air Quality Assessment</li><li>• Economic Benefits Statement</li><li>• Flood Risk and Drainage Strategy</li><li>• Landscape and Visual Impact Statement</li><li>• Noise Assessment</li><li>• Odour Assessment</li><li>• Preliminary Ecological Appraisal</li></ul>

### Report Author

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<b>Corporate Priority:</b>	<b>Decision type:</b>	<b>Wards:</b>
<b>Growth</b>	<b>Regulatory</b>	<b>Isaac Newton</b>

<b>Reviewed by:</b>	Phil Jordan, Development Management & Enforcement Manager	8 May 2024
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**Recommendation (s) to the decision maker (s)**

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions



# 1 Description of the site

- 1.1 The application site comprises an area of approximately 3.8 hectares (9.39 acres) of broadly rectangular land situated to the north of Burton Lane, and to the east of High Dike (B6403), and located approximately 1.1km to the east of the village of Easton, and approximately 1 mile to the east of the A1 strategic road network.
- 1.2 The site forms part of the existing Magnavale Group and XPO Logistics site, which comprises of a number of Use Class B8 (Storage and Distribution) warehouses and ancillary offices, providing cold storage for frozen food products. The buildings were developed in the late 1960s, and the site is best known locally for being previously operated by Christian Salvesen Limited. The general appearance of the site is typical of an industrial / warehousing and distribution site, with the buildings of varying size, age and design, but all being functional in design and appearance.
- 1.3 The proposed development site consists of an area of vacant, brownfield land, which previously contained a warehouse building, that was demolished due to it being no longer fit for purpose. Prior approval of the demolition of the former warehouse building was granted under application ref: S22/2197.
- 1.4 Access to the application site is taken via the strategic access point located on Burton Lane, to the south-west, which serves the whole employment site.
- 1.5 The wider development site is bound to the west by a narrow arable field with High Dike (B6403) beyond; to the north and east, the site is bound by open rectilinear arable fields, with hedgerow boundaries. Within the confines of the existing landholding, the application site is bound to the south by the ongoing construction of a coldstore food warehouse (Use Class B8), which was granted planning permission in October 2018 (LPA Ref: S18/1321). Whilst to the north-east, the application site is bound by an existing Waste Water Treatment Facility (WWTF) and anaerobic digestion (AD) plant. In relation to this, it should be noted that the land to the north of the application site is currently the subject of a planning application for the redevelopment of the WWTF and AD plant to generate 5MW using food waste as feedstock, which is currently pending consideration by Lincolnshire County Council (as Waste Planning Authority) (LCC Ref: PL/0022/24).
- 1.6 As alluded to above, the application site forms part of a wider 26.55 hectare site which is identified as a Protected Employment Site (Local Plan Ref: EMP-R7), under Policy E4 of the adopted South Kesteven Local Plan, and is the fourth largest protected employment site within the District. The site also falls within a Minerals Safeguarding Area as designed in the Lincolnshire Minerals and Waste Local Plan.
- 1.7 The site is not subject to any statutory landscape designations. However, the site is located within the Kesteven Uplands Landscape Character Area (South Kesteven Landscape Character Assessment, 2007), which is defined by a relatively unified, simple, medium-scale agricultural landscape with a high proportion of historic woodland.
- 1.8 Similarly, the proposed development site does not contain any designated built heritage assets. However, Easton (circa 1.1km to the west) contains a number of designated heritage assets, including a number of Grade II listed buildings, and likewise the Grade II listed Registered Park and Garden of the Easton Walled Gardens is also located within close proximity of the site.
- 1.9 Furthermore, whilst the site is not subject to any ecological designations, it is noted that the verges immediately adjacent to the High Dike (B6403) and Burton Lane are identified as a

Local Wildlife Site; and the site is also located within 2km of an additional 10 Local Wildlife Sites.

## 2 Description of the proposals

- 2.1 The current application seeks full planning permission for the erection a Class B2 / B8 Food Processing Facility with associated loading and service yard, following demolition of the former warehouse facility.
- 2.2 The application scheme has been accompanied by an Environmental Statement, which includes chapters in relation to Transport, Landscape and Visual Impact, Noise and Air Quality, and Flood Risk and Drainage; as well as a range of technical reports includes an Odour Assessment, Preliminary Ecological Appraisal and Landscape and Visual Impact Assessment. The submission also includes Proposed Site Plans and Proposed Elevation Plans, which indicate that the development would consist of the following:
- 2.3 The processing facility would operate alongside the other coldstores on site, which would be utilised for storing the raw materials and the final product. The food processing facility itself is designed as a food processing, production and repacking facility.
- 2.4 The proposed food processing facility would have a total footprint of 18,630 sq. metres, and would measure 175m in length, 110m in width and would have a height of 22 metres. The associated loading bay and service yard would be position to the east of the building and would measure 87m in length and 45m in width; with a total of four loading bays proposed as part of the development.
- 2.5 The proposed scheme would be a steel frame building with grey walls and would have a 1 degree pitch across the entire roof. The external colour of the building will be grey, and the submitted plans detail that this would be Grey white (RAL 9002) / Gull Grey (RAL 240 80 05) / Goosewing Grey (RAL 080 70 05).
- 2.6 Wall and column mounted perimeter lighting will be located around the new food processing facility. The building will not contain any windows or rooflights, and therefore will be internally lit artificially.
- 2.7 Access to the site would be taken via the proposed strategic access, which is being delivered as part of the coldstore facility to the south of the current application site. Access to the site is controlled by gatehouse and is designed to provide sufficient space for articulated vehicles to wait inside the site before entering to the controlled areas of the site.
- 2.8 The submitted application form indicates that the proposed development is anticipated to generate up to 200 full-time equivalent (FTE) jobs. The proposed building would be operational 24 hours a day and 7 days a week.

## 3 Relevant Planning History

<b><u>Application Ref</u></b>	<b><u>Description of Development</u></b>	<b><u>Decision</u></b>
S18/0823	Screening Opinion in respect of proposal for B8 Warehouse and B1(c) Offices – totalling 18,352 sq. metres	EIA Not Required 15.05.18
S18/1321	Demolition of existing office block; erection of new B8 (Warehouse) totalling 23,648 sq. metres; together with plant room, vehicle maintenance	Approved Conditionally 24.10.18

	unit; fuel island; vehicle wash area; alterations to vehicular access, internal access road and car park extension; and associated landscaping	
S20/2048	Section 73 application to vary Condition 2 (Approved Plans) of permission S18/1321	Approved Conditionally 17.02.21
S22/2197	Prior Notification for proposed demolition of existing food manufacturing facility, existing plant room and existing canteen	Prior Notification Approved Conditionally 30.11.22
S23/2051	Request for an EIA Screening Opinion for the erection of proposed Class B2 / B8 (Food Processing and Warehouse facility) with associated loading and service yard	EIA Required 06.02.24

- 3.1 As detailed above, it is appreciated that the wider Magnavale site is currently the subject of significant redevelopment, which includes the erection of a new coldstore warehouse, measuring 23,648 sq. metres, which was conditionally granted planning permission in October 2018. Construction of this coldstore building is well advanced, and the Supporting Statement which accompanies the current application indicates that this building is anticipated for completion during 2024.
- 3.2 Furthermore, Lincolnshire County Council are in receipt of a planning application for the proposed redevelopment of the WWTF and AD plant to the immediate north of the application site (LCC Ref: PL/0022/24). The details submitted as part of the current application have considered the potential cumulative impact of the current application scheme together with the proposed WWTF and AD redevelopment scheme.

## **4 Policy Considerations**

### **4.1 South Kesteven Local Plan 2011-2036 (Adopted January 2024)**

Policy SD1 – The Principles of Sustainable Development in South Kesteven  
 Policy SP1 – Spatial Strategy  
 Policy E4 – Protection of Existing Employment Sites  
 Policy E5 – Expansion of Existing Businesses  
 Policy EN1 – Landscape Character  
 Policy EN2 – Protecting Biodiversity and Geodiversity  
 Policy EN4 – Pollution Control  
 Policy EN5 – Water Environment and Flood Risk Management  
 Policy EN6 – The Historic Environment  
 Policy DE1 – Promoting Good Quality Design  
 Policy SB1 – Sustainable Building  
 Policy ID1 – Infrastructure for Growth  
 Policy ID2 – Transport and Strategic Transport Infrastructure

### **4.2 Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management DPD (Adopted June 2016)**

Policy M11 – Safeguarding Mineral Resources

- 4.3 **Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)**
- 4.4 **National Planning Policy Framework (NPPF) (Published December 2023)**
  - Section 2 – Achieving sustainable development.
  - Section 4 – Decision-making
  - Section 6 – Building a strong, competitive economy.
  - Section 9 – Promoting sustainable transport.
  - Section 11 – Making effective use of land.
  - Section 12 – Achieving well-designed and beautiful places.
  - Section 14 – Meeting the challenge of climate change, flooding and coastal change.
  - Section 15 – Conserving and enhancing the natural environment.
  - Section 16 – Conserving and enhancing the historic environment.
  - Section 17 – Facilitating the sustainable use of minerals.
- 4.5 **National Planning Policy Framework (NPPF) (Published September 2023)**
  - Section 2 – Achieving sustainable development.
  - Section 4 – Decision-making
  - Section 5 – Delivering a sufficient supply of homes.
  - Section 9 – Promoting sustainable transport.
  - Section 14 – Meeting the challenge of climate change, flooding and coastal change.
  - Section 15 – Conserving and enhancing the natural environment.
  - Section 16 – Conserving and enhancing the historic environment.

## **5 Representations Received**

### **5.1 Gardens Trust**

- 5.1.1 No comments to make.

### **5.2 Historic England**

- 5.2.1 No comments received.

### **5.3 Lincolnshire County Council (Highways & SuDS)**

- 5.3.1 No objection subject to conditions.

5.3.2 The proposed development will be access from the main existing access off Burton Lane. Changes to the existing access was proposed as part of the approved 2020 Section 73 planning submission to amend the proposed site access arrangement under the 2018 application. This proposed a separate access for the McCains facility from Burton Lane, which will be used to access the proposed development. As part of this permitted site arrangement, improved access arrangements for HGVs were proposed. This was aimed at removing the existing situation whereby HGVs queue back onto Burton Lane prior to site entrance. The new arrangement included new barrier access (x6 lanes) and the use of number plate recognition. The new arrangement allows up to nine HGVs to be able to queue at the site access at busy times whilst security checks are taking place.

5.3.3 As part of the new site access arrangement, an online booking system would be in place whereby authorised HGVs book their arrival slot at the site beforehand. The ANPR would then detect the registered HGVs and lift the barriers automatically to allow entry. A manned transport office will be located at the proposed development and linked to the barriers via

an intercom and the ANPR system; this is so that HGVs arriving without a booked arrival slot can be dealt with promptly.

- 5.3.4 It should be noted that the main site access is only used by delivery and servicing vehicles to the site. Staff and visitors access the site via the designated parking area located in the southeastern corner of the wider site which is access via a separate access off Burton Lane. This reduces pressure on the site access and interaction between deliveries or servicing vehicles, and staff and visitors arriving or leaving the site.
- 5.3.5 HGV parking spaces will be provided within the service yard for the proposed food production facility. Vehicle swept path analysis of the service yard has been undertaken showing that HGVs can safely manoeuvre in and out of that area.
- 5.3.6 The wider site operates staff shuttle buses which serve surrounding villages and Grantham. A double decker bus with capacity of 80 seats provides a staff service to the site from Grantham via Great Ponton. Services arriving at the site coincide with the start of staff shifts, approximately at 6am, then at approximately 2pm and then at approximately 10pm. Services also arrive at the site just before 8am and just before 6pm; this shuttle bus then returns to Grantham, leaving just after the shift switchover.
- 5.3.7 The wider site is currently in operation and as such already has HGVs accessing it. At LCC's request, HGVs which access the site, not meeting the height restrictions imposed at the East Coast Mainline bridge on B6403 (High Dike) north of the site will be requested to route through the south of the site.
- 5.3.8 The planning application is supported by a Transport Statement which considers the impact of the proposed development on the highway network. The detailed information concludes that no significant impact will occur on the existing local highway network. The Highways Authority do not consider that the proposal would result in a severe impact with regard to the NPPF.
- 5.3.9 The proposed development requires works to be carried out to widen Burton Lane to accommodate 2-way traffic. This is to be secured via planning condition.
- 5.3.10 Conditions also requested for a Construction Management Plan and detailed Drainage Strategy.

#### 5.4 **Lincolnshire County Council (Minerals)**

- 5.4.1 No comments received.

#### 5.5 **Lincolnshire Wildlife Trust**

- 5.5.1 Holding objection
- 5.5.2 The Applicant has submitted a BNG assessment for the site with the metric calculating 20.65% loss in biodiversity units. The report states that a net gain on site is not possible and that a landscaping and management plan will be required to ensure the best possible biodiversity outcomes.
- 5.5.3 We encourage the applicant to contact the Green Investment in Greater Lincolnshire project in order to compensate for this shortfall in biodiversity units and meet the minimum requirement. We request that this is secured via planning condition with confirmation of an agreement between the applicant and the seller of these units.
- 5.5.4 The PEA recommends a Landscape Ecological Management Plan also be submitted by the applicant to ensure the ecological condition of the habitats created on site post development

meet their stated biodiversity value. The plan should include measures to enhance the vegetation along the northern boundary of the site to mitigate against the loss of priority habitat.

## 5.6 **Ministry of Defence**

5.6.1 No safeguarding objections.

## 5.7 **National Highways**

5.7.1 No objections.

5.7.2 National Highways has no objections to this development as there will be no material traffic impact on the strategic road network.

5.7.3 In addition, as the site does not share a boundary with the SRN, there will be no physical impact on our network or assets.

## 5.8 **Stoke Rochford & Easton Parish Council**

5.8.1 Objection.

5.8.2 The Parish Council considers the resulting increase in heavy goods vehicles will cause significant traffic management and safety issues and will only compound the existing chaotic and dangerous levels of traffic at the site entrance.

5.8.3 There has been no assessment relating to the impacts of light pollution. There is considerable prevailing detrimental light pollution from the existing adjacent warehouse building, which has a substantial negative impact on residential properties.

5.8.4 The visual impact of such a large industrial building on the landscape is objectionable. The Parish Council feel that the size and proposed structure is wholly unsuitable for the location. Screening for the proposed development appears to rely solely on the adjacent landowner's tree line.

5.8.5 There is little proposed by way of additional planting, and there is also very little screening in place from the north and north-west, where the site is visible from public rights of way.

## 5.9 **SKDC Conservation Officer**

5.9.1 No objection.

5.9.2 The proposed building will be substantial in scale compared to the existing structures; however, it will be lower in height than the adjacent building and set within the existing compound.

5.9.3 The site is partially screened by trees and shrubbery along B6403 / High Dike. The Visual Assessment provided shows the currently being constructed large building to be widely visible, but not from Planting Road, which leads to Easton Park. Based on the setting and scale of the proposed works, the existing screening along High Dike and the screening along the eastern boundary of Easton Park, there is very limited to no chance for the proposed building to be visible. The listed buildings set within the park would not be impacted upon by the proposed works. It may be advised to increase the tree planting surrounding the site to further strengthen this screening.

## 5.10 **SKDC Environmental Protection**

5.10.1 No objections.

5.10.2 The Environmental Permitting (England and Wales) Regulations 2016 require operators of certain industrial and commercial processes to hold an environmental operating permit(s). From review of the Environmental Statement, Environmental Protection have identified potential processes and directly associated processes which could fall under the Environmental Permitting Regulation, which require permits from the Environment Agency. Therefore, the Applicant would be advised to progress the necessary permit applications with the Environment Agency.

## **6 Representations received as a result of publicity.**

6.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and letters of representation have been received from 5(no) interested parties; all of whom have raised formal objections. The material planning considerations raised within the letters of representation can be summarised as follows:

### (1) Impact on the landscape

- The development would have an impact on the surrounding landscape.
- There is insufficient landscaping and management to mitigate the visual impact of the development.

### (2) Pollution Control

- Insufficient information has been provided about the lighting impacts.
- The lighting would have an impact on the rural landscape.
- The lighting would impact protected species.
- The lighting would have an impact on neighbouring amenity.
- Noise impacts would have an adverse impact on neighbouring amenity.

### (3) Access and Highways Impacts

- The proposed development would increase HGV traffic which would result in an unacceptable impact on highways safety.

### (4) Other Matters

- The previous planning permission was procedurally flawed and should not be used as a precedent for development.
- The number of public representations received on the application should not be given weight in determining the application.

6.2 In relation to the above, Officers agree that the number of public representations received on a planning application is not a material consideration in the determination of planning applications; rather it is the matters raised within the representations received which require due consideration.

6.3 In respect of the inference that the previous planning permission (Ref: S18/1321) was procedurally flawed and should not be used as a precedent for the current application. In particular, it is understood that the objectors are dissatisfied that the previous application was determined via delegated powers rather than by Planning Committee. In this regard, that application was determined in accordance with the Council's Scheme of Delegation at the time of the decision, and the decision-making process was therefore procedurally sound.

6.4 In respect of the issue of precedent, Case Law is clear that the notion of a precedent does not exist in relation to planning decisions, and each application must be determined on its own merits. However, there is a principle of consistency in decision-taking, and the previous planning history is a material consideration in the determination process.

## **7 Evaluation**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Council adopted the South Kesteven Local Plan 2011-2036 on 30 January 2020, and this forms the Development Plan for the District, and is the basis for decision-making for the current application.

7.2 In addition, the Lincolnshire Minerals and Waste Local Plan forms the development plan for the District in relation to minerals planning.

7.3 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is material consideration in the determination of planning applications.

7.4 The policies and provisions of the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023) are also a relevant material consideration in the determination of planning applications.

### **7.5 Principle of Development (incl. economic considerations)**

7.5.1 All alluded to above, the application site forms part of the existing Easton Properties Limited site located at Burton Lane, approximately 1km east of Easton. The site forms an area of previously developed, which was previously occupied by a warehouse building operated in connection with the existing food production business. The existing strategic site is the fourth largest employment site within the District, and is protected under Policy E4 of the adopted Local Plan (LP Ref: EMP-R7).

7.5.2 The current application proposes the erection of a Class B2 / B8 food processing facility, with associated loading and service yard, which would form part of an expansion of the operations of the existing business on site. The application has been supported by a Planning Statment, which outlines how the proposed food processing facility would operate alongside the ongoing construction of the coldstore facility and existing cold storage facilities on site; in particular, the rationale for the current application is to facilitate the co-location of food production with storage. At present raw materials are transport to the site to the coldstores, where they are collected and transport to another site for production; the processed food is the transported to back to site for storage in the coldstores before being transported for final distribution. The current application would allow food production and storage to take place on the same site, thereby reducing existing inefficiencies in the supply chain, and enhancing the net zero carbon credentials of the business’ operations.

7.5.3 In this respect, Policy E5 of the adopted Local Plan supports the expansion of existing businesses, subject to compliance with the following criteria:

- (a) Existing buildings are re-used where possible;
- (b) Vacant land on existing employment sites is first considered;
- (c) The expansion does not conflict with neighbouring land uses;

(d) The expansion will not impact unacceptably on the local and / or strategic highway network; and

(e) The proposal will not have an adverse impact on the character and appearance of the area and / or the amenities of neighbouring occupiers.

7.5.4 In the context of the above, the application proposals utilises vacant land on the existing employment site, which was previously occupied by a temperature controlled warehouse with ancillary offices, which was demolished in 2022 after being deemed, no longer fit for purpose. As such, the application proposals would accord with criteria (b) of Policy E5. In respect of criteria (c) and (d), these matters are assessed against the relevant material considerations, which are discussed in further detail below.

7.5.5 Furthermore, it is also important to acknowledge that the continued expansion of a strategic employer within the District, would provide economic benefits. Priority 3 of the Council's recently adopted Corporate Plan 2024-2027 is to enable economic opportunity; with a view to enabling a supporting a dynamic, resilient and growing local economy, which benefits the community.

7.5.6 In this context, the application has been accompanied by an Economic Benefits Statement (Hatch) (December 2023), which outlines the following in relation to the current development proposals:

- 254 FTE jobs generated by the new facility, comprising 206 operative jobs, 32 manager positions, and 16 engineer positions;
- £25,000 - £50,000 average annual salary for food production workers
- 405 FTE jobs indirectly supported by the facility;
- £16.6 million direct Gross Value Added per annum from the facility;
- 546 FTE jobs supported by the construction of the facility over 1.5 years, which would generate £36.3 million GVA across the East Midlands;
- £0.24 million - £0.29 million business rates revenue.

7.5.7 As such, it is Officers' assessment that the application proposals would generate significant direct and indirect economic benefits for the District, and the wider Region. The proposals would be consistent with the priorities set out within the Council's Corporate Plan, and would also be consistent with the aims of the Greater Lincolnshire Strategic Economic Plan, as it would facilitate growth in agri-food sectors, as well as additional opportunities in the District. In this light, it is Officers' assessment that the economic impacts of the development would be a significant public benefit of the development, and should be afforded significant weight. In this regard, it is Officers' assessment that these public benefits would make a significant contribution towards outweighing any of the negative impacts associated with the development, outlined later in this report.

7.5.8 Taking the above into account, the application proposes the expansion of the existing business operations at Burton Lane, Easton, and would generate significant economic benefits associated with the construction and operation of the proposed food production facility. In this regard, the application proposals would be in accordance with Policy E5 of the adopted Local Plan, and are deemed to be acceptable in principle, subject to material considerations. These matters are discussed in turn below.

## 7.6 **Landscape and Visual Impact incl. design quality**

7.6.1 As detailed above, whilst the application site forms part of the existing employment site located at Burton Lane; it is appreciated that this strategic employment site is located outside the existing built-up area of any settlement within the District – the nearest settlement is Easton, which is approximately 1km to the west – and therefore, the application proposals also fall to be considered in the context of their potential impact on the surrounding rural landscape.

7.6.2 In this respect, it is appreciated that representations received from members of the public and the Parish Council have raised objections to the development on the basis that the scale of the development is inappropriate for the surrounding rural context, and that the scheme fails to incorporate sufficient landscaping, and landscape management arrangements to soften the impacts of the development.

