

Planning Committee



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Thursday, 5 September 2024 at 1.00 pm
Council Chamber - South Kesteven House,
St. Peter's Hill, Grantham. NG31 6PZ

Committee Members: Councillor Charmaine Morgan (Chairman)
Councillor Penny Milnes (Vice-Chairman)

Councillor David Bellamy, Councillor Harrish Bisnauthsing, Councillor Pam Byrd, Councillor Helen Crawford, Councillor Patsy Ellis, Councillor Paul Fellows, Councillor Tim Harrison, Councillor Gloria Johnson, Councillor Vanessa Smith, Councillor Sarah Trotter and Councillor Paul Wood

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 8 August 2024** (Pages 5 - 26)

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.

4. **Boothby Wildland** (Pages 27 - 148)
- Proposal:** The creation of a biodiversity habitat bank to be secured for a period of 30 years
- Location:** Exton's Wood and Ark Field, East of Boothby Pagnell and Witherns and Kirkhill, West of Bitchfield
- Recommendation:** To authorise the Assistant Director of Planning & Growth to enter into a Section 106 Agreement with Boothby Wildland Ltd to create, manage and maintain Biodiversity Net Gain Units for the purpose of satisfying Biodiversity Net Gain Obligations for developments for a period of 30 years.
5. **Application S24/0617** (Pages 149 - 179)
- Proposal:** Outline planning application for up to 80 dwellings, including vehicular access, pedestrian and cycle links, public open space, landscaping, drainage and associated works (All matters reserved except access)
- Location:** Land South of A15 West of Peterborough Road, Market Deeping
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission – subject to conditions and subject to the completion of a Section 106 Agreement
6. **Application S23/2281** (Pages 181 - 205)
- Proposal:** Proposed development of 8no new semi-detached residential Dwellings
- Location:** 28 Stonebridge Road, Grantham, Lincolnshire NG31 9AR
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission
7. **Application S23/2033** (Pages 207 - 225)
- Proposal:** Conversion of public house to 2no. commercial units and 12no. residential units (2no. commercial units on the ground floor with 4no. flats over and a conversion of existing rear extension into 8no. residential houses).
- Location:** 41 Watergate, Grantham, Lincolnshire
- Recommendation:** To authorise the Assistant Director of Planning & Growth to GRANT planning

**permission, subject to the completion of a
Section 106 legal agreement**

- 8. Application S24/0070** (Pages 227 - 256)
- Proposal:** Proposed residential development of 9no. 3-bedroom houses with associated access off The Drift
- Location:** Land off The Drift, Harlaxton
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission.
- 9. Application S24/0706** (Pages 257 - 270)
- Proposal:** Section 73 application to vary condition 2 (approved plans) of S20/1862 Amendments to Plot 3 house type
- Location:** Osier Farm, 141B Eastgate, Deeping St James
- Recommendation:** To authorise the Assistant Director – Planning to GRANT planning permission
- 10. Application S24/1191** (Pages 271 - 278)
- Proposal:** Removal of existing passenger lift to be replaced with new lift in the same location
- Location:** Stamford Arts Centre, 27 St Mary's Street, Stamford, Lincolnshire, PE9 2DL
- Recommendation:** To authorise the Assistant Director – Planning to GRANT listed building consent, subject to conditions.
- 11. Any other business, which the Chairman, by reason of special circumstances, decides is urgent**

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Minutes

Planning Committee

Thursday, 8 August 2024, 1.00 pm

**Council Chamber – South
Kesteven House, St. Peter’s Hill,
NG31 6PZ**



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Committee Members present

Councillor Penny Milnes (Vice-Chairman)

Councillor David Bellamy

Councillor Pam Byrd

Councillor Helen Crawford

Councillor Patsy Ellis

Councillor Tim Harrison

Councillor Paul Wood

Councillor Max Sawyer

Officers

Emma Whittaker (Assistant Director of Planning)

Adam Murray (Principal Development Management Planner)

Kevin Cartwright (Senior Planning Officer)

James Adams (Conservation Officer)

Craig Dickinson (Assistant Planning Officer)

Martha Rees (Legal Advisor)

Amy Pryde (Democratic Services Officer)

28. Register of attendance and apologies for absence

Apologies for absence had been received from Councillors Charmaine Morgan, Vanessa Smith, Paul Fellows, Sarah Trotter, Gloria Johnson and Harrish Bisnauthsing.

The Cabinet Member for Planning sent his apologies for this meeting.

Councillor Max Sawyer substituted for Councillor Vanessa Smith.

29. Disclosure of interests

The Chairman declared an interest on behalf of all Committee Members on application S24/0539 due to the Council being the landowner. All Members had been trained and would determine the application accordingly, notwithstanding the Council’s interest. Members would not need to make a further declaration unless they had anything further to declare, in respect of the application.

Councillor Tim Harrison declared an interest on applications S24/0795 and S24/0940. He did not participate in the debate or votes for these applications.

30. Minutes of the meeting held on 11 July 2024

The minutes of the meeting held on 11 July 2024 were proposed, seconded and **AGREED** as a correct record.

31. Application S24/0539

Proposal: Construction of new retail unit and associated car parking, access and servicing on an existing redundant overflow car park
Location: Vacu Lug Traction Tyres Ltd, Gonerby Road, Grantham
Recommendation: To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

Noting comments in the public speaking session by:

District Ward Councillors	Paul Martin and Paul Stokes
Against	David Mardle
Agent	Emma Lancaster

Together with:

- Provisions within SKDC Local Plan 2011-2036 and National Planning Policy Framework (NPPF).
- Comments received from LCC Highways & SuDS.
- Comments received from Environmental Protection.
- Comments received from Tree Officer.
- Comments received from Lincolnshire Wildlife Trust.
- No comments received from Great Gonerby Parish Council.

During questions to Public Speakers, Members commented on:

- A previously refused application on the same site.

Application S0307/2235 was a previous application on the same site that was refused.

- Whether there was a speed camera on the same road as the application site.

The Ward Councillor confirmed there was a speed camera going downhill towards the Arnoldfield area.

- Whether there was a pedestrian crossing adjacent to the entrance of the site, which was within close proximity to the school.
- Concern was raised on cars turning right into the site down the hill, it was queried whether a survey had been carried out.

It was confirmed that the application was accompanied by a Transport Technical Note which had been produced by a qualified technical highway consultant, where speed surveys and traffic counts had taken place.

- Whether any weight could be given to the new Government in relation to possible changes in the NPPF.

The Assistant Director of Planning stated that a consultation on the NPPF was currently taking place, and the possible changes could not be given weight at this stage. However, there had been Written Ministerial Statements published, which outlined the forthcoming direction for policy, and these were a material planning consideration but could be given limited weight at this stage.

The Highways Authority had not stated that there would be a severe impact on this application and had no evidence to support their suggestions.

The Chairman outlined paragraph 115 of the NPPF:

'Developments should only be prevented or refused on highway grounds if there would be a unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.'

During questions to Officers, Members commented on:

Issues around highway safety

- Whether a highway impact would need to be severe for Lincolnshire County Council to recommend a refusal on safety grounds. It was queried as to how Officers had come to the decision of approval of the application.

The Senior Planning Officer informed the Committee that Lincolnshire County Council had not stated a severe impact. They had merely raised concern that the application was detrimental to highway safety. Their concerns had been interpreted around the level of provision of parking for the factory itself. Lincolnshire County Council felt there was no guarantee that customers would go into the site and use the parking and had raised concern on drop-offs and vehicles parking on the road.

The Highway Authority did not have any standards as to what the parking provision should be. Lincolnshire County Council had not challenged whether the level of parking provision was sufficient, they had merely challenged whether customers would utilise the car park.

The Assistant Director of Planning referred the Committee to their Planning training. It was noted that the issue around parking had to be underpinned by evidence on insufficient car parking and consequences in terms of impact on highway safety. The Council had requested further information and Lincolnshire County Council had stated they would not support an appeal on this application, if refused.

- Whether Highways made decisions on quantitative rather than qualitative based on their experience.

Highways was underpinned by evidence in terms of highway transport assessments, junctions, site lines which were underpinned by standards and measurements. It was highlighted that Highways was very technical.

The Assistant Director of Planning suggested a condition whereby the Applicant's had to use a parking management plan to ensure that the issue around visitors not utilising the car park was addressed.

- One Member queried where HGV's would park on the proposed site and for other sites within the vicinity of a warehouse nature.
- A question was raised as to why Lincolnshire County Council had not provided evidence to support their reason for recommended refusal.
- One Member highlighted that other shops within Grantham had issues around the parking provision and visitors not utilising the car park, but using the side of the road.

Egress and impact on amenity and open space

- It was noted that whilst on the site visit, a van had parked on the junction of the site.

The Assistant Director of Planning noted that all road users should adhere to the rules of the road, Highway Code and traffic regulations when they are enforced. A Planning Permission should not be refused on the basis of breaking rules of the road and laws.

During debate, Members commented on:

Issues around highway safety

- Concerns was raised over cars parked on the road heading north up the hill and wanting to turn right into the site. Concern was raised that vehicles would be over the central reservation line on Gonerby Road prior to turning into the site.
- That cars had been seen speeding down the hill, although there had been a speed camera fitted further up Gonerby Road.
- Concern was raised on the safety of children attending the nearby school.

- Other businesses within the vicinity in terms of the parking provision.
- Lincolnshire County Council's recommended refusal and from an expert's opinion and why they would not defend their recommendation at appeal.

Lincolnshire County Council had informed the South Kesteven District Council that they will not be defending the application at appeal. It would be up to South Kesteven District Council to take Lincolnshire County Council's comments to appeal and to defend it.

The Legal Advisor clarified that Lincolnshire County Council had not raised objection to the actual access arrangements of the site and considered this to be safe. They were content with the number of car parking spaces being provided.

Lincolnshire County Council only had concerns relating to the operator of the store and that they could not guarantee that existing car parking issues experienced in the site's location won't be worsened. Officers had suggested that car parking being mitigated via a car parking management plan to address concerns raised by Lincolnshire County Council.

The Chairman informed the Committee of the suggested condition as part of the additional information reports:

'Prior to the occupation of the store, hereby permitted a car park management scheme shall be submitted to and approved in writing by the Local Planning Authority.'

Reason: To ensure a satisfactory form of development in the interests of Highway safety.'

- The Committee were wary of approving a planning permission in line with the safety of children being the upright importance.
- It was highlighted that Members could no provide evidence on something that didn't exist, however, existing factors on the site could be used as evidence: 60mph to 30mph downhill, bus stop, HGV's and cars turning right.
- That the delivery management plan including permitted times for delivery lorries. The delivery hours coincided with school start and finish times. It was queried whether a delivery management plan had been received.

The Senior Planning Officer clarified that the delivery management plan was to protect the amenity of the neighbouring occupiers in terms of noise whilst delivering rather than accessing the site to deliver.

Notwithstanding Lincolnshire County Council's concerns raised on the application. They had not mentioned the car parking or arrangements for delivery within the site or accessing/exiting the site.

A condition secured deliveries to take place outside of school hours, Mondays – Saturdays, no Sundays and Bank Holidays (9:30am-15:00pm and 16:00pm-18:00pm).

It was suggested that the application be deferred for a traffic assessment to be completed to address the sensitivity of concerns of children.

The Assistant Director of Planning informed the Committee that a deferment would require detailed reasons of what further information would be expected from the Applicant. Once heard again with additional information, the scheme should then be acceptable.

- Whether EV charging points would be included on the site, if approved.

It was suggested that delivery times changed to 14:30pm-16:30pm, in order to allow time for children to be picked up from clubs etc.

- How often Local Authorities go against Highways recommendations.

The Chairman highlighted that an objection from Highways was unusual.

Egress and impact on amenity and open space

- That the scale of the site harmed the character and amenities of the area in line with policies.
- Members noted that open space should be utilised in better ways.
- The one-way traffic system on the site was discussed.
- One Member requested advice on which material considerations could apply to this application, and which ones could be ruled out.

The Assistant Director of Planning clarified that there was no definitive list of material considerations, and which could apply to this application, and which ones could be ruled out.

It was proposed, seconded and **AGREED** to authorise the Assistant Director of Planning to **REFUSE** planning permission, for the following reasons:

1. **The application scheme would result in vehicles, including heavy goods vehicles parking on the public highway, which, due to the proximity to the primary school and other large scale commercial and employment land uses that have a prevalence of larger vehicles, accessing them would lead to restricted visibility at nearby junctions and crossing points resulting in an unacceptable impact on highway safety, contrary to Policy ID2 of the adopted South Kesteven Local Plan and paragraph 115 of the National Planning Policy Framework.**
2. **The application scheme would result in the partial loss of an area of informal open space, which would result in harm to the character and**

appearance of the area, contrary to Policy DE1, OS1 and E4 of the adopted Local Plan, and Section 12 of the National Planning Policy Framework. In this case, the Local Planning Authority does not consider that the public benefits associated with the proposal, including the additional employment generated, would outweigh the identified harm.

(The Committee adjourned for a 10-minute break)

32. Application S23/2364 & S23/2365

Proposal: Change of use and alterations to form 2no. dwellings and erection of 4no. dwellings to replace demolished unsafe structures
Location: Rear of 35 Watergate, Grantham, Lincolnshire
Recommendation: To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions

To authorise the Assistant Director – Planning to GRANT listed building consent, subject to conditions.

Noting comments in the public speaking session by:

District Ward Councillor	Tim Harrison
Against	Michael Ellison
On behalf of the Applicant	D Chantry, Kerrchan Limited

Together with:

- Provisions within SKDC Local Plan 2011-2036 and National Planning Policy Framework (NPPF).
- Comments received from Environmental Protection Services (SKDC).
- Comments received from LCC Highways & SuDS Support.
- Comments received from Heritage Lincolnshire.
- Comments received from SKDC Historic Buildings Advisor.

(Councillor Tim Harrison did not participate in the debate or vote for this item).

During questions to Public Speakers, Members commented on:

- Whether the scheme seemed acceptable.

The Public Speaker highlighted that proposed windows would have an outlook of a blank wall.

- How the Public Speaker would address objections made within the report.
- What percentage of the original brickwork and pantiles would be suitable for re-use.

It was confirmed the old building was involved in a fire. All bricks and materials that were suitable to re-use had been obtained to manufacture.

During questions to Officers, Members commented on:

- Clarification was sought around the previous use of the building.

The Officer clarified that the building was previously used as a public house and was utilised as employment/commercial use. It was not used as a residential property.

The Assistant Director of Planning clarified that the Burgage plot was an original medieval planning form for the plot. It was important that the Committee recognised and respected the existence of the Burgage plot.

- It was requested that amenity issues were summarised.

Issues raised were principally in relation to the south of the development being in close proximity to The Priory and their associated garden area on overlooking and loss of privacy.

- Whether Policies and Conservation Area requirements permitted to allow new build on a Burgage plot.
- If there was a biodiversity net gain with the proposed property.

The Planning Officer confirmed that the plan was to reinstate through the loss of the building, whereby the Burgage plot was identified as the long linear nature of the built form, which sat behind the host property fronting onto Watergate.

- One Member raised concern regarding parking and a 'U' turn to turn around or reverse back down the linear road.

There was a long linear access to the site and the parking provision would be predominantly along the northern boundary of the site. Members were reminded the Town Centre location which was acceptable for deliveries and emergency services.

In the absence of an objection from the Highway Authority, access and exit of the site must be in forward gear, otherwise Highways would have expressed concerns to refuse on safety grounds.

- Members queried whether the houses could be reversed on the site, where windows could face North towards the car park

The Committee were provided with photographs of the building that had been demolished. The proposed design attempted to replicate some of the openings that were all principally on the southern elevation and the gable elevation.

- That the usage of the property would be used as domestic properties, rather than a Burgage plot. It was noted that this needed to be taken into consideration.

The gable end of the property would be replicated as part of the new- build, and the other elevations would be southern facing.

- Concern around lack of amenity space.

There was limited amenity space for future residents. The space was utilised for parking and turning.

The southern outlook was close to the boundary, however, this relationship was not unusual for a Town Centre location.

- Further clarification was sought around the use of the site in the year leading up to demolition.

The building had been derelict for a long period of time leading up to demolition and had gone into severe disrepair. However, the building had previous been a stable, coach house, storage and a pub.

During debate, Members commented on:

- Amenity and overlooking aspect to the children's play area at The Priory.
- Orientation of the facades. Plot 6 which would overlook The Priory would have obscure and non-opening windows on the upstairs windows which would mitigate the overlooking issues.

The Officer had liased with the Building Control Team, where obscure glazed and non-opening windows had been discussed. It could pass building regulations; however, the property would require mechanical means of ventilation. Fire escapes and exits could be addressed by the layout of the building via an existing hallway and through the core of the building.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **GRANT** planning permission, subject to conditions:

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 planning application form, and with the following list of approved plans:

- i. Site Location Plan – WG-30 Rev B
- ii. Block Plan as Proposed – WG-35 Rev B
- iii. Site Plan as Proposed – WG36 Rev B
- iv. Converted Buildings Plans and Elevations WG-38 Rev B
- v. New Build Plans and Elevations WG-37 Rev C
- vi. Bin Store Plan and Elevations WG-41

Unless otherwise required by another condition of this permission.

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

Before Development is Commenced

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.

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 and Paragraph 199 of the NPPF.

4 The archaeological investigations shall also have been completed in accordance with the approved details before development commences.

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 and Paragraph 199 of the NPPF.

5 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 which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include:

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;

- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off 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 (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

Reason: To ensure a satisfactory form of development.

6 Prior to any works in relation to the conversion hereby permitted a level 2 historic building record shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The results of the survey shall then be submitted to the Local Planning Authority and the Historic Environment Record on completion of the conversion works.

Reason: In order to ensure the historic elements of the building are adequately recorded prior to conversion.

During Building Works

7 Before any of the works on the external elevations of the new building elements hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces, including any rebuilding and/or infill shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details.

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

8 Before any construction work above ground is commenced, details of the hard landscaping works shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details.

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

9 Construction work shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Deliveries of construction materials shall only take place between 8:00 am and 5:00 pm, Monday to Friday and between 9:00 am and 5:00 pm on a Saturday. No deliveries shall take place on a Sunday or Public Holiday.

Reason: To ensure a satisfactory form of development and in the interests of residential amenity.

Before the Development is Occupied

10 Before the first unit is occupied, all surface/sewage/used water connections shall have been made in strict accordance with a drainage strategy that has first been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the proposed drainage is suitable for the development, in the absence of any technical information relating drainage within the current application, to ensure that the development will accord with Policy EN5 of the Local Plan.

11 Prior to the occupation of unit 6, the first-floor southern facing bedrooms 1 and 2 windows shall have been installed with obscure glazing and with no opening part being less than 1.7m above the floor level immediately below the centre of the opening part. The obscure glazing must be obscured to a minimum of Pilkington - Privacy Level 3 or an equivalent product. Once installed, the window units shall thereafter be retained as such at all times.

Reason: To safeguard the privacy of the occupiers of the neighbouring/adjoining properties.

12 Before any part of the development hereby permitted is occupied/brought into use, the works to provide an area for the storage of refuse and recycling shall have been completed in accordance with the approved details and shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

13 Following first occupation of any part of the development hereby permitted, the vehicle parking and turning areas shall have been completed in

accordance with approved plan WG-36 Rev B and shall not be used for any purpose other than for the parking and turning of private vehicles and motorcycles belonging to the occupants of the property and their visitors/servicing and deliveries.

Reason: To ensure that adequate parking provision is provided and retained in order to minimise on street parking and to ensure that vehicles can enter and leave premises in a forward gear in the interests of highway safety

Ongoing Conditions

14 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the property other than those expressly authorised by this permission shall be carried out without Planning Permission first having been granted by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to ensure the

15 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

Reason: To ensure a satisfactory form of development and in the interests of public safety.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **GRANT** listed building consent, subject to conditions:

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 Sections 18 and 74 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

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. Site Location Plan – WG-30 Rev B
 - ii. Block Plan as Proposed – WG-35 Rev B
 - iii. Site Plan as Proposed – WG36 Rev B
 - iv. Converted Buildings Plans and Elevations WG-38 Rev B
 - v. New Build Plans and Elevations WG-37 Rev C
 - vi. Bin Store Plan and Elevations WG-41

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

- 3 Notwithstanding the submitted details before any of the works on the external elevations for the building(s) hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces, including any rebuilding and/or infill shall have been submitted to and approved in writing by the Local Planning Authority.

This shall include precise details of the reclaimed and salvaged materials to be used as shown on WG-38 Rev B.

The works shall be undertaken in accordance with the approved details.

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

- 4 Before the installation of any of the new external windows, dormer windows, rooflights and doors hereby consented, full details of all proposed joinery works/specifications for those windows/doors/rooflights, including 1:20 sample elevations and 1:1 joinery profiles were necessary, shall have been submitted to and approved in writing by the Local Planning Authority.

The works shall be undertaken in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and in accordance with Policy EN6 of the adopted South Kesteven Local Plan.

- 5 Before any of the works on the external elevations for the building(s) hereby permitted are begun, specification of the lime mortar proposed to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority.

The works shall be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy EN6 and DE1 of the adopted South Kesteven Local Plan.

33. Application S24/0828

Proposal:	Loft conversion, dormer windows and external alterations
Location:	46 Casterton Road, Stamford
Recommendation:	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

Noting comments in the public speaking session by:

District Ward Councillor	Harrish Bisnauthsing (statement)
Against	Kenneth Mills
Applicant	Elisabeth Belisle/Neil Needham

Together with:

- SKDC Local Plan 2011-2036, Stamford Neighbourhood Plan 2016-2036, Design Guidelines Supplementary Planning Document and National Planning Policy Framework.
- Comments received from Stamford Town Council.
- No comments received Lincolnshire County Council (Highways and SuDS).
- Comments received from SKDC Conservation Officer.

(Councillor Tim Harrison returned to the meeting).

During questions to Public Speakers, Members commented on:

- Whether the neighbour would be satisfied if the roof height was reduced.

The neighbours main concerns were around the visual impact of the windows on the West frontage that would overlook their front garden.

- Whether the neighbours front garden was their main amenity area.

It was confirmed the neighbours main amenity area was their front garden, especially during summer months.

During questions to Officers and debate, Members commented on:

- Whether the application was within the Conservation Area.

The Planning Officer confirmed that the application was not within the Conservation Area and the closest point of the Stamford Conservation Area was 100 metres away down from Casterton Road.

- Whether a property on Casterton Road had a precedent for approving modernisation permission due to a recent demolition and replacement of a property.

It was noted that High Lodge along Casterton Road had been demolished and replaced. This property was within the Stamford Conservation Area. There were established examples on Casterton Road for these types of developments.

- Clarification was sought around the land behind the proposed development, as it was slightly raised. Properties behind the proposed development were higher up due to the site incline.

The Planning Officer noted that the property had steps leading up to the front door and along the back garden. There was a steep slope all the way up to Radcliffe Road, where two-storey dwelling elevated over both plots on Casterton Road.

- Confirmation was requested of the 45 degree angle diagram from the window in terms of overlooking.

The window distance to the neighbours front garden was around 10-11 metres. The distance and the angle from the proposed first floor bedroom window had been conditioned to be obscure glazed.

- Whether the angle from the balcony windows complied with the 45 degree rule.

The bifold balcony window would comply with the 45 degree rule. It was proposed that these windows were increased in height, meaning there may be a perception of overlooking.

The Assistant Director of Planning reminded Members there was a degree of overlooking from the street into the neighbours front garden. The overlooking harm would need to be compared with the existing situation to the proposed.

- Clarification was sought around the windows by the balustrade and whether the windows were full length.

The Planning Officer confirmed that the windows by the balustrade were proposed as floor to ceiling. It was clarified the balcony had no floor space was not walkable. The properties cladding would project further from the gable end and the balustrade itself would sit within the cladding. The balustrade would sit 1.1 metres above the floor level in that room, which should address any overlooking concerns.

It was clarified that the first floor window would be obscure glazed and one window by the balustrade would be obscure glazed.

- Whether there was overlooking impact on any other neighbours surrounding the property in terms of design.

Part of a previous refusal was due to the East elevation of the property having windows overlooking a garden to the East of the property. However, the windows had been removed as part of this new application.

- Whether the additional height had any impact and whether this would be the tallest domestic property within the local area that may set a precedent for future applications.