7.6.3 The application has been accompanied by a Landscape and Visual Statement (Influence) (December 2023), which identifies the following:

- The site is located within the existing allocated employment site on Burton Lane and comprises predominantly of built form associated with the existing developments. Under construction at the time of the field survey is the consented cold bay warehouse, which stands at 45m high and its associated features. The site appears as a busy development site, with materials stacked along the boundary to Burton Lane.
- The site is in an arable, rural landscape. The site contrasts with the surrounding area to the north and south. Directly adjoining the site on the northern and eastern boundaries are open cropped fields. Substantial dense woodland features in the immediate landscape include Stoke Park Wood, Pasture Holt, and Sleight Wood, and with the relevant flat topography limits extensive views.
- It is judged that the wider landscape has a low sensitivity to the proposals considering that the proposals are within an existing employment allocation and are for the replacement of a similar sized building.
- The proposals is taller than the majority of the existing built elements within the site, with the exception of the new Coldstore which is 45m tall. The proposed food processing facility stands at 22m high, and it is likely that there will be some adverse effects particularly on sensitive visual receptors. However, the building it has replaced stood at 18m high.
- The construction of the coldstore is currently underway, which has significant landscape and visual adverse effects.
- The proposals remain secondary to the coldstore which stands some 22m taller, and the continued management of the existing boundary vegetation will retain the overall landscape character. The sensitivity of the Kesteven Uplands LCA is medium to high to employment sites and the magnitude of change is low, therefore, there is likely to be a minor long-term and permanent significance of effect.
- The site is functioning as an operational employment site with a 45m coldstore building at the southern end. The proposals represent a change from the increase in the size of the proposals but are not a departure from the recognised uses of the site. There is limited loss of vegetation as a result of the proposals and the important buffer

to the western edge is retained. The sensitivity of the site is low and the magnitude of change is low to medium. Therefore, it is judged that the likely effects will be direct, permanent and long-term of a minor significance.

- Users of the public right of way to the south and east of the site, and Burton Lane, will experience a unified view of building of a graded height from south to north on the site. The proposals will appear to be a larger mass of built form on the site, but this will not obstruct any notable views or compromise the wider experience of users of this route. The sensitivity of the receptor is medium and the magnitude of change is low to medium, resulting in a long term and permanent minor-moderate significance of effect.
- Users of High Dike and residents of Easton Lodge are unlikely to have views of the proposed food processing facility, which will be screened by the coldstore from the south. Once opposite the site at Planting Road and Burton Road, and at Easton Lodge, the dense boundary vegetation to High Dike will screen all views of the proposals.

7.6.4 In respect of the above, it is Officers' assessment that the application proposals will undoubtedly have an impact on the surrounding rural landscape due the scale of the development proposed. However, the visual and landscape impact falls to be considered in the context of the existing and committed built form on the site, and also against the visual effect of the former warehouse building, which is being replaced.

7.6.5 In the context of the above, it is the Case Officers' assessment that, in relation to the impact of the development on the wider landscape character, the application scheme would be seen in the context of the existing commercial buildings that are present on the site. Whilst the proposed food processing facility would be taller than the majority of the existing built form, it would remain subservient to the ongoing coldstore building and would not extend the built form beyond the existing boundaries of development of the site. As such, it is the Case Officers' assessment that the scale of the proposed development would result in harm to the rural landscape character of the area, but in view of the existing built-form on site, including the scale of the ongoing coldstore, it is Officers' assessment that the adverse impact on the landscape character would be minor.

7.6.6 Furthermore, the proposed development would also have a visual impact on users of the surrounding public rights of way network, and users of High Dike and Burton Lane. As above, the visual impact of the development falls to be considered in the context of the existing built form on site, and as such, whilst the application proposals would increase the scale of development on site; it would not fundamentally alter the manner in which users of these routes experience the surrounding landscape i.e., the proposed development would be seen as a commercial / industrial building forming part of an existing employment site. Nonetheless, the scale of the proposed development would inevitably have some visual impacts, and it is the Case Officers' assessment that these impacts would be minor-moderate adverse impacts.

7.6.7 In respect of the public representations regarding the absence of soft landscaping to mitigate the visual impact of the development, it is acknowledged that limited details have been provided to date regarding any additional soft landscaping and tree planting to soften the impact of the development. However, it is Officers' assessment that this could be appropriately addressed via planning conditions, and this would also include conditions to

require the submission of a Landscape and Ecological Management Plan, to provide further details relating to the protection and management of the existing landscape features.

- 7.6.8 Turning to the overall design proposals, the proposed food processing facility has been designed to ensure that it meets the requirements of the end users. This includes ensuring that there is sufficient capacity within the building to accommodate the required operational needs of the building, as well as considering its positioning within the site to ensure that it allows for a continued, efficient operation of the wider strategic site i.e., ensuring that there is sufficient turning space within the loading bay and service yard.
- 7.6.9 In terms of the scale and appearance of the building, the height of the building has been designed to ensure that there is adequate internal racking levels to meet the end users requirements. Whilst the building would be 22m in height, it is acknowledged that this is a comparatively minor increase in height than the former warehouse building that previously occupied this position on the site. The proposed building would be a modern, purpose-built facility that would be read in the context of the adjacent coldstore building. The proposed materials are justified given the functional use of the building, and the colours chosen for the external materials would also assist in breaking up the overall massing of the elevations and the visual impact of the development. As such, it is Officers' assessment that the application proposals represent a suitably sufficient quality design solution.
- 7.6.10 Notwithstanding the above, whilst the application scheme represents an appropriate design and external appearance, it is acknowledged that, by virtue of the scale of the building proposed, the application scheme would result in a minor adverse impact on the landscape character, and a minor-moderate adverse visual impact on users of the surrounding public rights of way network and local highways network. As such, the application proposals would be contrary to Policy DE1 and EN1 of the adopted Local Plan. This policy conflict falls to be assessed within the overall planning balance discussed below.

## 7.7 **Impact on heritage assets**

- 7.7.1 As previously identified, it is appreciated that the application site does not contain any designated built heritage assets. However, there are a large number of designated assets within the surrounding area, including a number of Grade II listed buildings at Easton, and the Grade II listed Registered Park and Garden of the Easton Walled Gardens.
- 7.7.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard for the desirability of preserving listed buildings and their settings, or any special architectural or historic interest which it possess.
- 7.7.3 In this respect, the Council's Conservation Officer has been consulted on the application and has confirmed that they have no objections. In providing their comments on the application, they have confirmed that based on the setting and scale of the proposed works, the existing screening along High Dike and the screening along the eastern boundary of Easton Park, there is little to no change of the building to be visible and, therefore, the listed buildings will not be impacted by the proposed works. Nonetheless, they have recommended the implementation of further tree planting to further strengthen the screening and to soften the built form. As detailed above, it is Officers' assessment that the submission of a detailed soft landscaping scheme could be appropriately secured via planning condition.
- 7.7.4 Furthermore, Historic England and the Gardens Trust have both been consulted on the application proposals and have declined to provide any comments.

7.7.5 Taking the above into account, it is Officers' assessment that the application proposals would not result in any adverse impacts on the setting and significance of the nearby heritage assets. As such, the application would be in accordance with Policy EN6 of the adopted Local Plan and Section 16 of the Framework on these matters.

## 7.8 **Pollution Control**

7.8.1 It is appreciated that representations received on the application from members of the public and the Parish Council have raised objections on the basis that any lighting of the proposed development – internal or external – would have an unacceptable impact on the rural landscape, on neighbouring amenity, and on protected species. Furthermore, representors have raised concerns about the absence of a detailed lighting assessment to accompany the application.

7.8.2 In this respect, the Design and Access Statement (E4Environment) which accompanies the planning application outlines that in order to maintain the temperature integrity within the food processing facility, no windows or rooflights are proposed to be installed. As such, all internal areas of the building will need to be lit artificially. The lighting is to be designed to be as energy efficient as possible, using automatic sensors and low energy fittings where appropriate. In addition, wall and column mounted perimeter lighting will also be located around the food processing facility to ensure safety of all staff.

7.8.3 With regards to the above, it is Officers' judgement that there is sufficient information provided to enable appropriate consideration of the application in relation to the potential lighting impacts of the development. In particular, it is important to note that the Council's Environmental Protection Officer has not raised any objections on the application, and has not raised any specific concerns relating to the potential lighting impacts of the development.

7.8.4 Furthermore, it is appreciated that whilst the existing employment site is located within a predominantly rural area and, therefore, is located within an area of dark skies; it is also important to note that there are a wide variety of light sources in operation as part of the existing operations at the employment site. This results in the site already being subject to a degree of "glow", which means that it is readily visible within the landscape, which is otherwise subject to low levels of illumination.

7.8.5 The application scheme would entail the provision of internal lighting to support the operation of the building, as well as additional external lighting around the perimeter of the building for staff safety purposes. The submitted documents detail how the proposed lighting would be energy efficient and use automatic sensors, which would assist in reducing the light spillage as a result of the development. Therefore, it is Officers' assessment that the proposed internal and external lighting proposed as part of the application scheme would be unlikely to detract from the existing lighting environment on the site, and as such, would not result in any unacceptable adverse impacts on the landscape character, neighbouring amenity or protected species beyond those established by the existing operations of the site.

7.8.6 Notwithstanding this, conditions are proposed to require the submission of a formal lighting assessment and specification to ensure that the lighting utilised as part of the scheme does not result in any unacceptable adverse impacts in relation to light spillage on residential amenity or the wider landscape character area.

- 7.8.7 In addition, it is also appreciated that representations received from members of the public have raised objections in relation to the potential noise impacts of the development, and the adverse effects on neighbouring residential amenity.
- 7.8.8 In this regard, the application scheme has been accompanied by a Noise Impact Assessment (DeltaSimons) (January 2024), which identifies the following key conclusions:
- The proposed development operational assessment results have shown that the rate level of noise is below the daytime and nighttime background sound levels at the closest noise sensitive receptors and therefore a negligible impact is predicted.
  - When considering the cumulative impacts of the proposed development and the approved cold storage facility, operational assessment results have shown that the rated level of noise is below the daytime and nighttime background sound levels at all noise sensitive receptors, and therefore a negligible impact is predicted.
  - The assessment has set noise limits for fixed plant items at the closest receptors. Provided the noise emissions at receptor locations from fixed plant and operations from the proposed development does not exceed the levels set out in the report, the impacts from fixed plant would be negligible.
  - The assessment has concluded that the internal noise level would not exceed the internal noise level criteria for any noise sensitive receptor. Therefore, a negligible impact is predicted.
- 7.8.9 In relation to this, the Council's Environment Protection Team have been consulted on the application and have raised no objections. In submitting their comments, they have highlighted that the operations of the site would be regulated through the Environmental Permitting regime operated by the Environment Agency. In this regard, it is Officers' assessment that it is not necessary to impose conditions requiring compliance with the submitted Noise Impact Assessment modelling, on the basis that these controls are imposed by other statutory legislation.
- 7.8.10 With regards to potential odour impacts arising from the food processing facility, the application has been accompanied by an Odour Assessment (DeltaSimons) (January 2024), which identifies the following:
- The results of the assessment indicate that the impact will be negligible at all receptors and as a result of emissions from the proposed facility. These are considered to be not significant in accordance with the guidance.
  - Based on the assessment results, overall effects as a result of emissions from the proposed development are predicted to be not significant. As such, potential odour issues are not considered to represent a constraint to planning consent for the proposals.
- 7.8.11 As stated above, the Council's Environmental Protection Team have raised no objections on the proposal and have confirmed that the proposed operation of the site would be regulated as part of the Environmental Permitting regime.
- 7.8.12 In respect of air quality impacts associated with the construction and operation of the proposed development, the Environment Statement includes a chapter on the potential air quality impacts of the development, which assesses the potential likely significant effects of the development. This assessment concludes the following:

- The assessment of the effects of potential changes in air quality and odour associated with emissions from the proposed development on human health and ecological receptors were considered. The assessment concluded that the level of effect would be not significant.
- During the construction phase there is the potential for air quality impacts are a result of fugitive dust emissions from the site. Assuming good practice dust control measures are implemented, the residual significance of potential air quality effects from dust generated by demolition, earthworks, construction and trackout activities was predicted to be not significant.
- The development has the potential to cause air quality impacts at sensitive locations as a result of process emissions during operation. Dispersion modelling results indicated air quality effects were predicted to be not significant at all human and ecological receptors.
- Potential exhaust emissions from vehicles travelling to and from the site during the operational phase were assessed. Due to the low number of vehicle movements associated with the development, air quality effects as a result of traffic emissions were predicted to be not significant.

7.8.13 As detailed above, the Council's Environmental Protection Team have been consulted on the application and have raised no objections; the operational impacts of the development would be further regulated by the environmental permitting regime.

7.8.14 Finally, in respect of contamination, the site is not identified as falling within an area where there are potential significant effects in terms of contamination. However, it is appreciated that analysis undertaken as part of the development of the coldstore to the south of the application site, identified that there was some potential for contamination during the development. As such, it is Officers' assessment that it would be appropriate to impose a precautionary ground contamination condition, which would require all works to stop and a detailed investigation to be undertaken in the event that any contamination is identified during the construction period.

7.8.15 Taking the above into account, it is Officers' assessment that, subject to the imposition of conditions, the proposed development would not give rise to any unacceptable risks of ground contamination, air, noise or odour pollution. As such, the application proposals would accord with Policy EN4 of the adopted Local Plan and Section 15 of the Framework on these matters.

## 7.9 **Access and Highways Impacts**

7.9.1 As identified, it is appreciated that public representations on the application have raised objections on the basis that the proposed development would result in an increase in HGV traffic accessing the site, and as a consequence, there would be an unacceptable impact on highways safety. Similarly, representations received from the Parish Council have raised concerns in relation to traffic management, and the impact of the development on the condition of the surrounding road network.

7.9.2 As previously discussed, a key objective of the proposed food processing facility, is to tackle inefficiencies in the existing food manufacturing process by enabling the co-location of production and storage thereby reducing vehicle movements by eliminating the requirement for raw goods to be transported off-site for processing, production and repackaging, prior to returning to site for storage before being sent for final distribution.

7.9.3 The application has been accompanied by a Transport Assessment (WSP) (January 2024), which outlines the following:

- The proposed development will be accessed from the main, existing access of Burton Lane. Changes to the existing site access were proposed as part of the approved Section 73 application to amend the proposed site access arrangements under the 2018. The new arrangements include a new barrier access and the use of number plate recognition system. The new arrangement allows up to 9 HGVs to be able to queue at the site access at busy times whilst security checks take place.
- Staff and visitors access the site via the designated parking area located in the southeastern corner of the wider site which is accessed via a separate point of access on Burton Road.

	Anticipated Trips (18,636 sqm)					
	AM Peak Hour (08:00-09:00)			PM Peak Hour (17:00-18:00)		
	In	Out	Two-Way	In	Out	Two-Way
Cars & LGVs	14	6	20	6	14	20
HGVs	7	8	15	9	6	15
<b>Total Vehicles</b>	<b>21</b>	<b>14</b>	<b>35</b>	<b>15</b>	<b>20</b>	<b>35</b>

- The applicant anticipates 2 HGV inbound trips per hours, meaning four two-way trips, and therefore the above TRICs trip generation is considered to be an overestimation of the HGV trips to the proposed development. Moreover, the intention is to co-ordinate the activities between the food production facility, the cold store, and the proposed AF and WWTF, which would result in a reduction in the number of external HGV trips associated with the wider site as a whole.
- Staff for the proposed development will have access to the shuttle bus services currently in operation for the wider site. The uptake of this service is encouraged through a site-wide travel plan. It has been observed that just over a quarter of staff use this shuttle bus to travel to work, which is higher than the average for the South Kesteven District.

7.9.4 Lincolnshire County Council (as Local Highways Authority) have been consulted on the application proposals and have confirmed that they have no objections. In submitting their comments, they have confirmed that they accept the findings of the submitted Transport Assessment, and that no significant impact will occur on the existing highway network. However, they have requested conditions requiring that the scheme of improvement works to Burton Lane, comprising of a road widening scheme between the site entrance and the proposed car park access, is completed prior to first occupation. This has been included in the schedule of conditions detailed below. In addition, conditions are proposed to require the development to be operated in accordance with the Travel Plan which exceeds for the wider development site; this sets out the expectations in relation to sustainable forms of transport for members of staff.

- 7.9.5 In addition, National Highways have also been consulted on the application proposals and have confirmed that they have no objections.
- 7.9.6 Consequently, subject to the imposition of conditions, it is concluded that the application proposals would not give rise to any unacceptable adverse impacts on highways safety and / or capacity, and would provide an appropriate level of parking provision. As such, the application proposals are in accordance with Policy ID2 of the adopted South Kesteven Local Plan and Section 9 of the National Planning Policy Framework.
- 7.10 **Impact on neighbouring users**
- 7.10.1 With regards to the impact of the proposed development on residential amenity, it is appreciated that public representations received on the application have raised objections on the potential impact of noise and light pollution from the operation of the site on residential amenity. These matters have been analysed in detail as part of the preceding sections of the report.
- 7.10.2 However, in respect of the relationship between the proposed development and nearby residential properties, it is noted that no public representations have raised any objections in relation to the impact of the proposed development on privacy, outlook and daylight.
- 7.10.3 Notwithstanding the above, it is appreciated that the proposed development site comprises an area of vacant land within the existing employment site, and that the application proposals would not result in the built form on the site encroaching closer to any neighbouring land uses. In this regard, it is Officers' assessment that the separation distances between the application site and the nearest residential dwellings would ensure that the proposed development would not give rise to any unacceptable adverse impacts in respect of loss of privacy, overshadowing and outlook.
- 7.10.4 Nonetheless, it is appreciated that there is the potential for short-term impacts on the amenity of neighbouring land users, including users of the public rights of way network, as a result of the noise, dust and vehicular movements associated with the construction of the proposed scheme. In view of the above, conditions are proposed to require the submission of a Construction Management Plan prior to the commencement of the development, and conditions are proposed to manage the construction hours in order to mitigate these impacts.
- 7.10.5 Taking the above into account, subject to the imposition of conditions, it is Officers' assessment that the application proposals would not have any unacceptable adverse impacts on the amenity on neighbouring land users. As such, the application would accord with Policy E5, DE1 and EN4 of the adopted Local Plan, and Section 12 and 15 of the National Planning Policy Framework in respect of amenity considerations.
- 7.11 **Flood Risk and Drainage**
- 7.11.1 In respect of flood risk and drainage matters, it is appreciated that no objections have been raised by consultees on these matters.
- 7.11.2 The application site is located within Flood Zone 1 of the Flood Map for Planning , and is also predominately identified as being at low risk of surface water flooding, albeit there are areas of medium and higher risk of surface water flooding, which reflect known low points in the site's topography and existing surface water ditches. On the whole, it is Officers' assessment that the site presents an overall low risk of flooding.

- 7.11.3 The application submission has been accompanied by a Flood Risk Assessment and Outline Drainage Strategy (WSP) (December 2023), which identifies the following:
- The site is located within Flood Zone 1 where the probability of river or sea flooding is less than 0.1% chance in any given year. Therefore, the probability of tidal or fluvial flooding is assessed as low.
  - Available baseline information indicates that within the Site there are some areas which are at medium risk of surface water flooding.
  - However, a surface water drainage strategy has been designed in line with the most recent EA Climate Change guidance to consider and manage the impact of a 1:100 year plus climate change rainfall event. The surface water drainage strategy considers surface water runoff management with proposals for the drainage network developed to accommodate the 1:100 year event (plus 40% allowance for climate change) within the site.
  - Issues of contamination, the site's location within Source Protection Zone 3, and the EA's mandate to restore the underlying aquifer preclude infiltration as a viable method of drainage the site. Therefore, given the site's proximity to the River Witham, and the existing drainage regime, it is proposed to continue discharging to the river via the existing ditch to the north of the site, with a proportion of this surface water being re-used as part of the waste water treatment process.
  - The proposed drainage strategy consists of a below ground piped drainage network which conveys all run-off from the proposed development to an attenuation tank, before discharging to the existing ditch to the north of the site. A proposed hydrobrake downstream of the tank will restrict post-development run-off rates to 50% of the pre-development rates.
  - The existing weir will be retained to provide a secondary flow restriction, attenuating surface water at the outfall to the ditch. The existing pump will also be retained to return attenuated surface water to the WWTF for re-use and removal of contaminants.
- 7.11.4 Lincolnshire County Council (as Lead Local Flood Authority) have been consulted on the application scheme and have confirmed that they have no objections. Conditions are proposed to require the submission of a detailed surface water drainage plan; which will also be subject to a separate technical approval process by Lincolnshire County Council; this condition is to be required as a pre-commencement condition.
- 7.11.5 Taking the above into account, subject to the imposition of conditions, the application proposals would accord with Policy EN5 of the adopted South Kesteven Local Plan and Section 14 of the NPPF in relation to flood risk and drainage.
- 7.12 **Climate Change**
- 7.12.1 As discussed above, the application proposals would involve the development of a vacant, previously developed parcel of land situated within an established, locally important employment site, and as such, the site is deemed to be an appropriate location for employment generating uses. As such, the application scheme would be consistent with the locational principles of Policy SD1.
- 7.12.2 In respect of the sustainable credentials of the proposed built-form, the submitted Design and Access Statement acknowledges that the proposed food processing facility would be

an energy intensive use and, therefore, renewable energy generation options have been considered to mitigate these impacts. The Statement indicates the solar panels have been considered; however, due to the loading, fire risk and maintenance of any panels, this option has been discounted, in order to reduce the possibility of a fire starting and spreading rapidly. Initial discussions with insurance providers have also highlighted concerns with the use of solar panels on the roof of such a facility.

- 7.12.3 However, the building will incorporate the use of energy efficient and sensor controlled lighting in order to seek to reduce the energy requirements of the building. Similarly, as discussed above, the rationale for the proposed development is to enable the co-location of food processing and storage facilities on the same site, thereby reducing the need to transport materials off-site, and as a consequence reducing food miles, and the associated carbon emissions from vehicles involved in the process.
- 7.12.4 Furthermore, Officers' also highlight that as part of the strategic redevelopment of the existing employment site, the Applicant has submitted proposals for the redevelopment of the existing Waste Water Treatment Facility and Anaerobic Digestion plant located immediately north of the proposed food processing facility, the intention is for the proposed redeveloped WWTF and AD plant to generate 5MW of energy using food waste produced on site as feedstock; the energy generated by the AD plant would be used to power the commercial buildings on site. The Economic Benefits Statement submitted as part of the application indicates that the AD plant could deliver CO<sub>2</sub> savings of approximately 10-12,000 tonnes per annum (the equivalent of powering 3-5,000 homes). These application proposals are currently being considered by Lincolnshire County Council (as Waste Planning Authority). Whilst it is not possible for the LPA to rely on the potential approval of these proposals to support the sustainability credentials of the current application, Officers' acknowledge that these proposals are representative of the Applicant's commitment to tackling climate change as part of the wider operations of the site.
- 7.12.5 Taking the above into account, it is Officers' assessment that the application proposals would represent sustainable development when assessed as a whole, and would accord with the requirements of Policy SD1 and SB1 of the adopted Local Plan.

### 7.13 **Ecology and Biodiversity**

- 7.13.1 It is noted that public representations received on the application have raised objections on the basis of the impact of light pollution from the proposed food processing facility on populations of nesting birds.
- 7.13.2 The application has been accompanied by a Preliminary Ecological Appraisal & Natural Capital Assessment (Simply Ecology Limited) (September 2023), which sets out the following:
- There are 10 Local Wildlife Sites within the surrounding 2km. After considering the nature of the proposed development and the distance to the LWS, no obvious pathway for impact could be identified. Therefore, it was concluded that there is no reasonably foreseeable likelihood of adverse effects on the Local Wildlife Sites.
  - The proposed works will result in the loss of some ephemeral flora, scrub and amenity grassland. There will also be some small-scale loss of deciduous woodland. None of these are valued at a higher than 'site level' value, but it will be an impact, nonetheless. Consequently, this will result in a major loss of these habitats resulting in a negative impact at the site level. These impacts should be appropriately

compensated through a planting scheme. In the medium to long term, appropriate soft landscaping could deliver a positive effect arising from new planting resulting in slight to moderate positive impacts at the site level.

- The greater part of the site will be impacted by the proposed scheme, so this will result in the replacement of existing land uses. Across the majority of its area, the land use already has low ecological value as it comprises buildings and hardstanding and bare ground. There will be extensive losses but the existing habitats of greatest value, the woodland and some of the ruderal habitats will be retained or taken forward to be enhanced.
- Once the development and on-site mitigation has been completed, the scheme will deliver 19.20 habitat units. The result of this is that the scheme delivers 5.00 habitat units fewer than the baseline value, an adverse 20.65% change in the ecological habitat units at the site.
- It is concluded that there will be a net loss of biodiversity at the site. Within the site redline it will not be possible to deliver the net gain required post-development in accordance with the Local Plan and national planning policy. Detailed soft landscaping and a management plan will be required across the site, to achieve the best possible outcomes on site. In addition, the Local Authority may also require that further mechanisms are entered into securing an overall net gain on an off-site basis, which has not been identified at the current time.

7.13.3 In relation to the above, Lincolnshire Wildlife Trust have been consulted on the application and it is noted that they have registered a holding objection. However, it is noted that this holding objection is on the basis that the scheme cannot provide a 10% net gain in biodiversity on-site, and due to the absence of a Landscape and Ecological Management Plan for the site.

7.13.4 In this respect, it should be noted that the application proposals were submitted and validated in advance of the statutory biodiversity net gain requirements imposed by the Environment Act coming into effect for major planning application. As such, whilst the proposed development falls to be assessed against Policy EN2 of the adopted Local Plan, which seeks to achieve a biodiversity net gain where possible, there is no policy obligation for the development to achieve a minimum 10% net gain.

7.13.5 In assessing the application proposals against this context, it is acknowledged that the submitted assessment reports an overall net loss in biodiversity. However, it is also important to note that the submitted assessment considers the cumulative impact of the proposed food processing facility, and the WWTF and AD plant proposals. As such, it is Officers' assessment that whilst the cumulative impacts of the strategic development of the site would result in a net loss in biodiversity, the current application scheme would not directly contribute to the loss of the 'site value' woodland which is a significant contributor to the identified net loss; it is the WWTF and AD plant redevelopment that would result in the loss of this habitat, and cause the overall net loss in biodiversity. Therefore, it will be for Lincolnshire County Council (as LPA for the WWTF and AD application), to consider the acceptability of this net loss in biodiversity, and where necessary, secure appropriate off-site mitigation.

7.13.6 As such, it is the Case Officers' judgement that the current application proposals in isolation, which are solely located on the existing area of previously developed land within the centre of the site, would not result in any adverse impacts on biodiversity.

7.13.7 Furthermore, as referenced above, conditions are proposed to require the submission of a detailed scheme of soft landscaping to assist in softening the built form of the development; and conditions are also proposed to require the submission of a Landscape and Ecological Management Plan to ensure that any soft landscaping scheme is appropriately managed and maintained throughout the lifetime of the development. Finally, conditions are proposed to require the development to be carried out in accordance with the ecological mitigation and enhance measures set out within the Preliminary Ecological Appraisal.

7.13.8 In view of the above, it is Officers' assessment that, subject to the imposition of conditions, the current application proposals would not result in any unacceptable impacts on ecological assets, and would result in a net gain in biodiversity. As such, the application proposals would accord with Policy EN2 of the adopted Local Plan, and Section 15 of the Framework in respect of ecology and biodiversity.

## 7.14 Minerals Safeguarding

7.14.1 As previously identified, the proposed development site is situated within a Minerals Safeguarding Area, as designated by the Lincolnshire Minerals and Waste Local Plan.

7.14.2 Lincolnshire County Council (as Minerals Planning Authority) have been consulted on the application proposals and have not raised any objections.

7.14.3 Consequently, it is concluded that the application would be in accordance with Policy M11 of the Minerals and Waste Local Plan, and Section 17 of the Framework.

## 8 Crime and Disorder

8.1 It is concluded that the proposals would not result in any significant crime and disorder implications.

## 9 Human Rights Implications

9.1 Article 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is concluded that no relevant Article of the Act will be breached in making this decision.

## 10 Planning Balance and Conclusions

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

10.2 In this case, the application proposals seek planning permission for the erection of a Use Class B2 / B8 food processing facility with associated loading and service yard. The proposed food processing facility would be situated on an area of vacant, previously developed land within the established Burton Lane, Easton employment site, which is the 4<sup>th</sup> largest employment site within the District and protected by Policy E4 of the adopted Local Plan. Policy E5 of the Local Plan supports the expansion of existing businesses subject to compliance with a series of criteria. In this respect, it is Officers' assessment that the location of the application scheme accords with the locational principles of Policy E5, and therefore, the application proposals are acceptable in principle subject to material considerations.

10.3 With regards to the material considerations, the application scheme proposes the erection of a 18,352 sq. metre food production facility, which would be 22m high, 175m in length and 110m in width. In this respect, Officers' acknowledge that, whilst the application scheme is

located within the existing employment site, the scheme also falls to be considered in the context of the impact on the wider rural landscape which surrounds the operational site. In this context, it is Officers' assessment that the application proposals would invariably result in a degree of visual impact and impact on the landscape character of the area, by virtue of the substantial scale of the building. However, it is Officers' position that this impact also falls to be considered in the context of the existing buildings on site and the construction of the coldstore facility immediately south of the current scheme. Against this backdrop, it is Officers' assessment that the application proposals would result in a minor adverse impact on the surrounding landscape character area and would also have a minor-moderate visual impact on users of the surrounding public rights of way network and vehicles travelling along Burton Lane and High Dike. As such, the application scheme would be contrary to Policy EN1 and DE1 of the adopted Local Plan.

- 10.4 However, this identified landscape and visual harm falls to be balanced against the significant economic benefits of the development. As discussed within the report, the application proposals are identified as directly generating 254 FTE jobs in the operational of the food processing facility, this includes a range of positions to suit varying technical expertise. The operation of the facility would also support 405 FTE jobs indirectly in other related industries associated with agri-food production. In total, it is anticipated that the food processing facility would result in £16.6 million gross value added to the local economy per annum. In addition, the 1.5 year anticipated construction period is anticipated to generate 546 FTE jobs directly and indirectly, which would result in £36.3 million GVA during the construction period for the region.
- 10.5 As such, it is Officers' assessment that the application proposals would be consistent with Priority 3 of the Council's Corporate Plan, which seeks to encourage the continued delivery of a dynamic, resilient and growing local economy. As such, it is Officers' assessment that the application scheme would result in significant economic benefits, which are attributed significant weight in the planning balance, and these public benefits would outweigh the minor landscape impacts and minor-moderate visual impacts associated with the development.
- 10.6 Furthermore, subject to the imposition of conditions, the application scheme would accord with the adopted development plan in respect of heritage, highways, flood risk, climate change and pollution control.
- 10.7 Taking the above into account, it is Officers' assessment that, on balance, the application proposals would accord with the adopted Development Plan when taken as a whole, albeit there is a conflict identified with Policy EN1 and DE1 as a result of the landscape and visual harm caused by the development scheme.
- 10.8 In respect of whether there are material considerations which indicate that the proposal should be determined other than in line with the adopted Development Plan, as alluded to above, it is Officers' assessment that the significant economic benefits of the application scheme are attributed significant weight in the planning balance, and the scheme would also result in benefits relating to biodiversity net gain. These material considerations would outweigh the adverse impacts on the landscape character of the area and the visual impacts of the development.
- 10.9 Taking all of the above into account, it is Officers' assessment that the application proposals would be in accordance with the adopted Development Plan when taken as a whole, and

the balance of material considerations in this case would also indicate that planning permission should be granted.

## **11 Recommendation**

- 11.1 To authorise the Assistant Director – Planning to GRANT planning permission, subject to the proposed schedule of conditions below.

## **Schedule of Condition(s)**

### **Time Limit for Commencement**

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans**

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - (a) Proposed Site Plan – Overall Site (Ref: MPL08-CPL-00-XX-DR-A-0071/P05)
  - (b) Proposed Site Plan – Food Production Facility (Ref: MPL08-CPL-00-XX-DR-A-0072/P04)
  - (c) Site Section Plan – East (Ref: MPL08-CPL-00-XX-DR-A-0074/P01)
  - (d) Site Section Plan – North (Ref: MPL08-CPL-00-XX-DR-A-0075/P01)
  - (e) Site Section Plan – West (Ref: MPL08-CPL-00-XX-DR-A-0076/P01)
  - (f) Site Section Plan – South (Ref: MPL08-CPL-00-XX-DR-A-0077/P01)

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

### **Before the Development is Commenced**

#### **Construction Management Plan**

- 3) No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall include measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:
  - (a) The phasing of the development, including access construction;
  - (b) The on-site parking of all vehicles and site operatives;
  - (c) The on-site loading and unloading of all plant and materials;
  - (d) The on-site storage of all plant and materials used in constructing the development;
  - (e) Dust suppression measures;
  - (f) Wheel washing facilities;
  - (g) The routes of construction traffic to and from the site including any off-site routes for the disposal of excavated materials; and
  - (h) A strategy stating how surface water runoff on and from the development will be managed during construction, and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

### Surface Water Drainage Strategy

- 4) Before the development hereby permitted is commenced, a scheme for the treatment of surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- (a) Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
  - (b) Provide flood exceedance routing for storm events greater than the 1 in 100 year event;
  - (c) Provide details of how runoff will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the runoff rate for the undeveloped site;
  - (d) Provide attenuation details and discharge rates which shall be restricted to the brownfield runoff rate;
  - (e) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
  - (f) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertake and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

Thereafter, no part of the development shall be occupied / brought into use, until the approved scheme has been completed or provided on site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of the permitted development.

### **During Building Works**

#### Precautionary Ground Conditions

- 5) Should the developer, during excavation and construction works of the approved development site, find any area where it is suspected that the land is contaminated, then all works must stop and the Local Planning Authority notified immediately. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation

scheme must be prepared in accordance with current good practice and legislation, and submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved remediation scheme shall be implemented in accordance with the approved details. Following the completion of the measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority, prior to the development being brought in use / occupied.

Reason: Previous activities associated with the site may have caused, or had the potential to cause, land contamination and to ensure that any site investigation and remediation will not cause pollution; in the interests of the amenities of future users of the development, and in accordance with Policy EN4 (Pollution Control) of the South Kesteven Local Plan.

### Lighting Spillage Assessment and Strategy

- 6) No development above damp-proof course shall take place until a detailed Lighting Assessment and Strategy, has been submitted to, and approved in writing by, the Local Planning Authority.

The Assessment and Strategy shall set out the lighting strategy and specification for the building and the site, including all access roads and communal areas, and shall include a light layout plan with beam orientation, a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles, and measures to prevent light spillage), and shall be accompanied by an assessment of the impact of the proposed lighting strategy upon the landscape and character of the area, including the submission of a light spillage plan.

Thereafter, the lighting shall be installed, maintained and operated in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the landscape character and appearance of the area, and to avoid any unacceptable impacts on residential amenity by way of light pollution; and in accordance with Policy DE1, EN1 and EN4 of the adopted South Kesteven Local Plan.

### Soft Landscaping Scheme

- 7) No development above damp-proof course shall take place until a detailed soft landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall set out measures to enhance the soft landscaping to the western boundary of the application site and the applicant's retained land, and shall include:
- (a) Planting plans;
  - (b) Written specifications (including cultivation and other operations associated with plant and grass establishment);
  - (c) Schedules of plants, noting species, plant sizes, and proposed numbers / densities where appropriate.

Reason: Soft landscaping and tree planting make an important contribution to the development's assimilation with its surroundings, and in accordance with Policy DE1 and EN1 of the adopted South Kesteven Local Plan.

### Ecological Mitigation

- 8) All works on site, including construction works, shall be carried out in accordance with the recommendations contained within the Preliminary Ecological Appraisal & Natural Capital Assessment (Simply Ecology) (Dated September 2023).

Reason: in the interests of best ecological practice, and in accordance with Policy EN2 of the adopted South Kesteven Local Plan.

### **Before the Development is Occupied**

#### Off-Site Highways Works

- 9) No part of the development hereby permitted shall be occupied / brought into use before the works to improve the public highway (by means of a road widening scheme between the existing site entrance and the proposed car park accesses along Burton Lane) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of a safe and adequate means of access to the permitted development.

#### Landscape and Ecological Management Plan

- 10) Before any part of the development hereby permitted is occupied / brought into use, a landscape and ecological management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- (a) Long term design objectives;
- (b) Management responsibilities; and
- (c) Maintenance schedules for all landscaped areas.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings, and in accordance with Policy DE1 and EN1 of the adopted South Kesteven Local Plan.

#### Materials Implementation

- 11) Before any part of the development hereby permitted is first occupied / brought into use, the external materials must have been completed in accordance with the external materials detailed in the submitted Design and Access Statement (E4environment) (January 2024) and demonstrated on the approved plans.

Reason: To ensure a satisfactory appearance to the development, and in accordance with Policy DE1 and EN1 of the adopted South Kesteven Local Plan.

### Soft Landscaping Implementation

- 12) Before any part of the development hereby permitted is first occupied / brought into use, all soft landscaping works shall have been carried out in accordance with the approved soft landscaping details.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings, and in accordance with Policy DE1 and EN1 of the adopted South Kesteven Local Plan.

### **Ongoing**

#### Travel Plan

- 13) The use of the site shall be carried out in accordance with the Full Travel Plan (Ref: 70111994-WSP-XX-XX-RP-0001/P05) (Dated September 2023) approved under application ref: S23/1698. No cessation of the Travel Plan requirements shall take place, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage sustainable modes of transport to and from the site in accordance with the principles of sustainable development as required by the National Planning Policy Framework.

#### Soft Landscaping Protection

- 14) Within a period of five years from the occupation of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping, in accordance with Policy DE1 and EN1 of the adopted South Kesteven Local Plan.

### **Standard Note(s) to Applicant**

- 1) In reaching the decision, the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such, it is considered that the decision is in accordance with Paragraph 38 of the National Planning Policy Framework (December 2023).
- 2) The highways improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.
- 3) Please contact Lincolnshire County Council Streetworks and Permitting Team to discuss any 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.

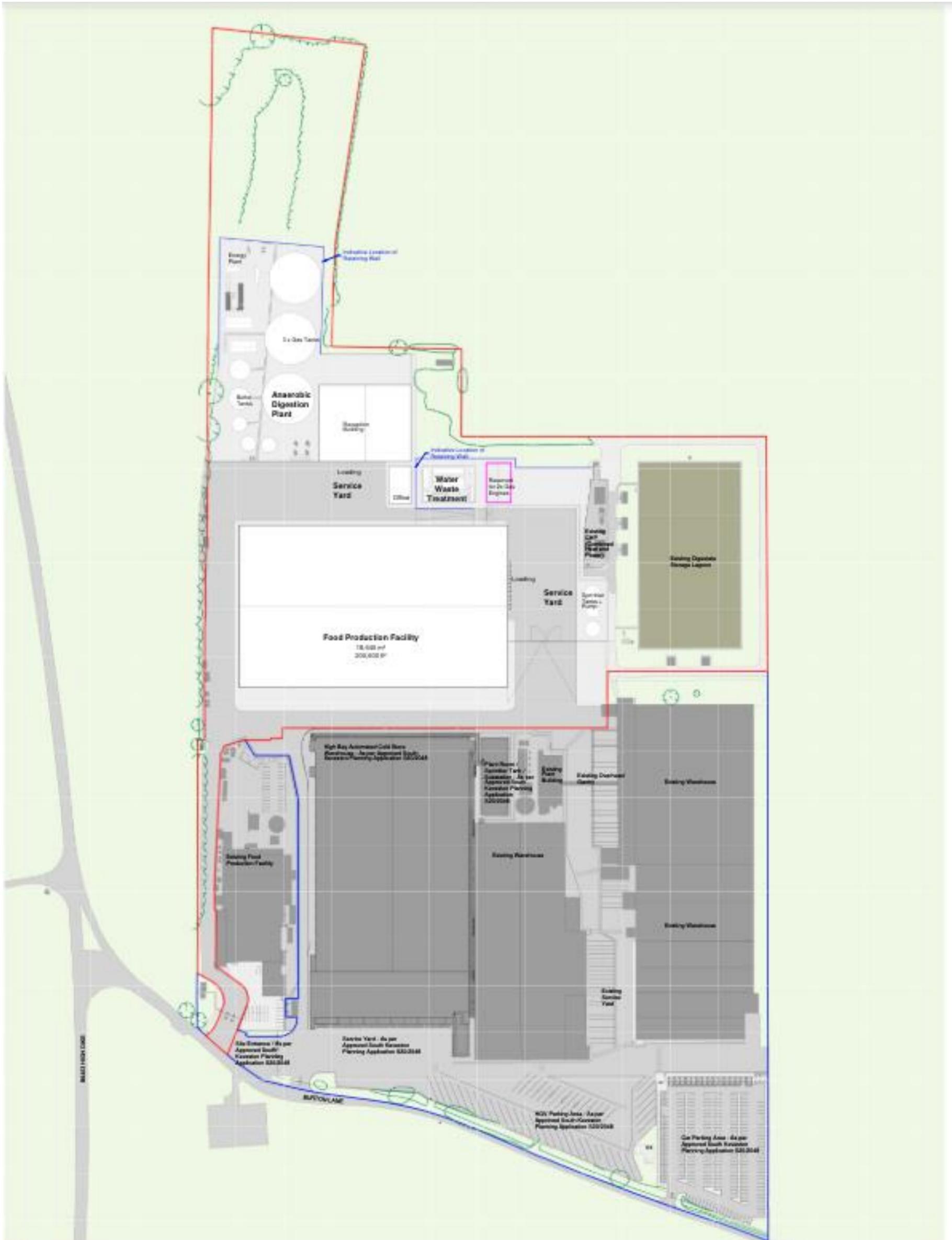
This will enable Lincolnshire County Council to assist in the co-ordination and timings of these works.

- 4) Cadent own and operate a 180mm PE (plastic) intermediate pressure gas pipeline in the area concerning the planning application; this pipeline has a building proximity of 6m and no building foundation is permitted within 6m of the intermediate pressure gas pipeline.

Cadent will need to be liaised with and consulted before any civils or construction work commences as there will be restrictions on working in the vicinity of intermediate pressure gas assets / pipelines and Cadent will have plant protection procedures that will need to be adhered to.