The Planning Officer highlighted that the property would be the tallest within the immediate vicinity. Due to ground levels, properties on Radcliffe Road would have an increased height.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **GRANT** planning permission, subject to conditions:

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 Floor Plans (Ref: 22/4423/P04/Rev A)
- b. Proposed Elevations (Ref: 22/4423/P05)

Unless otherwise required by another condition of this permission.

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

During Building Works

Materials Details

- 3) Before any works on the external elevations for the development hereby permitted is begun, a specification of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces 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 and the Stamford Neighbourhood Plan.

Before the Development is Occupied

- 4) Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed in accordance with the approved details.

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

- 5) Before any part of the development hereby permitted is occupied / brought into use, the 1st floor window on the western elevation of the dwelling (identified as serving bedroom 1 on the approved plans) shall have been installed with obscure glazing to at least 1.7m above the floor level immediately below the centre of the window, and with no opening part being less than 1.7m above the floor level immediately below the centre of the opening part. The obscure glazing must be obscured to a minimum of Pilkington – Privacy Level 3 or an equivalent product. Once installed, the window units shall thereafter be retained as such at all times.

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

- 6) Before any part of the development hereby permitted is occupied / brought into use, the timber balustrade to exterior of the 2nd floor windows on the western elevation of the dwelling (as shown on the

approved plans) shall be installed and shall thereafter be retained for the lifetime of the development.

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

34. Application S24/0795

Proposal:	Change of use and conversion of former bank building (Use Class E(c)(i) to ancillary public reception and function rooms for the adjacent hotel, The Angel and Royal (Use Class C1).
Location:	No.6 High Street Grantham NG31 6PN
Recommendation:	To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions

Noting comments in the public speaking session by:

Applicant Dean Harrison

Together with:

- Provisions within SKDC Local Plan 2011-2036 and National Planning Policy Framework (NPPF).
- Comments received from Lincolnshire County Council Highways.
- Comments received from Environmental Protection.
- Comments received from Historic England.
- Comments received from Conservation Officer.
- Comments from the Local MP.

(The Committee adjourned for 5 minutes).

(Councillor Tim Harrison left the meeting at 16:05 and did not return).

*(It was proposed, seconded and **AGREED** to extend the meeting until the end of business).*

The Assistant Director of Planning clarified that a late representation had been received from a local MP on whether the proposal included any disabled access.

During debate, Members commented on:

- Members were pleased with the proposed plans for the frontage of the building, in keeping with the High Street.

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **GRANT** planning permission, subject to conditions:

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:

- i) Site Location Plan, drawing ref. 205 CP01A (received 21/05/24)
- ii) Proposed Site Plan, drawing ref. 205 CP02 (received 10/05/24)
- iii) Proposed Basement Plan, drawing ref. 205 CP06A (received 22/05/24)
- iv) Proposed Ground Floor Plan, drawing ref. 205 CP03 (received 10/05/24)
- v) Proposed First Floor Plan, drawing ref. 205 CP04 (received 10/05/24)
- vi) Proposed Second Floor Plan, drawing ref. 205 CP05 (received 10/05/24)
- vii) Proposed Elevations, drawing ref. 205 CP07 (received 10/05/24)
- viii) Proposed Long Section, drawing ref. 205 CP08 (received 10/05/24)

Unless otherwise required by another condition of this permission.

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

35. Application S24/0940

Proposal:	Conversion of three redundant ground floor ancillary rooms to guest bedroom with ensuite
Location:	15 Swinegate, Grantham, Lincolnshire, NG31 6RJ
Recommendation:	To authorise the Assistant Director – Planning to GRANT listed building consent, subject to conditions.

Together with:

- Provisions within SKDC Local Plan 2011-2036, Design Guidelines for Rutland and South Kesteven and National Planning Policy Framework

It was proposed, seconded and **AGREED** to authorise the Assistant Director – Planning to **GRANT** listed building consent, subject to conditions:

Time Limit for Commencement

1. The works hereby consented shall be commenced before the expiration of three years from the date of this consent.

Reason: In order to ensure that the works are commenced in a timely manner, as set out in Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Approved Plans

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

- i. 206 P01 – Location & Site Plan received 31 May 2024
- ii. 206 P02A – Proposed Ground Floor Plan [received 31 May 2024]
- ii. 206 P03 – Proposed South & East Elevation [received 31 May 2024]

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

3) Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms unless otherwise agreed 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.

36. Any other business, which the Chairman, by reason of special circumstances, decides is urgent

There were none.

37. Close of meeting

The Chairman closed the meeting at 16:30.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

5 September 2024



Proposal:	The creation of a biodiversity habitat bank to be secured for a period of 30 years
Location:	Exton's Wood and Ark Field, East of Boothby Pagnell and Witherns and Kirkhill, West of Bitchfield
Applicant:	Boothby Wildland Limited
Application Type:	Section 106 Agreement
Reason for Referral to Committee:	Entering into a Section 106 agreement with financial obligations
Key Issues:	Securing Biodiversity Net Gain (BNG) for a period of 30 years Monitoring arrangements
Technical Documents:	HMMP (Habitat Management & Monitoring Plan)

Report Author

Sarah Arnold, Infrastructure Delivery Officer



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sarah.arnold@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Lincrest

Reviewed by:	Phil Jordan, Development Management & Enforcement Manager	23 August 2024
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Recommendation (s) to the decision maker (s)

To authorise the Assistant Director of Planning & Growth to enter into a Section 106 Agreement with Boothby Wildland Ltd to create, manage and maintain Biodiversity Net Gain Units for the purpose of satisfying Biodiversity Net Gain Obligations for developments for a period of 30 years.

1 Background

- 1.1 Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 1.2 The BNG units are to be secured by legal agreement with the landowner to legally ensure the highest quality delivery of the habitats. The uplift in biodiversity is measured by the current version of the Statutory Biodiversity Metric (Defra,2023) (the Metric) and translated into Biodiversity Units (BU) that can then be sold to developers to meet their BNG obligations that are now mandatory.
- 1.3 In light of the requirements of the Environment Act, developers must deliver a BNG of 10% net gain of biodiversity from developments. This means a development must result in more or better-quality natural habitat than there was before development.
- 1.4 There are three ways a developer can achieve BNG. Firstly, developers can seek to enhance and restore biodiversity on-site (within the red line boundary of a development site). Secondly, if developers cannot achieve all of their BNG on-site, they can deliver through a mixture of on-site and off-site provision. Developers can either make off-site biodiversity gains on their own land outside the development site or buy off-site biodiversity units on the market. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This should be a last resort. The government will use the revenue to invest in habitat creation in England.
- 1.5 It is desirable to have a site within South Kesteven that can provide local BNG units in the event that developers cannot achieve BNG on-site. This would ensure that in this scenario the BNG and associated benefits that arise from new development would remain within South Kesteven, as opposed to being used elsewhere.

2 Description of Site

- 2.1 The land proposed to be used for the Biodiversity Areas that would be subject to the Section 106 Agreement totals 64.6 hectares. This comprises four separate parcels of land referred to as Exton's Wood (14 ha), Ark Field (9.6 ha), Witherns (13 ha) & Kirkhill (28 ha).
- 2.2 The Biodiversity Areas are part of a wider 617 ha arable farm known as Boothby Wildland, that has been purchased with the intention of allowing nature restoration and promoting BNG within the unit. The current site comprises contract managed arable land and woodland.

3 Description of Proposal

- 3.1 The applicant seeks to create, manage and maintain BNG Units on the above sites for the purpose of satisfying BNG obligations for developments for a period of 30 years. This would involve selling BNG units to developers where they are unable to achieve a net gain in biodiversity on-site.

- 3.2 In order to secure the use of the land in this way, it is necessary for the land to be subject to a Section 106 agreement to secure the management and maintenance of the habitat enhancements that will result in the BNG units for a minimum period of 30 years.
- 3.3 The habitat enhancements are to be achieved through adherence to a Habitat Management and Monitoring Plan (HMMP) (Appendix A). The HMMP is a detailed plan that outlines how the Biodiversity Areas will be monitored and managed for at least 30 years in order to create and enhance habitats for the purposes of achieving BNG.
- 3.4 As such, Boothby Wildland Ltd and the Council have negotiated and prepared a draft Section 106 agreement (Appendix B) that secures the management and maintenance of the Biodiversity Areas, as set out in the HMMP for a 30-year period.
- 3.5 The Section 106 agreement does not affect but will support the continuity of the regenerative agricultural use and agricultural unit confirmed in Schedule 7A of the Town and Country Planning Act 1990 and National Guidance for BNG. Relevantly, the Town and Country Planning Act 1990 notes that “agriculture” includes the “use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
- 3.6 Boothby Wildland Ltd would be responsible for undertaking low-density regenerative farming to achieve habitat enhancements on the Biodiversity Areas to enable the generation of off-site BNG units. Boothby’s low-density regenerative farming conforms with the current agricultural use of the land.
- 3.7 Boothby Wildland Ltd will be responsible for undertaking low-density regenerative farming in the Biodiversity Areas and managing and maintaining the Biodiversity Areas in accordance with the Habitat Management and Monitoring Plan that has been prepared. The Council’s responsibility is to ensure that the obligations set-out in the Section 106 agreement are adhered to, through effective monitoring of the site.
- 3.8 The HMMP is designed to be an adaptive, 'live' document and should be reviewed and amended regularly to ensure the management objectives remain fit to achieve their intended aims over the 30-year management period. Monitoring of the HMMP will be carried out by the Council as Local Planning Authority, who will review progress of the habitat units against the proposed management objectives.
- 3.9 Monitoring will follow the method set out in the Statutory Biodiversity Metric for conducting condition assessments. A report should be produced after each monitoring visit and will include recommendations for action or alterations to the management prescription set out here. Monitoring will be conducted annually for the first five years during June or July before the grass is cut for hay. After year 5, monitoring may be reduced to once in 2 years, and eventually to once in 5 years as habitats become more stable, for the 30-year duration.
- 3.10 In order to ensure that the monitoring costs of the Council are covered for the lifetime of the agreement, a monitoring fee of £35,000 is to be provided to the Council. The agreement also allows for this to be reviewed and an additional monitoring fee secured in the event that the monitoring costs of the Council exceed this initial payment.

4 Recommendation

- 4.1 To authorise the Assistant Director of Planning & Growth to enter into a Section 106 Agreement with Boothby Wildland Ltd to create, manage and maintain Biodiversity Net Gain Units for the purpose of satisfying Biodiversity Net Gain Obligations for developments for a period of 30 years.

DATED _____ **2024**

(1) SOUTH KESTEVEN DISTRICT COUNCIL

(2) BOOTHBY WILDLAND LIMITED

AGREEMENT

relating to land at
Kirkhill, Witherns, Ark Field and Exton's East at Boothby
Wildland
made pursuant to section 106 of the Town and Country
Planning Act 1990, section 1 of the Localism Act 2011,
Section 111 of the Local Government Act 1972



Pinsent Masons

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THIS DEED OF AGREEMENT is made on 2024

BETWEEN:

- (1) **South Kesteven District Council**, Council Offices, The Picture House, St Catherine's Road, Grantham, NG31 6TT (the "**Council**"); and
- (2) **Boothby Wildland Limited** (Company No. 13709852) whose registered office is at 20 Central Avenue, St Andrews Business Park, Norwich, England, NR7 0HR (the "**Owner**").

RECITALS:

- (A) The Council is the local planning authority for the area in which the Biodiversity Areas are situated and can enforce the obligations contained in this Deed.
- (B) The Owner is the freehold owner of the Biodiversity Areas described in Schedule 1 and shown coloured red on the Plan.
- (C) The Owner intends to create Biodiversity Net Gain Units on the Biodiversity Areas for the purpose of satisfying Biodiversity Net Gain Obligations for developments and is responsible for delivering the habitat enhancements and managing and maintaining the Biodiversity Areas in accordance with the Habitat Management Plan (terms as defined in Schedule 2 to this Deed).
- (D) The Owner and the Council agree that the Biodiversity Areas can provide Biodiversity Net Gain Units and can provide biodiversity enhancements. The Parties enter into this Deed to secure the planning obligations contained in it and to bind the land.

IT IS AGREED as follows:

OPERATIVE PROVISIONS

1. **DEFINITIONS AND INTERPRETATION**

1.1 In this Deed (which includes the Recitals, Schedules and Appendices to it) the following words and expressions have the following meanings unless the context requires otherwise:-

- "1990 Act"** means the Town and Country Planning Act 1990 (as amended)
- "2011 Act"** means the Localism Act 2011
- "Biodiversity Areas"** means approximately 64.6 hectares of land forming part of the land under registered title numbers LL106701 and LL177 shown edged red on the Plan against which this Deed may be enforced and is more particularly described in Schedule 1 and shown edged red on the Plan and includes any part of it
- "Completion Certificate"** means the notice issued by the Council following a Compliance Visit approving the habitat establishment works
- "Compliance Visit/s"** means a site visit undertaken by a trained ecologist
- "Compliance Visit Fee"** means the sum of £700 (or such other sum as may be incurred by the Council in the future for undertaking a Compliance Visit) to be paid per Compliance Visit undertaken by the Council, which sum shall be deducted from the Biodiversity Gain Land Monitoring Contribution
- "Comply"** means comply, perform, fulfil and/or discharge or procure compliance, performance, fulfilment and/or discharge

“Covenant Expiry Date”	means the date which is the expiration of the period of 30 years from the Covenant Start Date
“Covenant Period”	means the period from the Covenant Start Date to the Covenant Expiry Date
“Covenant Start Date”	means the date that the Council issues a Completion Certificate to the Owner
"Deed"	means this Deed made under section 106 of the 1990 Act and all other enabling powers
“Dissatisfaction Notice”	means the notice to be issued by the Council in the event that the Council is not reasonably satisfied that the habitat establishment works set out in the Habitat Management and Monitoring Plan have been carried out and completed to the Council’s reasonable satisfaction and which shall set out any steps that the Council considers that the Owner must take to complete the habitat establishment works to their satisfaction
"Expert"	means an independent person of at least 10 years standing in the area of expertise relevant to the dispute to be agreed between the Parties or, failing agreement, to be nominated at the request and option of any of them, at their joint expense, by or on behalf of the President for the time being of the Law Society
“Force Majeure Event”	means any circumstance not within a party’s reasonable control including, without limitation: (a) acts of God, flood, drought, fire earthquake, or other natural disaster; (b) epidemic or pandemic; (c) terrorist attack, civil war, civil commotion or riots, war, threat of or preparation for war, armed conflict, imposition of sanctions, embargo or breaking off of diplomatic relations; or (d) nuclear, chemical or biological contamination;
“Land Bound”	means all of the Biodiversity Areas
“Material Breach”	means a clear and material breach by the Owner of the requirements of the Habitat Management and Monitoring Plan in respect of the management of any Biodiversity Area which is directly resulting in material and ongoing harm to one or more of the habitat types within that Biodiversity Area (for the avoidance of doubt where there is a dispute between the Parties as to whether a Material Breach has occurred the Owner agrees to pay the full costs of the Expert (including those incurred by the Council) pursuant to Clause 7 of this Deed)
"Parties"	means the parties to this Deed and "Party" shall be construed accordingly
"Plan"	means the plan attached at Appendix 1
"Reasonable Endeavours"	means attempt to fulfil the relevant obligation by expending effort and money as in all the circumstances may be reasonable to expect, which may include engaging professional and other advisers as appropriate but does not require a Party to take proceedings (including any appeal) in any court, public inquiry, or other hearing (unless specified to the contrary)

“Relevant Event” means any of the following events:

(a) a change in the law and/or national policy in respect of the requirement to secure biodiversity net gain in respect of development; or

(b) a decision of a Court, tribunal, Secretary of State or Natural England (or such similar body) that results in Biodiversity Net Gain Obligations not being required by law or the Site the subject of this Agreement no longer being an effective form of satisfying the Biodiversity Net Gain Obligations

“Variation Event” means any of the following events in regards to statutory Biodiversity Net Gain Obligations: (a) a change in Natural England’s custom or practice; or (b) a change in scientific opinion based on evidence; or (c) a change in industry practices or in the generally accepted calculation methods for the type or extent of land required to achieve Biodiversity Net Gain Obligations; or (d) such other event as may be agreed between the Parties as constituting a Variation Event

“Working Day” means a day other than a Saturday or Sunday or public holiday in England

- 1.2 In this Deed, unless otherwise indicated, reference to any:
- 1.2.1 Recital, Clause, sub-clause, paragraph number, Schedule, Appendix or plan is a reference to a Recital, Clause or sub-clause of, paragraph number of, Schedule to, Appendix to or plan annexed to this Deed;
 - 1.2.2 words importing the singular meaning include the plural meaning and vice versa;
 - 1.2.3 words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, other corporate bodies, firms or legal entities and all such words shall be construed interchangeably in that manner.
- 1.3 Headings where they are included are for convenience only and are not intended to influence the construction and interpretation of this Deed.
- 1.4 Any notice, notification, consent, approval, agreement, request or statement or details to be made, given or submitted under or in connection with this Deed shall be made or confirmed in writing.
- 1.5 Wherever an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually unless there is an express provision otherwise.
- 1.6 Each of the Parties to this Deed shall act in good faith and shall co-operate with each of the other Parties to facilitate the discharge and performance of all obligations on them contained in this Deed and the Owner shall comply with any reasonable requests of the Council to provide documentation within its possession (such documentation to be provided by the Owner at its own expense) for the purposes of monitoring compliance with the obligations contained in this Deed.
- 1.7 Where this Deed requires a matter to be agreed by, approved by or consented to by any of the Parties, the relevant Party shall act reasonably in respect of such agreement, approval or consent and such agreements, approval or consent shall not be unreasonably withheld or delayed.

2. LEGAL BASIS

- 2.1 This Deed is made under:
- 2.1.1 section 106 of the 1990 Act;

- 2.1.2 Part 6 of the Environment Act 2021;
- 2.1.3 section 39 of the Wildlife and Countryside Act 1981; and
- 2.1.4 section 1 of the 2011 Act, section 111 of the Local Government Act 1972, and all other enabling powers that may be relevant to the enforcement of the obligations contained in this Deed.

2.2 The obligations, covenants and undertakings on the part of the Owner in this Deed are planning obligations for the purposes of section 106 of the 1990 Act and so bind the Owner's interests in the Land Bound. Subject to Clause 5, the obligations, covenants and undertakings on the part of the Owner are entered into with the intent that they are enforceable not only against the Owner but also against any successors in title or assigns of the Owner and any person claiming through or under the Owner an interest or estate in the Land Bound or any part of it as if that person had been the original covenanting party in respect of the interest for the time being held by it.

2.3 Insofar as any obligations, covenants and undertakings in Clause 2.2 are not capable of falling within section 106 of the 1990 Act they are entered into in pursuance of the relevant powers referred to in Clause 2.1.4.

2.4 So far as the obligations, covenants and undertakings in this Deed are given by or to the Council, they are entered into under the relevant powers referred to in Clause 2.1 and those obligations, covenants and undertakings are enforceable by or against the Council.

2.5 Nothing in this Deed restricts or is intended to restrict the proper exercise at any time by the Council of any of their statutory powers, duties, functions or discretions in relation to the Land Bound or otherwise.

3. **OWNER'S COVENANTS WITH THE COUNCIL**

3.1 The Owner, on behalf of itself and its successors in title to its interest in the Land Bound, covenants with the Council:

3.1.1 to Comply with each obligation, covenant and undertaking on the part of the Owner contained in this Deed or in Schedule 2;

3.1.2 to notify the Council within 5 Working Days of any change in ownership of any of its interests in the Land Bound occurring before all the obligations under this Deed have been discharged. The notice must contain details of the transferee's full name and registered office (if a company, or usual address if not) together with a plan showing the area of the Land Bound.

4. **THE COUNCIL'S COVENANTS**

4.1 The Council covenants with the Owner to Comply with each obligation, covenant and undertaking on the part of the Council contained in this Deed and as set out in Schedule 2.

4.2 The Council covenants with the Owner following a written request from the Owner made at any time after any obligation under this Deed has been fulfilled, to issue a letter of release in substantially the form attached at Appendix 3 in respect of that obligation within 30 Working Days after the date on which it receives the request.

5. **SUCCESSORS IN TITLE AND RELEASE**

5.1 References in this Deed to the Council include the successors to their respective statutory functions and include persons deriving title through or under them.

5.2 Subject to Clauses 5.3 and 5.4, references to the Owner include its heirs, assigns, successors in title and persons deriving title through or under them.

- 5.3 No person or party shall be bound by the terms of this Deed or liable for a breach of the restrictions and obligations contained in this Deed occurring after that person or party has parted with all or part of their interest in the Land Bound or the part in respect of which the breach occurs (but without prejudice to any liability for any breach committed prior to such parting).
- 5.4 The obligations contained in this Deed shall not be binding or enforceable against:
- 5.4.1 any statutory undertaker or other person who acquires any part of the Land Bound or interest therein for the purposes solely of the supply of electricity, gas, water, drainage, telecommunications services or public transport;
 - 5.4.2 anyone whose only interest in the Land Bound is in the nature of the benefit of an easement or covenant only; or
 - 5.4.3 any mortgagee or chargee of the Land Bound from time to time unless it is a mortgagee in possession of the whole or any part of the Land Bound where it becomes bound by the obligations as if it were a person deriving title from the Owner until such time as it parts with its interest in the Land Bound (or the relevant part thereof) PROVIDED THAT any mortgagee or charge shall only be liable for any breach that it itself has caused whilst mortgagee in possession and shall not be liable for pre-existing breaches.

6. ENFORCEMENT PROTOCOL

- 6.1 Before taking action to enforce any of the provisions of this Deed the Council will, save in the case of an emergency in which case it will as soon as reasonably practicable, give written notice to the Owner stating the nature of the breach, the steps reasonably required to remedy the breach, specifying a reasonable timescale for the Owner to take the specified steps to remedy the breach (taking into account seasonal restrictions) and specifying whether it considers that the breach is a Material Breach BUT FOR THE AVOIDANCE OF DOUBT nothing in this clause is intended to fetter or restrict the Council's statutory duties, rights, powers or functions in relation to the Land Bound.
- 6.2 The Council will also give the Owner the opportunity to discuss the breach with the Council and the timescale and steps for remedying it prior to the remedy being carried out. The Council will take into account any reasonable representations made by the Owner.
- 6.3 If the Owner does not take the steps specified within the time period agreed under the notice (or such longer period subsequently agreed with the Council) the Council shall be entitled to take enforcement action. If the Owner does not take the steps specified within the time period stated in respect of such enforcement action or longer period as agreed with the Council the Council will be able to pursue legal remedies.
- 6.4 If the Owner does not remedy a Material Breach within the timeframe set out in the written notice referred to in Clause 6.1 (taking into account any updated timescales agreed further to discussions between the Council and the Owner pursuant to Clause 6.2) then the Council shall be entitled to serve written notice on the Owner:
- 6.4.1 specifying the steps in the written notice referred to in Clause 6.1 that it considers have not been taken by the Owner; and
 - 6.4.2 requiring the Owner to cease selling Biodiversity Net Gain Units which are both (i) in the part of the Biodiversity Area where the Material Breach is taking place and (ii) of the habitat type to which the Material Breach relates, until such time as the steps in the written notice referred to in Clause 6.4.1 have been taken.

7. DISPUTE RESOLUTION

- 7.1 If a dispute between the Parties persists beyond 10 Working Days and the Parties are not able to resolve and relates to any matter contained in this Deed (excluding any matter of law), the dispute may be referred to the Expert by any Party.

- 7.2 The Expert will act as an expert and not as an arbitrator and his decision shall be final and binding on the Parties.
- 7.3 Each Party will bear its own costs and the Expert's costs unless the Expert determines otherwise will be paid as determined by him.
- 7.4 The Expert will be appointed subject to an express requirement that he must reach his decision and communicate it to the Parties within the minimum practical timescale allowing for the nature and complexity of the dispute, and in any event not more than 30 Working Days from the date of his appointment to act. His decision will be given in writing with reasons and in the absence of manifest error will be binding on the Parties.
- 7.5 The Expert will be required to give notice to each of the Parties, inviting each of them to submit to him within 10 Working Days written submissions and supporting material and will afford to the Parties an opportunity to make counter submissions within a further 5 Working Days in respect of any such submission and material.

8. **LEGAL COSTS**

On completion of this Deed the Owner will pay to the Council the reasonable and proper legal costs incurred in the negotiation, preparation and execution of this Deed up to a maximum sum of £3000.

9. **CONTRACTS (RIGHTS OF THIRD PARTIES) ACT**

Nothing in this Deed will create any rights in favour of or be enforceable by any person who is not a party to this Deed under the Contracts (Rights of Third Parties) Act 1999.