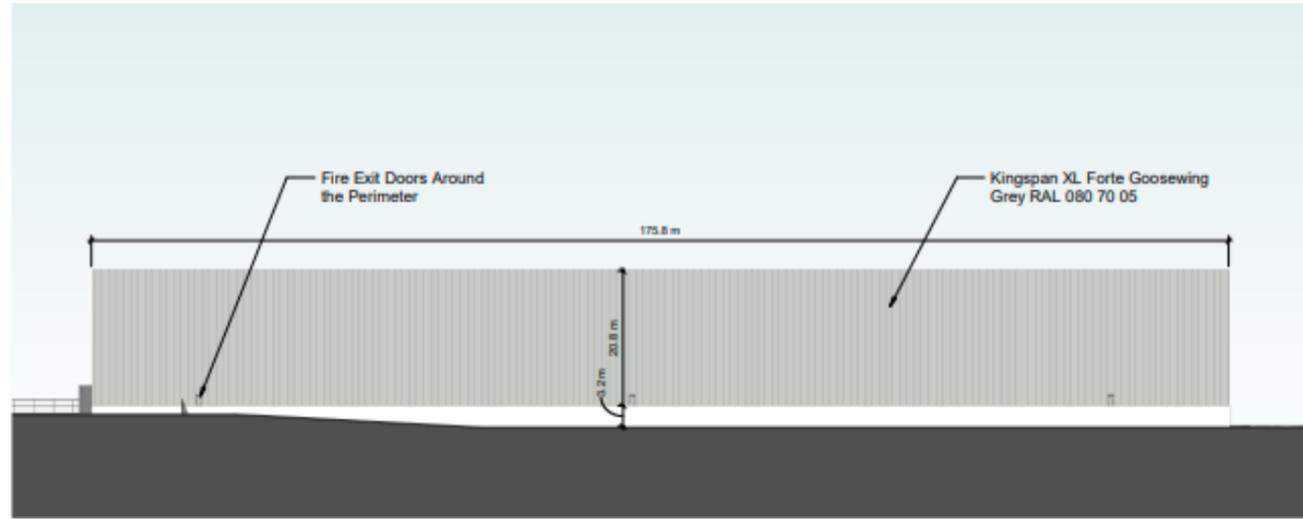
Proposed Site Plan



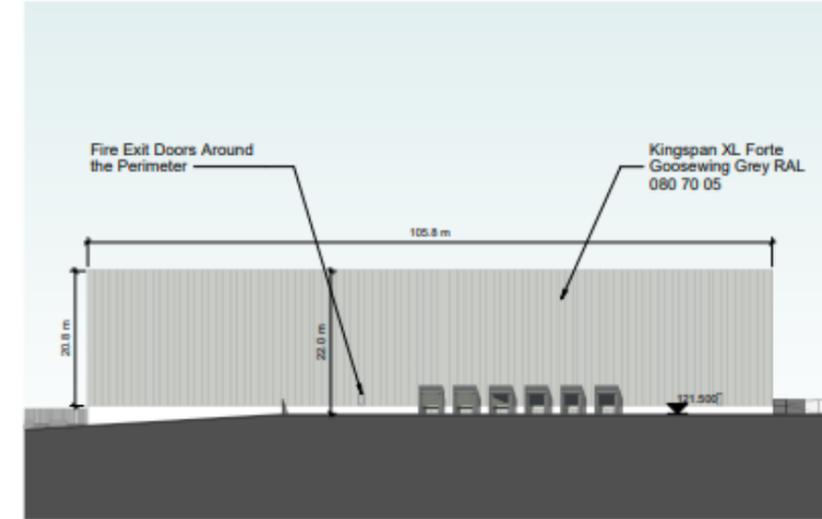
- Application Boundary
- Land Ownership Boundary
- Tree / Shrub / Garden Outline
- Structure to be Retained / Previously Approved
- New Structure as Part of Outline Planning Application
- Soil Landscapes
- Hard Landscapes (Curb / Concrete / Asphalt / Pavement / Grass)
- Storage / Liquid / Pond

		MGL Properties Limited London - Southern Site		Site Plan - Proposed MFL08-CPL 00 03 01-A 008	
Date: 10/01/2018 Version: 1.0 Author: [Name] Checked: [Name] Approved: [Name]		Date: 10/01/2018 Version: 1.0 Author: [Name] Checked: [Name] Approved: [Name]		Date: 10/01/2018 Version: 1.0 Author: [Name] Checked: [Name] Approved: [Name]	

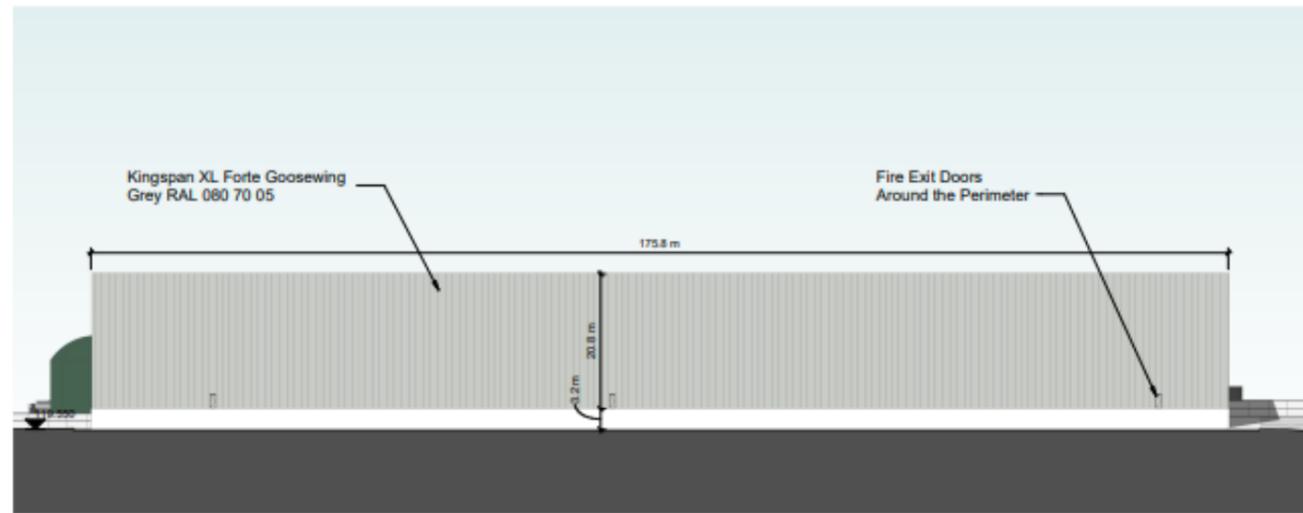
Proposed Elevations



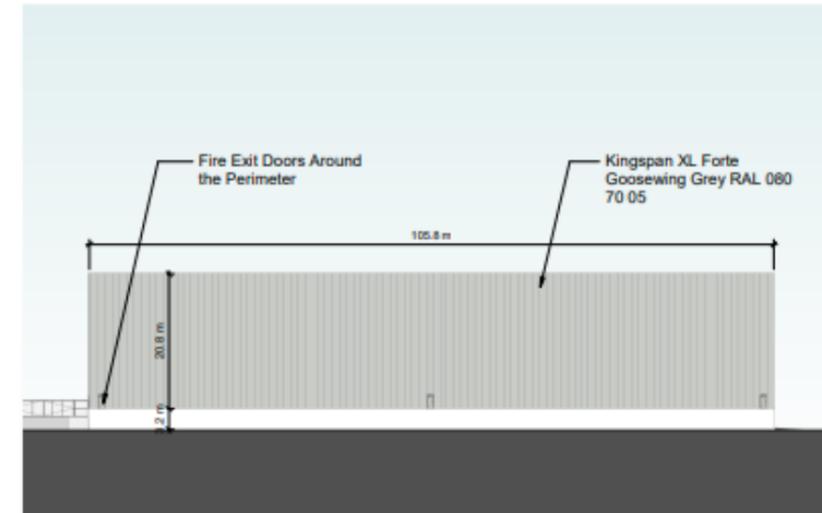
N North Food Production Facility Elevation  
1:500



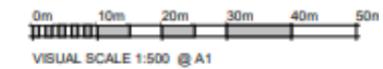
E East Food Production Facility Elevation  
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S South Food Production Facility Elevation  
1:500



W West Food Production Facility Elevation  
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Proposed Site Sections

North

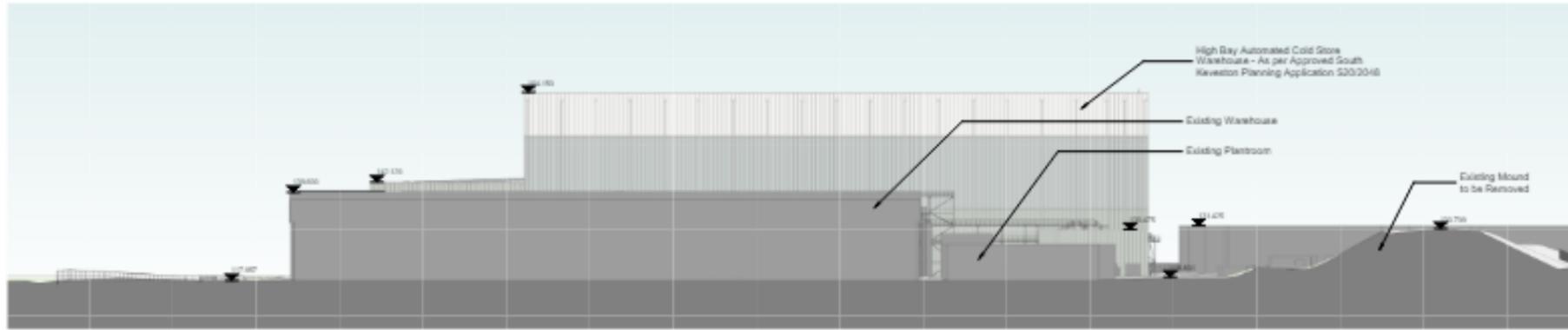


1 North Site Section - Existing  
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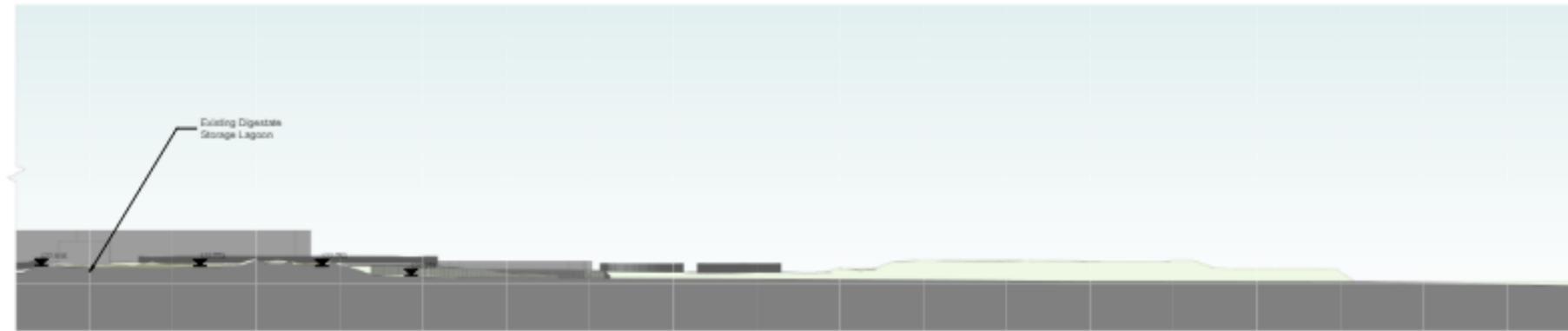


2 North Site Section - Proposed  
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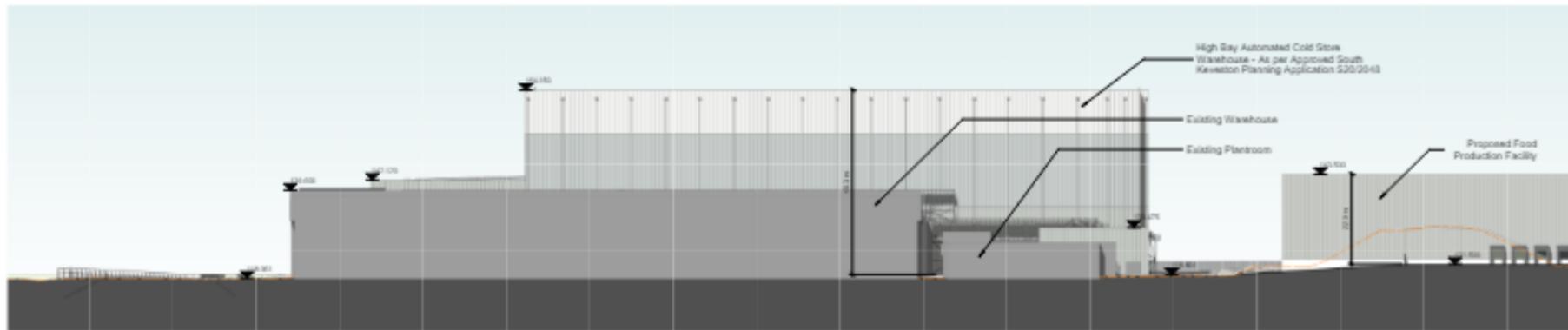
**East**



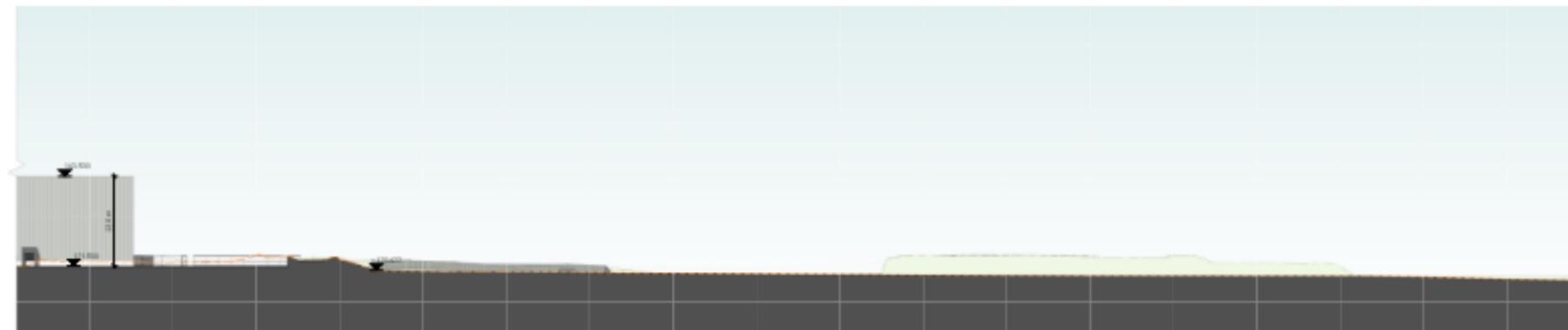
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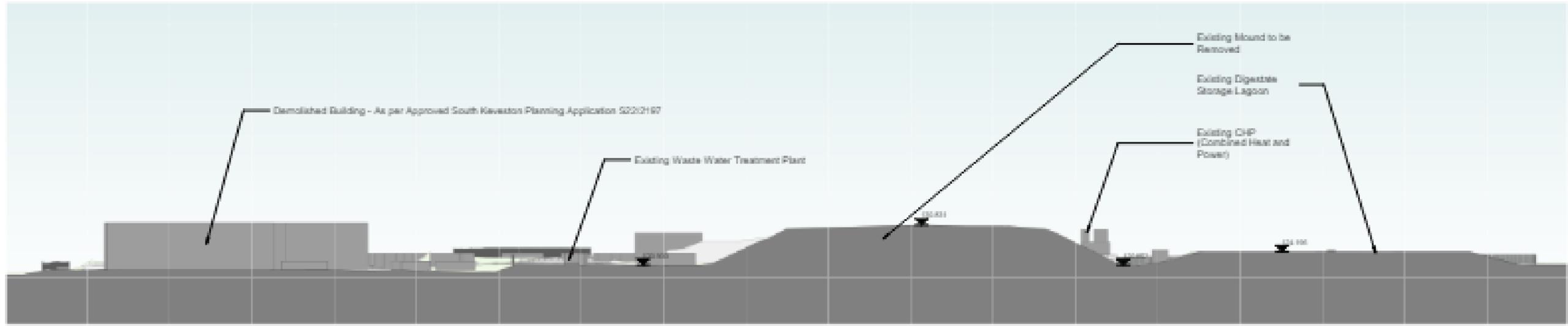
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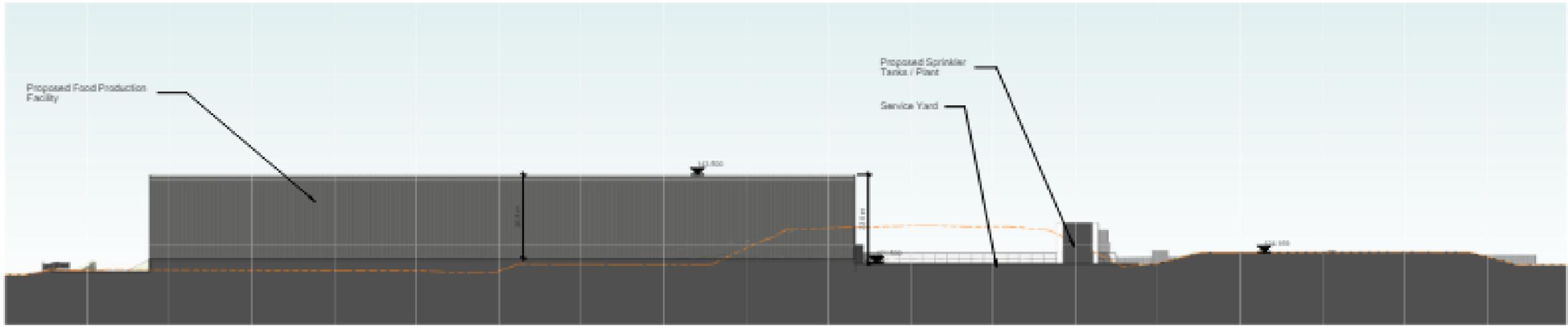
3 East Site Section - Proposed - Part 1  
1:500



4 East Site Section - Proposed - Part 2  
1:500



1 South Site Section - Existing  
1 : 100

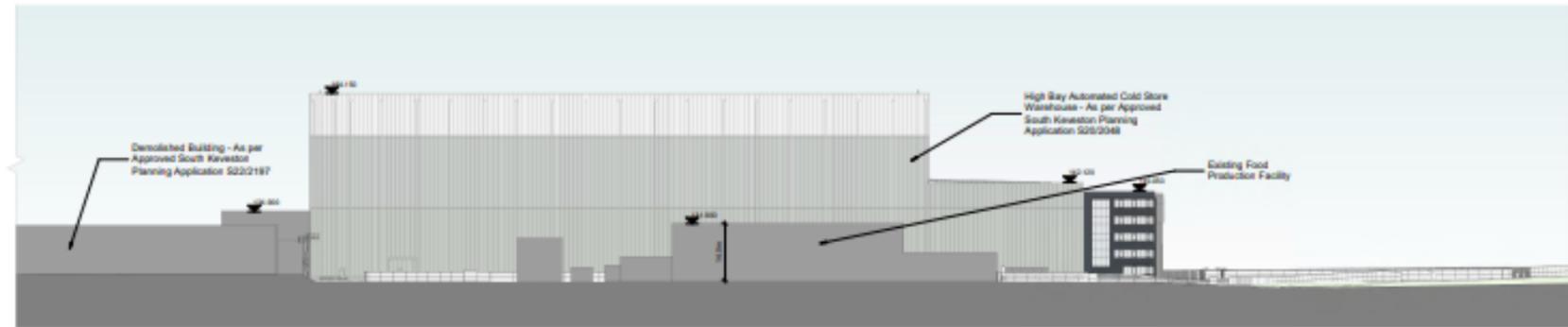


2 South Site Section - Proposed  
1 : 100

**West**



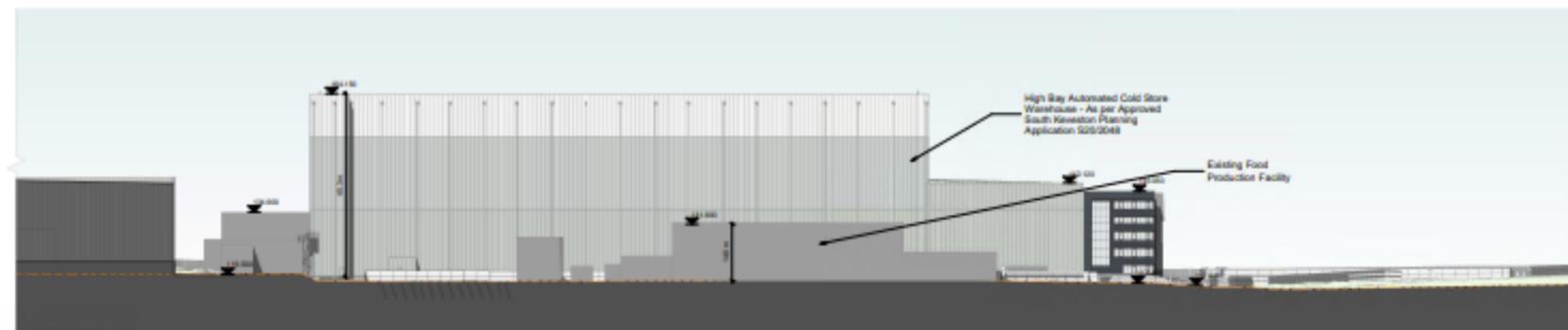
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1:500



2 West Site Section - Existing - Part 2  
1:500



3 West Site Section - Proposed - Part 1  
1:500



4 West Site Section - Proposed - Part 2  
1:500

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**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

16 May 2024



## S23/1432

**Proposal:** Retention of mobile home as a temporary workers dwelling  
**Location:** Orchard Corner Farm, Drift Lane, Barkston, Lincolnshire  
**Applicant:** Mrs Charlotte Major  
**Agent:** Willis and Co. (Town Planning) Ltd.  
**Application Type:** Full Planning Permission  
**Reason for Referral to Committee:** Member Call in by Cllr Ian Stokes  
**Key Issues:** Development principle  
 Amenity impacts  
 Highway safety  
**Technical Documents:** Design & Access Statement/Planning Statement  
 Agricultural Appraisal

### Report Author

Kevin Cartwright (Development Management Planning Officer)



01476 406375



Kevin.cartwright@southkesteven.gov.uk

**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Peascliffe & Ridgeway**

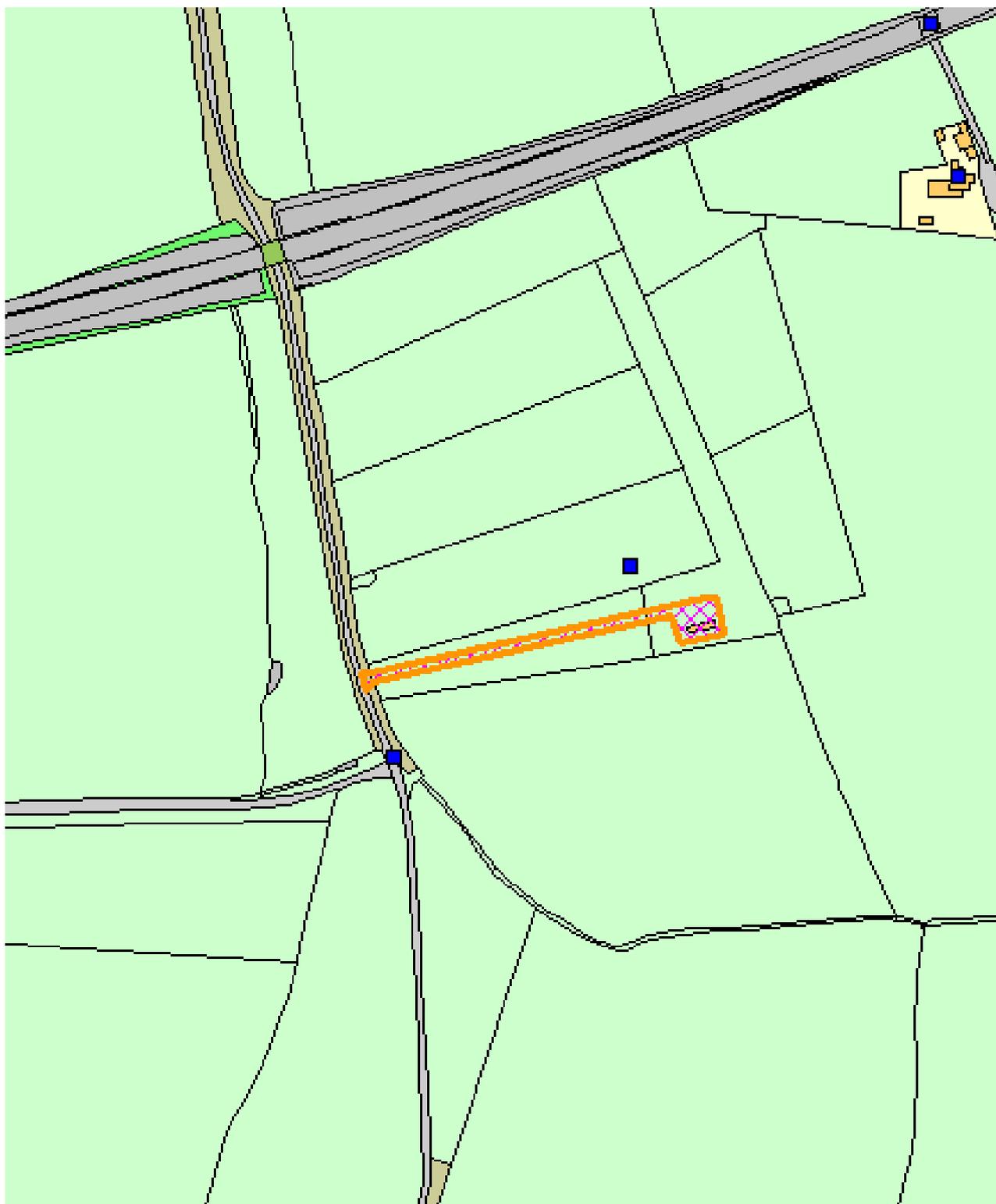
**Reviewed by:**

Phil Jordan, Development Management & Enforcement Manager

8 May 2024

### Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.



## **1 Description of Site**

- 1.1 The site is located in a field in the open countryside, just over 500m north-west of the village of Barkston.
- 1.2 From the submitted information the applicant states that they own approximately 8 hectares of land that comprises two main fields that have been subdivided to form operational paddocks.

## **2 Description of Proposal**

- 2.1 The proposal is for a temporary rural workers dwelling in the form of a single unit mobile home measuring 11.5m by 3.5m. It is finished in cream with a green fascia.
- 2.2 The residential unit would be associated with the rearing and keeping of alpacas.
- 2.3 From the submitted information the business has 53 adult alpacas of which there are 42 breeding females, 8 working stud males and 3 yearling males.
- 2.4 The residential accommodation is sought to allow the applicants to live close to and monitor the livestock. The application seeks permission for a temporary period of two years.

## **3 Relevant History**

- 3.1 S21/0043 – A dwelling within the Caravan Act Regulations with garden area. Refused Planning Permission on 12<sup>th</sup> July 2021. The reason for refusal was:
- 3.2 *Whilst the associated alpaca business could give rise to the essential need for a worker to live on-site, insufficient evidence to demonstrate that the associated business is economically viable or has the potential to be has been provided. Neither a permanent nor a temporary permission is therefore considered to be justified. The proposal therefore fails to accord with Local Plan policy SP5 and the NPPF Section 5 and there are no material considerations which outweigh this policy conflict and the proposal is therefore unacceptable.*

## **4 Policy Considerations**

- 4.1 **SKDC Local Plan 2011 - 2036**  
Policy SP1 - Spatial Strategy  
Policy SP5 - Development in the Open Countryside  
Policy DE1 - Promoting Good Quality Design  
Policy EN2 - Protecting Biodiversity and Geodiversity Policy  
EN5 - Water Environment and Flood Risk Management Policy  
ID2 - Transport and Strategic Transport Infrastructure
- 4.2 **National Planning Policy Framework (NPPF)**

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

## **5 Representations Received**

### **5.1 LCC Highways & SuDS Support**

5.1.1 No objection. The proposal is for the retention of a mobile home as a temporary rural workers dwelling - it is well away from the public highway and will not have an adverse impact on the public highway or surface water flood risk.

### **5.2 Agricultural Consultant**

5.2.1 Functional Need. Paragraph 10 of the PPG notes defines a functional need to live on site as being “for instance, where farm animals or agricultural processes require on-site attention 24 hours a day and where otherwise there would be a risk to human or animal health or from crime”. In our opinion you need to consider the likely frequency of the problems which could be experienced, the potential severity of these problems, and the consequent losses that could occur if these problems are not responded to. You must also consider what opportunities there are for identifying any problems if there is an on-site operator and how that on-site worker could respond to any such problem.

5.2.2 As stated in our 2021 appraisal Alpaca are not always easy birthers and, as explained at that time by the Applicants, they are shy. There can be, and inevitably will be, problems with some of the birthings, and rapid identification of the problem and attention from a stockman will be necessary.

5.2.3 In addition, there can and will be periodic problems with some of the older animals, and the Applicants have identified a small number of actual issues that they have encountered.

5.2.4 It is understood that 15 of the existing breeding females are going to be sold in 2023 so in 2024 there will hopefully be 33 females who will give birth reducing to 26 in the long term. We are satisfied that for the business to be able to operate successfully the number of birthing alpacas warrants a worker living on site.

5.2.5 Existing Dwellings. In 2021 we accepted that the land was isolated from other dwellings, and there were no dwellings overlooking the land or adjacent to it.

5.2.6 In summary, having analysed the budgets submitted we have some concerns as to whether the level of sales are sustainable in the long term, both in terms of breeding female sales and yarn sales, if the herd is to stay at the size proposed. However, if the sales figures are reduced to what we consider to be a more sustainable level which will reflect the established herd size (yarn sales reduced by £3,000 to £12,000 and breeding female sales reduced by £6,000 -£13,000) then the business will still be likely to make a net profit in the region of £22,000 – £29,000 per annum. In our opinion this level of profit will provide an appropriate return on the applicant’s labour. Therefore, even when making an allowance for what in the long-term we see as likely lower levels of sales, there is some confidence that the business will, at the end of the temporary period, be financially viable.

- 5.2.7 Planning consent is sought for the temporary retention of a mobile home in connection with an established alpaca farm. An earlier application for the permanent retention of the mobile home was refused due a lack of evidence regarding the financial viability of the business. This application seeks to overcome those concerns by the submission of budgets and historic accounts,
- 5.2.8 Having analysed the additional information that has been submitted we are now satisfied that the proposal accords with planning policy set out in paragraph 80 of the NPPF in that there is a functional need to live on site and the business is likely to be financially viable at the end of the temporary period.

### 5.3 **Barkston Parish Council**

- 5.3.1 No objection.

### 5.4 **Cllr Ian Stokes**

- 5.3.2 The design of the proposal is out of keeping with the area.
- 5.3.3 The proposal would be visually intrusive.
- 5.3.4 The proposal is contrary to the local plan and the NPPF.

## **6 Representations as a Result of Publicity**

- 6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement. 1no. letter of representation have been received.
- 6.2 A summary of the main concerns are listed below:
- Drift Lane is a public bridleway
  - There is no right of way over Drift Lane beyond a bridleway. As such any right of way for motor vehicles, if it existed, was extinguished
  - Any damage to Drift Lane by private motor vehicles would be a private legal matter. At this point in time that would be me for the area that I own.
  - The condition of Drift Lane is suitable for what has been limited historic use by way of farming machinery and/or where access by Network Rail is required for a rail bridge. It is therefore not designed nor suitable for private motor vehicles and traffic and has not been maintained on that basis
  - If such traffic were allowed then it would be the subject of maintenance liability upon myself
  - It is a track that does not lend itself to passing vehicles.
  - I am not providing permission for such vehicles to leave the road to go upon my land, requiring further maintenance liability which again cannot be right and fair upon myself?
  - Gives rise to concern over increased vehicle traffic of a non-agricultural nature
  - I am not prepared to give permission for a post box or refuse arising from their land use to be left on my property to avoid the use of Drift Lane.

6.3 Additionally, 2no. letters of support have been received. A summary of the comments are listed below:

- As alpacas have special breeding needs, we can see how important it is for them to live on site. Charlotte and Scott have shown their dedication and commitment and therefore enabling them to build and sustain a high-quality alpaca farm.
- They have stressed to us that they have absolutely no intention of opening a café or engaging in alpaca trekking/ walking as part of their business but to simply breed high quality stock for sale or breeding purposes. It is good to see a new fledgling business developing in this area.
- Their location provides additional security for us and surrounding landowners and we are sure they will prove to be an asset to the Barkston community.
- Although their mobile home does not overlook us, it is nice to know that they are there. We continue to enjoy living in our home in the countryside and are not disturbed in any way by the alpaca farming activities.

## 7 Evaluation

### 7.1 Principle of Development

7.1.1 Local Plan Policy SP1 sets out the spatial strategy for the District, with the majority of growth focused on the four market towns, but with identified "Larger Villages" providing a supporting role.

7.1.2 Local Plan Policy SP5 deals with development in the open countryside, limiting it to that which has an essential need to be located outside of the existing built form of a settlement. In such instances, the following types of development are supported:

- a) agriculture, forestry or equine development;
- b) rural diversification projects;
- c) replacement dwellings (on a one for one basis) or;
- d) conversion of buildings provided that the existing building(s) contributes to the character or appearance of the local area by virtue of their historic, traditional or vernacular form; and
- e) are in sound structural condition; and
- f) are suitable for conversion without substantial alteration, extension or rebuilding, and that the works to be undertaken do not detract from the character of the building(s) or their setting.

7.1.3 The proposal is for a new dwelling, which the applicants state is necessary for an agricultural business. When assessing 'essential need' the PPG advises that it may be relevant to take the following into account:

- *evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal*

*health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*

- *the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;* - *whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;* - *whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context;* and
- *in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.*

- 7.1.4 The Council has engaged the services of an agricultural consultant who has carried out an assessment of the submitted supporting agricultural appraisal. As can be seen from their comments the various set out in the PPG in relation to 'essential need' have been demonstrated. As was the case with the previous application that was refused planning permission. The difference with this application is in relation to viability.
- 7.1.5 It should be noted that the only reason for refusal in relation to the previous application S21/0043 was that the business was not economically viable. It is noted that the comments of our agricultural consultant whilst expressing a degree of concern in relation to the long-term sustainability of the business based on the projected breeding female sales and the return from yarn sales. However, the consultant states that reducing both to a more sustainable amount the business should return a suitable profit.
- 7.1.6 Taking into account this degree of uncertainty it is considered appropriate to consider a limited period permission to allow the business to demonstrate its viability.
- 7.1.7 As such, as per the advice given by our agricultural consultant, and the limited period permission requested, the proposal is considered to accord with the guidance set out in paragraph of the NPPF in that there is a functional need to live on the site and the business is likely to be financially viable at the end of the requested temporary period.
- 7.1.8 Taking into account the above matters the proposal is considered to accord with local plan policy SP5.

## 7.2 **Impact on the character and Appearance of the area**

- 7.2.1 Local Plan Policy DE1 requires development to make a positive contribution to the character of the area, avoiding harm to the street-scene. This is consistent with NPPF Section 12 (Achieving well-designed places) which amongst other things states that developments should be visually attractive as a result of good architecture, layout and effective landscaping. The caravan would be sited in a relatively isolated location, would be set back from any public vantage point, and would not therefore be harmful to the character of the area.
- 7.2.2 Whilst it is accepted that the caravan is not agricultural or rural in its appearance. It is of limited scale and is only requested for a temporary period. Any visual harm is therefore very minor and would only be for a temporary period of time.
- 7.2.3 The proposal therefore complies with Policy DE1 of the South Kesteven Local Plan and NPPF Section 12.

#### **7.2.4 Residential Amenity – future occupiers**

7.2.5 NPPF section 12 requires planning decisions to create places with a high standard of amenity for existing and future users. Local Plan policy DE1 states that development proposals are expected to provide sufficient private amenity space, suitable to the type and amount of development proposed. The proposal is an accepted form of temporary accommodation with sufficient natural light and an acceptable outlook.

7.2.6 The site is located in the open countryside as such there is adequate amenity space for occupiers of the site.

7.2.7 The proposal would therefore provide satisfactory living conditions for future occupants as required by NPPF section 12 and local plan policy DE1.

#### **7.2.8 Residential Amenity – existing occupiers**

7.2.9 The proposal would be located in an isolated rural location. It is considered that there would be adequate separation distances to neighbouring occupiers to ensure no significant overlooking/loss of privacy or noise and disturbance would occur.

7.2.10 For these reasons, the application would accord with Policy DE1 of the Local Plan in terms of amenity impacts.

#### **7.3 Highway Safety**

7.3.1 The proposal has been assessed by the local highway authority. No objection has been raised in relation to highway safety and capacity.

7.3.2 While representations received as a result of the Council's consultation exercise have raised the issue of rights of access for vehicular traffic to the site and that any improvements to Drift Lane that result in encroachment/trespass or increased maintenance burden would not be permitted, these are civil legal matters rather than material planning considerations.

7.3.3 It can therefore be concluded that the application, in respect of highway safety and traffic impacts, is not in conflict with Policy ID2 of the Local Plan and NPPF Section 9.

### **8 Crime and Disorder**

8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

### **9 Human Rights Implications**

9.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

## **10 Conclusion and Planning Balance**

- 10.1 Neither this application nor the previous application S21/0043 disputed whether or not there is a functional need for there to be a presence on site to be able to monitor and care for the livestock. The reason for refusal in relation to the previous application was in relation as to whether or not the business was financially viable. This has now been demonstrated. Taking the above matters into account it is considered that the grant of a temporary planning permission for a period of 2 years is considered reasonable and in accordance with local plan policy SP5, DE1 and ID2 and NPPF Section 9 and 12.
- 10.2 Whilst accepting concerns have been raised in relation to vehicle access to the site this is considered to be a private legal matter between the parties involved and not a bar on the grant of planning permission.

### **RECOMMENDATION:**

**Grant planning permission subject to the conditions set out below.**

#### **Time Limit for Commencement**

- 1 The development hereby permitted is for a temporary period of 2 years from the date of this decision. The development hereby permitted shall cease and the mobile home shall be removed from the site following the expiration of 2 years from this date.

Reason: To ensure that the development is undertaken in accordance with the submitted details.

#### **Approved Plans**

- 2 The development hereby permitted shall be carried out in accordance with planning application form, and with the following list of approved plans:
- i. The Location Plan, received on 2<sup>nd</sup> Aug 2023
  - ii. Site Plan Dated 31/07/2023.

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

#### **Ongoing Conditions**

- 3 The mobile home hereby permitted shall be occupied solely by person(s) working in agriculture specifically the adjacent business Orchard Corner Alpacas, Drift Lane, Barkston.

Reason: The occupation of dwelling in the open countryside is considered acceptable in relation to the adjacent agricultural business only in accordance with Local Plan Policy SP5.

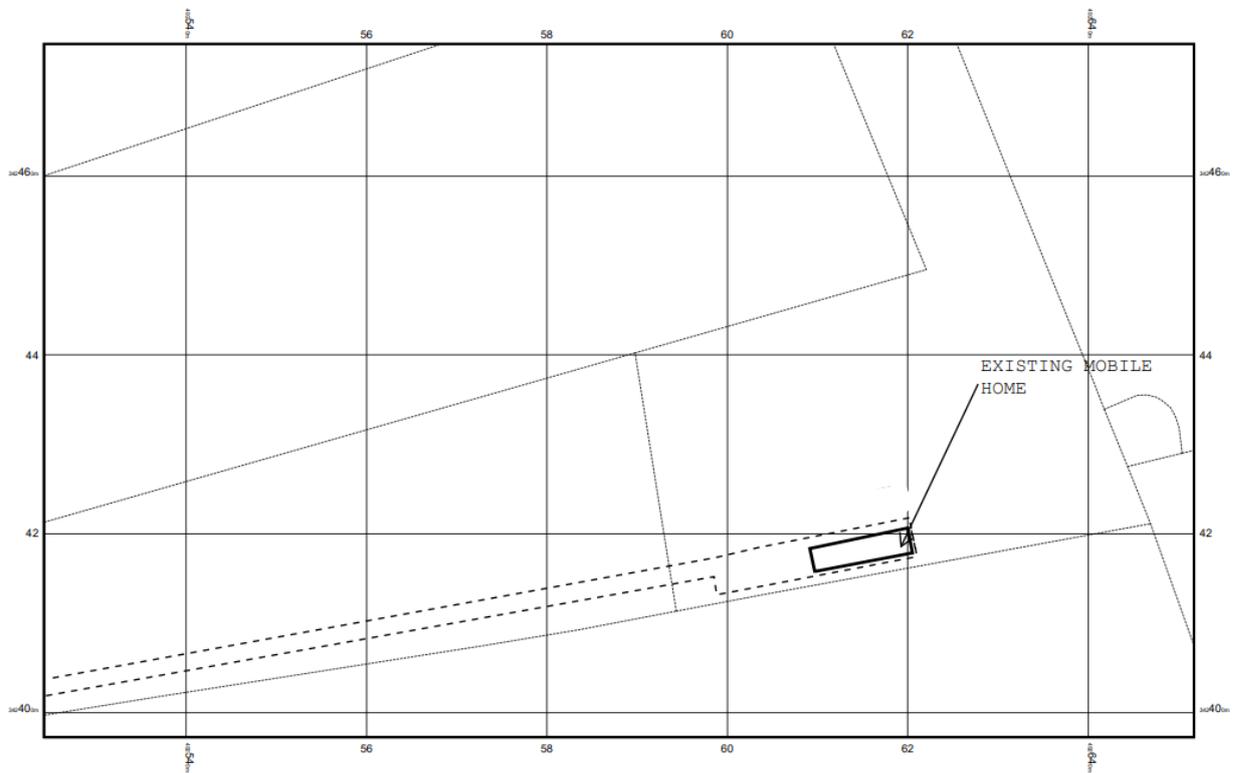
**Standard Note(s) to Applicant:**

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.

## Site Location Plan



## Site Layout Plan



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**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

16 May 2024



## S24/0315

**Proposal:** Outline application for the erection of up to 6 dwellings with associated access and infrastructure  
**Location:** 30 East Street, Rippingale, PE10 0SS  
**Applicant:** F and J Giles  
**Agent:** Clive Wicks Associates  
**Application Type:** Outline Planning Permission (All matters reserved)  
**Reason for Referral to Committee:** Called in by Ward Member (Councillor Dixon-Warren) due to principle of development being unacceptable  
**Key Issues:**

- Principle of Development

**Technical Documents:**

- Rippingale Housing Needs Assessment
- Design, Access and Planning Statement
- Ecological Appraisal
- Drainage Strategy

### Report Author

Adam Murray – Principal Development Management Planner



01476 406080



Adam.Murray@southkesteven.gov.uk

**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Aveland**

**Reviewed by:**

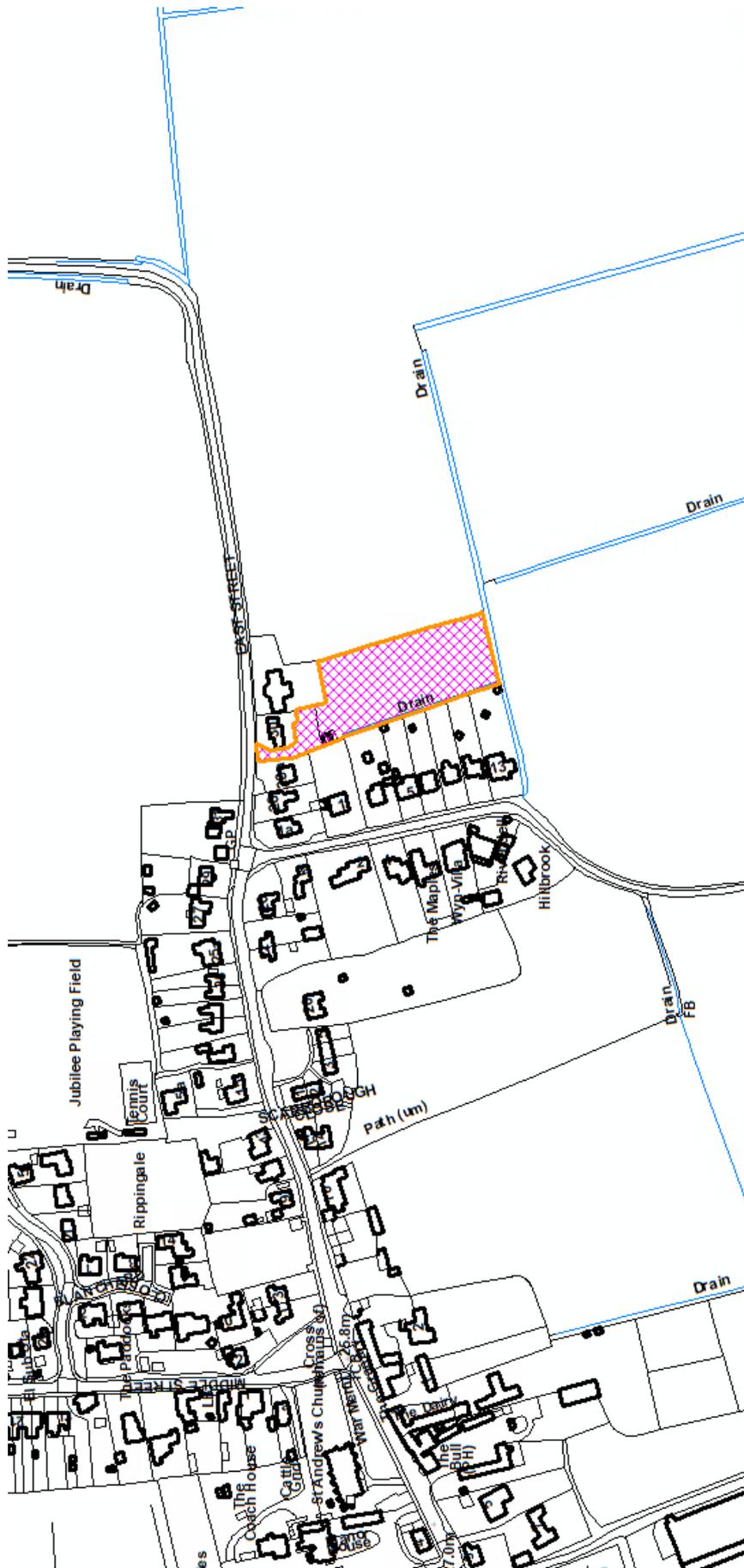
Phil Jordan, Development Management & Enforcement Manager

8 May 2024

### Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

# S24/0315 – 30 East Street, Rippingale



Key



Application  
Boundary



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# 1 Description of the site

- 1.1 The application site comprises an area of approximately 0.45 hectares (1.11 acres) of broadly rectangular land situated to the rear (south) of 30 East Street and to the east (rear) of existing residential properties fronting onto Doctor's Lane, positioned in the south-eastern corner of the main built-up area of Rippingale. The site currently comprises an area of grassland / paddock, which is an extension of the private amenity space associated with the existing 2-storey residential property at 30 East Street; the proposed development is clearly demarcated from the main private amenity space associated with the dwelling.
- 1.2 The site is bound to the north by the existing host dwelling (30 East Street), which fronts onto East Street to the north; and by existing residential properties fronting onto Doctor's Lane to the west. The site is bound to the south and east by undeveloped agricultural land, which marks the surrounding Open Countryside.
- 1.3 The site benefits from clearly defined boundaries on all sides. The south, east and west boundaries are all marked by mature vegetation, which includes an element of sparse tree coverage. The northern boundary of the proposed development site is marked by the primary, domestic garden land associated with 30 East Street, and is defined by a wooden post and rail fencing, with gates. The north-western boundary of the site is marked by close boarded domestic fencing and a mature tree, which aligns with the boundary of the neighbouring residential property. The northern eastern boundary of the application site – forming the boundary of the proposed access point – is defined by the side elevation of the existing host dwelling, as well as low level metal estate railing.
- 1.4 The proposed development site falls within Character Area 2 of the Rippingale Neighbourhood Plan Profile, which identifies the following key characteristics of the existing urban form within the area:
- *East Street is a tarmac road with a downward gradient from west to east, providing extensive views across the Fens. The road is a single carriage with two lanes – narrow in places, especially at the eastern end. The southern side is bordered by grass verges, whilst the northern side has 1m wide pavements to the end of the houses. The eastern end of the road is bordered by grass verges on both sides.*
  - *East Street is mainly residential with several small businesses, all but two operating from private houses. The exceptions are a small wooden shop specialising in renovated furniture, and a large farm, both of which are at the western end of East Street.*
  - *There is a mixture of old and new properties; the older properties being on the northern side of the road, most being pre-1950 with one of two very old properties such as the old saw mill. Many of these have large back gardens which border the southern side of Jubilee Playing Field.*
  - *All of the houses have front gardens bordered by hedges or fences, some of which are Ancaster railings, which is a historical feature to be found throughout the village.*
  - *Modern houses are mainly on the southern side of the road with large gardens, and includes several council older persons bungalows.*
  - *The older houses are mainly red brick or rendered, but some of the more recent properties have lighter coloured bricks. Roofs of mainly pantiles with some slate.*
- 1.5 The site is not subject to any identified planning policy designations.