10. **NOTICES**

- 10.1 Any notice or other written communication to be served on a Party or given by one Party to any other under the provisions of this Deed will be deemed to have been validly served or given if sent by email, delivered by hand, sent by first class post or sent by recorded delivery post to the Party on whom it is to be served or to whom it is to be given and will conclusively be deemed to have been received on:
- 10.1.1 if sent by email, at the time of transmission;
 - 10.1.2 if delivered by hand, the next Working Day after the day of delivery;
 - 10.1.3 if sent by first class post, the day 2 Working Days after the date of posting; or
 - 10.1.4 if sent by recorded delivery, at the time delivery was signed for.
- 10.2 If a notice, demand or any other communication is served after 4.00pm on a Working Day, or on a day that is not a Working Day, it is to be treated as having been served on the next Working Day.
- 10.3 A notice or communication will be served or given:
- 10.3.1 on the Owner at Boothby Lodge Farm, Boothby Pagnell, Lincolnshire, NG33 4DE, or such other address as notified in writing to the Council from time to time, marked for the attention of Ivan de Klee;
 - 10.3.2 on the Council at *South Kesteven District Council, Council Offices, The Picture House, St Catherine's Road, Grantham NG31 6TT* or such other address notified in writing to the Owner from time to time, marked for the attention of *Infrastructure Delivery Officer*;
 - 10.3.3 on any successor in title to the Owner at that successor in title's last known address.
- 10.4 Any notice or other written communication to be given by the Council will be deemed valid and effectual if on its face it is signed on behalf of the Council by an officer so duly authorised to act on behalf of the Council.

11. LOCAL LAND CHARGE

- 11.1 The Council shall register this Deed as a local land charge after the date of this Deed.
- 11.2 The Council must cancel all entries made in the Register of Local Land Charges relating to this Deed as soon as all the obligations under this Deed have been satisfied or if this Deed ceases to have effect in accordance with Clause 13 and shall forthwith provide the Owner with written confirmation of the same.

12. JURISDICTION AND LEGAL EFFECT

- 12.1 This Deed will be governed by and interpreted in accordance with English Law.
- 12.2 If any provision of this Deed is found (for whatever reason) to be invalid, illegal or unenforceable, that invalidity, illegality or unenforceability will not affect the validity or enforceability of the remaining provisions of this Deed.
- 12.3 No waiver (whether expressed or implied) by the Council of any breach or default by the Owner in Complying with any obligation, covenant or undertaking in this Deed will constitute a continuing waiver and no waiver will prevent the Council from enforcing any obligation, covenant or undertaking or from acting upon any subsequent breach or default of any obligation, covenant or undertaking by the Owner.

13. TERMINATION AND VARIATION OF THIS AGREEMENT

- 13.1 This Deed shall terminate on the Covenant Expiry Date, provided that the Owner is not in material and continuing breach of any terms of this Deed and provided further that the termination of this Deed shall be without prejudice to any accrued rights and liabilities or any rights or remedies of the Parties for breach, non-observance, or non-performance of the obligations under this Deed.
- 13.2 In the event of a Relevant Event, the provisions of this Deed shall automatically terminate in relation to any part of the Biodiversity Areas which has not been Allocated from the date when the Owner confirms its agreement in writing to the Council to the same and the provisions of Clause 13.5 shall apply. For the avoidance of doubt all that land within the Biodiversity Areas which includes Biodiversity Net Gain Units that have been Allocated at the date of the Relevant Event will remain subject to the terms of this Deed.
- 13.3 In the event of a Variation Event, the Owner and the Council may by agreement make such changes to this Deed (with such changes to be documented in a deed of variation to this Deed) as are reasonably required to take account of the Variation Event.
- 13.4 The Owner may at any time provide the Council with an updated Plan and updated BNG Metric confirming that any part of the Biodiversity Areas which includes Biodiversity Net Gain Units that have not already been Allocated will no longer be used for the purposes of habitat mitigation and that part of the Biodiversity Areas shall cease to be subject to the provisions of this Deed on receipt of that notification and the Owner will update Natural England within 5 Working Days of the notification to the Council.
- 13.5 The Council covenants with the Owner that within 30 Working Days of (i) the Covenant Expiry Date, (ii) receiving a written notification from the Owner regarding a Relevant Event pursuant to clause 13.2, or (iii) receiving of a written notification pursuant to paragraph 13.4 above, to issue a letter of release in substantially the form attached at Appendix 3 in respect of the relevant parts of the Land Bound.

14. NO RESTRICTION OF OWNER'S USE OF RETAINED LAND

- 14.1 Subject to Schedule 2, nothing in this Deed shall impose or be deemed to impose any restriction on the Owner's use of the Land Bound and the Owner retains rights of light and the ability to develop the Land Bound and use the Land Bound in any way BUT FOR THE AVOIDANCE OF DOUBT this Clause 14 shall always be (where relevant) subject to:

- 14.1.1 compliance with the Habitat Management and Monitoring Plan;
- 14.1.2 compliance with the provisions of paragraph 2 of Schedule;2 and
- 14.1.3 subject to the approval of any necessary consents or permissions.

15. **FORCE MAJEURE**

- 15.1 Provided it has complied with this clause, if the Owner is prevented, hindered, or delayed in or from performing any of its obligations under this Deed by a Force Majeure Event the Owner shall not be in breach of or otherwise liable for any such failure or delay in the performance of such obligations.
- 15.2 The Owner shall as soon as reasonably practicable after the start of the Force Majeure Event notify the Council in writing of the Force Majeure Event, the date on which it started, its likely or potential duration, and the effect of the Force Majeure Event on its ability to perform any of its obligations under this Deed.
- 15.3 The Owner shall use Reasonable Endeavours to mitigate the effect of the Force Majeure Event on the performance of its obligations.

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EXECUTED AS A DEED by the parties on the date which first appears in this Deed.

SCHEDULE 1

PART 1 – OWNER

Description of Land

Title Documents

The land edged red on the Plan within the registered title number LL106701 being land lying to the west of Church Cottage, Lower Bitchfield, Grantham (NG33 4DZ) and land on the north side of Ingoldsby Road, Bitchfield, Grantham (NG33 4DT)

LL106701

The land edged red on the Plan within the title number LL177 being land lying to the east of the village of Boothby Pagnell and to the south of Boothby Little Wood.

LL177

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SCHEDULE 2 – BIODIVERSITY

1. DEFINITIONS

In this Schedule the following words and phrases shall have the meanings ascribed to them:-

“Additional Monitoring Contribution”	means such sum as is required to cover the shortfall between the balance of the Biodiversity Gain Land Monitoring Contribution and the remaining Monitoring Costs for the remainder of the Covenant Period
“Biodiversity Gain Land Monitoring Contribution”	means the sum of £35,000 (thirty five thousand pounds sterling) payable by the Owner to the Council under and in accordance with paragraph 3.2 of Schedule 2 to this Deed which shall be applied by the Council as a financial contribution towards the Monitoring Costs
“Biodiversity Gain Site Register”	means the Biodiversity Gain Site Register to be established and maintained pursuant to the Biodiversity Gain Site Register Regulations 2024
"Biodiversity Net Gain Obligations"	means any requirements or obligations in respect of a development in relation to achieving a net gain in Biodiversity Value, whether pursuant to the requirements of the Environment Act 2021, Schedule 7A of the 1990 Act, or any other requirements of a local planning authority or commitments made by a developer in relation to the same
"Biodiversity Net Gain Units"	means a unit of Biodiversity Value measured in accordance with the BNG Metric
"Biodiversity Value"	means the unit quantification of the size and the distinctiveness, quality and condition of a habitat to provide a measure of its ecological value as assessed using the BNG Metric
"BNG Metric"	means the Statutory Biodiversity Metric published by DEFRA for measuring the biodiversity value or relative biodiversity value of habitat or habitat enhancement pursuant to the Environment Act 2021 and any regulations relating to biodiversity net gain made thereunder or such other metric as may from time to time be produced and published by the Secretary of State
“DEFRA”	means the Department for Environment Food & Rural Affairs
“Details Submitted”	means those matters set out in paragraph 5.1 of this Schedule 2
“Habitat Management and Monitoring Plan”	means the plans set out in Appendix 2 to this Deed for: <ol style="list-style-type: none"> (a) creating and enhancing the habitat at the Biodiversity Areas to create 337.9 Biodiversity Net Gain Units; and (b) managing, maintaining and monitoring the Biodiversity Net Gain Units delivered; <p>or such updated plans as may be agreed with the Council pursuant to paragraph 4 of Schedule 2, such agreement not to be unreasonably withheld or delayed</p>

“Metric Spreadsheet”	means a BNG Metric spreadsheet demonstrating the baseline Biodiversity Value of the Biodiversity Areas and the projected Biodiversity Value of the Biodiversity Areas following implementation of the habitat enhancements
“Monitoring”	means reviewing Reports from the Owner, undertaking Compliance Visits, issuing Completion Certificates and Dissatisfaction Notices, instructing and appointing contractor ecologists in relation to the same and the Council’s administrative costs of complying with its obligations in relation to the same
“Monitoring Costs”	means the reasonable and properly incurred costs of the Council in undertaking Monitoring during the Term of this Deed PROVIDED THAT no costs or expenses shall constitute Monitoring Costs to the extent that the sums paid by the Council: <ul style="list-style-type: none"> (i) relate to any payments to any contractor or consultant that are not justified by the relevant contractor’s or consultant’s accounts and records; (ii) relate to any payments to any contractor or consultant that should not have been paid by Council to the relevant party; (iii) result from any breach of contract by the Council its employees, agents or consultants; or (iv) result from any negligence on the part of the Council or breach by the Council of this Deed;
“Natural England”	means the executive non-departmental public body, sponsored by DEFRA
“Permitted Use”	means in respect of the Biodiversity Areas such uses of the land as are in accordance with and/or not prejudicial to the implementation and operation of the Habitat Management and Monitoring Plan subject to any necessary consents being obtained
“Previous Land Uses”	means arable farming
“Report”	means a completed version of “Habitat Monitoring Report Template” appended at Appendix 4. The completed documents submitted to the Council shall reflect the relevant survey season April to September (subject to the habitat and seasonal weather patterns) and must be submitted prior to the 1st December of the year of reporting and “Reports” shall be construed accordingly.
“Revised Biodiversity Net Gain Monitoring Contribution”	means the fee calculated by the Council pursuant to paragraph 4.2 of this Schedule 2 which shall represent a reasonable financial contribution towards and which shall be used solely for the Council’s Monitoring Costs in respect of a revised Habitat Management and Monitoring Plan pursuant to paragraph 4.1 of this Schedule 2 for the Covenant Period

2. PROHIBITION OF CURRENT LAND USES AND IMPLEMENTATION OF HABITAT MANAGEMENT AND MONITORING PLAN

2.1 The Owner and the Council agree that:

- 2.1.1 the Owner ceased using:
- (a) the Ark Lane Biodiversity Area for the Previous Land Uses in September 2022; and
 - (b) the Witherns and Kirk Hill Biodiversity Areas for the Previous Land Uses in August 2023; and
 - (c) the Exton's East Biodiversity Area for the Previous Land Uses in September 2023;

since then the Biodiversity Areas have not been used for the Previous Land Uses;

- 2.1.2 the initial habitat works commenced in November 2022 for Ark Lane Biodiversity Area, in August 2023 for Witherns and Kirk Hill Biodiversity Areas and will be commenced in Exton's East Biodiversity Area by December 2024;

- 2.1.3 the habitat enhancements will be completed:

- (a) the Ark Lane, Witherns and Kirk Hill Biodiversity Areas by October 2024; and
- (b) the Exton's East Biodiversity Area by January 2025;

in accordance with the Habitat Management and Monitoring Plan and Metric Spreadsheet. BUT FOR THE AVOIDANCE OF DOUBT the habitat establishment works will not be considered to be complete pursuant to this paragraph 2.1.3 until the Owner has received a Completion Certificate from the Council confirming the habitat establishment works on the relevant Biodiversity Area have been implemented in full and as required in the Habitat Management and Monitoring Plan and to the reasonable satisfaction of the Council.

- 2.1.4 no later than 30 days ahead of the anticipated date of completion of the habitat establishment works the Owner will request a Compliance Visit.

- 2.1.5 if a Dissatisfaction Notice is issued pursuant to a Compliance Visit then the Owner shall repeat the provisions of paragraph 2.1.3 and 2.1.4 until such time as a Completion Certificate is issued to the Owner by the Council.

- 2.2 The Owner covenants with the Council:

- 2.2.1 not to use the Biodiversity Areas for any Previous Land Uses (save for avoidance of doubt any Permitted Uses) during the Covenant Period;
- 2.2.2 to implement the Habitat Management and Monitoring Plan; and
- 2.2.3 to maintain, manage and monitor the habitat enhancements at the Biodiversity Areas in accordance with the Habitat Management and Monitoring Plan throughout the Covenant Period.

3. **MONITORING**

- 3.1 The Owner covenants with the Council that:

- 3.1.1 it shall submit to the Council a report on the outcomes of the monitoring of the Biodiversity Areas undertaken pursuant to paragraph 2.2.3 at the following intervals:

- (a) one year anniversary of the Covenant Start Date
- (b) two year anniversary of the Covenant Start Date;

- (c) three year anniversary of the Covenant Start Date
- (d) four year anniversary of the Covenant Start Date
- (e) five year anniversary of the Covenant Start Date;
- (f) nine year anniversary of the Covenant Start Date;
- (g) fourteen year anniversary of the Covenant Start Date;
- (h) nineteen year anniversary of the Covenant Start Date
- (i) twenty five year anniversary of the Covenant Start Date; and
- (j) thirty year anniversary of the Covenant Start Date;

3.1.2 that if any monitoring report submitted pursuant to paragraph 3.1.1 identifies that remedial and/or corrective measures are reasonably required to the habitat enhancements at the Biodiversity Areas in order to ensure that they meet the standards set out in the approved Habitat Management and Monitoring Plan then such measures shall be undertaken by the Owner in accordance with timescales to be agreed in writing with the Council.

3.2 The Owner shall pay to the Council the Biodiversity Gain Land Monitoring Contribution within 15 Working Days of the date of this Deed. The Council shall place and hold the Biodiversity Gain Land Monitoring Contribution in an interest bearing account and shall provide annual statements to the Owner confirming the amount of the Biodiversity Gain Land Monitoring Contribution held, the amount withdrawn against Biodiversity Gain Land Monitoring Contribution, and any interest applied and accruing to the same.

3.3 The Council shall deduct the Monitoring Costs from the Biodiversity Gain Land Monitoring Contribution and shall:

3.3.1 notify the Owner in writing when (a) 25% and (b) 50% of each of the Biodiversity Gain Land Monitoring Contribution and any Additional Monitoring Contribution has been spent; and

3.3.2 annually compile and provide to the Owner a report setting out all Monitoring Costs along with evidence of the same ("**Monitoring Costs Report**").

3.4 In the event that the Monitoring Costs Report shows that the balance of the Biodiversity Gain Land Monitoring Contribution is not sufficient to cover the remaining Monitoring Costs for the remaining Covenant Period then:

3.4.1 the Council shall be entitled to request in writing the Additional Monitoring Contribution and shall support such request with evidence justifying the requested sum; and

3.4.2 if the Owner agrees with the Council's request it shall confirm the same in writing, and the Council shall as soon as reasonably practicable after receipt of such confirmation submit an invoice to the Owner for the agreed Additional Monitoring Contribution; or

3.4.3 if, taking into account the evidence provided by the Council, the Owner (acting reasonably) does not agree that an Additional Monitoring Contribution is required or does not agree the sum of Additional Monitoring Contribution that has been requested the Owner shall notify the Council of the same and the parties shall use reasonable endeavours to agree the position in which case paragraph 3.4.2 shall apply, and if the parties cannot reach agreement Clause 7 shall apply.

3.5 Upon receipt of an invoice pursuant to paragraph 3.4 above the Owner shall pay the Additional Monitoring Contribution to the Council within 60 Working Days of the date of receipt of the invoice.

3.6 Within 60 Working Days of the Covenant Expiry Date the Council shall:

- 3.6.1 provide a final statement to the Owner confirming the amount of the Biodiversity Gain Land Monitoring Contribution held, the amount withdrawn against the Biodiversity Gain Land Monitoring Contribution, and any interest applied and accruing to the same; and
- 3.6.2 return any surplus Biodiversity Gain Land Monitoring Contribution or Additional Monitoring Contribution held (including any interest thereon) to the Owner.

3.7 The Parties agree that either (a) 24 months from the Covenant Start Date or (b) when 25% of each of the Biodiversity Gain Land Monitoring Contribution and any Additional Monitoring Contribution has been spent (whichever is the earlier) they will undertake a joint review of Monitoring Costs incurred to date, and shall thereafter meet to discuss and seek to implement opportunities for mitigating Monitoring Costs incurred by the Council.

4. REVISION OR REPLACEMENT OF HABITAT MANAGEMENT AND MONITORING PLAN

4.1 The Owner may from time to time submit an updated or replacement Habitat Management and Monitoring Plan to the Council for approval, which approval shall not be unreasonably withheld or delayed PROVIDED THAT any such revised or replacement Habitat Management and Monitoring Plan shall not prejudice the continued functioning of the Biodiversity Areas and/or any existing Allocation of Biodiversity Net Gain Units.

4.2 The Council may as a result of the revised Habitat Management and Monitoring Plan approved pursuant to paragraph 7.1 impose a Revised Biodiversity Net Gain Monitoring Contribution and thereafter the Owner shall pay the difference between the Biodiversity Net Gain Monitoring Contribution and the Revised Biodiversity Net Gain Monitoring Contribution within 60 Working Days of receipt of an invoice in respect of the same.

4.3 If the revised Habitat Management and Monitoring Plan results in either:

- 4.3.1 a change to the broad habitat type, or
- 4.3.2 an increase in distinctiveness,

of any habitats outlined in the Habitat Management and Monitoring Plan, as defined by the BNG Metric, then the Owner must request a Compliance Visit from the Council within 10 Working Days of approval of the new Habitat Management and Monitoring Plan, and the Covenant Period of 30 years will restart from the date of the new Completion Certificate issued by the Council thereafter

5. ALLOCATION OF BIODIVERSITY NET GAIN UNITS

5.1 The Owner shall notify the Council within 5 Working Days after confirmation from the custodian of the Biodiversity Gain Site Register that some or all of the Biodiversity Net Gain Units specified in the Habitat Management and Monitoring Plan or notified to the Council pursuant to paragraph 7.3 have been allocated to a development for the purposes of satisfying Biodiversity Net Gain Obligations for that development ("**Allocated**"), and shall provide:

- 5.1.1 details of the development to which the Biodiversity Net Gain Units are Allocated including the planning permission reference number for the development and local authority area within which the development is located;
- 5.1.2 the number of Biodiversity Net Gain Units Allocated to the development; and
- 5.1.3 the remaining number of Biodiversity Net Gain Units which have not yet been Allocated to any development and remain available for Allocation (the "**Unallocated Capacity**").

6. RIGHT TO INSPECT BIODIVERSITY AREAS

6.1 From the date of this Deed the Owner shall at all reasonable times (following reasonable notice given in accordance with paragraph 9.1.2 of this Schedule 2) allow the Council, its agents, and contractors

with or without workmen and equipment to inspect the Biodiversity Areas to monitor compliance with the obligations contained in this Deed.

7. RECALCULATION OF BIODIVERSITY NET GAIN

7.1 If during the term of this Deed a new methodology for calculating Biodiversity Net Gain is prescribed by DEFRA or Natural England which differs from that provided through this Deed then the Owner may:

7.1.1 Within 6 (six) months after the new methodology referenced in paragraph 7.1 of this Schedule 2 is prescribed pursuant to the Environment Act 2021 produce a written calculation of the Biodiversity Value of the Biodiversity Areas, such calculation to be on the basis of such new methodology, and shall submit the same to the Council for approval in writing;

7.1.2 Upon receipt from the Council of written notice of approval of any calculation submitted pursuant to paragraph 7.1.1 of this Schedule 2 the Biodiversity Value shall be deemed for the purposes of this Deed to be the amount approved; and

7.1.3 In the event that either of the calculation and/or data gathering is not agreed then the Owner or the Council may refer the matter to be determined by the Expert pursuant to Clause 7 of this Deed.

7.2 The Parties agree and acknowledge that:

7.2.1 the Biodiversity Areas may generate more Biodiversity Net Gain Units in practice than estimated in the Habitat Management and Monitoring Plan;

7.2.2 subject to the remaining subparagraphs of this paragraph 7 the Owner shall be entitled to market and sell such additional Biodiversity Net Gain Units.

7.3 The Owner shall at any time and at its sole discretion have the option (but not the obligation) to produce a written calculation of the Biodiversity Value of the Biodiversity Areas, based on the BNG Metric and:

7.3.1 to notify the Council and Natural England of the updated Unallocated Capacity of the Biodiversity Areas; and

7.3.2 to sell and/or Allocate the Biodiversity Net Gain Units within the Unallocated Capacity.

7.4 For the avoidance of doubt any recalculation of Biodiversity Value carried out pursuant to paragraph 7.1, 7.2 or 7.3 of this Schedule 2 shall not invalidate or otherwise prejudice any Allocation of the Biodiversity Net Gain Units made prior to the date on which (i) the Owner is notified by the Council pursuant to paragraph 7.1.1 of this Schedule that such calculation is approved or (ii) the Council is notified by the Owner pursuant to paragraph 7.3.1 of this Schedule 2.

7.5 In the event that the new Biodiversity Net Gain methodology referenced in paragraph 7.1 of this Schedule requires the Habitat Management and Monitoring Plan to be amended and/or updated and/or replaced (as the case may be) the Owner shall:

7.5.1 within 6 (six) months of the new Biodiversity Net Gain methodology legally taking effect produce a revised Habitat Management and Monitoring Plan and submit the same to the Council for approval pursuant to paragraph 4.1 of this Schedule 2; and

7.5.2 upon receipt from the Council of written notice of approval of any revised Habitat Management and Monitoring Plan the Owner shall implement the approved Habitat Management and Monitoring Plan as amended and/or updated and/or replaced (as the case may be).

8. REGISTRATION OF BIODIVERSITY NET GAIN ALLOCATION

8.1 The Owner shall be responsible for submitting on a timely basis relevant information to Natural England for inclusion in the Biodiversity Gain Site Register and for inclusion in any other statutory registers and national records held by Natural England and held by any other regulatory authorities in accordance with applicable laws and shall confirm to the Council the Details Submitted each time the Owner updates Natural England in accordance with this paragraph 8.1.

9. COUNCIL COVENANTS

9.1 The Council covenants and agrees with the Owner as follows:

9.1.1 Not to unreasonably withhold or delay giving its written approval to any revised or replacement Habitat Management and Monitoring Plan submitted by the Owner to the Council pursuant to paragraph 4.1 or paragraph 7.5 of Schedule 2 of this Deed.

9.1.2 To give not less than 10 Working Days' notice to the Owner of its intention to access the Biodiversity Areas for the purposes of inspection pursuant to paragraph 6.1 of Schedule 2 of this Deed.

9.1.3 The existence at any time of any Unallocated Capacity shall not be taken into account by the Council in the determination of any application for planning permission by the Council without prior written confirmation from the Owner that the Owner has Allocated such Biodiversity Net Gain Units to the development that the application for planning permission is in respect of.

9.1.4 For the avoidance of doubt, the Council agrees with the Owner that Unallocated Capacity shall be Allocated to developments or otherwise monetised by the Owner in its absolute discretion.

9.1.5 Not to unreasonably withhold or delay giving its written approval to any calculation of Biodiversity Value submitted by the Owner to the Council pursuant to paragraph 4.1, 7.1, or 7.5 of Schedule 2 to this Deed.

9.1.6 The Council covenants to pay the Biodiversity Net Gain Monitoring Contribution and Revised Biodiversity Net Gain Monitoring Contribution into an appropriate interest-bearing section of the Council's combined accounts as soon as reasonably practicable upon receipt from the Owner and to credit all interest so earned on the Biodiversity Net Gain Monitoring Contribution to that account. The Council further covenants to use the Compliance Visit Fee, the Biodiversity Net Gain Monitoring Contribution, any Additional Monitoring Contribution, and any Revised Biodiversity Net Gain Monitoring Contribution for their intended purpose and not for any other purpose.