1.6 It is appreciated that the application site has been the subject of two recent planning applications for a development of the same description as the current application scheme. The most recent application (Ref: S23/0507) was refused in May 2023 for the following reason(s):

***(1) The application scheme proposes residential development in an edge of settlement location. The application does not benefit from clear evidence of substantial community support, and also does not demonstrate an identified local need for housing within Rippingale. The application is therefore contrary to Local Plan Policy SP4(a)(e) and Rippingale Neighbourhood Plan Policy HD2. The material considerations in this case, including the provision of additional housing, are not considered to outweigh the identified conflict, and therefore, the application proposals are unacceptable in principle.***

## **2 Description of the proposal**

- 2.1 The current application seeks outline planning permission with all matters reserved for a development comprising of the erection of up to 6 dwellings with associated access and infrastructure. The application has sought to address the reason(s) for refusal from the previous planning application, in particular the current application has been accompanied by a Housing Needs Assessment (CNB Housing) (July 2023) in support of the application.
- 2.2 The Design, Access and Planning Statement (Clive Wicks Associates) which accompanies the application indicates that the proposed development would comprise of 6(no) bungalows, which would be built to Category M4(2) standards to provide suitable accommodation for elderly occupants and others with reduced mobility.
- 2.3 In relation to the above, the application submission has been accompanied by an Indicative Site Layout, which is for illustrative purposes only at this stage. However, the submitted Layout indicates that access to the site would be via an extension of the existing private drive access serving the host dwelling (30 East Street), which runs along the north western boundary of the site. The proposed access would be widened at the entrance from East Street and would be extended along the western boundary of the application site, with the proposed dwellings fronting onto the drive on the eastern and southern side.
- 2.4 The Drainage Strategy which accompanies the application indicates that surface water drainage would be attenuated in an underground attenuation chamber before outfalling to the local watercourse at a controlled rate. Foul water drainage is to be discharged to a combined pump at the south of the site, which will subsequently pump foul water into the existing Anglian Water network within East Street.

## **3 Relevant History**

<b>Application Ref</b>	<b>Description of Development</b>	<b>Decision</b>
S22/2273	Outline application for the erection of up to 6 bungalows and associated access and infrastructure	Withdrawn 05/01/2023
S23/0507	Outline application for up to 6 dwellings and associated access and infrastructure (Re-submission of S22/2273)	Refused 31/05/2023

## **4 Policy Considerations**

### **4.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)**

Policy SD1 – The Principles of Sustainable Development in South Kesteven

Policy SP1 – Spatial Strategy

Policy SP2 – Settlement Hierarchy

Policy SP4 – Development on the Edge of Settlements

Policy EN1 – Landscape Character

Policy EN2 – Protecting Biodiversity and Geodiversity

Policy EN4 – Pollution Control

Policy EN5 – Water Environment and Flood Risk Management

Policy DE1 – Promoting Good Quality Design

Policy SB1 – Sustainable Building

Policy ID2 – Transport and Strategic Transport Infrastructure

### **4.2 Rippingale Neighbourhood Development Plan 2023-2036 (Made May 2023)**

Policy HD2 – Developments on the edge of Rippingale Village

Policy HD5 – Housing Density

Policy DM1 – Development Guidance

Policy IV1 – Important Views

Policy FR1 – Flood Risk

### **4.3 Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)**

### **4.4 National Planning Policy Framework (NPPF) (Published December 2023)**

Section 2 – Achieving sustainable development.

Section 4 – Decision-making

Section 5 – Providing a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places.

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

### **4.5 South Kesteven Local Plan Review 2021 – 2041 (Regulation 18 Draft)**

## **5 Representations Received**

### **5.1 Anglian Water**

5.1.1 No comments to make.

### **5.2 Black Sluice Internal Drainage Board**

5.2.1 No objections.

5.2.2 The board notes the proposed surface water scheme and is satisfied in principle with the details. It will be the applicant's responsibility to ensure that any discharge can flow to the nearest available maintained watercourse, and should consider whether any additional off-

site works or additional maintenance may be required to ensure the security of the future flows for the lifetime of the development.

5.2.3 If there is to be any works to any watercourse, whether open or piped, crossing or bounding the site, then under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required.

5.2.4 The applicant is reminded of their common law riparian ownership and maintenance responsibility for any watercourse bounding or crossing the site, particularly the open watercourse on the southern boundary into which the surface water from the development is to be discharged.

### 5.3 **Heritage Lincolnshire**

5.3.1 No objection subject to conditions

5.3.2 The proposed development site lies in an area of archaeological interest. The Historic Environment Record (HER) refers to a charter which may indicate that Rippingale has origins in the seventh century. The settlement is certainly listed in the Domesday Survey of 1086 when six landowners were listed in Rippingale and the now deserted village of Ringstone.

5.3.3 The proposed development is located within the historic core of the village, being close to the site of the medieval village cross, which marks the junction between High Street and East Street. Slightly further west in St. Andrew's Church, a medieval building dating from the 13<sup>th</sup> century. In 2002, archaeological monitoring during development in East Street found structure remains of a medieval building, along with reused masonry dating from the medieval period (found in an 18<sup>th</sup> century context), suggesting the presence of a religious building, possibly the 14<sup>th</sup> century (Holy Chapel of the Cros".

5.3.4 It is considered that the site offers a potential for archaeological remains to be present based on the extent and type of remains recorded in the vicinity. It is recommended that the developer should be required to commission a Scheme of Archaeological Work, in the form of an archaeological evaluation to determine the presence, character and date of any archaeological deposits at the site.

### 5.4 **Lincolnshire County Council (Highways & SuDS)**

5.4.1 No objection subject to conditions.

5.4.2 The proposal is for an outline application for the erection of up to 6 dwellings and associated access and infrastructure (All matters reserved), previously submitted under S23/0507. The principle of the development is acceptable. As this is an outline application with all matters reserved access and layout have not been considered.

5.4.3 The suggested vehicular access to the site meets the visibility guidelines set out in Manual for Streets. The car parking indicated is in line with the guidance set out in Lincolnshire County Council's Design Approach document, and turning space has been provided within the limits of the site to all vehicles to enter and leave in a forward gear. Therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

### 5.5 **Rippingale Parish Council**

5.5.1 Objection.

- 5.5.2 The applicant's consultant contends that this bid for an edge of village development is required in Rippingale to support the maintenance of the village and District's anticipated future demographics. This, the Parish Council contends, is at variance with Local Plan Policy SP1 (Spatial Strategy) which already takes account of such requirements.
- 5.5.3 Previous objections to a similar application (S23/0507) are seen, by the applicant, to be overcome by providing what is viewed as a positive Ecological Appraisal and meeting rainwater, but not foul water concerns, with a new drainage plan. However, as far as can be seen, there has been no consultation with the village's residents on the new planning application. Therefore, this lack of consultation is still critical to the rejection of this planning application.
- 5.5.4 It is maintained that the application scheme is contrary to Local Plan Policies SP1 (Spatial Strategy), SP2 (Settlement Hierarchy) and SP4 (Development on the Edge of Settlements).

#### Local Support

- 5.5.5 There has been no consultation with village residents and so the requirements of Policy SP4 has not been met.

#### Proven Need

- 5.5.6 There is an increasing ageing population and there may therefore be need to provide housing for older people across the UK, and indeed within South Kesteven, but there is no objective evidence in the Housing Needs Assessment (HNA) that there is such a need within Rippingale or its immediate surroundings. Indeed, the HNA admits much of its evidence is subjective.
- 5.5.7 The HNA contends that Rippingale's requirement is for small affordable homes to meet demographic need. As a rational housing need, it seems unclear where the demand for such housing has come from. Although there is a fair percentage of 65+ residents, the vast majority of residents are in family groups. Rippingale already has a balanced housing stock projected for the future, with a preponderance of bungalows. The HNA does not take account that there is currently planning permission for 14 new properties (5 bungalows) in the Parish and an additional 4 barn conversions. So, it is contended that the village will meet its future local needs with a balanced housing stock.

#### Impact on character and amenity

- 5.5.8 The new site will still spoil the amenity of residents of Doctor's Lane, with an intrusive housing view, adversely affecting the form of the village, and will have undesirable ramifications for wildlife even though some mitigation has been proposed, and place more strain on an already fragile foul water system.
- 5.5.9 The development would extend the development outside the existing built form of the village, and would not be enclosed on its eastern and southern boundaries, does not have a physical feature to act as a barrier to further growth and will visually extend into open countryside.
- 5.5.10 The proposed development would impinge on the village's important views, as detailed in the Rippingale Neighbourhood Plan, extent it obtrusively into the open countryside. The development would be out of keeping with the character of the area due to the density of development.

## 5.6 **SKDC Environmental Protection**

5.6.1 No objection subject to conditions.

## **6 Representations as a Result of Publicity**

6.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and representations have been received from 12 interested parties, all of whom have raised formal objections. The material considerations raised in the representations can be summarised as follows:

### (1) Principle of Development

- Rippingale doesn't have the infrastructure to support additional development.
- The application does not comply with the Rippingale Neighbourhood Plan (namely paragraph 7.22)
- There is insufficient evidence of a need for housing.
- The scheme does not benefit from local community support.
- Objection to the loss of agricultural land

### (2) Impact on the character and appearance of the area

- The scheme would have an adverse impact on the character of the village due to its density, design and location.
- The development would impact on views into the village.

### (3) Impact on residential amenity

- The development will create a loss of amenity for neighbouring properties as a result of noise and light pollution, and loss of outlook and privacy.
- The development would result in an increased risk of crime.

### (4) Access & Highways

- The access would be unsuitable.

### (5) Flood Risk & Drainage

- The development would exacerbate existing issues with surface and foul water drainage.

### (6) Ecology & Biodiversity

- The development would have an adverse impact on local habitats and protected species.

6.2 It is noted that a number of representations have also indicated that they were not notified of the planning application. In this respect, Officers' have reviewed the file and this has demonstrated that formal notification letters were printed and sent to all neighbouring properties, and representors from the previous applications, on 28<sup>th</sup> March 2024. As such, Officers' are satisfied that the application has been advertised in accordance with the statutory requirements, and the requirements of the Council's Statement of Community Involvement.

## 7 Evaluation

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the Development Plan comprises of the following documents:
- South Kesteven Local Plan 2011-2036 (Adopted January 2020); and
  - Rippingale Neighbourhood Development Plan 2023-2036 (Made May 2023).
- 7.2 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is a material consideration in the determination of all planning applications.
- 7.3 The policies and provisions set out in the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023) are also a relevant material consideration in the determination of planning applications.
- 7.4 It is also appreciated that the Local Planning Authority are also in the process of conducting a Local Plan Review. A Regulation 18 consultation on the draft Plan commenced on 29<sup>th</sup> February 2024. At this stage, the policies contained within the draft Plan Review can be attributed very little weight in the determination of planning applications. However, the updated evidence base which accompanies the ongoing Plan Review is also a material consideration and this must be attributed weight in the consideration of applications.
- 7.5 Furthermore, as referenced above, the current application is a revised submission of the previously refused planning application for a development of the same description (Ref: S23/0507), which was refused by the Local Planning Authority in May 2023. The previous application was refused for a single reason, which related to the absence of community support for the scheme and evidence of a local housing need. The LPA’s assessment of the previous planning history of the site remains a relevant material consideration in the determination of the current application.
- 7.6 **Principle of Development**
- 7.6.1 Local Plan Policy SP1 (Spatial Strategy) identifies that the focus for the majority of growth within the District during the plan period is in and around the four market towns, with Grantham being a particular focal point for development. Decisions about the location and scale of new development are to be taken on the basis of the settlement hierarchy in Policy SP2.
- 7.6.2 Policy SP2 (Settlement Hierarchy) identifies Rippingale as a Smaller Village where “*Development will be supported in accordance with Policy SP3, SP4 and all other relevant policies where the development will not compromise the village’s nature and character*”.
- 7.6.3 In this respect, it is appreciated that representations received from members of the public have objected to the principle of the development on the site, and in particular have stated that Rippingale does not have the facilities required to support additional residential development of the quantum proposed. In addition, Rippingale Parish Council have stated that the proposed development would be contrary to the overall spatial strategy indicated by Policy SP1 and SP2 of the Local Plan.
- 7.6.4 It is appreciated that Policy SP2 does not provide a specific limit on the quantum of development deemed to be acceptable with the Smaller Villages, such as Rippingale.

However, Paragraph 2.12 of the Local Plan Supporting Text does provide further guidance in relation to the quantum of development likely to be deemed appropriate at this level of the settlement hierarchy. It states, “in the Smaller Villages (as listed in Policy SP2) there is limited capacity to accommodate new development, and whilst previous planning policies strictly limited development in these locations, it is the intention of the Local Plan to allow small, sensitive developments (generally expected to be no more than 3 dwellings) so that these settlements can positively respond to the housing needs of their people and fulfil their role as sustainable communities”.

- 7.6.5 In view of the above, Smaller Villages such as Rippingale, are identified as being capable of supporting small-scale residential developments. Whilst the current application seeks outline planning permission for up to 6 dwellings, which would exceed the indicative limit of 3 dwellings referred to in the Local Plan supporting text, it is Officers assessment that this scale of development would not undermine the principles of the spatial strategy, which seeks to direct the majority of development towards the higher order settlements. In addition, development of the proposed scale may be considered acceptable in principle, where it is required to meet an identified local housing need for the village; this is discussed in further detail below.
- 7.6.6 Whilst the current application has been submitted in outline – with all matters, including access, reserved for future determination – it is acknowledged that access to the site would necessarily be taken via an extension of the existing access serving the host dwelling within the main built-up frontage of East Street. However, the proposed built-form would be situated to the rear of the host dwelling, and would also be to the rear of properties fronting onto Doctor’s Lane to the west, and would be viewed in the context of the Open Countryside to the south and east.
- 7.6.7 As such, the proposed development would be viewed as being situated to the south-eastern edge of the village and, therefore, Local Plan Policy SP4 (Development on the Edge of Settlements) and Neighbourhood Plan Policy HD2 (Developments on the edge of Rippingale Village) are relevant to the principle of development on the site.
- 7.6.8 Local Plan Policy SP4 states that proposals for development on the edge of a settlement, which is in accordance with all other relevant Local Plan policies, will be supported provided that essential criteria (a) – (f) are met. This requires the proposal to:
- (a) Demonstrate clear evidence of substantial support from the local community through an appropriate, thorough and proportionate pre-application exercise. Where this cannot be determined, support (or otherwise) should be sought from the Town or Parish Council, or Neighbourhood Plan Group or Forum, based upon material planning considerations.
  - (b) Be well designed and appropriate in size / scale, layout and character to the setting and the area.
  - (c) Be adjacent to the existing pattern of development for the area, or adjacent to developed site allocations as identified in the Development Plan.
  - (d) Not extend obtrusively into the open countryside, and be appropriate to the landscape, environmental, and heritage characteristics of the area.
  - (e) In the case of housing development, meet a proven local need for housing and seek to address a specific targeted need for local market housing; and

- (f) Enable the delivery of essential infrastructure to support growth proposals.
- 7.6.9 Similarly, Neighbourhood Plan Policy HD2 echoes the support for development on the edge of Rippingale, where it meets the aforementioned essential criteria.
- 7.6.10 However, it is noted that Neighbourhood Plan Policy HD2 adopts a more permissive approach than Local Plan Policy SP4, insofar as it requires applications to demonstrate:
- (a) Clear evidence of substantial support from the local community through an appropriate, thorough or proportionate pre-application community consultation exercise; or [emphasis added]
  - (b) The proposed development meets a proven local need for a particular type of housing, based on an up-to-date housing need assessment or assessment of the type and number of housing able to promote the longer-term sustainability of the village.
- 7.6.11 As such, Policy HD2 of the Rippingale Neighbourhood Plan requires applications to demonstrate evidence of either support from the local community or evidence of an identified housing need, whereas the adopted Local Plan requires development proposals to demonstrate compliance with both criteria.
- 7.6.12 In circumstances where there is a conflict between policies in the development plan, Section 38(5) of the Planning and Compulsory Purchase Act 2004 is clear that the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. In this case, the Neighbourhood Plan was made after the Local Plan was adopted, and therefore, the conflict must be resolved in favour of Policy HD2 of the made Rippingale Neighbourhood Plan. As such, a development proposals is required to demonstrate evidence of community support or evidence of a local housing need, in order to be considered acceptable in principle.
- 7.6.13 In the context of the above, no evidence has been provided as part of the application submission to demonstrate that the proposed development benefits from substantial community support. However, it is noted that during the lifetime of the application, letters of representations received from members of the public have unanimously objected to the application scheme, and in addition, Rippingale Parish Council have submitted a formal objection to the application proposals.
- 7.6.14 Taking the above into account, the application does not benefit from clear evidence of substantial support from the local community, and therefore, fails to meet the requirements of Local Plan Policy SP4(a) and Neighbourhood Plan Policy HD2(a).
- 7.6.15 With regards to meeting a proven local need for housing, it is noted that representations received from the Parish Council and members of the public have indicated that there is insufficient evidence to demonstrate that there is a need for the type of housing proposed by the development. Furthermore, the Parish Council have stated that the submitted evidence does not take into account extant planning permissions granted within Rippingale.
- 7.6.16 In this context, the application has been accompanied by a Rippingale Housing Needs Assessment (CNB Housing) (July2023), which assesses the need for additional housing in Rippingale. The submitted assessment identifies the following key conclusions:
- It is clear from profiling information that Rippingale has a higher proportion of older people than the District. Much of the existing housing in the Parish is particularly unsuitable for elderly people, and high house prices are a barrier to younger family

members being able to relocate to the Parish to support them. This situation will intensify over time with population projections showing that the population of older people will grow consistently by 52% to the year 2043.

- It is likely that there will be an increase in the number of households containing people aged 65 and over living alone, bringing Rippingale close to the district and national averages, which could result in an increase of households looking to move to more manageable properties.
- Market housing which is suitable for the elderly will need to be provided to fulfil the needs within Rippingale, who would be looking to move to more manageable properties but also wanting to remain on their existing tenure. This is particularly pressing for Rippingale, with around 80% of over 65s in Rippingale being homeowners, and an estimated 93% of those homeowners wanting to remain in that tenure.
- There is a minimum unmet affordable need of 13-dwellings per annum equivalent to 65 dwellings over the next five years. This takes into account an estimate of affordable vacancies, and any first lettings and sales of new build housing being allocated to Parish residents.
- A detailed examination of the housing register data supplied by the Council shows that 1, 2 and 3-bedroom affordable units are mostly needed. A smaller number of 4 and 5-bed affordable rented dwellings are needed, and these are likely to be urgently needed due to low levels of these types in the current housing stock.

7.6.17 In light of the above, it is Officers' assessment that there is a clear evidence of housing need within Rippingale, as demonstrated by the submitted housing needs assessment. The submitted evidence specifically highlights a need for 65 dwellings over the next 5 years, which takes into account the existing planning permissions within the village. The proposed development would provide single storey dwellings suitable for older residents to downsize within the village, and therefore, release currently occupied properties to the market, which would provide further opportunities for young families to purchase a property within the village.

7.6.18 Furthermore, the Council's Planning Policy Officer – Affordable Housing has confirmed that the Council's Housing Register demonstrates an identified need for bungalows within Rippingale.

7.6.19 As such, on the basis of the evidence provided by the Council's Housing Register, and supplemented by the Council's Housing Needs Assessment, it is Officers' assessment that the application scheme would meet an identified need for housing, and therefore, would meet the requirements of Policy SP4(e) and Neighbourhood Plan Policy HD2(b). Conditions are proposed to be included to restrict the proposed development to single storey dwellings, and to ensure that they are delivered to the standards required by Part M4(2), to ensure that the scheme meets the identified need to justify the development.

7.6.20 In respect of Local Plan Policy SP4(c)(d) and Neighbourhood Plan Policy HD2 (ii)(iii), in view of the site's locational characteristics and the existing boundary treatments, the application proposals would be immediately adjacent to the existing pattern of development and would not extend obtrusively into the open countryside. In this case, it is Officers' assessment that the mature boundary hedgerow which marks the eastern and southern boundary of the site provides a substantial level of enclosure to the site, and visually represents a clear

distinction between the site and the surrounding open countryside. Furthermore, Officers' consider that it is possible for the layout of any future reserved matters application to achieve an arrangement, which would further provide a defensible boundary to the site, and preclude any additional development.

- 7.6.21 In respect of the remaining criteria of Policy SP4 and Neighbourhood Plan Policy HD2, these matters fall to be assessed against the relevant design material considerations outlined below.
- 7.6.22 Furthermore, it is noted that representations received from members of the public have objected on the basis that the proposed development would result in the loss of agricultural land. In this respect, the site is currently used as private amenity grassland / paddock land, which forms part of the land associated with an existing residential dwelling, and therefore, is not currently in agricultural use. Notwithstanding the above, the Provisional Agricultural Land Classification Maps indicates that the site is identified as Grade 3, with all areas of land within and neighbouring the existing village limits falling within either Grade 2 or Grade 3 land quality. Therefore, in assessing the scheme against the requirements of Policy SP1, it is Officers' judgement that there are unlikely to be any sequentially preferable sites of lower agricultural land value, in order to meet the identified housing need. Therefore, the application scheme would accord with the requirements of Policy SP1 on the use of agricultural land.
- 7.6.23 Taking all of the above into account, it is Officers' assessment that the proposed development does not benefit from clear evidence of substantial support from the local community and, therefore, are contrary to the requirements of Policy SP4 of the adopted Local Plan. Notwithstanding this, the application proposals would meet an identified local need for housing as required by Policy SP4(e) and Neighbourhood Plan Policy HD2(b). In this case, Neighbourhood Plan Policy HD2 requires development proposals to demonstrate that a scheme benefits from local community support or meets a proven local need for housing. Primary legislation directs that conflicts between policies within the adopted development Plan are required to be resolved in favour of the last document to be adopted, which in this case is the Neighbourhood Plan. As such, the conflict with Policy SP4(a) is outweighed by the compliance with the requirements Policy HD2, and as such, the proposed development scheme is acceptable in principle, subject to material considerations.