9.1.7 To monitor the implementation and operation of the Habitat Management and Monitoring Plan by way of periodic physical visits to the Biodiversity Areas by a suitably qualified ecology and environmental management professional to inspect the Biodiversity Areas and to provide as soon as practicable afterwards a written report to the Owner of the findings of their visit, at the following intervals following the Covenant Start Date:

- (a) one year anniversary of the Covenant Start Date;
- (b) two year anniversary of the Covenant Start Date;
- (c) three year anniversary of the Covenant Start Date;
- (d) four year anniversary of the Covenant Start Date;
- (e) five year anniversary of the Covenant Start Date;
- (f) nine year anniversary of the Covenant Start Date; and

(g) every five years thereafter until the Covenant Expiry Date.

- 9.1.8 Upon receipt of a request pursuant to paragraph 2.1.4 or 4.3 of this Schedule 2 the Council shall carry out a Compliance Visit in a timely manner thereafter and as agreed with the Owner.
- 9.1.9 Within 15 Working Days following a Compliance Visit the Council will issue to the Owner either a Completion Certificate or a Dissatisfaction Notice as appropriate.

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Executed as a Deed (but not delivered until the date of this Agreement)

by affixing

the COMMON SEAL of)

SOUTH KESTEVEN DISTRICT)

COUNCIL)

in the presence of:-)

Authorised Signatory

Executed as a Deed (but not delivered until the date of this Agreement) by Boothby Wildland Limited

DRAFT

.....
Full Name (Director)

.....
Signature of Director

In the presence of:

.....
Full Name (Witness)

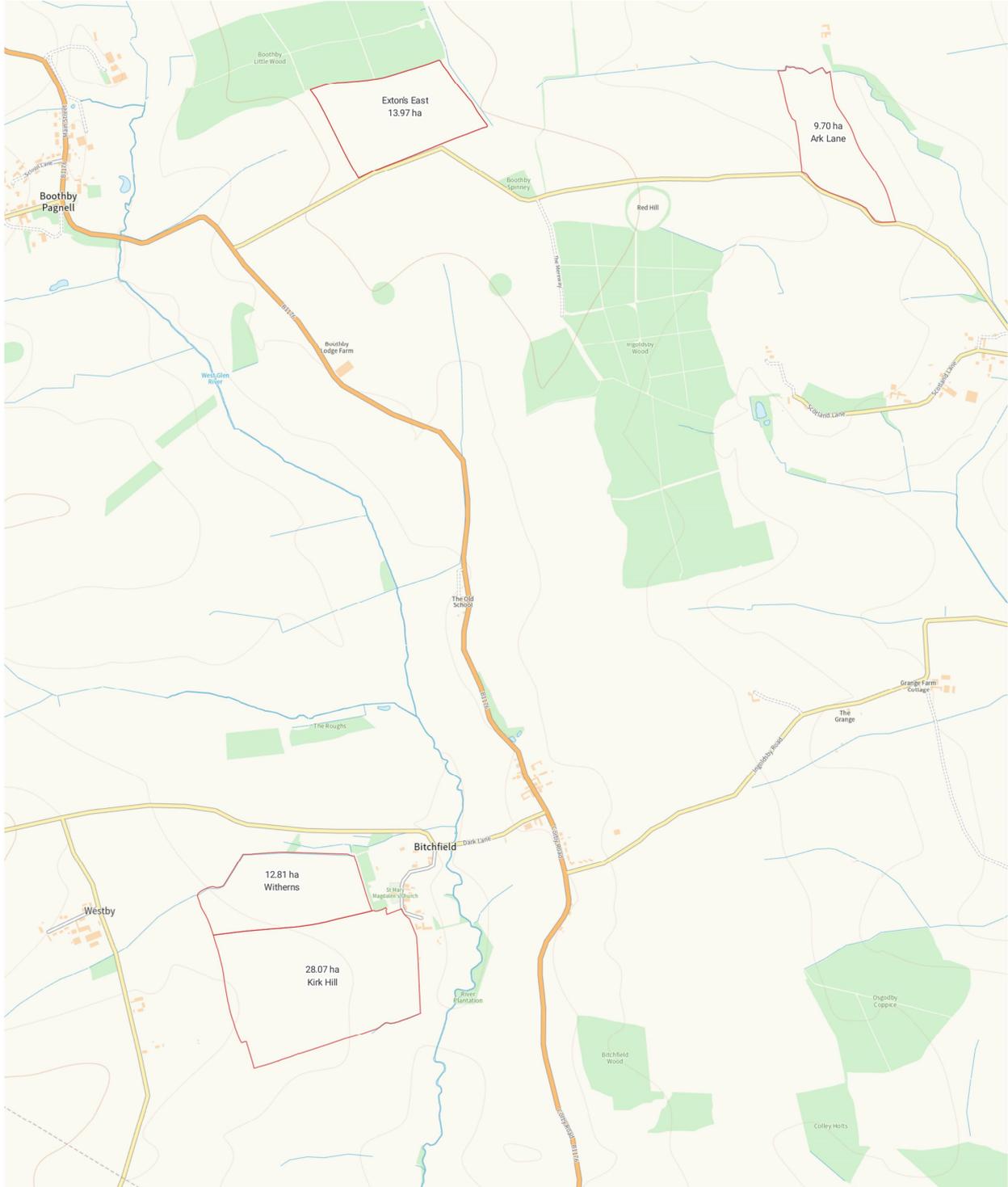
.....
Signature of Witness

.....
Address (Witness)

APPENDIX 1 - PLAN OF THE SITE

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Boothby Wildland BNG Biodiversity Areas



Produced on Jul 5, 2024.
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500 m
Scale 1:12214 (at A3)



APPENDIX 2 - HABITAT MANAGEMENT AND MONITORING PLAN

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Boothby Wildland, Exton's Woods Habitat Management and Monitoring Plan

V1.1 / 21 May 2024



DIGG & CO



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This HMMP has followed guidance as set out in the HMMPT published by Natural England.

We acknowledge the significant input from the HMMPT user-testers and production on Natural England’s behalf by FPCR Environment and Design.



Project Background

Site Overview PB-B01	
Project type	Habitat bank/ off-site provider
Development Name and Address	N/A
BNG Project Name and Address	Boothby Wildland Exton's Wood, Boothby farmhouse, Grantham NG33 4DR
Author Organisation	Rachel Blount MCIEEM; Nattergal Ltd Louis Pearson MCIEEM; Digg & Co. Ltd
Landowner	Nattergal Ltd
Land Manager	Boothby Wildland Ltd
Responsible person/organisation for creating or enhancing the habitat	Boothby Wildland Ltd
Period covered by this management plan	Start/ end point of 30-year period
Planning authority	South Kesteven District Council
Planning reference (if applicable)	N/A
BNG register reference (if applicable)	Boothby Wildland Exton's Wood
Central OS grid reference	SK 98317 31115
Metric revision/title	Statutory Biodiversity Metric
Are any Irreplaceable Habitats present onsite	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>

Summary of Management Plan

Habitats to be Retained, Created and Enhanced

Approximately 13.28ha of 'Other woodland; broadleaved' is proposed for creation on the eastern side of an existing arable field, along with 0.72ha of 'other neutral grassland' rides and glades.

Broadleaved woodland will also be created on the western side of the arable field, using similar methods of creation. However, separate funding will be obtained for the woodland creation to the west and so this area is not included within this HMMP.

Timescales for Actions

The proposed habitat creation commenced in September 2023 through the cessation of arable farming. Other critical interventions will be made during late summer/autumn of 2024. The habitats will be managed for a 30-year period under this HMMP; however, it is anticipated that the site will be retained and managed for nature in perpetuity.

Monitoring Requirements

Annual monitoring will take place from Year 1 to Year 5, after which monitoring visits will take place once every five years for the remainder of the 30-year period. Monitoring surveys will be carried out between May and August by a suitably experienced ecologist, with results provided to South Kesteven District Council.

Required Consents and Licenses

The woodland creation will require an Environmental Impact Assessment (EIA) Stage 1, which will be submitted to the Forestry Commission. A stakeholder consultation has already been undertaken as part of this, with positive responses received (see Appendix A). If requested by the Forestry Commission, a Stage 2 (Consent) will be applied for before works commence.

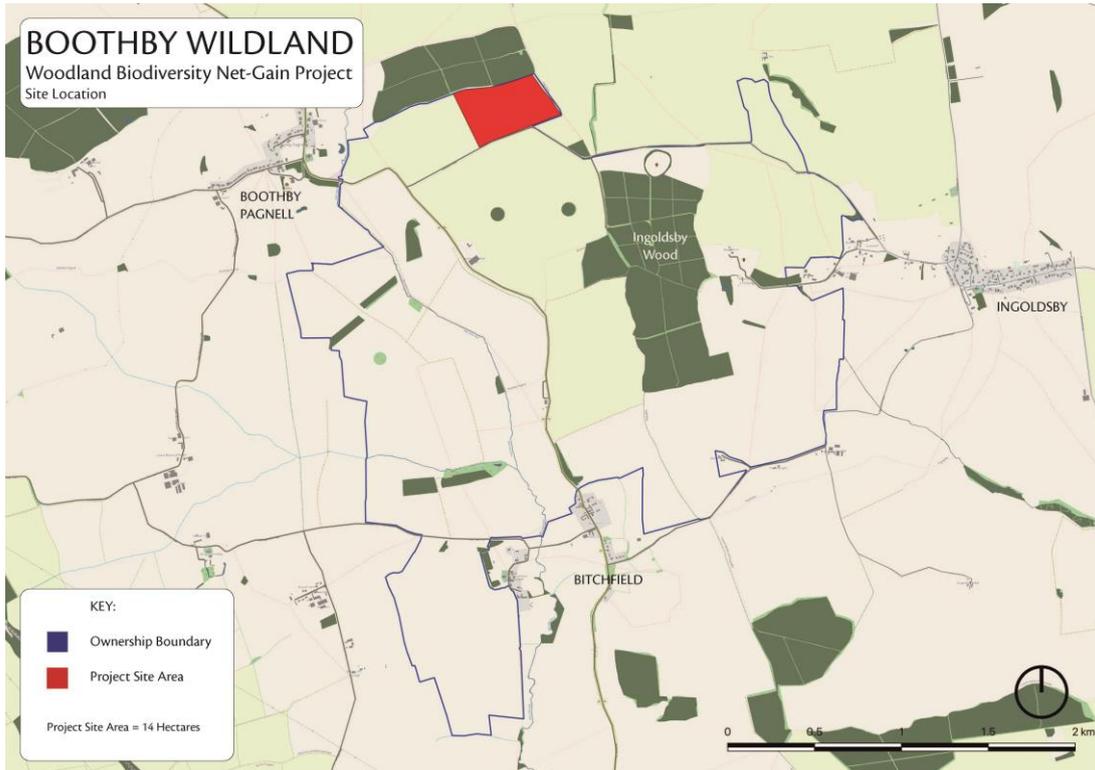
Funding

Funding to deliver this HMMP will be secured through the sale of the associated BNG unit uplift. These BNG units have not yet been allocated to a development.

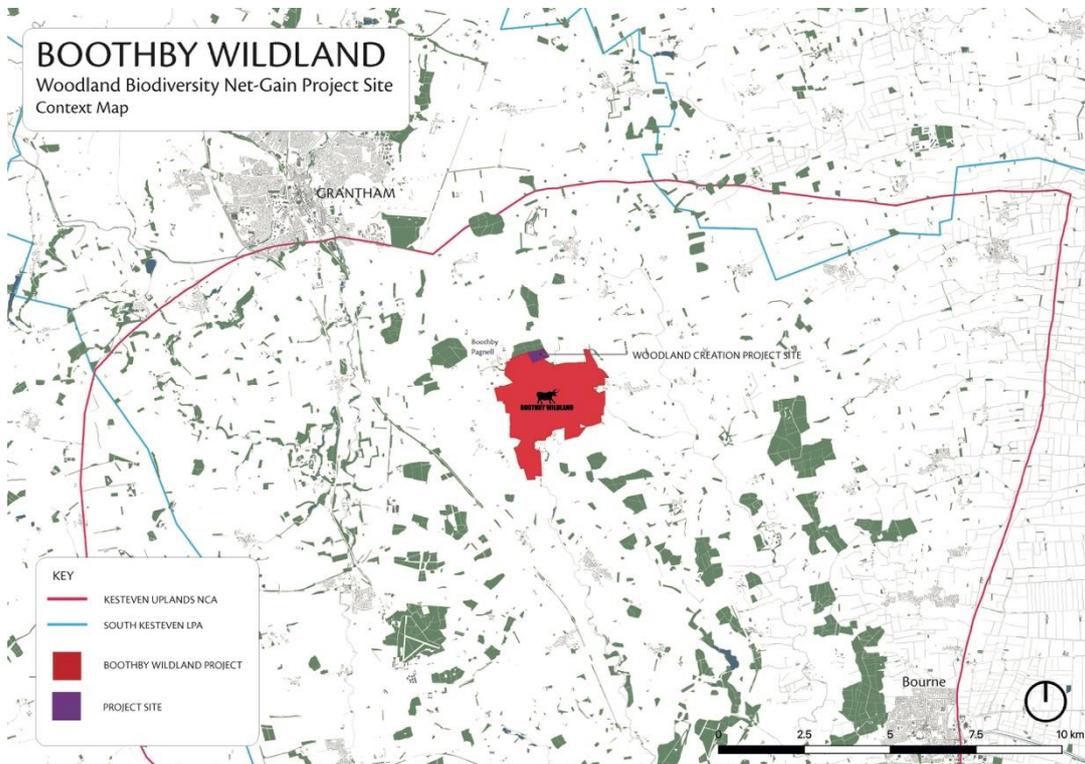
Legal Agreement

The actions within the HMMP will be ensured for a period of at least 30 years through a Section 106 agreement with South Kesteven District Council. It will be the responsibility of South Kesteven District Council to review and audit the implementation of this HMMP over the long-term.

Site Boundary Plan



Site Context Plan



Roles and Responsibilities

Project Ecologist Responsible for HMMP

This document has been written by Louis Pearson MCIEEM, Principal Ecologist at Digg & Co. Ltd, and Rachel Blount, Landscape Ecologist at Nattergal Ltd. Rachel will be the Project Ecologist responsible for this HMMP over the long-term.

Rachel Blount MCIEEM - Nattergal

Rachel is an experienced ecologist and a Full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). She has a BSc in Ecology and MRes in Advanced Biological Studies. Rachel has had training in UKHab classification (Butcher et al. 2020), is a Field Identification Skills Certificate (FISC) Level 4, and holds Natural England Class Licences for great crested newts and bats. Rachel has the knowledge and skills to undertake BNG assessments and calculations, and produce HMMPs, therefore meeting the competency requirements set out within the Statutory Metric User Guide.

Louis Pearson MCIEEM - Digg & Co. Ltd

Louis Pearson is Principal Ecologist of Digg & Co. and full member of CIEEM. He has a bachelor's degree in marine biology and a Master's Degree in Ecology and Management of the Natural Environment. He has worked professionally in ecological consultancy since 2013 and has demonstrable competence in Phase 1 Habitat Surveys (JNCC 2010) and UK Habitat Classification System Surveys (Butcher et. al 2020) and site assessment for protected species.

He has competence in botanical surveys (FISC level 4), as well as herpetological and mammalian surveys and is registered to use Natural England Class Licences to survey for great crested newts, common dormouse, and all bat species in England. Louis has been conducting Ecological Impact Assessment in the context of developments since 2017 and has experience of conducting large scale baseline assessments in the context of biodiversity net gain and in producing management and monitoring strategies for ensuring delivery of projected habitats.

Landowner/ Land Manager Responsible for Implementing the HMMP

Boothby Wildland Ltd (both landowner and manager)

The responsibility for implementing the advice provided here within this document falls to the land managers' Boothby Wildland Ltd and its employees.

The project landholding is owned by Boothby Wildland Ltd and is managed by its directors and employees. The landowner and its employees are responsible for implementing the advice provided within this HMMP and for seeking professional ecological advice if deviation from this plan is required. The landowner and its employees are responsible for contracting a suitably experienced professional ecologist to undertake monitoring as set out within this plan.

Boothby Wildland Ltd and its employees are professional land managers and have significant experience with managing landholdings for nature. The company is managed



under the wider company, Nattergal Ltd, who specialise in landscape scale nature recovery. For more information see www.nattergal.co.uk.

LPA or Responsible Body for Reviewing HMMP

It will be the responsibility of South Kesteven District Council to review and audit the implementation of this HMMP over the long-term.

Land Use Summary

Overview of Baseline Site Use

The site is currently the eastern half of a single arable field known as Exton's. The area is approximately 14ha in size, which has variously been planted with cereal and non-cereal crops. The field has 6m wide stewardship margins which are managed annually with a single cut.

Overview of Proposed Site Use

The proposed land use is to create a woodland through natural colonisation, assisted natural regeneration, and planting. The woodland will be surrounded by deer and rabbit fencing to protect the developing woodland and will include grassland rides and glades.

The project is part of the wider Boothby Wildland rewilding project, which will see natural process led ecological restoration of the landscape.

Management will be light-touch but directed to meet the objectives of this management plan and will include maintenance of rides and glades using mechanical equipment, removal of undesirable species such as excess conifer seedlings, and re-stocking failed plantings.

After the initial management period of 3 - 5 years, grassland management of rides and glades will continue but additional management will be in response to monitoring to achieve the objectives of the HMMP.

Site Context Photos



Site Baseline, Environmental Information and Associated Impacts Checklist

Baseline and Environmental Information	Prompts (if relevant)	Check box if included	Document Reference or Reason if not included
Statutory / Non-statutory Designated Sites	Will your proposals lead to direct or indirect effects on designated sites?	<input checked="" type="checkbox"/>	
Protected and Notable Species	Does the presence or proximity of specific species on or near your site present any constraints or opportunities to project design or management?	<input checked="" type="checkbox"/>	
Invasive Non-Native Species (INNS)	Are any INNS present onsite that could affect the proposals?	<input type="checkbox"/>	None recorded during baseline surveys
Biological Records Plan - Sites and Species	Does the presence of designated sites or specific species on or near the site present any constraints or opportunities to proposals?	<input checked="" type="checkbox"/>	
Baseline Habitats Survey	Is this current and important HMMP information located in a separate document? If so, provide details on where it is located.	<input checked="" type="checkbox"/>	A baseline habitat assessment was completed in 2022. See: <i>Broadview Ecology 2022. Boothby Estate UKHab and Defra Metric. Broadview Ecology, Stroud</i> At the time of writing this HMMP (May 2024) this baseline was still considered valid and accurate, with Rachel Blount MCIEEM (HMMP author), having visited the site during spring 2024 to confirm the

			baseline habitats present.
Public Access	Has public access, or proposals to allow public access, influenced your management prescriptions? If so, how?	<input checked="" type="checkbox"/>	
Climate	Are local climate conditions and, or, climate change likely to impact the target habitat retention, creation or enhancement?	<input type="checkbox"/>	The habitats proposed are common and widespread habitat types that should be maintainable in future climate change scenarios.
Geology and Topography	Any geological or topographical constraints or opportunities?	<input checked="" type="checkbox"/>	
Agricultural Land Status	Does the site support any land favourable for agricultural management? Could this affect the proposals?	<input checked="" type="checkbox"/>	
Soils and Substrates	Do soils and substrates present any constraints or opportunities?	<input checked="" type="checkbox"/>	
Contaminated Land	If there is any contaminated land, will this present any constraints?	<input type="checkbox"/>	The land has been under continual agricultural management and is therefore not contaminated land.
Hydrology and Drainage	Will the site hydrology present any constraints or opportunities?	<input checked="" type="checkbox"/>	
Flood Risk Zones	Is the site within a flood risk zone? Will that present any site management risks?	<input type="checkbox"/>	The site is in Flood Risk Zone 1. Land within Zone 1 has a low probability of flooding from rivers and the sea.
Landscape Character and Designations	Does the landscape character of the site present any constraints or opportunities?	<input checked="" type="checkbox"/>	
Historic Land Use	Does the historic land use present any constraints or opportunities?	<input checked="" type="checkbox"/>	



Historic Environment and Earth Heritage	Are there any historic environment designations? What are the implications for your plan?	<input type="checkbox"/>	There are no historic environment designations.
Other – please specify	Any other details - for example underground services or overhead powerlines, which may impact habitat management.	<input type="checkbox"/>	n/a

Biological Records

Site Name	Designation	Distance from Project Site	Potential Impact from Project
Boothby Little Wood	Site of Nature Conservation Interest and Ancient Woodland Inventory PAWS site	0 m – adjacent to the northern boundary	Positive
Kirton Woodland	Site of Species Scientific Interest and ancient woodland	0.9 km to the north	Positive

Summary of Designated Sites

Boothby Little Wood SNCI and PAWS is a conifer plantation of Scots pine and Corsican pine. The plantation is set out in compartments, with 30 - 40m wide strips of broadleaved species separating each compartment and surrounding the woodland. No veteran or ancient trees occur within the woodland, and the woodland appears to have been clear-felled prior to planting. The close proximity of this woodland to the project area, offers opportunities for natural seed dispersal, and support to the newly created woodland through the expansion of in-soil mycorrhizal networks. The potential impacts posed by the project can be predicted to result in positive effects to Boothby Little Wood, and there are no grounds to suggest negative effects upon this SNCI and PAWS site.

Kirton Wood SSSI and ancient woodland is a species-rich example of ash-lime woodland, a woodland type which is mainly concentrated in Lincolnshire and neighbouring counties. It is one of a group of similar ancient woodlands developed on the calcareous clay soils of the Kesteven plateau but is unusual in its abundance of small-leaved lime. The wood has a coppice-with-standards structure. Ash and pedunculate oak are dominant over much of the wood, with small-leaved lime abundant in the eastern half. At the southern end of the wood, aspen and birch form part of the canopy. This woodland provides a suit of species

which occur locally on similar geological soils which has been used to inform the design of the woodland creation within the project.

Additional ancient woodland sites occur at greater distances from the project, but there are no grounds to predict any impact from the project effecting these sites.

Constraints and Opportunities for the Project

Constraints posed to the project from the adjacent SNCI and PAWS site would be through volunteer seed from Scots pine and Corsican pine establishing in the newly created woodland.

Opportunities would be from natural seed dispersal from native broadleaved tree species, and support of the creation of woodland soils within the project area through the expansion of in-soil mycorrhizal networks.

Protected and Notable Species

Species	Dates	Conservation Status	Distance of Closest Record	Potential Impact from Project
Great crested newt	6.9.2023	European Protected Species	1,600 m	Negligible
Brown hare	6.9.2023	S41 species of principal importance	Within the site	Negative

Summary of Protected and Notable Species

Great crested newt occur on the wider landholding of the farm with the closest record occurring 1.6 km to the south of the project area. The baseline habitats which will be affected by the woodland creation proposal do not represent great crested newt habitat. No water bodies occur within the area, and there are no grounds to predict that the species might rest or dwell within the site or be affected by the planned woodland creation works. The resulting habitat would offer an enhanced resource for the species, but this is considered to be a negligible positive effect due to the distance away from their known location.

Overall the site offers very little habitat resource for any protected or notable species. The proposed deer fence would present a barrier to mammals, and may prevent badgers, hedgehogs, otters or hare from entering or traversing the site. However, no field signs relating to badger activity has been recorded within the entire landholding during baseline surveys and no records of hedgehog or otter have been identified from within 5 km of the site. There are therefore no grounds to predict negative effects upon these species. As a precaution, badger gates will be installed within the deer fence. Once the woodland is established, and the fence is removed, there will be an enhanced resource for these species.

Brown hare occur within the wider landholding and are likely to occur within the project area. Due to the potential impact from browsing, the project will look to exclude hare from the site. This will result in a reduction in land available to the species, however, this is not considered to be a significant negative effect upon the species due to the expansive open farmland available to them in the wider area. Mitigation measures will be implemented to ensure hare are not trapped within the fenced enclosure.

Constraints and Opportunities for Project

Brown hare present the only constraint to this HMMP from protected or notable species. They are likely to occur within the site boundary. The species is known to occur frequently across the landscape surrounding the project area, and the project will result in a temporary reduction in land available to the species.

The opportunities to protected and notable species posed by the project are multiple, resulting from the restoration of a single large arable field to a species rich, well-structured woodland.

Baseline Habitat Survey

Ecologist Responsible for Baseline Surveys

Name: Grace O'Donovan
 Organisation: Broadview Ecology
 Survey Date: 6th July 2022

Survey Conditions and Limitations

The survey was undertaken during July, which is within the optimal time for UKHab classification surveys and habitat condition assessment (April to September). No survey limitations were reported.

Habitat Degradation

There are no signs or evidence that the baseline habitats have been purposefully degraded since 30th January 2020. The site is arable land and has been under continuous cultivation since at least 1999, as shown on historic Google Earth imagery.

Baseline Habitat Descriptions and Condition

Habitats

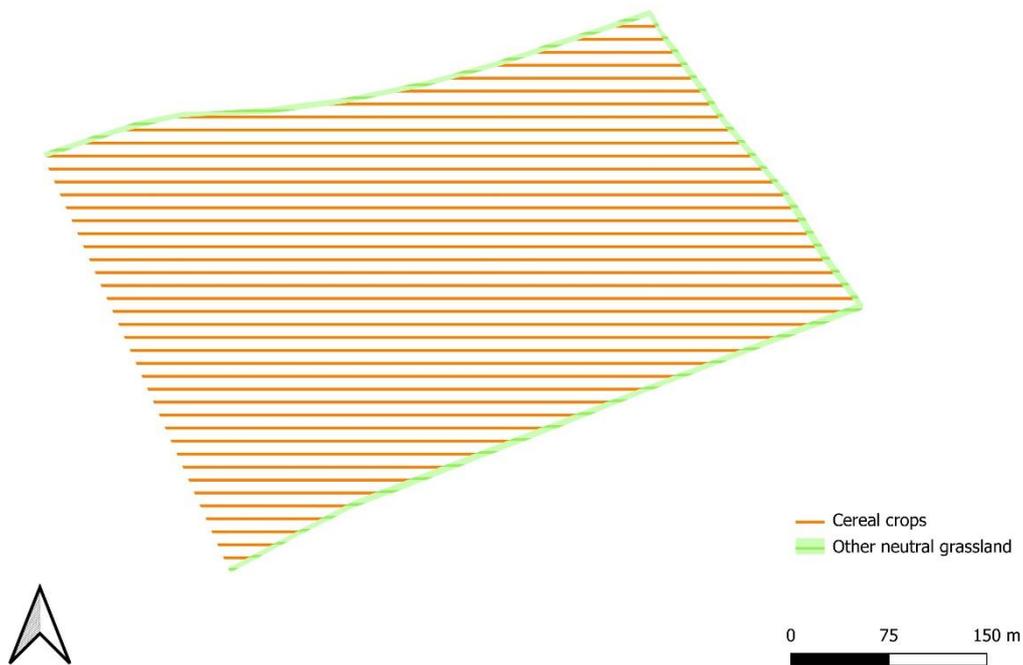
Parcel Refs	Habitat Type and Code	Irreplaceable	Priority	Description and Condition Justification	Condition	Area (ha)
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1	C1 - cropland	No	No	Cropland - no condition assessment	n/a	13.4
2	G3c - other neutral grassland	No	No	Field margin - moderate Cdt A - pass Cdt B - fail Cdt C - fail Cdt D - pass Cdt E - pass Cdt F - fail	Moderate	0.6

Priority and Irreplaceable Habitats

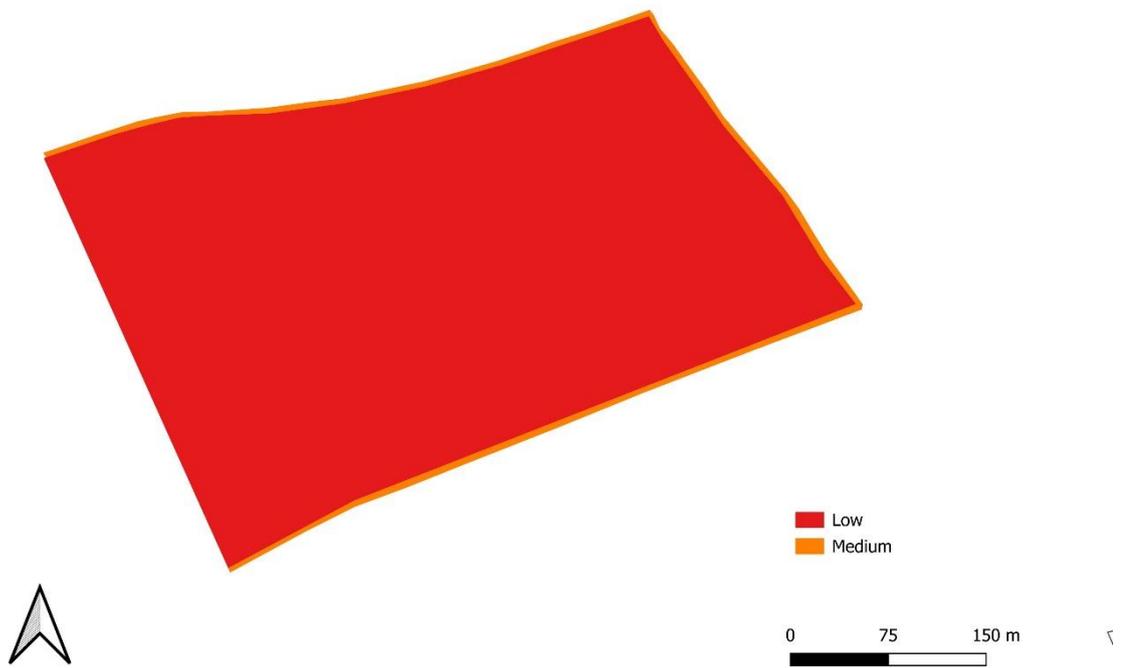
There are no priority or irreplaceable habitats present.

Baseline Habitat Plan

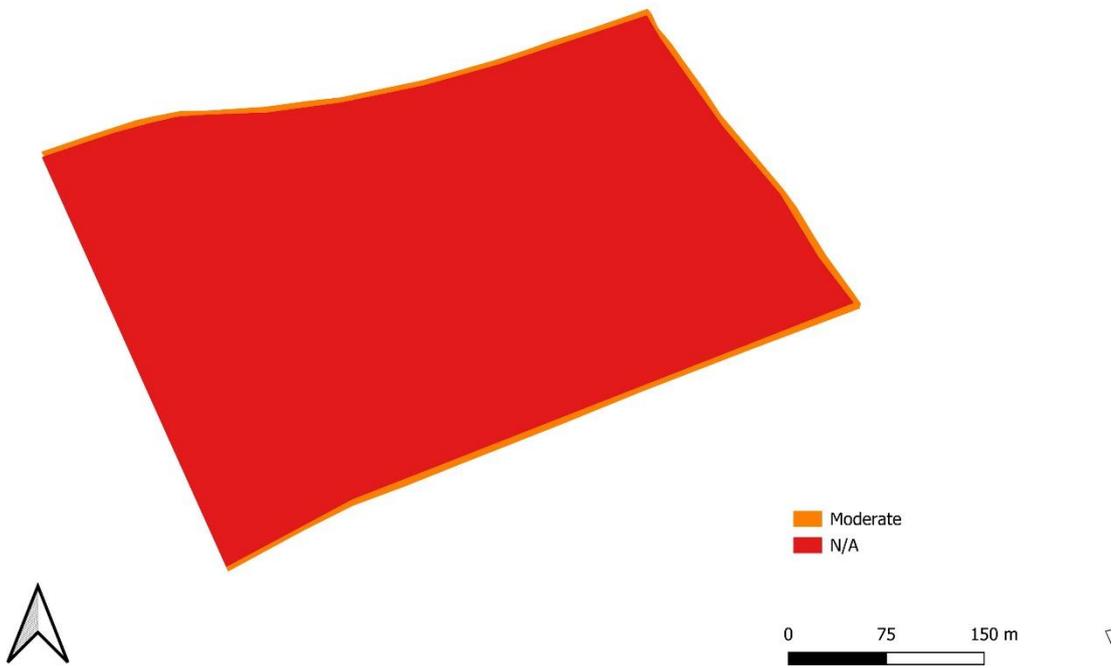


Baseline Distinctiveness and Condition Plan

Distinctiveness



Condition



Baseline Habitat Photos





Land Tenure and Public Access

Relevant Land Tenure Information

All land within the project area is owned by the land managers Boothby Wildland Ltd. This is not expected to change over the life of the HMMP.

Potential Impact to Scheme

None expected.

Public Access Information

There is currently no public access to the site. This is expected to change through the life of the scheme, with the proposed addition of a permissive bridleway through the site.

Potential Impact to Scheme

The creation of a new bridleway provides an opportunity to create a grassland ride through the woodland, which will increase edge habitat and be of benefit to a range of species groups, including invertebrates and birds.

The bridleway will extend from north to south through the site. It is expected that the level of use will be light and restricted to foot traffic with occasional horse riding. The grassland ride will be wide (approximately 10m), with scallops along the ride creating glades. It is, therefore, considered that the impact of the proposed access on the grassland will be minimal. This will be kept under review throughout the life of the HMMP.

Geology and Topography

Geological Information

National Soil Maps of the site describe the underlying geology as 'chalky till'.

Potential Impact to Scheme

The underlying geology of the site is likely to support calcicolous tree species, which is in accordance with Kirton Wood SSSI to the north which supports a tree flora of this type. This has influenced the tree species proposed for planting.

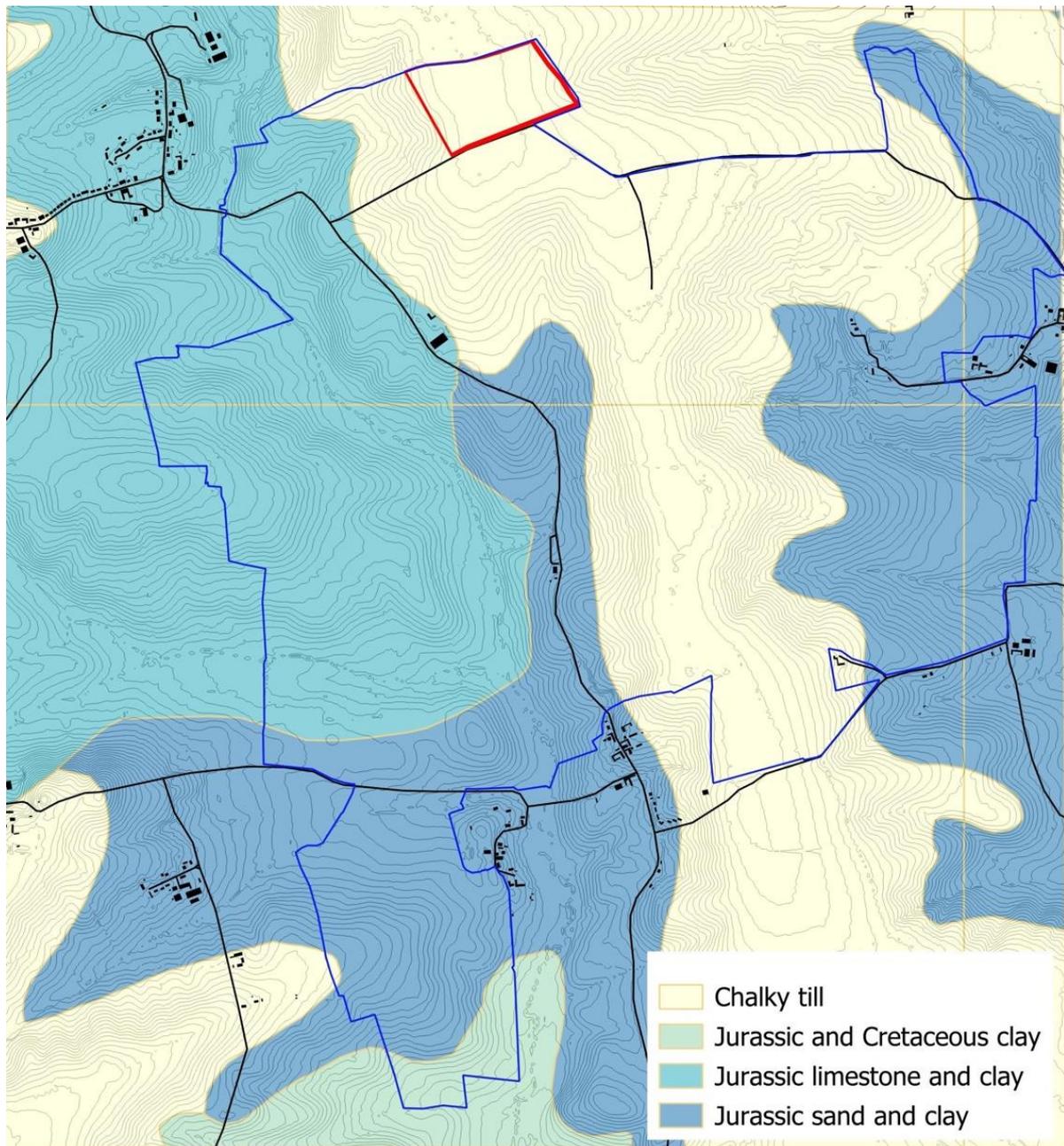
Topography

The site is broadly level on a plateau at 105 AOD between two catchments to the east and west. The eastern and western margins of the project area therefore begin to drop away gradually, although this is barely perceptible on the ground. To the north and south, the plateau connects with extant woodlands situated on similar topography, geology and soils.

Potential Impact to Scheme

The broadly level topography of the site suggests that topography will not affect the scheme.

Geology and Topography Plan



Agricultural Land Status

Agricultural Land Status

The land on site is classified by the Agricultural Land Classification of England and Wales as being Grade 3, which is good to moderate quality agricultural land that generally has lower or more variable yields than land in Grade 1 and 2.

Potential Impact to Scheme

The purchase of the Boothby Wildland site was based on the absence of higher yielding Grade 1 and 2 arable land, to avoid taking highly productive land out of production.

Soils and substrates

Soil texture	pH	Nitrogen (N)	Phosphorous (P)	Potassium (K)
Medium sandy clay loam	6.5-7.75	n/a	15-32 ppm	200-240ppm

Summary of Soils Information

National Soil Maps describe the dominant soils across the site as 'slowly permeable seasonally waterlogged clayey and fine loamy over clayey soils'. Associated soil types are described as 'slowly permeable calcareous clayey soils especially on slopes'.

Soils surveys of the site conducted in 2019 by SOYL recorded the soils as 'medium sandy clay loam'.

Potential Impact to Scheme

The clay content of the soils, especially in the west, may result in surface water persisting, potentially creating a soil crust and marginally anoxic conditions. This may also lead to significant soil cracking during drought. This is most likely to occur on unvegetated soils following cultivation or harvest. However, the majority of the site has lighter soils which are likely to be freer draining.

Mitigation for poorly draining soils and risk of anoxia will be through addition of organic matter, such as woodchip, as a mulch around each planted tree. This will aid aeration of soil, increase permeability and retain moisture during drought and support the development of a woodland soil microbiome.

The soil nutrient status is not considered to be a constraint to woodland creation.

Soils and Substrate Plan



Hydrology and Drainage

Summary of Hydrological Information

The land is well-drained through a series of land drains that were installed for agricultural purposes. See map below.



Potential Impact to Scheme

There is no indication that hydrology or drainage will impact the scheme.



Landscape Character and Designations

Summary of Landscape Character and Designations

Extracts from the Kesteven Uplands National Character Area (NCA) profile:

“The Kesteven Uplands National Character Area (NCA) is a gently rolling, mixed farming landscape.

The origin of the word ‘Kesteven’ comes partly from the Celtic word ‘coed’ meaning woods, and much scattered woodland survives throughout the area with some important semi-natural and ancient woodlands.

There are challenges around how to maintain the valuable food contribution which the land provides while enhancing biodiversity and water management. Managing and expanding the woodland resource will also be key for biodiversity, increasing biomass potential, regulating climate change, water quality and providing additional recreational assets.

Statement of Environmental Opportunity 3 states:: Manage and expand the native woodlands throughout the Kesteven Uplands to reinforce the area’s wooded character, benefit biodiversity, increase the potential for biomass, access and recreation, and help to regulate climate change and water quality.”

There are no landscape designations within the site.

Potential Impact to Scheme

The NCA profile places emphasis on managing and expanding the existing woodland resource. The location of the proposed woodland is in accordance with this through expanding the adjacent Little Boothby Woods. The existing woodland within the immediate surroundings are broadly situated along the high plateaux, and the creation of the proposed woodland will continue this and also increases connectivity between existing woodlands.

Planned Management Activities

Management Plan Aims and Objectives

The objectives of the project are: -

- To create 13.28ha of well-structured, diverse broadleaved woodland which meets the definition of ‘other broadleaved woodland’ set out within the UKHab classification definitions. The aim will be to create a woodland of ‘moderate’ condition in accordance with the criteria set out within the Statutory Biodiversity Metric, within the standard time to target condition of 15 years.



- The woodland will include species-rich grassland along a ride, including glades, which will total 0.72ha in size and will meet the definition of 'other neutral grassland' set out within the UKHab classification definitions. The aim will be to create a grassland of 'moderate' condition in accordance with the criteria set out within the Statutory Biodiversity Metric, within the standard time to target condition of 5 years.
- The woodland and grassland habitats will be retained at the target condition or enhanced further, for a minimum of 30 years, but it is likely that they will be managed and maintained in perpetuity.
- The woodland objective will be met through natural regeneration, assisted natural regeneration, and enrichment planting of trees and shrubs. Establishing woodland will be protected with a deer fence, which will enclose the full project area.
- The grassland objective will be met through species-rich green hay application or the application of grassland seed mixes, and natural colonisation from wind-blown seed, with an annual maintenance schedule which will see the ride and glades cut annually.
- The perimeter fence will be retained and maintained for a minimum of 15 years, after which time it may be removed subject to approval from professional ecological advice.

Principles Informed by Design Stage

The existing land use within the project area is intensive arable farming with stewardship margins. There is little existing ecological or habitat interest within this current land use apart from some species richness in the grassy margins.

The primary design influence of the proposed woodland creation is proximity to Little Boothby Woods which is a plantation on ancient woodland site and can be expected to have functioning woodland soils which will support the development of woodland across the project area. In addition, the native broadleaved species within the margins of Little Boothby Wood will offer a seed resource which will naturally colonise the project area, along with the boundary hedges. Species present along the margins of Little Boothby Wood include hazel, willow, ash, birch, field maple, oak, elder, hawthorn, and blackthorn.

The existing grassy margins will not be planted or ploughed but will be allowed to naturally succeed to woodland. This will allow time for their seed to disperse and influence the development of species rich grasslands within glades and rides.

The underlying calcareous geology of the site has influenced the proposed species composition of tree stock. This species composition is further influenced by the species found in the nearby Kirton Wood SSSI, which is an ancient woodland developed on the same calcareous clay soils of the Kesteven plateau.

Habitat and Condition Targets

Baseline habitat type	Target Habitat Type	Baseline Conditions	Targeted Conditions	Years to Targeted Condition	Condition Assessment Targets	Comments
Cropland	Other broadleaved woodland	N/A	Moderate	15 years	A - poor B - good C - good D - good E - good F - good G - good H - good I - poor J - poor K - poor L - poor M - good Total = 29 points (moderate = 26 to 32 points)	Creation of woodland through natural colonisation, assisted natural regeneration, and planting.
Cropland	Other neutral grassland	N/A	Moderate	5 years	A - pass (essential for achieving moderate condition) B - not targeted	Creation of grassland glades and rides through new woodland.

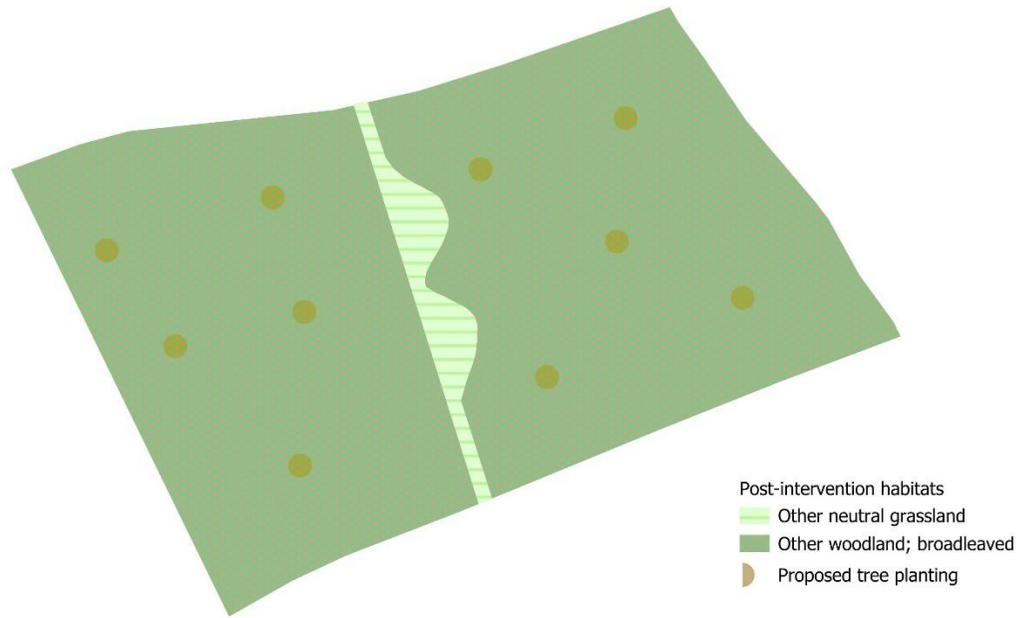
					<p>C - not targeted</p> <p>D - pass</p> <p>E - pass</p> <p>F - not targeted</p> <p>Total = 3 criteria passed (moderate = 3 - 5 criteria)</p>	
Other neutral grassland	Other broadleaved woodland	Moderate	Moderate	15 years	<p>A - poor</p> <p>B - good</p> <p>C - good</p> <p>D - good</p> <p>E - good</p> <p>F - good</p> <p>G - good</p> <p>H - good</p> <p>I - poor</p> <p>J - poor</p> <p>K - poor</p> <p>L - poor</p> <p>M - good</p> <p>Total = 29 points (moderate = 26 to 32 points)</p>	Existing arable margins which will be left to naturally regenerate into woodland.



Habitat Retention

No retention of baselined habitats is proposed.

Habitat Creation Plan



Grassland (Medium, High and Very High Distinctiveness)
Creation Enhancement and Management Summary

Target habitat		Other neutral grassland		
Condition Assessment Criteria		Targeted	Creation Approach	Management Approach
A	<p>The parcel represents a good example of its habitat type, with a consistently high proportion of characteristic indicator species present relevant to the specific habitat type.</p> <p>Note - this criterion is essential for achieving Moderate or Good condition for non-acid grassland types only.</p>	Yes	Grassland will be created using green hay sourced from nearby species rich neutral grassland sites or from neutral grassland seed mixes (or a combination of both). Green hay and/ or seed will be applied during late summer/ early autumn, with green hay being spread with a bale chopper or muck spreader and seed being broadcast. The land will be prepared by heavy chain harrow application.	For the first five years, grassland will be managed with a single hay cut during August, with the hay baled and removed. If required, this will be followed by two cuts with a topper, one during November and one during March in a period of dry weather. Application of a chain harrow after topping may be required in response to monitoring. Following the first five years, the management will be reviewed to determine whether the cut and collect approach is required on an annual basis or whether annual cuts with a topper would instead be appropriate. At this stage, consideration will also be given to rotational cutting (i.e. leaving different sections uncut each year), to promote diversity in grassland structure.
B	Sward height is varied (at least 20% of the sward is	No	n/a	n/a



	less than 7 cm and at least 20 per cent is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.			
C	Cover of bare ground between 1% and 5%, including localised areas, for example, rabbit warrens.	No	n/a	n/a
D	Cover of bracken <i>Pteridium aquilinum</i> less than 20% and cover of scrub (including bramble) less than 5%.	Yes	Cover of bracken is not expected to occur as none currently occurs in the areas proposed for grassland. Cover of scrub will be managed during the annual grassland management work.	Annual cutting with topper.
E	Combined cover of species indicative of suboptimal condition and physical damage (such as excessive poaching, damage from machinery use or storage, damaging	Yes	Maintaining good management principals of minimising use of heavy machinery and only driving onto land during dry conditions when the land is firm. Any observations made of invasive non-native species during monitoring will trigger targeted management action.	Management will be in response to monitoring. Management of undesirable species will comprise preventing species from dropping their seed. This can be achieved by adjusting the timing of the hay cut accordingly.