## 7.7 **Impact on the character and appearance of the area**

- 7.7.1 It is appreciated that public representations have raised objections on the basis that the proposed development would have an adverse impact on the character of the village due to its design, density and location. In addition, public representations and Rippingale Parish Council have objected on the basis that the development would have an adverse impact on long-range views into the village.
- 7.7.2 In relation to the above, it is noted that the previous application did not include any reasons for refusal relating to the impact of the development on the character and appearance of the area, and it is Officers' assessment that there have been no material changes in the intervening period, which would justify reaching a different conclusion on these matters.
- 7.7.3 Notwithstanding the above, the application has been submitted in outline with all matters reserved for future determination. As such, whilst the Applicant has submitted an Indicative Site Layout Plan demonstrating how the site could accommodate a scheme of up to 6 dwellings, this plan does not form part of the consideration of the current application and the

concerns raised in relation to the layout would be assessed as part of any future reserved matters submissions.

7.7.4 However, as a matter of principle, it is Officers' assessment that the site would be capable of accommodating 6 appropriately designed and scaled dwellings. The density of the development (at approximately 13 dwellings per hectare) is deemed to be appropriate for a site on the edge of a rural settlement.

7.7.5 It is noted that the application site forms part of an identified Important View looking north from Doctor's Lane on the southern approach into Rippingale, as designed by Policy IV1 (Important Views) of the made Neighbourhood Plan. In addition, the Neighbourhood Plan supporting text indicates that any development of the land to the south of properties on High Street or East Street would detract from the important view of the village and would result in an urbanisation of the village.

7.7.6 In this respect, it is Officers' assessment that, as a matter of principle, the application site would be capable of accommodating 6 (no) appropriately designed dwellings in a manner, which would preserve the significance of the identified important view. In this respect, whilst landscaping would form a matter for consideration as part of a future reserved matters application, it is Officers' assessment that the retention and enhancement of the existing boundary treatments would assist in visually softening any development on the site, and would ensure that residential development would be viewed in the context of the existing properties on East Street and Doctor's Lane and would not detract from the identified views.

7.7.7 Taking the above into account, as a matter of principle, residential development of the site for 6 (no) dwellings would be appropriate for the site's rural village context, and would not detract from the overall character and appearance of the area. As such, the application proposals would accord with Local Plan Policy SP2, SP4, DE1 and EN1, Neighbourhood Plan Policies HD2, IV1 and DM1, and the adopted Design Guidelines SPD, and Section 12 of the Framework in this regard.

## 7.8 **Impact on neighbouring amenity**

7.8.1 It is noted that representations received from members of the public and Rippingale Parish Council have raised objections in relation to the impact of the development on the residential amenity of existing properties to the west of the site, fronting onto Doctor's Lane. In particular, it has been stated that the application proposals would result in an unacceptable loss of light and outlook, and would also be detrimental to the privacy and security of these properties.

7.8.2 In this respect, it is noted that public representations have also raised objections on the basis on the impact of the development on views from existing properties. Case law has clearly established that the loss of a private view is not a material planning consideration and, therefore, is not relevant to the determination of the current application.

7.8.3 As referenced above, the current application has been submitted in outline with all matters reserved for future determination. As such, the Indicative Layout Plan submitted with the application is for illustrative purposes only, and the exact layout and property designs would be subject of a future reserved matters application. Any consideration of that future application would require an assessment of the proposals against the Council's adopted Design Guidelines SPD, which sets out the relevant standards for assessing the provision of an appropriate standard of amenity.

- 7.8.4 However, as a matter of principle, it is Officers' assessment that the application site is sufficiently large and located in a manner which would enable the delivery of 6 well designed and positioned dwellings that would meet the required amenity standards contained within the adopted Design Guidelines SPD. In addition, the proposed dwellings are to be single storey only, and this is to be controlled via planning condition; this restriction would further limit the potential for loss of light and privacy for the neighbouring properties.
- 7.8.5 With regards to the concerns raised about the potential noise impacts associated with residential development on the site, it is noted that the application site is bound to the north and west by existing residential properties fronting onto East Street and Doctor's Lane, respectively. As such, residential development of the site would be compatible with the surrounding land uses and would not generate any alternative noise impacts when compared to the existing residential context of the site.
- 7.8.6 Furthermore, the Council's Environmental Protection Team have been consulted on the application proposals and have not raised any concerns that the proposed development would lead to any statutory noise issues. However, they have recommended the imposition of conditions requiring the submission of a Construction Management Plan to mitigate the potential short-term impacts associated with construction of the development, on the amenity of neighbouring properties. As such, it is proposed to include this request as a pre-commencement condition.
- 7.8.7 In relation to the concerns raised regarding the impact of the development on the security of the neighbouring dwellings, it is Officers' assessment that the proposed development scheme could be laid out and orientated in a manner which appropriately reduces the potential for crime occurring. For example, Building for Healthy Life encourages the use of a perimeter block layout, with properties arranged back-to-back with existing dwellings, in order to reduce the potential for crime to occur.
- 7.8.8 Taking the above into account, subject to the imposition of conditions, as a matter of principle, the application proposals would not give rise to any unacceptable adverse impacts on the residential amenity of neighbouring properties or future occupiers of the proposed development. As such, the application proposals would accord with Local Plan Policy DE1 and EN4, the adopted Design Guidelines SPD, and Section 12 of the National Planning Policy Framework.

## 7.9 **Access, Highways and Parking Impacts**

- 7.9.1 It is acknowledged that representations received from members of the public have raised concerns about the suitability of the highways network within the village to accommodate a development of this scale, and have also raised concerns about the safety of the access from East Street.
- 7.9.2 In this respect, it is noted that the previous application did not include any reasons for refusal relating to highways safety and capacity, and it is Officers' assessment that there have been no material changes, which would justify reaching an alternative conclusion on these issues.
- 7.9.3 As indicated above, the application has been submitted in outline with all matters (including access) reserved for future determination. Notwithstanding the above, the application has been accompanied by an Indicative Site Layout, which indicates that the proposed development would be served by an upgrading of the existing private access to 30 East Street. The Indicative Layout identifies that this access route would be widened to 4.1m for the first 10 metres from East Street.

- 7.9.4 Lincolnshire County Council (as Local Highways Authority) have been consulted on the application proposals and have confirmed that they have no objections to the scheme, subject to the imposition of conditions relating to the provision of a Construction Management Plan; this is to be secured as a pre-commencement condition, as detailed above.
- 7.9.5 Whilst the application is submitted in outline with all matters reserved, given that there is only one point of potential access to the site, the Local Highways Authority have previously assessed the suitability of this point of access from East Street, and they have confirmed that the visibility splays indicated and the proposed access width would be in accordance with the relevant highways design guidance.
- 7.9.6 Similarly, the LHA have confirmed that the application proposals would not give rise to any unacceptable adverse impacts on the surrounding public highway network.
- 7.9.7 Consequently, it is Officers' assessment that the application proposals would not give rise to any unacceptable adverse impacts on highways safety or highways capacity. Whilst matters of access would be formally assessed as part of any reserved matters application, there is only one available access point for the site, and the Local Highways Authority have confirmed that this access would meet all relevant highways design guidance. As such, the application proposals are assessed as being in accordance with Policy ID2 of the adopted South Kesteven Local Plan and Section 9 of the National Planning Policy Framework.
- 7.10 **Flood Risk and Drainage**
- 7.10.1 In respect of matters relating to flood risk and drainage, it is appreciated that representations received from members of the public have raised objection to the application proposals as a result of concerns about the adequacy of the existing foul drainage network to accommodate additional development. In addition, concerns have been raised that development of the site would exacerbate issues of surface water flooding.
- 7.10.2 The application site is located within Flood Zone 1 of the Flood Map for Planning, and is similarly identified as being at very low risk of surface water flooding. As such, the application site is concluded to present an overall low risk of flooding.
- 7.10.3 The submitted drainage strategy indicates that surface water would be managed in a subsurface attenuation chamber before being discharged to the local water network at a controlled rate. Foul water is proposed to be discharged into the existing mains sewer network in East Street, operated by Anglian Water.
- 7.10.4 In this respect, Anglian Water have been consulted on the application but have declined to provide any comments. Nonetheless, it is noted that the statutory drainage undertaker is obligated to accept foul water flows from developments with the benefit of planning permission and, therefore, in the event that planning permission were to be granted, they would be required to take any necessary steps to ensure that there is sufficient capacity to accommodate the scheme. In the event that substantive works were required to accommodate the development, it is anticipated that Anglian Water would have requested the imposition of planning conditions as part of their consultation response.
- 7.10.5 In relation to surface water drainage, the Local Planning Authority have consulted Lincolnshire County Council (as Lead Local Flood Authority); however, they are not required to provide comments on minor planning applications and, therefore, they have declined to comment.

7.10.6 Notwithstanding the above, whilst it is accepted that the application proposals would increase the extent of impermeable surfacing on the site, further details for the proposed drainage arrangements would be addressed through Building Regulations; this requires development to be carried out in accordance with Approved Document H; which sets out the acceptable standards for dealing with foul and surface water drainage from properties.

7.10.7 Taking the above into account, it is Officers' assessment that the application proposals would not give rise to any unacceptable adverse risks of flooding, and therefore, would accord with Policy EN5 of the adopted Local Plan, Policy FR1 of the made Rippingale Neighbourhood Plan, and Section 14 of the Framework.

#### 7.11 **Impact on biodiversity and ecology**

7.11.1 It is noted that public representations have raised concerns about the impact of the proposed development on local habitats and protected species.

7.11.2 In this respect, the application has been accompanied by an Ecological Appraisal (Rachel Hacking Ecology) (February 2024) and associated Biodiversity Net Gain Metric, which has identified the following:

- Protection of ecological features (habitats and species) during the construction phase, and mitigation measures to protect, maintain and enhance ecological features during the operational phase of the development would be described in a Biodiversity Management Plan, which will be provided as a planning condition in advance of the commencement of development.
- Hedgerows TN1 and TN2 will be retained and managed to create an intact, dense structure with bramble replaced by Hawthorne or other larger shrubs. Planting native hedgerows on the north boundary and / or parts of the western boundary will increase the overall length of hedgerow habitat and provide a linear habitat gain.
- The development provides opportunities for enhancing bat roosting opportunities including: three Schwegler bat boxes attached to a mature tree trunk at least 4m above ground, and single integrated bat boxes to be attached to three buildings.
- The development provides opportunities for enhancing nest birds including: 6 nesting boxes attached to mature trees and 3 nesting bricks installed in gable ends away from windows and doors or on garages.
- Implementation of the proposed measures will reduce the BNG deficit for area habitats and remove the linear habitats deficit. Grassland verges, additional tree planting, a scrub buffer zone and new hedgerow plant will have a positive impact, but the extent of such measures would not eradicate the area units deficit.

7.11.3 In the context of the above, it should be noted that the application proposals were submitted in advance of the statutory obligation for minor planning applications to achieve a 10% net gain in biodiversity. As such, whilst the proposed development falls to be assessed against Policy EN2 of the adopted Local Plan, which seeks to achieve a net gain where possible, there is no policy requirement for a development to achieve a minimum 10% net gain.

7.11.4 Taking the above into account, it is Officers' assessment that the submitted information demonstrates that the proposed development would seek to protect and enhance local ecological features, and this would be further evidenced through the submission of any future reserved matters relating to landscaping. Conditions are proposed to require the

submission of a Biodiversity Management Plan prior to the commencement of development and to ensure compliance with the recommendations of the Ecological Appraisal.

7.11.5 Consequently, subject to the imposition of conditions and the submission of reserved matters relating to landscaping, it is Officers' assessment that the application proposals would be in accordance with Policy EN2 of the adopted Local Plan, and Section 14 of the Framework.

## 7.12 **Climate Change**

7.12.1 It is appreciated that the current application is in outline only – with all matters reserved for future determination – and as such, matters relating to layout and design of the proposed dwellings do not form consideration as part of the current application. However, the application has been accompanied by a Design, Access and Planning Statement (Clive Wicks Associates), which outlines the following comments in relation to compliance with Policy SB1:

- The development will meet the latest building regulations requirements as a minimum.
- The development will have air source heat pumps for heating and hot water, and these will comply with the “microgeneration certification scheme planning standard” or equivalent as may be revised.
- The proposed development will achieve the minimum 110l/p/d restriction on water used.
- Each dwelling will have at least 1 car charging point.

7.12.2 Whilst the above measures are indicative with the overall principles of sustainable development, it is not possible as part of this outline planning application to confirm that the detailed development proposals would meet the full requirements of Local Plan Policy SB1. However, this could be appropriately addressed through the imposition of conditions requiring the submission of further details of sustainable building measures as part of any future reserved matters application.

7.12.3 Therefore, subject to the imposition of conditions, the proposal would represent sustainable development, and would accord with the requirements of Policy SB1 and SD1 of the adopted Local Plan.

## 7.13 **Ground Conditions**

7.13.1 As identified above, it is appreciated that the application site comprises undeveloped grassland, which forms part of the extended garden areas associated with 30 East Street. As such, the likelihood of ground contamination is low.

7.13.2 Notwithstanding the above, the Council's Environmental Protection Team have been consulted on the application proposals and have confirmed that they have no objections, subject to the imposition of conditions requiring the submission of a Phase 1 Ground Investigation and, where necessary, subsequent remediation of the site.

7.13.3 As such, subject to the imposition of conditions, the proposed development would be in accordance with Policy EN4 of the adopted South Kesteven Local Plan and Section 15 of the National Planning Policy Framework.

## 7.14 **Other Matters**

- 7.14.1 Heritage Lincolnshire (as Local Archaeological Advisors) have been consulted on the application proposals and have confirmed that the application site lies within an area of archaeological interest, where previous archaeological investigations have found structural remains of a medieval building together with reused masonry dating from the medieval period, which suggested the presence of a religious building. In view of the above, they have recommended that further investigations should be undertaken, which should include a programme of trial trenching. It is proposed that this scheme of additional investigation could be secured via a pre-commencement condition.
- 7.14.2 Subject to the imposition of this condition, the proposal would be in accordance with Local Plan Policy EN6 and Section 16 of the National Planning Policy Framework on these matters.

## **8 Crime and Disorder**

- 8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## **9 Human Rights Implications**

- 9.1 Article 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is concluded that no relevant Article of the Act would be breached.

## **10 Planning Balance and Conclusions**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this respect, it is appreciated that the current application is a revised submission of S23/0507, which was refused by the Local Planning Authority in May 2023 for reasons relating to the absence of community support for the scheme and insufficient evidence of a local housing need.
- 10.2 The current application has sought to address the previous reason for refusal by providing further evidence in relation to a proven local need for housing in Rippingale. In this case, it is Officers' assessment that the Council's Housing Register coupled with the submitted Housing Needs Assessment provides evidence of a local need for bungalows, and therefore, the proposed development would comply with the requirements of Policy HD2 of the made Neighbourhood Plan.
- 10.3 In this respect, it is noted that Policy HD2 of the Neighbourhood Plan adopts a more permissive approach to development proposals on the edge of the village, insofar as it requires applications to demonstrate evidence of local community support or an identified need for housing.
- 10.4 In this context, whilst the application scheme does not benefit from substantial community support, and therefore, is contrary to the requirements of Local Plan Policy SP4(a), Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires the conflict between Policy SP4 and Policy HD2 to be resolved in favour of the policy in the plan that was most recently adopted. In this case, the Neighbourhood Plan was made after the Local Plan was adopted, and therefore, the conflict falls to be resolved in favour of the Neighbourhood Plan policy.

- 10.5 Consequently, it is Officers' assessment that the conflict with Policy SP4 of the adopted Local Plan is outweighed by the provisions of Policy HD2 of the Neighbourhood Plan and, therefore, the principle of development is acceptable, subject to material considerations.
- 10.6 In this respect, as a matter of principle, the application scheme would accord with the adopted development plan in respect of all relevant material considerations.
- 10.7 Taking the above into account, it is Officers' assessment that the application proposals would be in accordance with the adopted Development Plan when taken as a whole, and the material considerations in this case would also justify granting planning permission.

## **11 Recommendation**

- 11.1 To authorise the Assistant Director – Planning to GRANT planning permission, and subject to the proposed schedule of conditions outlined below.

## **Schedule of Condition(s)**

### **Time Limit for Commencement**

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission, or two years from the approval of the last reserved matters, whichever is the latter.

Reason: In order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended)

### **Time Limit for Reserved Matters**

- 2) Details of the reserved matters set out below shall have been submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - i. Access
  - ii. Appearance
  - iii. Landscaping
  - iv. Layout
  - v. Scale

Approval of all reserved matters shall have been obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans**

- 3) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - a. Site Location Plan (Ref: 22-2581-LP/Rev A)

Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

### **Before Development is Commenced**

#### **Written Scheme of Investigation**

- 4) Before the development hereby permitted is commenced, a written scheme of archaeological evaluation shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works on site shall be carried out in accordance with the approved Written Scheme of Investigation.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan.

### Biodiversity Management Plan

- 5) Before the development hereby permitted is commenced, a Biodiversity Management Plan setting out a scheme of measures to manage and mitigate the impacts of the development on ecological features, and deliver a biodiversity net gain shall be submitted to and approved in writing by the Local Planning Authority. The submitted Management Plan shall be in broad accordance with the measures set out within the Ecological Appraisal (Rachel Hacking Ecology) (February 2024).

Thereafter, the measures contained within the approved Biodiversity Management Plan shall be completed prior to first occupation of the development.

Reason: In order to deliver an ecological enhancement as required by Policy EN2 of the adopted South Kesteven Local Plan and Section 15 of the National Planning Policy Framework.

### Construction Management Plan

- 6) Before the development hereby permitted is commenced, a Construction Management Plan and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impact of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:
  - a. The phasing of the development to include access construction;
  - b. The on-site parking of all vehicles of site operatives and visitors;
  - c. The onsite loading and unloading of all plant and materials;
  - d. The onsite storage of all plant and materials to be used in constructing the development;
  - e. Wheel washing facilities;
  - f. The routes of construction traffic to and from the site including and off-site routes for the disposal of excavated material; and
  - g. A strategy stating how surface water runoff on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction, and to ensure that suitable traffic routes are agreed.

### Sustainable Building

- 7) As part of any reserved matters application(s) for the site, details demonstrating how the proposed dwellings would comply with the requirements of the Local Plan Policy SB1 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

be in broad accordance with the details contained within the Design, Access and Planning Statement (Clive Wicks Associates) (received 26 February 2024), and shall demonstrate how carbon dioxide emissions would be minimised through the design and construction of the development, details of water efficiency, and the provision of electric car charging points for each dwelling.

The approved sustainable building measures shall be completed in full for each dwelling in accordance with the agreed scheme, prior to first occupation of each dwelling hereby permitted.

Reason: To ensure that development mitigates and adapts to climate change.

### Phase I Ground Investigation

- 8) No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing :
- a. A desk top study documenting all the previous and existing land uses of the site and adjacent land (Phase 1);

Should the Phase 1 study identify potentially contaminative uses, the Applicant shall proceed to a Phase 2 site investigation detailed below:

- b. A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and if required.
- c. A detailed scheme for remedial works (should such works be required) and measures to be undertaken to avoid risk from contaminants and / or gases when the site is developed and proposals for future maintenance and monitoring.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of the amenities of future occupants of the site; and in accordance with Policy EN4 of the adopted Local Plan and guidance contained in the NPPF.

### Materials details

- 9) As part of any reserved matters application(s) relating to appearance, details of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

## **During Building Works**

### Ecological Appraisal Compliance

10) All works on site shall be carried out in accordance with the recommendations of the Ecological Impact Assessment (Rachel Hacking Ecology) (Dated February 2024).

Reason: To provide ecological enhancement and to comply with Policy EN2 of the adopted South Kesteven Local Plan and Section 15 of the NPPF.

### Contamination Verification

11) The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall include unless otherwise agreed in writing:

- a. A complete record of remediation activities and data collected, as required in the remediation scheme to support compliance with the agreed remediation objectives
- b. As built drawings of the implemented scheme
- c. Photographs of the remediation works in progress; and
- d. Certificates demonstrating that imported and / or material left in situ is free from contamination.

Thereafter, the scheme shall be monitored and maintained in accordance with the approved scheme.

Reason: Previous activities associated with this site may have caused or had the potential to cause land contamination, and to ensure that the proposed remediation will not cause pollution in the interests of the amenities of future occupants of the site; and in accordance with Policy EN4 of the adopted South Kesteven Local Plan and national guidance contained in the National Planning Policy Framework.

### Construction Hours

12) Construction work on site shall only be carried out between the hours of 0730 and 1800 Monday to Friday, and 0900 to 1300 on Saturdays. Construction work shall not be carried out on Sundays or Public Holidays; unless otherwise agreed in writing by the Local Planning Authority.

The term "construction work" shall include all mobile and fixed plant and machinery, radios and the delivery of materials.

Reason: To minimise noise impacts on adjacent residential dwellings.

## **Ongoing**

### Number of Dwellings

13) The total number of dwellings to be constructed on the application site shall not exceed 6 in total.

Reason: To define the permission and for the avoidance of doubt.

### Local Housing Need

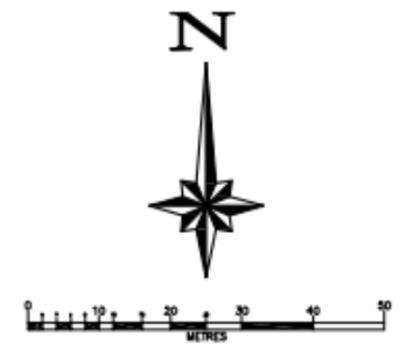
- 14) All dwellings on site shall be strictly single storey only and shall be designed to comply with the requirements of Part M4(2) of the Building Regulations.

Reason: To ensure that the proposed development meets the identified local housing need as required by Policy HD2 of the made Rippingale Neighbourhood Plan.