	<p>levels of access, or any other damaging activities) accounts for less than 5% of total area.</p> <p>If any invasive non-native species (as listed on Schedule 9 of WCA) are present, this criterion is automatically failed.</p>			
85	<p>F There are 10 or more vascular plant species per m² present, including forbs that are characteristic of the habitat type.</p> <p>Note - this criterion is essential for achieving Good condition for non-acid grassland types only.</p>	No	<p>Seeding from green hay/ grassland seed mixtures will provide a seed source to ensure suitable species are introduced into the grassland. The proposed annual management will allow the grassland to achieve good species richness. A second application of green hay/ seed in Year 2 after creation may be required if monitoring records few species.</p>	As previously.

Grassland Creation Enhancement and Management Detailed Methods

Action	Timing	Prescriptions
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Application of green hay/ seed	Late summer/ early autumn	Grassland will be created using green hay sourced from nearby species rich neutral grassland sites or from neutral grassland seed mixes (or a combination of both). Green hay and/ or seed will be applied during late summer / early autumn, with green hay being spread with a bale chopper or muck spreader and seed being broadcast. The land will be prepared by heavy chain harrow application.
Annual cut and collect	August	For the first five years, grassland will be managed with a single hay cut during August, with the hay baled and removed. If required, this will be followed by two cuts with a topper, one during November and one during March in a period of dry weather. Application of a chain harrow after topping may be required in response to monitoring. Following the first five years, the management will be reviewed to determine whether cut and collect is required on an annual basis or whether annual cuts with a topper would be appropriate instead. At this stage, consideration will also be given to rotational cutting (i.e. leaving different sections uncut each year), to promote diversity in grassland structure.



Additional Management Prescriptions

As the areas of grassland will be relatively small in surface area and narrow in topography, it is considered unlikely that they will be used by ground nesting birds and so no timing constraints on management are necessary.

Other Supporting Information

The grassland area will be used as a ride but it is expected that the level of use will be light and restricted to foot traffic with occasional horse riding. The grassland ride will be wide (approximately 10m), with scallops creating two grassland glades of approximately 30m in width and 40m in length. It is, therefore, considered that the impact of the proposed access on the grassland will be minimal. This will be kept under review throughout the life of the HMMP.

What Does Success Look Like?

A large ride through the woodland, with wider scallops creating open glades, supporting species-rich grassland and providing habitat for a range of species. In particular, the habitat is expected to provide optimal habitat for certain invertebrate species, including butterflies, which are reliant on edge habitats. It is expected that the ride/ glades will support a gradient of vegetation, with longer grassland grading into shorter, more open herbs and grasses towards the central path. It is expected that the grassland will support neutral grassland indicator species, and so fit the classification of UKHab 'other neutral grassland', along with grassland species that are more adapted to shadier conditions, such as hedgerow and woodland edge habitat.

Woodland Creation Enhancement and Management Summary

Target Habitat: Other woodland; broadleaved					
Condition Assessment Criteria			Target Score	Creation Approach	Management Approach
A	Age distribution of trees	Three age classes present	1	Not targeted	n/a
		Two age classes present			
		One age class present			
B	Wild, domestic and feral herbivore damage	No significant browsing damage evident in woodland	3	The entire woodland will be enclosed with a deer fence for the duration of the management period.	Maintenance of the deer fence
		Evidence of significant browsing pressure is present in 40% or less of whole woodland			
		Evidence of significant browsing pressure is present in 40% or more of whole woodland			
C		No invasive species present in woodland	3	n/a	Monitoring will inform management.

	Invasive plant species	<p>Rhododendron <i>Rhododendron ponticum</i> or cherry laurel <i>Prunus laurocerasus</i> not present, other invasive species <10% cover</p> <p>Rhododendron or laurel present, or other invasive species) 10% cover</p>			Targeted management will be recommended to manage the species of invasive plant.
D	Number of native tree species	<p>Five or more native tree or shrub species found across woodland parcel</p> <p>Three to four native tree or shrub species found across woodland parcel</p> <p>Two or less native tree or shrub species present across woodland parcel</p>	3	Approximately ten stands of trees/ shrubs will be planted across the site and will be a mix of single-species stands and mixed stands including small leaved lime, wild cherry, birch, spindle and wild privet.	At least five native woody species will be planted and additional species are expected to colonise through natural regeneration. If an entire species fails, this will be remediated in response to monitoring
E	Cover of native tree and shrub species	<p>>80% of canopy trees and >80% of understorey shrubs are native</p> <p>50 - 80% of canopy trees and 50-80% of understorey shrubs are native</p>	3	As above	All tree species proposed for planting will be native. Non-native coniferous trees may self seed



		<50% of canopy trees and <50% understorey shrubs are native			and begin to develop in natural regeneration areas. Monitoring will inform management which will remove non-native conifers if they exceed 20 % cover.
F	Open space within woodland	10-20% of woodland has areas of temporary open space. Unless woodland <10ha in which case 0-20% temporary open space is permitted. 21-40% of woodland has areas of temporary open space <10% or >40% of woodland has areas of temporary open space. But if woodland <10ha has <10% temporary open space, please see Good category.	3	The woodland will be designed to have some temporary open space in glades and rides. These will be maintained through grassland management.	Rides and glades to be maintained through grassland management.
G	Woodland regeneration	All three classes present in woodland; trees 4-7cm Diameter at Breast Height (DBH), saplings and seedlings or advanced coppice regrowth	3	The deer fence should keep browsing herbivores out of the woodland for the duration of the management period. Natural seed dispersal and assisted	Maintenance of deer fence.

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		One or two classes only present in woodland		natural regeneration will ensure a seed source is available to support woodland regeneration.	
		No classes or coppice regrowth present in woodland			
H	Tree health	Tree mortality less than 10%, no pests or diseases and no crown dieback	3	This will be in response to monitoring. Any tree health problems will trigger targeted action. No ash or elm from cultivated stock are proposed, attempts may be made to graft a resilient elm tree which grows on the wider estate, and these trees may be planted here.	Related management activities will be in response to monitoring.
		11% to 25% mortality and/or crown dieback or low risk pest or disease present			
		Greater than 25% tree mortality and or any high risk pest or disease present			
I	Vegetation and ground flora	Recognisable NVC plant community at ground layer present, strongly characterised by ancient woodland flora specialists.	1	Not targeted	n/a
		Recognisable NVC plant community at ground layer present			
		No recognisable NVC plant community at ground layer present.			
J	Woodland vertical structure	Three or more storeys across all survey plots or a complex woodland.	1	Not targeted	n/a
		Two storeys across all survey plots			



		One of less storey across all survey plots			
K	Veteran trees	Two of more veteran per hectare	1	Not targeted	n/a
		One veteran tree per hectare			
		No veteran trees present in woodland			
L	Amount of deadwood	50% of all survey plots within the woodland parcel have deadwood, such as standing deadwood, large dead branches and or stems and stumps, or an abundance of small cavities.	1	Not targeted	n/a
		Between 25% and 50% of all survey plots within the woodland parcel have deadwood, such as standing deadwood, large dead branches and or steams, stubs and stumps, or an abundance of small cavities.			
		Less than 25% of all survey plots within the woodland parcel have deadwood, such as standing deadwood, large dead branches and or steams, stubs and			

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		stumps, or an abundance of small cavities.			
M	Woodland disturbance	No nutrient enrichment or damaged ground evident	3	Nutrient soil status does not indicate excessively elevated nutrient levels which could cause problems.	n/a

Woodland: Creation Enhancement and Management Detailed Methods

Action	Timing	Prescriptions
Install fencing	Fencing will be installed during a period of dry weather to avoid machinery damaging the ground	Deer and rabbit fencing will be installed with access gates and badger gates to enclose the full project area. Fencing will be installed inside the existing hedgerow.
Tree planting	Tree planting will occur in distinct stands during the period October through March. Later plantings are at greater risk of suffering during spring drought.	<p>Approximately ten stands of trees will be planted across the site, with the stands distributed to ensure that 95% of the proposed woodland area will be within 75m of a viable tree seed source. These stands will be a mix of single-species stands and mixed stands of approximately 10x10m to 20x20m. The species proposed include small leaved lime, wild cherry, birch, spindle and wild privet.</p> <p>Trees will be sourced from Nurseries meeting the UKISG standard (or where this is not achievable, nurseries registered with the Plant Healthy standard) and will be of either local or southern provenance stock.</p> <p>Trees will be planted as 600 - 800 mm tall whips of either bare-root planting stock or as cell-grown planting stock.</p>

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		<p>Bare-root planting stock will be notch planted into a T-shaped slit with original root collar at ground level. Roots will be spread out in the planting notch before firming the soil around the plant. Cell-grown whips will be planted using a tree planting tool.</p> <p>Plants will be placed at between 1.5 and 2 m spacings and positioned irregularly to replicate a natural woodland; i.e. not in ranks.</p> <p>Tree species are grouped according to their habitat niche within a mature woodland stand as follows; -</p> <ul style="list-style-type: none"> Pioneer trees and shrubs; Climax canopy trees; Lower canopy trees; and Shrub layer and edge species. <p>Species groups will be strategically placed to accelerate growth rates and to create a well-structured woodland.</p> <p>The planting strategy will plant climate canopy and lower canopy species in single species clusters of 4 - 7 trees, with pioneer and understorey species evenly distributed between and around these clusters.</p> <p>Understorey/edge species will be planted densely along the woodland edge and along rides to create a dense shrubby edge.</p>
<p>Mulching</p>	<p>Immediately following planting and during the following autumn after planting.</p>	<p>Each planted tree will be mulched with a bucket full of woodchip which will be placed around the tree stem to cover an area c. 50 cm².</p> <p>During the following autumn after planting, mulch will be re-applied. Any matt forming grasses which have grown over the mulch will be</p>



		pulled back to maintain 50 cm ² around each tree with no grass. The mulch will reduce competitive grasses from slowing tree growth, and retain moisture around the base of the tree.
Annual management	September during Year 1, 2 and 3 after planting	<p>Each planted tree will be visited and its health assessed. An estimation of the percentage of failed planting will be made. Greater than 10% mortality of all trees or of a single species will trigger remedial action. Remedial action will comprise the beating up of dead trees and re-planting with the same species.</p> <p>Grass and weeds will be pulled back from around the base of each tree to expose 50 cm² of bare ground.</p> <p>Wood chip mulch will be re-applied to the base of each tree to cover a minimum 50 cm² area.</p> <p>The condition of the fencing will be check to ensure it remains fit for purpose.</p>
Management in response to monitoring	Years 4 - 10	During Years 4 - 10 management will be in response to monitoring.
Thinning	Year 10 - 15	It may be appropriate to begin thinning in Year 10. Clumps of climax canopy species should be thinned to favour the dominant tree. Where appropriate, pioneer species should be thinned to allow canopy space for climax canopy species. Care should be taken not to open too large an area to let light reach the ground layer as this may promote the growth of competitive grasses if they persist within the woodland.



<p>Accelerated natural regeneration</p>	<p>October through December in Year 1</p>	<p>Areas proposed for natural regeneration will need an appropriate seed source to ensure success. EWCO guidance suggests natural regeneration areas need to be within 75 m of a viable seed source of a minimum 2 tree species.</p> <p>Mixed species tree seed will be hand harvested from existing broadleaved woodland within the wider Boothby Wildland project area. Seed could be collected in combination with leaf litter and woodland soils. This could potentially be done mechanically with a small excavator depending on access. Care should be taken not to damage the root zone of the donor tree.</p> <p>If grasses have colonised the site, it is recommended that the natural regeneration areas are scarified using a power harrowed to expose bare ground before introducing seed. If the area is mostly bare ground or sparsely vegetated with arable weeds, tree seed could be distributed directly onto the soil and rolled to maximise contact with the soil.</p> <p>The objectives for areas of natural regeneration, are to achieve 60% woody coverage within 10 years with a minimum of 100 woody stems per ha. Woody coverage includes bramble and thorny scrub.</p>
<p>Accelerated natural regeneration</p>	<p>October through December in Year 2</p>	<p>Mixed species tree seed will be hand harvested from existing broadleaved woodland within the wider Boothby Wildland project area. Seed will be hand distributed focusing on areas where the previous years' seeding has been least effective.</p>



Accelerated natural regeneration	October through December in Year 3	Mixed species tree seed will be hand harvested from existing broadleaved woodland within the wider Boothby Wildland project area. Seed will be hand distributed focusing on areas where the previous years' seeding has been least effective.
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Woodland Species List

Enrichment planting of the following native species will be undertaken, with whips planted in distinct single-species and mixed stands to encourage natural regeneration and introduce local species that might otherwise be missing from immediate seed sources:

- Small leaved lime
- Wild cherry
- Birch
- Spindle
- Wild privet

Species found in the woodland adjacent to the site are expected to colonise the site over time and include hawthorn, blackthorn, hazel, willow, ash, field maple, dog rose, aspen, oak and elder. Woodland ground flora found in this woodland include primrose and lords-and-ladies. The hedgerow to the east and south of the site may also provide a seed source and includes hawthorn, blackthorn, elder and hazel.

What Does Success Look Like?

A diverse broadleaved woodland, largely formed through natural regeneration and similar in character to local calcareous woodlands of nature conservation importance.

Habitat Creation and Management – Risk Register and Remedial Measures

Habitat Type	Risk Factor	Trigger for Action	Remedial Measure
Other woodland; broadleaved	Planted trees failing to establish	>10% of targeted number of newly planted trees found to be dead during Year 1-10.	Undertake a second round of planting, replacing failed specimens on a like-for-like basis.
	Fence failure	Any hole or gap in the fencing large enough for a rabbit to pass through.	Secure the fence to close the hole.
	Insufficient seed available for natural regeneration	Less than 60% woody cover (including bramble) by Year 5 and/or fewer than 100 woody stems per ha by Year 5.	Additional planting of tree and shrub clusters to accelerate natural regeneration. Planting will follow the prescription set out within this HMMP. In addition, collect and hand broadcast tree and shrub seeds from existing woodland.
	Tree pests or disease	High risk tree pest or disease identified.	Arrange for specialist to advise on removal of infected trees and prevention of further spread.
	Non-native tree species dominating	>20% of the establishing trees found to be non-native species.	Remove non-native tree species (cutting or hand pulling) so cover is <20%.
	INNPS colonising area	INNPS recorded	Specialist contacted to advise on INNPS removal.

Other neutral grassland	INNPS colonising area	INNPS recorded	Specialist contacted to advise on INNPS removal.
	Scrub/ trees encroaching into grassland	Scrub cover >5%, which is not expected due to annual mowing regime.	Scrub will be removed using through cutting or hand pulling so cover <5%. Mowing regime will be reviewed if required.
	Low species richness	<9 species recorded per m ² after Year 3 of monitoring.	Oversow neutral grassland seed mix or green hay. Review management methods.
	High cover of vigorous grasses and clover	>10% cover of ryegrasses and white clover after Year 3 of monitoring.	Oversow yellow rattle seed. Review management methods.
	Damage from access and management	Visible damage or bare ground over >5% of grassland.	Review management methods and levels of access.



Monitoring Schedule

Monitoring Strategy

The monitoring strategy will be directed by the criteria set out within the Statutory Biodiversity Metric and UKHab classification system. Monitoring will involve conducting a condition assessment of each target habitat. Recommendations for management will be made where the target condition criteria set out above are not being met or require remedial management to realign the habitat development with the objectives.

Monitoring will comprise a single annual walkover survey conducted by a suitably experienced ecologist. This survey will be conducted during the period May through August, when trees are in leaf and their vitality can be assessed, and grassland is in flower before any management cuts have been taken.

Monitoring Methods and Intervals

Habitat type	Monitoring methods	Monitoring interval and timing
Other neutral grassland	Undertake quadrat sampling to identify the habitat type that is establishing and the number of species per m ² . Five 1m ² quadrats will be sampled from homogenous stands. Collect a botanical species list across grassland. Estimate percentage of bare ground, scrub and bracken cover. Estimate sward height and percentage of vegetation which is above and below the 7cm threshold. Identify invasive non-native species and species indicative of sub-optimal conditions.	Annually from Year 1-5, then every 5 years. Surveys to be completed between May and August.
Other woodland, broadleaved	Collect a botanical species list across establishing woodland, focusing on tree and shrub species. Estimate percentage of failed plantings. Estimate percentage of each species which has failed. Identify any browsing damage. Identify any invasive non-native species. Identify percentage cover of non-native tree species which might have seeded from neighbouring woodland (principally conifers).	Annually from Year 1-5, then every 5 years. Surveys to be completed between May and August.

	Record natural regeneration in the woodland. Record any disease to trees. Identify any species indicative of nutrient enrichment.	
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Monitoring Reports

Monitoring Report Schedule

Boothby Wildland Ltd will be responsible for submitting the monitoring reports.

South Kesteven District Council will be responsible for reviewing the monitoring reports.

Project Year	Month Report to be Submitted	Month Management Plan to be Reviewed	Comments
Y1	September	October/ November	Report on results of initial grassland and woodland creation measures, including signs of natural regeneration.
Y2	September	October/ November	Report on progress of establishing grassland and woodland habitats.
Y3	September	October/ November	As above.
Y4	September	October/ November	As above.
Y5	September	October/ November	Report on whether further interventions (e.g. tree planting) are needed to ensure woodland meets target habitat classification and condition within appropriate time frame. Report on whether grassland habitat has met target condition within the target timeframe.
Y10	September	October/ November	Report on progress of grassland and establishing woodland habitats.
Y15	September	October/ November	Report on whether woodland habitats have met target condition within the target timeframe.
Y20	September	October/ November	Report on progress of grassland and woodland habitats.



Y25	September	October/ November	Report on progress of grassland and woodland habitats.
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Adaptative Management

Summary of Adaptative Management Approaches

Adaptive management is a systematic approach to natural resource management that involves monitoring and evaluating the effectiveness of management actions then adjusting as necessary to improve outcomes over time.

As this is a nature-led project and nature is both dynamic and unpredictable, there will need to be some scope for deviation from the HMMP. The monitoring results will inform necessary management alterations to promote achieving the habitat targets stated in this HMMP. It is also appreciated that alterations to management could also be required in the future due to unexpected, external influences. Examples might include an invasive species that is thriving due to climate change, or changes to site access due to flooding.

As Nattergal Ltd have permanent full-time site staff present at Boothby Wildland, including a ranger, their observations and intimate knowledge of the site will also feed into decisions made about the management of the habitats.

All changes to proposed management will be agreed with an experienced ecologist and significant alterations will be agreed with the LPA and recorded in the proposed monitoring reports.

Appendices

Appendix A: Stakeholder Consultation Responses

N.B. These responses on the woodland creation proposals cover both the eastern side of the proposed woodland, which is covered under this HMMP, and the western side, which is excluded from this HMMP as separate funding will be obtained for this area.

Response from Andy Savage, Senior Countryside Officer for Rights of Way and Countryside Access at Lincolnshire County Council.

From: Andrew Savage <Andrew.Savage@lincolnshire.gov.uk>
Sent: Tuesday, September 19, 2023 3:49 PM
To: Lorianne Whittle <lorienne.whittle@nattergal.co.uk>
Subject: RE: Boothby Wildland: site visit, plan input and Extons consultation

Hi Lorianne,

It was great to meet you last Friday afternoon to discuss the re-wilding project. I have now had the opportunity to look through the Exton's consultation information and have the following response.

Exton's Field is crossed by Boothby Pagnell Public Footpath No. 7. Unfortunately, the legal statement does not contain a statutory width for the route but we try and maintain a continuous width of 2m along a public footpath. The provision of a 3m strip would be acceptable through the area which will be subject to natural colonisation, however, I would advice providing a greater width through the affected section of compartment 2B depending on the tree species to be planted (i.e. 5m to 7m between the lead stems).

There is provision within the Highways Act 1980 to install kissing gates to prevent the ingress and egress of livestock. Livestock is defined as farm animals such as cows, sheep and pigs and not wild animals such as deer. The County Council would nevertheless be open to the installation of two deer proof gates at the entrance and exits to the public footpath if efforts were taken to maximise accessibility. I have enclosed an example of a Centrewire self-closing deer proof gate at the bottom of the email for you information. Clearly other manufacturers produce similar gates but I would advice the use of galvanised gates in order to extend the lifespan of the structures.

Open Access – The County Council would welcome the provision of additional access on the Boothby Wildland site. I presume that further discussion will follow the conclusion of the Community Workshops.

Please let me know if you should require any further comments or clarification.

Kind Regards

Andy Savage
Senior Countryside Officer
Rights of Way & Countryside Access
Place Directorate
Lincolnshire County Council
County Offices
Lincoln
LN1 1YL

Response from Ian George, Historic Places Manager for Lincolnshire County Council.

From: Ian George <ian.George@lincolnshire.gov.uk>
Sent: Thursday, August 17, 2023 9:44 AM
To: Lorianne Whittle <lorienne.whittle@nattergal.co.uk>
Subject: RE: Site visit/consultation for EWCO plans

Lorianne

I have now had the opportunity to take a look at the Exton's land. I am sorry for the delay. As far as I can see there is little known evidence of archaeological remains that are a consideration at this stage. There is evidence of banks and ditches in Boothby Little Wood to the north. These probably represent land management features resulting from the management of the woodland and its timber. Some will be rides and access routes through the woodland. There is no evidence that these extend into the area to the south. Obviously our records are only fully reliable for land where people have looked for archaeology so there is also the chance of the unexpected. That said, I think things looks pretty clear in this area.

Ian

Ian George
Historic Places Manager
Planning Services, Lincolnshire County Council,
County Offices, Newland, Lincoln LN1 1YL

Parish Councillor: No response

Response from Ashley Reaney, Conservation Officer for Lincolnshire Wildlife Trust - in place of County Ecologist which is currently an unfilled role

From: Ashley Reaney <areaney@lincstrust.co.uk>
Sent: Tuesday, September 12, 2023 3:34:00 PM
To: Ivan de Klee <ivan.deklee@nattergal.co.uk>
Subject: RE: Extons stakeholder consultations

Hello Ivan,

Thank you for sending over the details. I have reviewed the information and can confidently state that the Lincolnshire Wildlife Trust do not believe there will be any detrimental effects through woodland creation at this site. The proposal would support and expand upon the existing woodland in that area and would result in significant ecological enhancement from its contemporary state.

Please don't hesitate to contact me regarding any of the points discussed above.

...

Ashley

Ashley Reaney, MBio (Hons), PhD
 Conservation Officer

Lincolnshire Wildlife Trust

Mobile: 07983855466



Appendix B: Strategic Significance

For the purposes of the Statutory Biodiversity Metric, the baseline and proposed habitats must be assigned a Strategic Significance score. This reflects the local significance of a habitat based on its location and the habitat type. Justification for the scores assigned to the habitats included in this HMMP is provided below.

At the time of writing (May 2024), the Local Nature Recovery Strategy (LNRS) for Greater Lincolnshire had not been published. Based on preliminary discussions on the Greater Lincolnshire LNRS, it is understood that the Boothby site may be included. However, whilst confirmation on LNRS inclusion and the published LNRS document is pending, the Strategic Significance has been assessed based on existing available documentation and professional judgement.

Other woodland; broadleaved

Just over 4% of Greater Lincolnshire is covered by woodland, making it one of the least wooded areas in the UK. The Greater Lincolnshire Nature Partnership (GNLP) vision for the areas trees and woodland includes '*new native woodland is created using trees of local provenance with appropriate species for the relevant area where possible*'. The GNLP will be the partnership that agree on the outcomes, priorities and measures within the LNRS for Greater Lincolnshire. As native woodland is a local priority, it is considered that other woodland; broadleaved is a habitat of local ecological importance. The proposed woodland creation will also provide ecological linkage/ buffering to the neighbouring SINC woodland. It is, therefore, considered that in lieu of a LNRS for the area, a Strategic Significance score of Medium should be assigned to the post-intervention woodland.



Other neutral grassland

Although this is a habitat of ecological value, it is not included in the GLNP vision for farmland and grassland and is not a local or national priority habitat type. It is, therefore, considered that a Strategic Significance score of Low should be assigned.

Cereal crops

This is a habitat of little ecological value, which is not included in the GLNP vision for farmland and grassland and is not a local or national priority habitat type. It is, therefore, considered that a Strategic Significance score of Low should be assigned.



HABITAT MANAGEMENT &
MONITORING PLAN

BOOTHBY



BNG Habitat Bank

December 2023
Issue No. 3

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Introduction

Boothby Wildland Ltd. are seeking an agreement with South Kesteven District Council to place three fields within the Boothby Wildland project into a habitat bank for use as a biodiversity offsetting site. This report sets out the management and monitoring plan for these three fields in support of the agreement.