### Standard Note(s) to Applicant

- 1) In reaching the decision, the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with Paragraph 38 of the National Planning Policy Framework (December 2023).
- 2) In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.
- 3) The permitted development requires the formation of a new / amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with the current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost of the applicant, and must be agreed prior to a vehicle access application.
- 4) The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.
- 5) Please contact the Lincolnshire County Council Streetworks and Permitting Team 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 timing of these works.

**Site Location Plan**



A	Amend red and blue lines	19-2-24
Rev.	Details	Date

© This drawing is copyright  
 Contractors must check all dimensions on Site. Only figured dimensions are to be worked from. Any foundation depths indicated are indicative only and must be in accordance with the consulting engineers design and/or agreed on site with the local authority during excavations. Any discrepancies in the information contained herein must be reported to the Architect before work proceeds.  
 Drawings to be read with Engineers calculations / report where applicable.  
 Note: If drawing details existing structures, we have not inspected woodwork or other parts of the structure which are covered, unexposed or inaccessible and we are therefore unable to report that any such part of the property is free from defect.

Project <b>Proposed Residential Development off East St. Rippingale Bourne PE10 OSS</b>	
Drwg. <b>LOCATION PLAN</b>	
Scale <b>1:1250 @ A4</b>	Date <b>Oct.' 22</b>
Dwg No. <b>22-2581-LP</b>	Rev. <b>A</b>

**architects • designers • planning consultants**  
 Old School House • 36 Boston Road • Sleaford  
 Lincolnshire • NG34 7EZ • Tel: 01529 414141  
 Fax : 01529 415757

1 : 1250 LOCATION PLAN



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**Indicative Site Layout**

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**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

16 May 2024



## S24/0092

**Proposal:** Section 73 application to vary condition 4 (Noise Management Plan/No of dogs) of S20/0479 (use of land for doggy day care centre, erection of building, driveway and hardstanding) variation is to increase number of dogs allowed on site at any one time from 20 to 40

**Location:** Poplars Farm, High Street, Carlby, PE9 4LX

**Applicant:** Mr Andrew Woolley

**Agent:** J J and J Hartley

**Application Type:** Full Planning Permission (Major)

**Reason for Referral to Committee:** Member Call-In Request

**Key Issues:** Neighbours Residential Amenities (Noise and Disturbance)

### Report Author

Miranda Beavers, Development Management Planner



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**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Glen**

**Reviewed by:**

Kevin Cartwright, Senior Planning Officer

8 May 2024

### Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.



## **1 Description of Site**

- 1.1.1 The application site is located on north side of High Street approximately 230m to the west of the limits of Carlby village. The site was formerly agricultural land and is currently in use as a day care centre for dogs, the site entrance is from High Street. The site contains one purpose built 'doggy day care' detached building, centrally located within the field, and set back from the main road, measuring approximately 24.4m long and 9.15m wide with a ridge height of 4.6m. The site is separated into two halves (fields), either side of the access road, to provide areas for controlled exercise and entertainment of the dogs whilst on the premises. 1.8m high mesh fencing on wooden posts provide security around the site for the safety of dogs. The business is open from 6:30am to 7pm (at the latest). Dogs are not exercised off site. The site is surrounded by agricultural fields.

## **2 Description of the Proposal**

- 2.1 This application is a section 73 application to vary conditions 4 (Noise Management Plan) of application S20/0479 which granted approval on 11 August 2020 for the proposed change of use land from an agricultural field to a 'doggy daycare' land use (Sui Generis) with associated building, driveway and hardstanding areas.
- 2.2 Condition No.4 states that the development hereby permitted shall be carried out in accordance with the Noise Management Plan (NMP) received on 8 May 2020. The Condition and details contained within the Noise Management Plan effectively controls the number of dogs that are permitted to be cared for at any one time at the premises. The purpose of this application is to amend the wording contained within Section 2.0: Operational Overview of the NMP:
- Existing wording: The facility has been designed in two separate sections, each catering for up to ten dogs.
  - Proposed wording: The facility has been designed in two separate sections, each catering for up to twenty dogs.
- 2.3 The change in the wording would result in the number of dogs being permitted at any one time to increase from twenty to forty in total.

## **3 Relevant History**

- 3.1 S20/0479 - Proposed change of use land from an agricultural field to a 'doggy daycare'. Land use (SU Generis) with associated buildings, driveway and hardstanding areas) – Approved 11 August 2020
- 3.2 S23/0922 - Change of use of agricultural land to use as extended provision (dog walking only) of the doggy day care centre as approved under S20/0479  
Approved 13 October 2022

## **4 Policy Considerations**

### **4.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)**

Policy SD1: The Principles of Sustainable Development in South Kesteven  
Policy DE1 Promoting Good Quality Design  
Policy EN4 Pollution Control  
Policy E5 Expansion of an Existing Business

#### 4.2 **National Planning Policy Framework (NPPF) (Published December 2023)**

Section 2 – Achieving sustainable development.

Section 4 – Decision-making

Section 12 – Achieving well-designed places.

### **5 Representations Received**

#### 5.1 **Carlby Parish Council**

5.1.1 While the Parish Council recognises the importance of supporting local businesses, there is a concern about the potential noise disruption for the prevailing western side of the village, especially considering the recent expansion of the centre. With the current increase in dog numbers occurring post summer season 2023, there is a natural hesitancy of support at this moment.

5.1.2 Following the experience of more than 20 dogs on site, the current condition. The Parish Council would like to express its reservation about the application in its current form and object to the application at this time, and there has been an opportunity to assess the impact of the recent increase in dog numbers on the village. We believe that a post-summer evaluation would provide a more accurate understanding of the centre's ability to manage the expanded operations without causing undue disruption to the community. This approach aligns with our commitment to fair consideration and balanced decision-making.

#### 5.2 **Lincolnshire County Councils (Highways and SuDS)**

5.2.1 The proposals are for an expansion to the existing facility, and a suitable access from the public highway was installed as part of the previous application, the majority of dogs visiting the site are collected by the company, it is unlikely that the proposals will increase the need for additional parking. It is therefore concluded that the proposals will not result in an unacceptable impact on the highway.

#### 5.3 **SKDC Environmental Protection Officer**

5.3.1 We have reviewed the noise management plan and accept that this is appropriate for the increased number of dogs from 20 to 40. The noise management plan should be adhered to and updated as necessary to ensure that noise does not impact amenity of nearby residents.

### **6 Representations as a Result of Publicity**

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 51 letters of representation have been received, comprising.

1no. Letter of objection and the points raised can be summarised as follows:

- Concern about progressive increase in noise as a result of nuisance barking (experienced summer 2022 and 2023), although this has lessened since noise mitigation measures contained with NMP have been enforced.
- Concern about cumulative increase in the number of dogs at Maggie's Mates Doggy Day Care combined with Maggie's Mates Dog Walking facility (field to the rear of Maggie's mates S23/0922, Approved 09.10.2023).

50no. Letters of support and the points raised can be summarised as follows:-

- Support for economic growth of local business in a rural location.
- Existing business provides a valued quality service that is vital to some in the local community and is essential in enabling them to go out to work.
- Existing business is very well run, dogs are well cared for, well-staffed by trained personnel.
- At least 2 x residents that live close to the site have stated that they have not experienced noise from the site or been disturbed by dogs barking.
- Any dog barking noise is no more excessive than what you might expect from a domestic household.
- Business is sufficiently separated from nearby dwellings so as not to result in undue noise and disturbance.

## **7 Evaluation**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises of the following documents:

South Kesteven Local Plan 2011-2036 (Adopted January 2020);

Carlby Parish Neighbourhood Development Plan 2018-2036 (adopted 12 March 2019) and;

The Local Planning Authority have recently adopted a Design Guidelines Supplementary Planning Document (Adopted November 2021) and this document is a material consideration in the determination of planning applications.

The policies and provisions set out in the National Planning Policy Framework (NPPF) ("the Framework") (Published December 2023) are also a relevant material consideration in the determination of planning applications.

## **8 Principle of Development**

8.1 National Planning Policy Guidance states that , 'In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application - it is not a complete re-consideration of the application.'

8.2 The original planning permission will continue to exist whatever the outcome of the application under section 73. The conditions imposed on the original permission still have effect unless they have been discharged. In granting permission under section 73 the local planning authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.

8.3 The principle of development in this instance has previously been established through the approval of planning permission S20/0479 which granted permission conditionally on 11 August 2020 for the change of use from agricultural field to a 'doggy daycare' land use (sui generis) with associated building, driveway and hardstanding areas. The time limit

condition imposed required that the change of use must be commenced before the expiration of three years from that date. The use was implemented on site in 2020 and the current application was submitted on 30 January 2024 and as such the original permission is considered extant. Taking this into account, the significant issue to consider is the impact the increased number of dogs allowed on site could have on neighbours' residential amenities (specifically noise).

This application is to vary Conditions 4 of the approval, which requires that the approved development to be carried out in accordance with the details set out in the Noise Management Plan (NMP) received on 8 May 2020. It is proposed to substitute the NMP for an updated version. Details contained within the NMP effectively allows for the planning department to control the number of dogs that are permitted to be cared for at any one time at the premises. The purpose of this application is to amend the wording contained within Section 2.0: Operational Overview of the NMP. The change in the wording would result in the number of dogs permitted on site, at the site at any one time, to be increased from 20no. to 40no in total.

- 8.4 For the proposed amendments to the scheme to be considered acceptable as a minor material amendment, the removal or variation of conditions should not alter the impact of the development.
- 8.5 Taking the above into account, the principle of development is considered acceptable subject to site specific impacts. The conditions attached to S20/0479, should be included should this application be approved, with the exception of the time limit condition, which would be omitted as the use has already been implemented on site.

## **9 Impact on the neighbours' residential amenities - noise pollution**

- 9.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and provide sufficient private amenity space, suitable to the type and amount of development proposed. Paragraph 135 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.2 Policy EN4 (Pollution Control) of the adopted Local Plan states that development that, on its own or cumulatively, would result in significant air, light, noise, land, water or other environmental pollution or harm to amenity, health well-being or safety will not be permitted.
- 9.3 Policy E5 (Expansion of Existing Business) of the adopted Local Plan states that the expansion of existing businesses will be supported, provided that: e) the proposal will not have an adverse impact on the character and appearance of the area and/or the amenities of neighbouring occupiers.
- 9.4 The Carlby Parish Neighbourhood Plan Policy PO Pollution Control: P.1. states that subject to the provisions of other development plan policies, development that would conserve the rural character and tranquillity of the neighbourhood area will be supported where they have no unacceptable impact on residential amenity, air and light quality, and traffic movements or where the impacts can be satisfactorily mitigated.

9.5 The amendment to Condition No.4 and the updating of the approved Noise Management plan would effectively allow the existing business to grow in that it would allow for twice as many dogs to be cared for at any one time. The business offers a facility for the day care for dogs and operates in a similar manner to a children's nursery. The facility is set up whereby the building at the centre of the site provides storage and shelter for the dogs to rest and to offer protection during inclement weather conditions. The building is also used for feeding and segregating dogs and calming down an excited dog.

Externally, the site is separated into two sections of the field (either side of the building), where activities for the dogs and exercise can take place. This application proposes to increase the numbers allowed in each of these sections from ten per section to twenty per section. Which would result in an increase from twenty dogs in total to forty. Given that there is also indoor accommodation, it is not anticipated that it is unlikely that all forty dogs would be outside at any one time. The site is fenced off to prevent any dogs from escaping whilst in the care of the facility. Dogs are not walked or exercised off site, with the exception of the dog walking field to the rear, which was granted under a separate planning application.

9.6 Noise mitigation is set out within the revised NMP, in summary the measures include:

- the applicants do not agree to take on dogs that are prone to excessive barking;
- the applicants are experienced in the care of dogs, handling of dogs and have zero tolerance to nuisance barking - persistent noisy behaviours by any dog, will result in exclusion;
- activities will be supervised (by experienced dog handlers) and take place solely within the defined activity areas;
- dogs that do bark outside and do not desist will be taken directly indoors

9.7 The noise mitigation measure set out in the NMP offer solutions to minimising unacceptable levels of noise. An objection has been received from a nearby resident and they have referenced a "progressive increase in nuisance barking during the summer of 2022 and 2023", in relation to the existing operation. However, it was also stated, in the same representation, that the issue was resolved after the applicants agreed that they had a responsibility to adhere to the measures contained within the NMP approved as part of S20/0479. It was reported that following the complaint, the issue with noise (dog barking) is no longer occurring. SKDC's Environment Protection Officer has confirmed that no formal noise complaint had been lodged to them in respect of the site. It is accepted that the Parish Council and 1no. objector are concerned about the possible increase further noise, causing a nuisance to residents, however it is considered that the noise mitigation methods set out within the NMP are robust and effective and have been proven to work. It is accepted that the increase in the number of dogs using the facility from 20no. to 40no. is a substantial increase, however, given the distance that the site is separated from the main built-up part of the settlement (approximately 230m), combined with the fact that there is indoor accommodation available (where noisy dogs can be taken) it is not anticipated that a substantial increase in noise pollution (as a result of persistent dog barking) would occur, to the extent that it would disturb the amenities of nearby neighbouring occupiers and warrant the refusal of planning permission, as proposed.

- 9.8 The cumulative impact of the current application combined with the existing permission for the provision of a dog walking facility (operated by the same applicants) located to the rear of the day care facility (upper field) have been taken into consideration. The dog walking facility is controlled by conditions under a separate planning approval (S23/0922) and limits the number of dogs to a maximum of 20no. at any one time. The dog walking field is located some considerable distance from the closest neighbouring property and the impacts of the proposal were considered as part of that application. The operation of the dog walking facility would have no great impact upon the running of the day care facility and noise mitigation measures are in place for both operations.
- 9.9 Further to this, SKDC's Environmental Protection Team have been consulted and they have commented that "We have reviewed the noise management plan and accept that this is appropriate for the increased number of dogs from twenty to forty. The noise management plan should be adhered to and updated as necessary to ensure that noise does not impact amenity of nearby residents." Environmental Protection also have separate powers to investigate any future complaints of statutory noise nuisance under the Environmental Protection Act 1990.
- 9.10 Taking into account the nature of the proposal it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the adopted Carlby Neighbourhood Plan, NPPF Section 12, and Policies DE1, EN4 and E5 of the Local Plan.

## **10 Highway Issues**

- 10.1 Paragraph 115 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 10.2 Policy PO: Pollution Control P.1 of the Carlby Neighbourhood Plan states that subject to the provisions of other development plan policies, development that would conserve the rural character and tranquillity of the neighbourhood area will be supported where they have no unacceptable impact on residential amenity, air and light quality, and traffic movements or where the impacts can be satisfactorily mitigated.
- 10.3 The Local Highway Authority have commented that the proposals are for an expansion to the existing facility, and a suitable access from the public highway was installed as part of the previous application, the majority of dogs visiting the site are collected by the company, it is unlikely that the proposals will increase the need for additional parking. It is therefore concluded that the proposals will not result in an unacceptable impact on the highway.
- 10.4 The proposal would retain adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.
- 10.5 Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the adopted Carlby Neighbourhood Plan, NPPF (Sections 9 and 12) and Policies DE1 and E5, EN4 of the South Kesteven Local Plan.

## **11 Crime and Disorder**

- 11.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## **12 Human Rights Implications**

- 12.1 Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that act will be breached.

## **13 Conclusion**

- 13.1 The principle of development has been established through the grant of planning permission S20/0479. The variation of condition 4 to amend the noise management plan to allow up to 40 dogs on the site has been demonstrated not to result in any unacceptable adverse impacts on the residential amenities of the occupiers of adjacent properties in accordance with the adopted Carlby Neighbourhood Plan, NPPF Section 12, and Policies DE1, EN4 and E5 of the Local Plan.

## **14 Recommendation**

- 14.1 To authorise the Assistant Director – Planning to GRANT planning permission, subject to the proposed schedule of conditions detailed below.

### **Schedule of Conditions**

#### **List of Approved Plans:**

- 1) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - i. JDA/2020/385/BLOCK/001B received 8 May 2020
  - ii. JDA/2020/385/OS/001A received 8 May 2020
  - iii. JDA/2020/385/PROP/001B received 3 August 2020
  - iv. JDA/2020/385/LIGHTING/001B received 3 August 2020Unless otherwise required by another condition of this permission.  
Reason: To define the permission and for the avoidance of doubt.

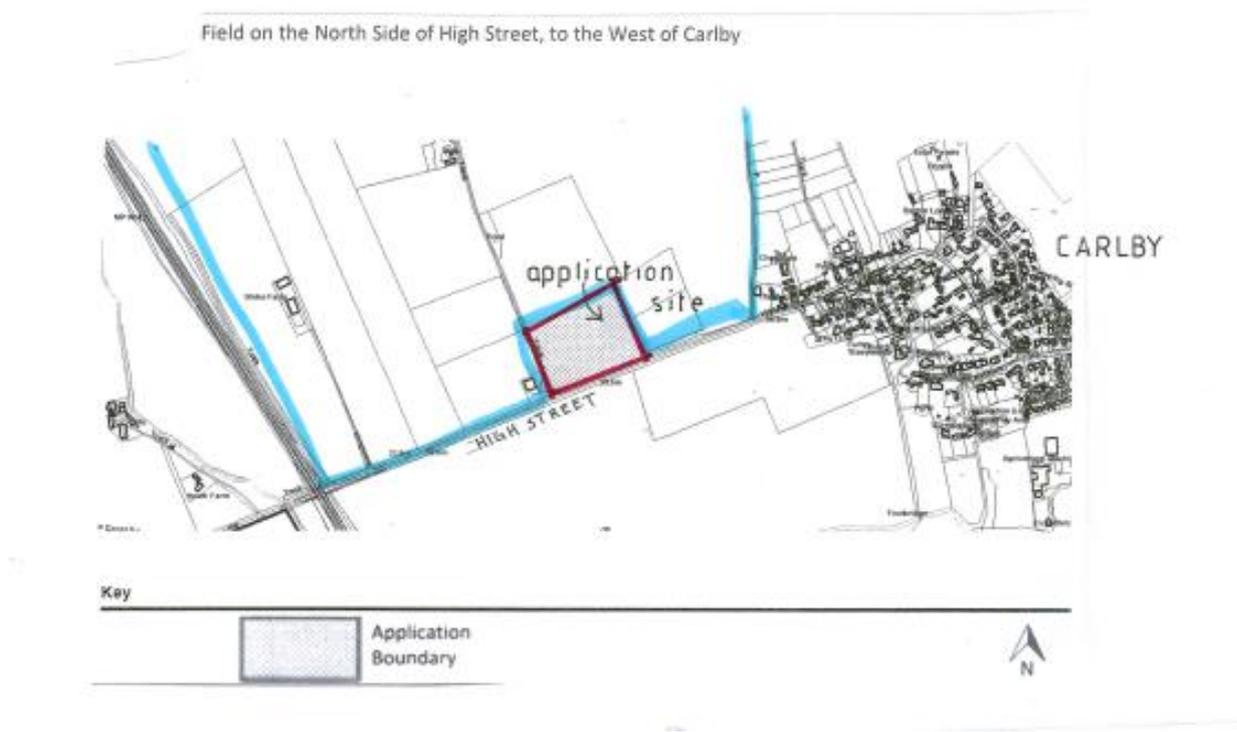
#### **Ongoing Conditions:**

- 2) The premises shall not be used for the purposes authorised by this permission other than between the following hours:
  - i. 06:30hrs - 19:00hrs on Mondays to Fridays
  - ii. 12:00hrs Saturdays - 01:00hrs Sunday mornings
  - iii. 17:00hrs - 23:00hrs Sundays and Bank Holidaysunless otherwise agreed in writing by the Local Planning Authority.  
Reason: Operation of the use outside these hours would result in unacceptable levels of noise nuisance to local residents, contrary to Policies EN4 and DE1 of the South Kesteven Local Plan

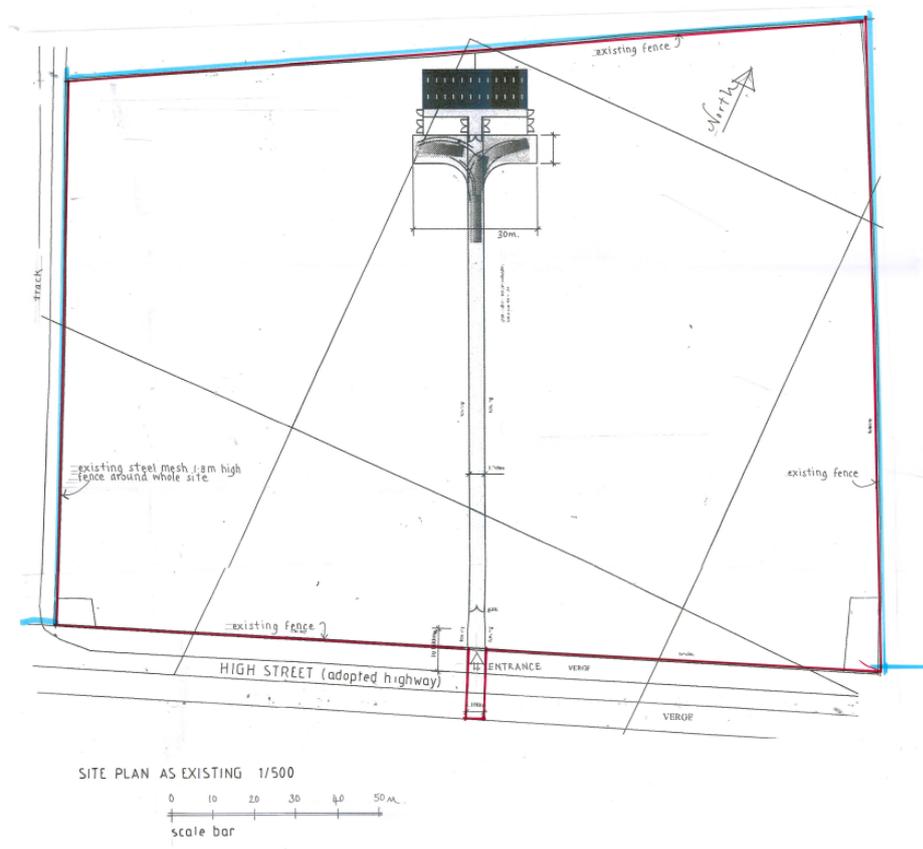
- 3) The development hereby permitted shall be carried out in accordance with the Noise Management plan dated 17 January 2024.

Reason: To prevent disturbance to the amenities of the occupants of the site and in accordance with Policies EN4 and DE1 of the adopted South Kesteven Local Plan.

## Site Location Plan



## Site Plan



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