The Management Plan sets out: the location and extent of the land offered; the ecological baseline of the land; the habitat management objectives for the land; a recommended management strategy to meet the objectives; a monitoring framework; and a full Biodiversity Net Gain assessment of the land using the Statutory Biodiversity Metric.

This report is accompanied by two Statutory Biodiversity Metric spreadsheets, entitled: -

- Statutory Biodiversity Metric - Boothby - Ark Field - 4.12.23
- Statutory Biodiversity Metric - Boothby - Witherns & Kirkhill - 4.12.23

The habitat baseline of the site was established through full site survey in June 2022 by Broadview Ecology using Metric v. 3.1. The results of the baseline assessment were ground-truthed and updated to inform this assessment through site survey in September 2023 by Digg & Co. Ltd.

All BU calculations have been made using the following assumptions: -

- Strategic significance of baseline habitats - not in local strategy;
- Strategic significance of created habitats - location ecologically desirable but not in local strategy;
- Spatial risk multiplier - set for an off-site provider (this should be adjusted accordingly when a sales agreement has been made. This may effect the number of BU available);
- Temporal risk multiplier - set to account for no advance or delay in habitat creation (this should be adjusted accordingly when a sales agreement has been made. This may effect the number of BU available).

Statement of competence

Survey, assessments and reporting were conducted by Louis Pearson BSc MSc MCIEEM,

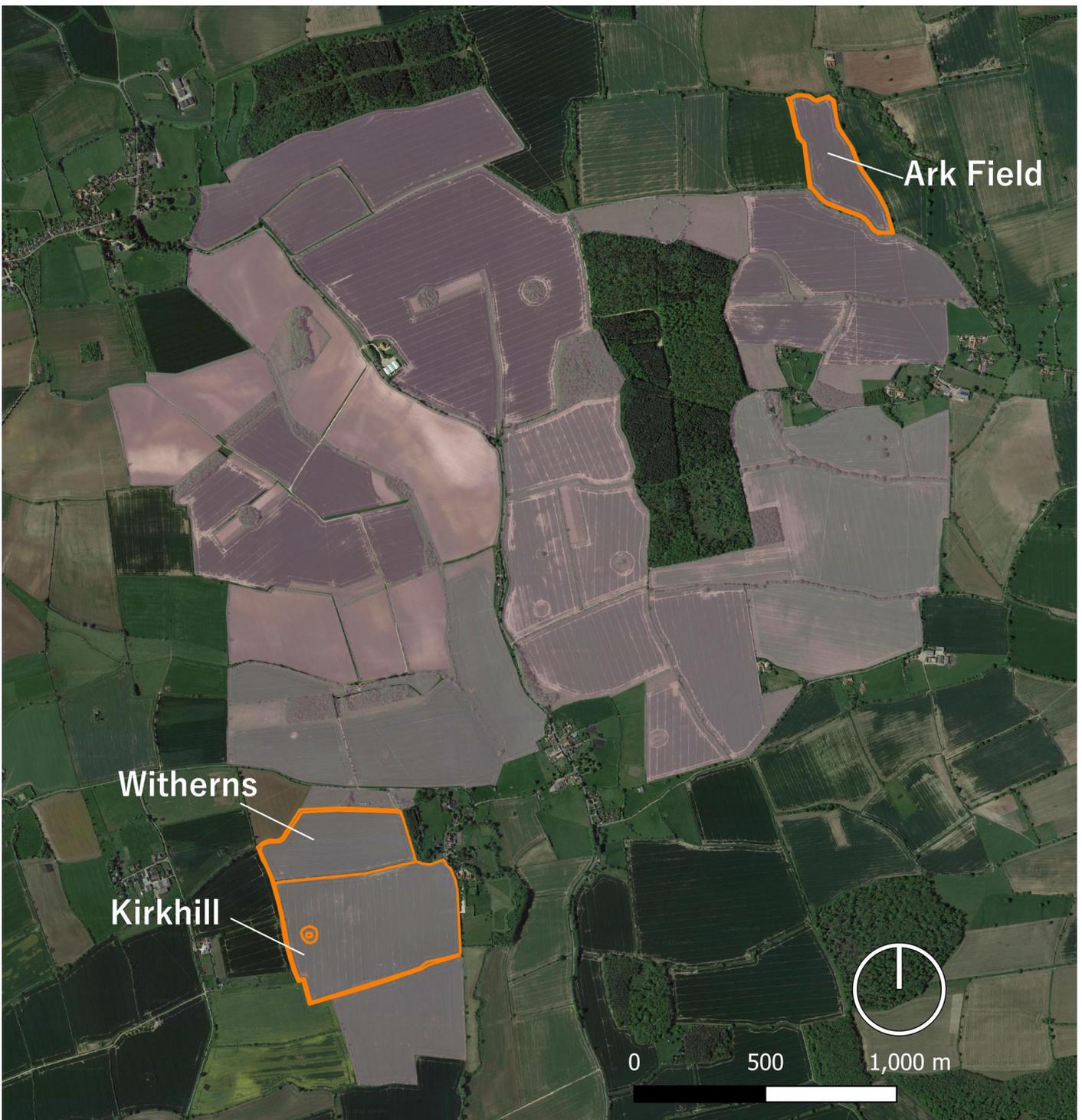
Louis Pearson is Principal Ecologist of Digg & Co. Ltd and is a full member of the CIEEM. He has a Bachelor's degree in Marine Biology from the University of Newcastle-Upon-Tyne and a Master's Degree in Ecology and Management of the Natural Environment from the University of Bristol. He has worked in ecological consultancy since 2013 and has demonstrable competence in Phase 1 Habitat Surveys (JNCC 2010) and UK Habitat Classification System Surveys (Butcher et. al 2020) and site assessment for protected species. He has competence in botanical surveys (FISC level 4), as well as herpetological and mammalian surveys and is registered to use Natural England Class Licences to survey for great crested newts, common dormouse, and all bat species in England. Louis has been conducting Ecological Impact Assessment in the context developments since 2017 and has experience of conducting large scale baseline assessments in the context of biodiversity net gain and in producing management and monitoring strategies for ensuring delivery of projected habitats. Louis meets the competency requirements set out within the Statutory Biodiversity Metric User Guide (draft) November 2023.

Site Context

The Boothby Wildlands project is located at Boothby Farm House, Grantham, Lincolnshire NG33 4DR, some 5 miles southeast of Grantham.

The full project encompasses c. 603 ha in surface area over broadly contiguous land. The area offered as a habitat bank comprises three fields, and their respective boundaries, in two separate areas totalling c. 50.6 ha. The three fields which comprise the habitat bank are called: -

- Ark Field (9.6 ha);
- Witherns (13 ha); and
- Kirkhill (28 ha).





Baseline habitats

The habitat baseline was determined through full site survey in June 2022 by Broadview Ecology using the method set out within the UKHabitat Classification System and the Metric v. 3.1. The baseline habitat assessment was ground truthed during September 2023 by Louis Pearson of Digg & Co. Ltd to inform this management plan. The baseline assessment was updated using the Statutory Biodiversity Metric.

ARK FIELD

Area Habitats

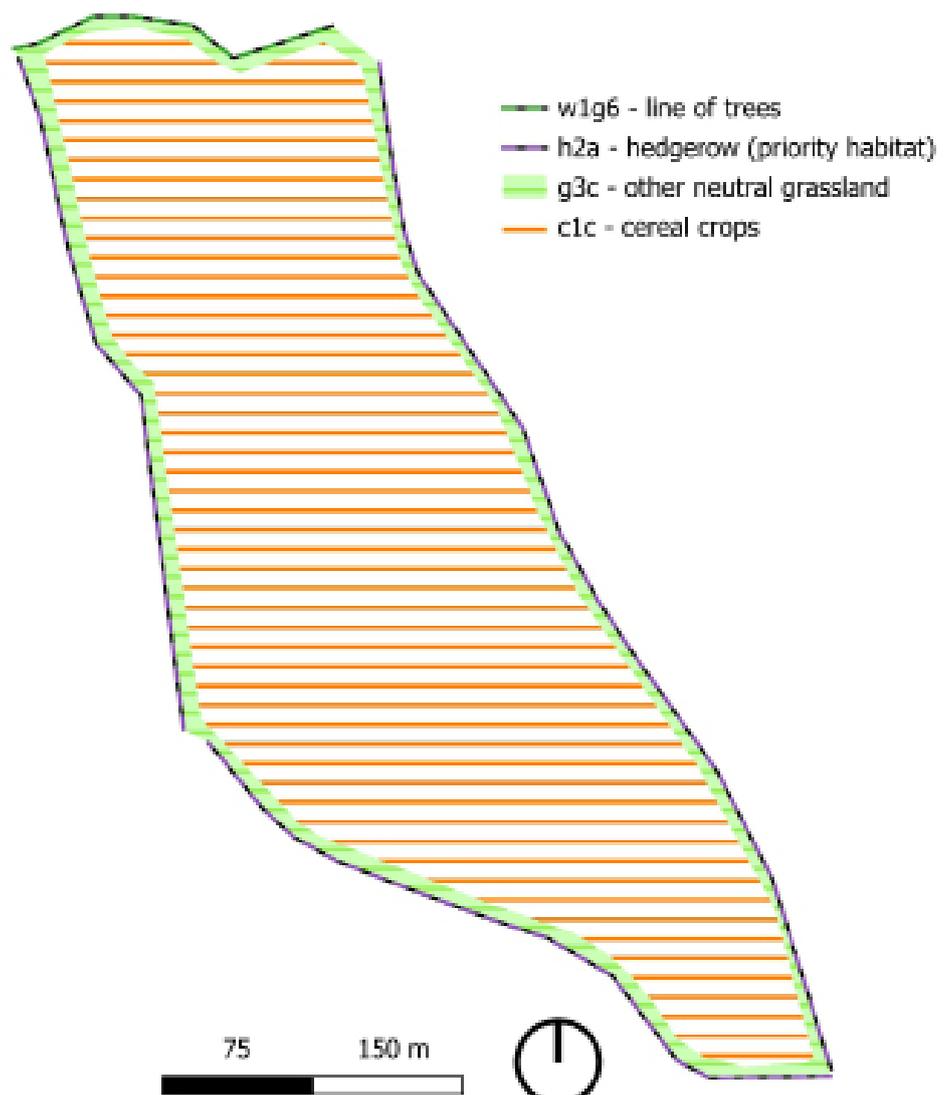
c1c - cereal crops - no condition - 8.546 ha

g3c - other neutral grassland - moderate condition - 1.056 ha

Linear Habitats

h2a - hedgerow (priority habitat) - 1,285 m

w1g6 - line of trees - 171 m



Baseline Habitats

WITHERNS & KIRKHILL

Area Habitats

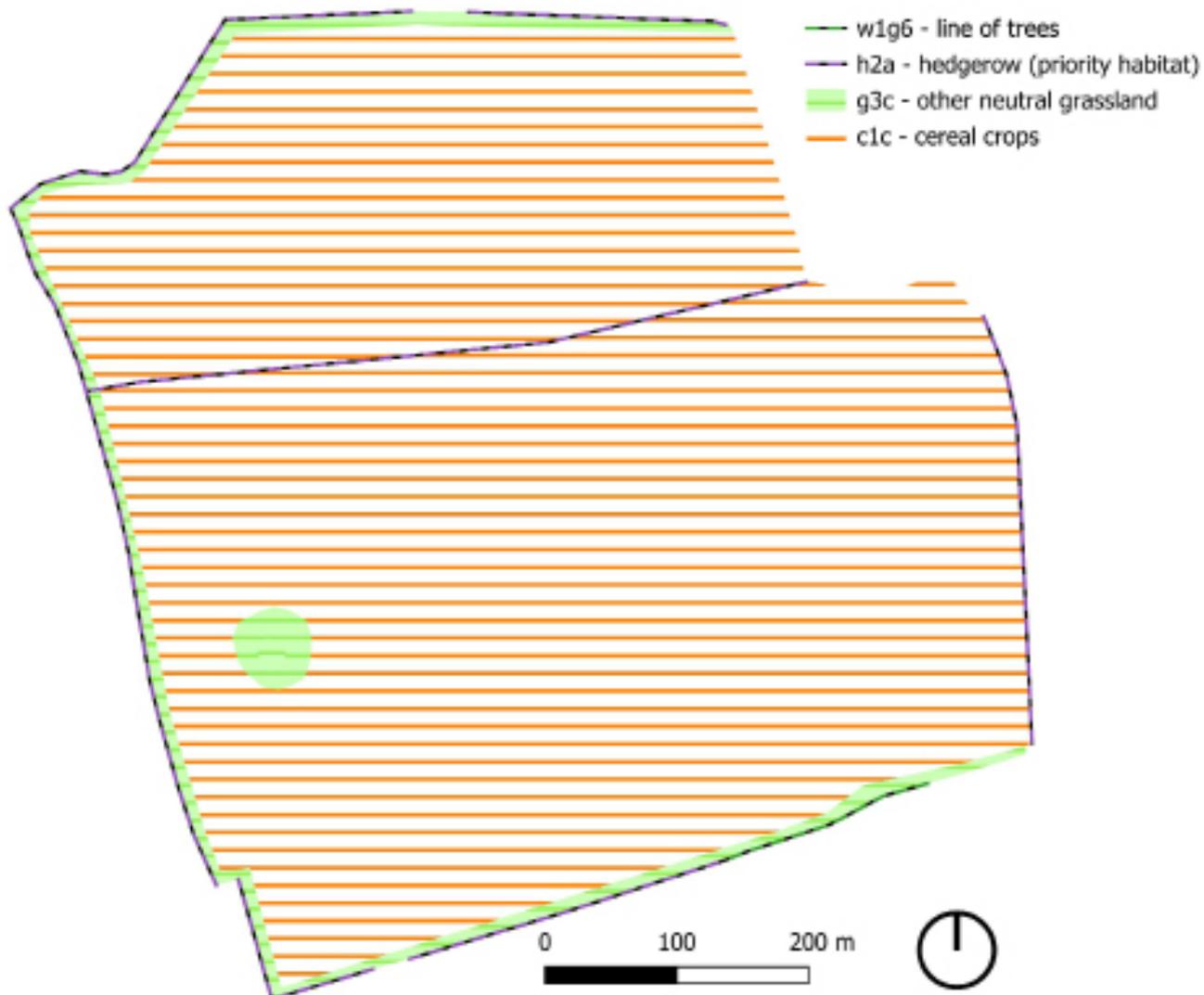
c1c - cereal crops - no condition - 38.980 ha

g3c - other neutral grassland - poor condition - 2.011 ha

Linear Habitats

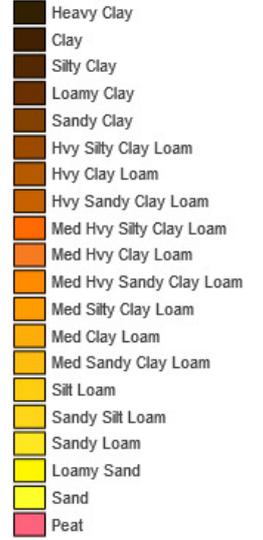
h2a - hedgerow (priority habitat) - 2,227 m

w1g6 - line of trees - 166 m



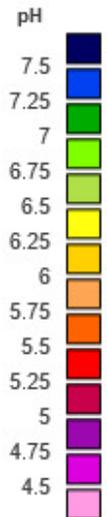
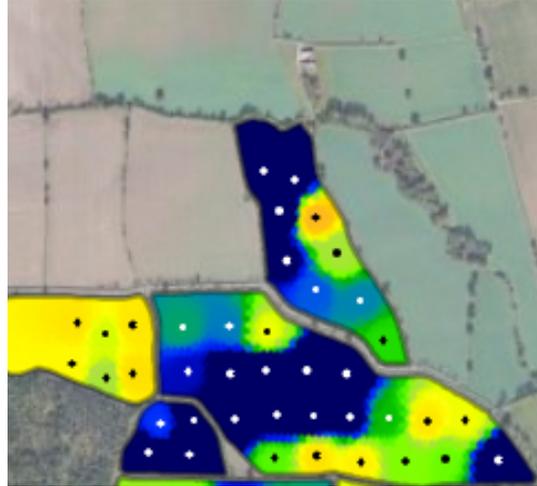
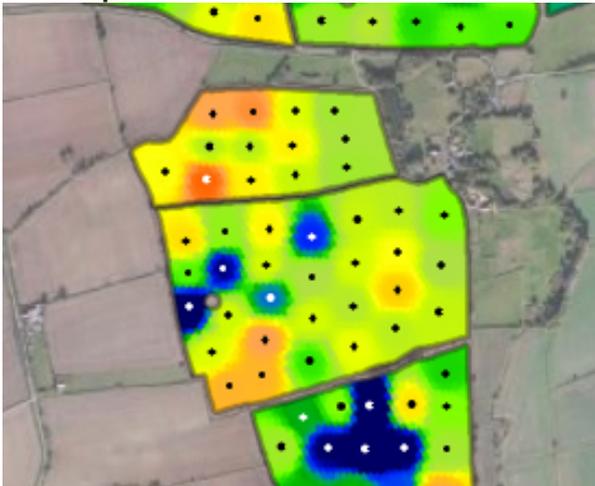
Soil profile

Soil type



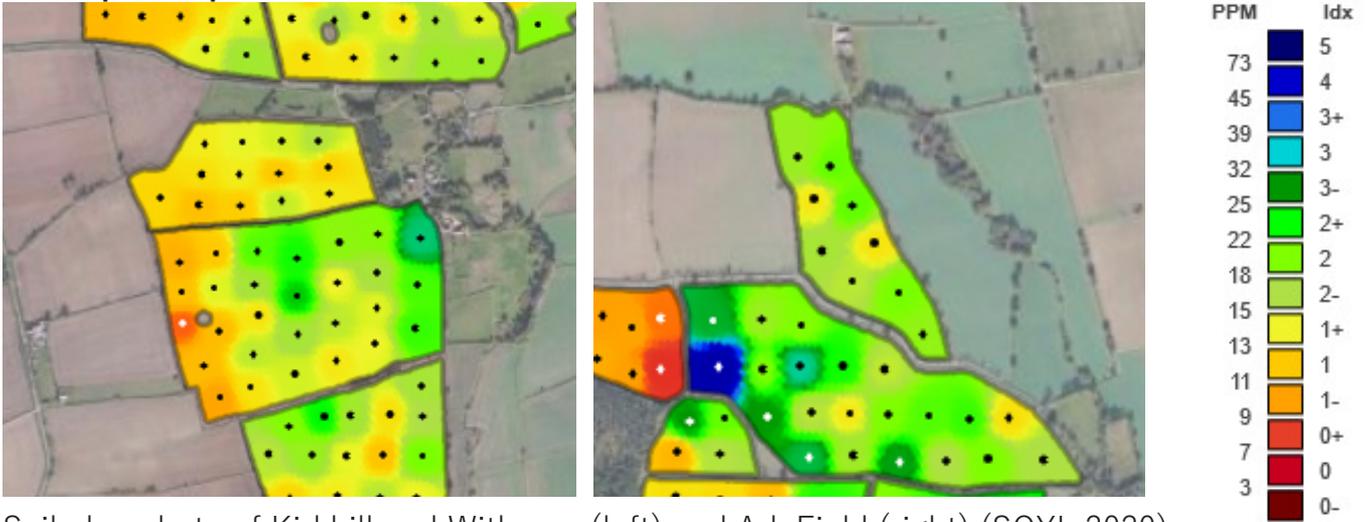
Soil type of Kirkhill and Witherns (left) and Ark Field (right) (SOYL 2020).

Soil pH



Soil pH of Kirkhill and Witherns (left) and Ark Field (right) (SOYL 2020).

Soil phosphate (P)



Soil phosphate of Kirkhill and Witherns (left) and Ark Field (right) (SOYL 2020).

Soil potassium (K)



Soil potassium of Kirkhill and Witherns (left) and Ark Field (right) (SOYL 2020).

Target Habitats

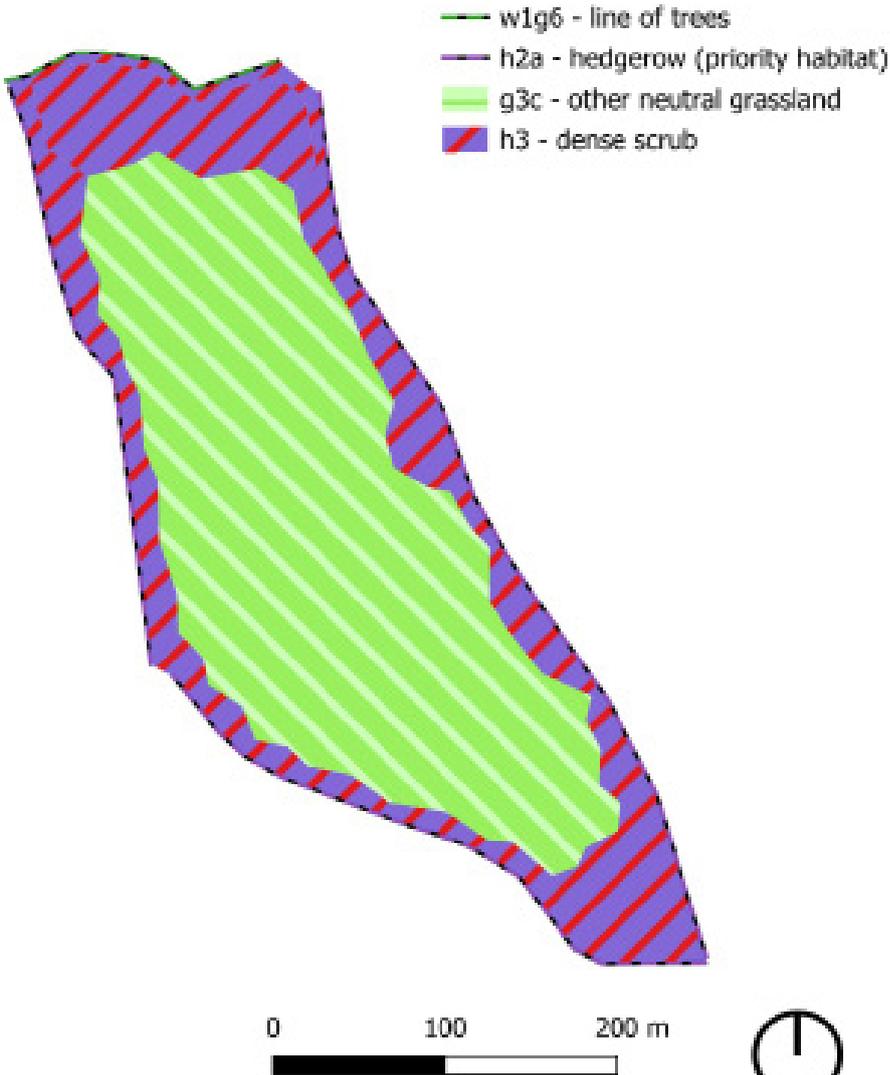
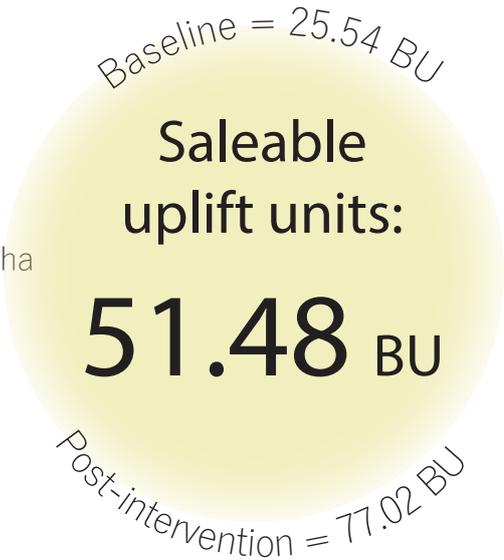
ARK FIELD

Area Habitats

g3c - other neutral grassland - moderate condition - 6.243 ha
h3 - mixed scrub - good condition - 3.358 ha

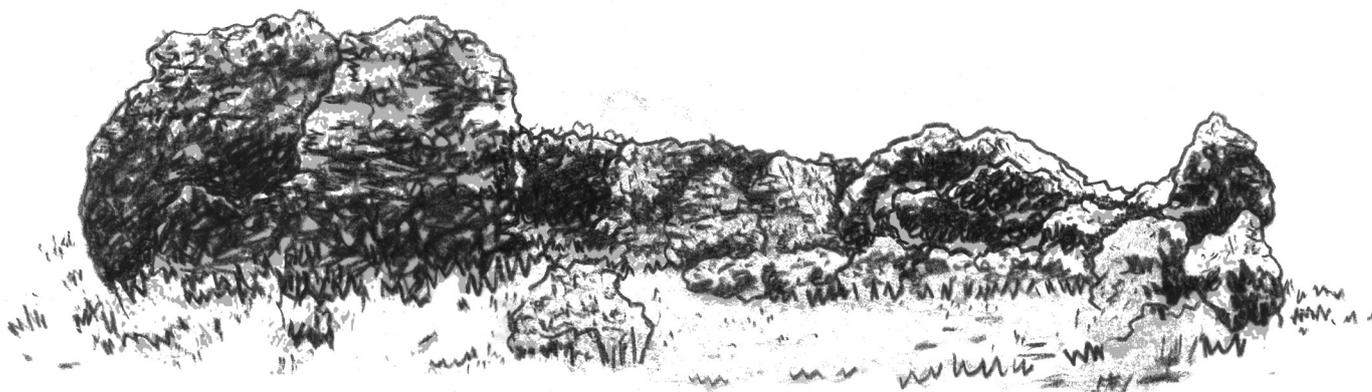
Linear Habitats

h2a - hedgerow (priority habitat) - 1,285 m
w1g6 - line of trees - 171 m



Landscape Vision

The landscape vision for Ark Field is to create a diverse species rich grassland which is well structured and is supported by dense mixed-species scrub which will have developed through natural regeneration. In order to create a well functioning ecotone between the grassland and hedgerow scrub, the outer margin of the field, including the HLS arable margins, will be allowed to naturally succeed and develop into scrub. The scrub will ultimately be managed in perpetuity through grazing herbivores which will naturally scallop the edges amongst the already species rich grassland, to create the maximum diversity of niches and maximise biodiversity potential.



Target Habitats

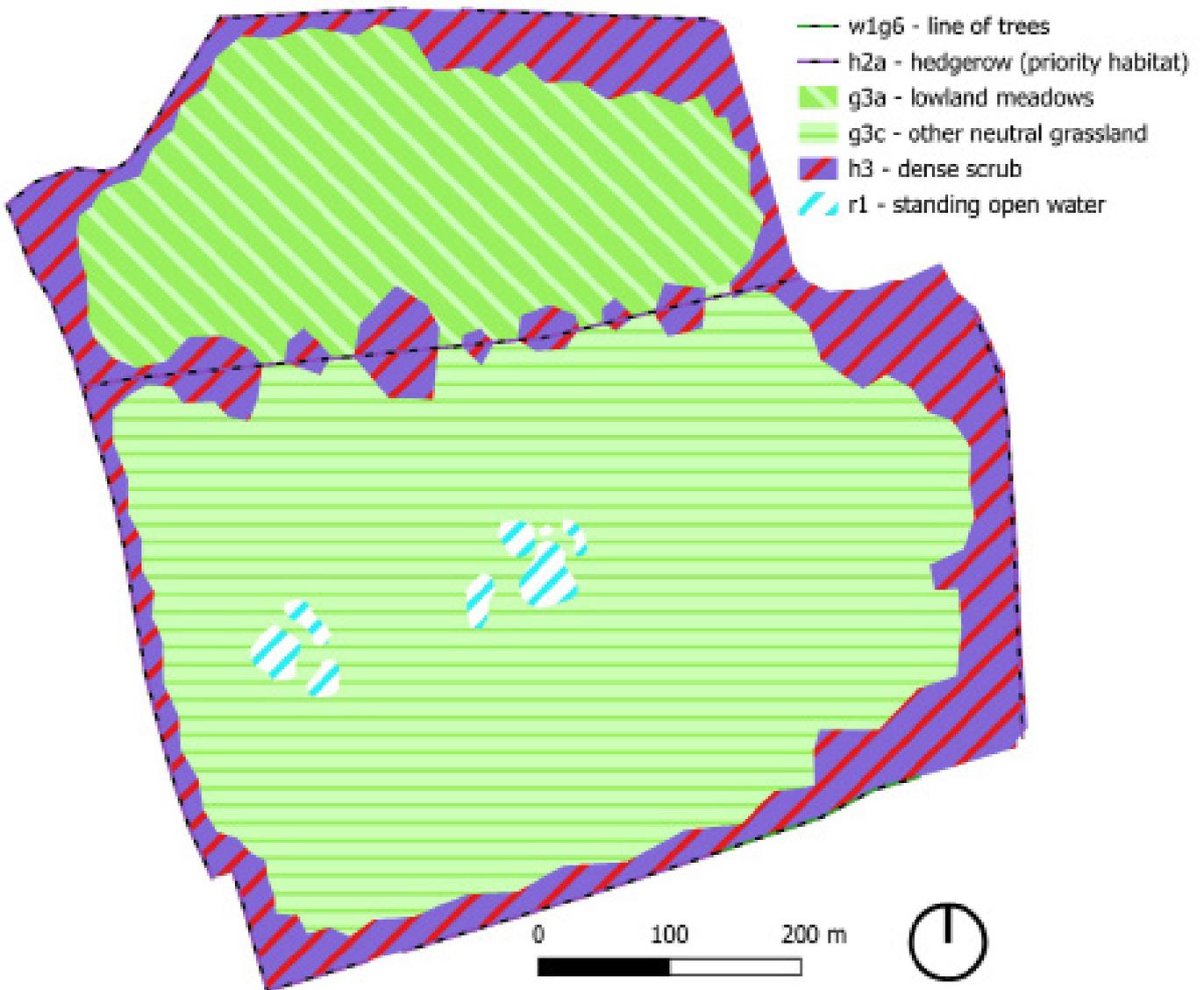
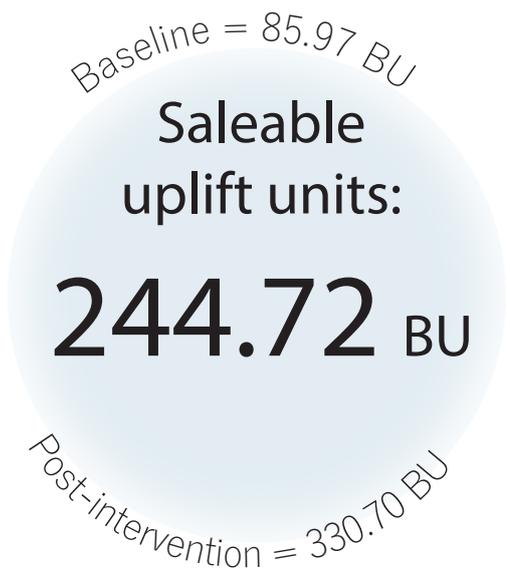
WITHERNS & KIRKHILL

Area Habitats

- g3a - lowland meadow - moderate condition - 9.496 ha
- g3c - other neutral grassland - good condition - 22.151 ha
- h3 - mixed scrub - 8.791 ha
- r1 - pond (non priority) - 0.548 ha

Linear Habitats

- h2a - hedgerow (priority habitat) - 2,227 m
- w1g6 - line of trees - 166 m



Landscape Vision

The landscape vision for Witherns and Kirkhill is to create more natural connectivity between the two fields by punching gaps through the existing dividing hedgerow. The gaps will be no greater than 10 m wide in order to retain the linear nature of the existing hedgerow, but the surrounding open land will be encouraged to scrub up to create diverse patches of well-structured scrub. Scrub will be encouraged around the perimeter of the two fields to enhance the ecological value of the boundary vegetation and ultimately encourage succession to woodland beyond the time frame of this management plan.

The open area of grassland will be managed using large herbivores such as cattle, horses and deer to create well-structured species-rich grassland with clusters of scrapes and ponds which will offer ephemeral and permanent open water and marginal habitats to further enhance the ecological value of the landscape.



g3a - lowland meadow

Habitat description

Lowland Meadow is the proposed habitat type for Witherns. In accordance with the habitat type described within the UKHabs classification system, the habitat type is categorised based on a sward dominated by palatable grasses, with high forb species richness (>15 per m²). Modified grassland indicators such as rye grass *Lolium perenne*, white clover *Trifolium repens* and red clover *Trifolium pratense*, should represent less than 10% cover.

Indicator species include grasses such as Crested Dog's-tail *Cynosurus cristatus* and Red Fescue *Festuca rubra*, herbs such as Knapweed *Centaurea nigra*, Bird's-foot Trefoil *Lotus corniculatus*, Ox-eye Daisy *Leucanthemum vulgare*, Meadow Vetchling *Lathyrus pratensis*, Lady's Bedstraw *Galium verum*, Primrose *Primula veris*, Autumn Hawkbit *Leontodon hispidus*, Bulbous Buttercup *Ranunculus bulbosus*, marsh-marigold *Caltha palustris*, Greater Burnet *Sanguisorba officinalis*, Meadowsweet *Filipendula ulmaria* and Meadow Foxtail *Alopecurus pratensis*. This list is not exhaustive and a suitably experienced ecologist should apply professional judgement to confirm the status of the grassland if indicator species listed are not abundant.

Management Objectives

Primary objective - To create Lowland Meadow in Moderate condition within a time period of 10 years.

Secondary objectives - The secondary objectives are tailored to direct management in accordance with the Statutory Biodiversity Metric condition assessment criteria. The management objectives are the same for all Lowland Meadow habitats regardless of the target ecological condition. The ecological condition of the grassland habitat should be assessed using the criteria set out here and in the Statutory Biodiversity Metric, within the following parameters: -

- Good condition - must satisfy 5 or 6 criteria, including criteria #1 & #7;
- Moderate condition - should satisfy 3 - 5 criteria, including criteria #1; or
- Poor condition - satisfies 2 or fewer criteria excluding criteria #1 or #7.

Secondary objectives: -

1. The appearance and composition of vegetation must match the UKHab definition for Lowland Meadow with indicator species listed by UKHab for Lowland Meadow consistently present throughout the sward.
2. Sward height should be varied, with at least 20% of the sward at less than 7 cm and at least 20 per cent more than 7 cm, creating micro-climates which provide opportunities for insects, birds and small mammals to live and breed.
3. Cover of bare ground should be between 1% and 5%, including localised areas, for example, rabbit warrens.
4. Cover of bracken should be less than 20%
5. Cover of scrub should be less than 5%.
6. Combined cover of species indicative of sub-optimal conditions and physical damage (such as excessive poaching, damage from machinery use or storage) should account for less than 5% of total area. Invasive non-native species (as listed on Schedule 9 of WCA, 1981) must be absent or this criteria is failed.
7. There must be 10 or more vascular plants per m² (excluding species of sub-optimal conditions).

g3c - other neutral grassland

Habitat description

Other neutral grassland is the proposed habitat type for Ark Field and Kirkhill. In accordance with the habitat type described within UKHab, the habitat type is categorised based on the diversity of the sward not being sufficient to meet the definition of lowland meadow and with some palatable agricultural grasses, such as perennial rye grass, forming up to 30% of the sward, with a further 9 - 15 species occurring per m².

Management Objectives

Primary objective - To create Other Neutral Grassland in Moderate or Good condition on existing within a time period of 5 or 10 years respectively.

Secondary objectives - The secondary objectives are tailored to direct management in accordance with the Defra metric condition assessment criteria. The management objectives are the same for all Other Neutral Grassland habitats regardless of the target ecological condition. The ecological condition of the grassland habitat should be assessed using the criteria set out here and in the Statutory Biodiversity Metric, within the following parameters: -

- Good condition - must satisfy 5 or 6 criteria, including criteria #1 & #7;
- Moderate condition - should satisfy 3 - 5 criteria, including criteria #1; or
- Poor condition - satisfies 2 or fewer criteria excluding criteria #1 or #7.

Secondary objectives: -

1. The appearance and composition of vegetation must match the UKHab definition for Other Neutral Grassland with indicator species listed by UKHab for Other Neutral Grassland consistently present throughout the sward.
2. Sward height should be varied, with at least 20% of the sward at less than 7 cm and at least 20 per cent more than 7 cm, creating micro-climates which provide opportunities for insects, birds and small mammals to live and breed.
3. Cover of bare ground should be between 1% and 5%, including localised areas, for example, rabbit warrens.
4. Cover of bracken should be less than 20%
5. Cover of scrub should be less than 5%.
6. Combined cover of species indicative of sub-optimal conditions and physical damage (such as excessive poaching, damage from machinery use or storage) should account for less than 5% of total area. Invasive non-native species (as listed on Schedule 9 of WCA, 1981) must be absent or this criteria is failed.
7. There must be 10 or more vascular plants per m² (excluding species of sub-optimal conditions).

h3 - mixed scrub

Habitat description

Scrub is a habitat defined as being dominated by shrubs which have a maximum mature height of below 5 m. Scrub is a mid-successional habitat and by definition is continually succeeding to woodland if left unchecked. Therefore, it is a dynamic habitat which may eventually mature into a woodland, but within the time frame of this agreement should be maintained as a scrub ecotone.

Management Objectives

Primary objective - To create Mixed Scrub in Good condition within a time period of 10 years.

Secondary objectives - The secondary objectives are tailored to direct management in accordance with the Statutory Biodiversity Metric condition assessment criteria. The ecological condition of the scrub habitat should be assessed using the criteria set out here and in the Statutory Biodiversity Metric, within the following parameters: -

- Good condition - must satisfy all 5 criteria;
 - Moderate condition - should satisfy 3 or 4 criteria; or
 - Poor condition - satisfies 2 or fewer criteria.
1. The composition should be native and comprised of a mix of at least three species with no one species dominating.
 2. A variety of age classes should be present including seedlings, saplings young shrubs and mature shrubs.
 3. Invasive non-native species (as listed on Schedule 9 of WCA, 1981) should be absent.
 4. The scrub edge should be well-developed with scattered scrub transitioning to tall grassland.
 5. The scrub should include clearings, glades and rides to provide sheltered edge habitats.

r1 - pond (non-priority)

Habitat description

Ponds are defined as waterbodies less than 2 ha in surface area. Non-priority ponds are those which do not meet the criteria for priority ponds. Priority ponds are not common and are considered to be an unrealistic target for newly created ponds in an arable farming landscape. For a pond to fulfil the criteria for priority habitat, they must support species of high conservation status, exceptional assemblages of key biotic groups or be ponds of high ecological quality.

Management Objectives

Primary objective - To create permanent and seasonal standing water bodies which are considered to be in Good ecological condition within a time period of 5 years.

Secondary objectives - The secondary objectives are tailored to direct management in accordance with the Statutory Biodiversity metric condition assessment criteria. The ecological condition of the pond and surrounding marginal habitat should be assessed using the criteria set out here and in the Statutory Biodiversity Metric, within the following parameters: -

- Good condition - must satisfy all 9 criteria;
 - Moderate condition - should satisfy 6 - 8; or
 - Poor condition - satisfies 5 or fewer criteria.
1. The pond should have good water quality, with clear water indicating no obvious signs of pollution, although turbidity is acceptable if the pond is grazed by livestock.
 2. The pond should have semi-natural habitat completely surrounding the pond, for at least 10 m from the edge of the pond around its perimeter.
 3. The pond should have less than 10% of the surface covered with duckweed or algae
 4. The pond should not be artificially connected to other waterbodies.
 5. Water levels should be allowed to fluctuate naturally.
 6. There should be an absence of non-native plant and animal species.
 7. The ponds should not be artificially stocked with fish.
 8. Emergent, submerged or floating plants should cover at least 50% of the pond areas which are less than 3 m deep.
 9. The pond area should not be more than 50% shaded by trees or shrubs.

Management prescription

2022 - Initial management

Management of Ark field began in October 2022 after the baseline assessment had been completed in June/July 2022. The following management actions have been implemented to date.

- July / August 2022 - The final cereal crop was harvested and the field was left to rest until October 2022
- October 2022 - The stubble field was lightly cultivated using a disc harrow.
- November 2022 - Green hay, taken from a species rich grassland in August 2022, was spread across the field using a bale chopper.
- June 2023 - The outer 10 m wide strip of arable reversion was topped to reduce the proliferation of weed species through seed dispersal.
- August 2023 - Green hay taken from a species rich grassland was spread across the field using a bale chopper and further distributed by hand.

These management actions are supportive of the objectives and therefore fully endorsed.

2023 - September status

During September 2023, the site visit found the field to be dominated by grasses with occasional occurrence of lowland meadow indicator species, including knapweed, ox-eye daisy, and bird's foot trefoil with abundant yellow rattle throughout. The grassland was tall and grasses occur as small tussocks and as individual plants with bare areas throughout indicating little rhizome action, typical of an immature grassland. Grass species are annuals, including barren brome and common wild oat and hardy perennials comprising cock's foot, red fescue, false oat grass, rough meadow grass, common couch, Yorkshire fog, and tufted hair-grass. The weed burden appears to be low with occasional spear thistle, dock and ragwort and rarely occurring creeping thistle in small patches in the north of the field. The recently spread green hay was dense in places, risking smothering newly emerging seedlings.

Ark Field has well established species-rich field margins which have been well managed throughout the last 10 years under HLS. The grassland margins were mapped as *g3c - other neutral grassland* within the 2022 baseline. The species composition of the margins comprises knapweed, wild carrot, yarrow, dandelion, hogweed, false oat grass, ox-eye daisy, red clover, red fescue, common couch, crested dog's tail, creeping bent and Timothy.

Soil Status

Soil surveys conducted in 2020 found the soil profile across Ark Field to be heavy to medium clay loam with the soil pH across the majority of the field ranging between 7 and 6.5. A small localised area has a slightly more acidic pH dropping to 6 at the lowest. The nutrient profile found the soil to be between 1 and 2 on the phosphate index and between 2 and 3 on the potassium index.

The soil type and pH are supportive of creating mesotrophic grassland, where pH of 5 or lower would be considered to be a constraint to creating mesotrophic grassland (Blakesley & Buckley 2016). The most species rich grasslands typically have fertility indices of 0-1 P and 1-2 K. The soil profile of Ark field is elevated above ideal soil conditions for developing species rich grasslands. Therefore, the management strategy will include an element of nutrient stripping via hay cut and removal to reduce the soil nutrient status over time.

The elevated nutrient profile in Ark Field is not considered to be a major constraint to achieving the primary objectives of other neutral grassland in moderate condition.

Year 1 - 5

It is recommended that the annual management of the field is brought into a regular rhythm which sees the field managed as a typical hay meadow for the next five years (until the end of 2028).

It is likely that the soil nutrient status is artificially elevated through agricultural inputs and the soil ecology, structure and hydrological regime is significantly degraded through repeat mechanical cultivation and the presence of land drains. Therefore, management should aim to support the recovery of the soil health whilst working to reduce the soil nutrient status.

The following annual management should be applied until the end of 2028:

Step 1 - The field would benefit greatly from aftermath grazing during autumn and winter 2023, ideally livestock should be grazed at a density of 0.2 to 0.5 grazing units per year. This equates to c. 1 grazing unit per hectare for 6 months or 2 grazing units per ha for 3 months etc. This will introduce dung into the field which will support the development of the soil microbiome, and will break up the areas of dense hay and help to maximise the productivity of the grassland, in turn supporting the restoration of the soil. The aim of winter grazing is to break up the litter layer and expose some bare ground (c. 20 %) to allow seed space to germinate. Winter grazing should not continue past 31st March and should be managed to avoid damaging the soil structure during wet weather. If livestock are not available, the field should be chain harrowed during the winter to break up the litter layer and exposed up to 20 % bare ground.

Step 2 - The grassland should be left to grow tall and flower between April and August.

Step 3 - The field should be cut for hay during late August or early September, arisings should be baled and removed.

Step 4 - Livestock should be introduced during the autumn and winter for aftermath grazing as described in Step 1.

Hay cutting should be conducted each year, but it is recommended that cutting ceases in the margins

in year 2 or 3 of management. This will allow the species rich grassland to deposit good quantities of seed into the arable reversion for three years. When cutting stops, the grassland species will continue to produce seeds, but will also allow scrub to naturally regenerate from the hedgerows through rhizomes or from seeds. Species diversity in the scrub could be increased through scattered planting of shrub species including hazel, hawthorn, crab apple, dog rose, dogwood, plum and bullous. Shrubs along the edge of the planting should not be planted with tree guards as it negatively effects their growth structure, creating tall and leggy shrubs which have reduced value to creating a well structured ecotone.

Year 6 - 10

After the initial 5 year period, the ongoing management will be directed by the results of monitoring. It might be appropriate to continue the hay meadow rhythm for an additional year or two to increase species richness, but good structure in the grassland will require livestock to be the primary management aid, and a transition to management using grazers is recommended.

A management strategy is set out below, but an element of flexibility needs to be retained to be able to react to the condition of the grassland identified during monitoring.

Management through the year using livestock will transition away from using any mechanised management tools and will focus on careful management of stocking densities and timing. The focus should be on high intensity, short duration grazing with long periods of rest, i.e. 3 or 4 months, and would be most effective using cattle as the principle grazer.

Stocking densities should follow typically accepted levels for conservation grazing of 0.5 livestock units per ha per year. This baseline density can then be adjusted to fit a more dynamic herding system of high intensity, short duration, with long periods of rest. Grazing should be managed to ensure plants can reach maturity, flower and set seed, to encourage species diversity in the sward. Excessive winter grazing should be avoided to reduce the risk of damage through poaching, although a low impact winter grazing regime is encouraged to allow space in the sward for germinating seedlings.

Year 10 onwards

It is expected that the grassland will have reached a good ecological condition within 10 years and should have reached sufficient species richness to be considered as other neutral grassland. Therefore, years 11 through 30 will see a continuation of the management rhythms which have been established and have been demonstrated to be effective for the land and for the management team.

Witherns and Kirkhill

Management prescription

2023 - September status

During September 2023, the site visit found the two fields to have been harvested of their oil-seed rape crop during the summer, and left to rest. The developing vegetation contained some annual plants typical of arable land, but was found to be dominated by oil seed rape plants regrowing from dropped seed.

The grass margins were found to be species poor dominated by Yorkshire fog and Timothy, with birds foot trefoil and docks.

The small patch of neutral grassland in the centre of the field surrounds a dry pond which is vegetated by willowherbs and other tall herbs, and did not contain aquatic or marginal plant species indicating that it has not recently held water.

Soil Status

Witherns - Soil surveys conducted in 2020 found the soil profile across Witherns to be medium sandy clay loam with the soil pH across the majority of the field ranging between 6.75 and 5.75. A small localised area has a slightly more acidic pH dropping to 5.5 at the lowest. The nutrient profile found the soil to be 1 on the phosphate index and between 1 and the lower end of 2 on the potassium index.

The soil type and pH are supportive of creating mesotrophic grassland, where pH of 5 or lower would be considered to be a constraint to creating mesotrophic grassland (Blakesley & Buckley 2016). The most species rich grasslands typically have fertility indices of 0-1 P and 1-2 K. The soil profile of Witherns is within these parameters and should not represent a constraint to meeting the primary objectives of creating Lowland Meadow in moderate condition.

Kirkhill - Soil surveys conducted in 2020 found the soil profile across Kirkhill to be heavy clay loam on higher ground grading to medium sandy clay loam and loamy sand on the lowest ground. The soil pH across the majority of the field ranges between 5.75 and 7.5 or 8. The nutrient profile found the soil to be wide ranging on the phosphate index with the highest areas showing low P (0 on the index) and the lower area grading up to a maximum of 3 on the index suggesting that leaching of phosphate from high areas into lower areas is occurring. The potassium profile shows an opposite gradient with a maximum of 3 on the potassium index on higher ground, grading to the lower end of 2 on lower ground.

The soil type and pH are supportive of creating mesotrophic grassland, where pH of 5 or lower would be considered to be a constraint to creating mesotrophic grassland (Blakesley & Buckley 2016). The most species rich grasslands typically have fertility indices of 0-1 P and 1-2 K. The soil profile of Kirkhill is elevated above these parameters and therefore may be a constraint to creating the most species rich grasslands. The management strategy therefore includes an annual management strategy which will reduce soil nutrients over time, through repeat hay cuts over the first five years of grassland establishment as a minimum.

The elevated nutrient profile in Kirkhill is not considered to be a major constraint to achieving the primary objectives of other neutral grassland in good condition, and no pre-establishment management to reduce soil fertility in advance of seeding is recommended. However, monitoring in the initial years after establishment should consider the effect of high P and K levels and increased efforts to reduce soil nutrient may be required in the form of a second hay cut in September.

Management overview

In order to begin to restore this parcel of land and to help reinstate natural processes, the first two years of management will focus on interventions to establish semi-natural habitats. Once the initial interventions have been implemented, management will continue through establishing an annual rhythm which will be informed by monitoring. Management of hedgerows is not proposed.

Grassland creation

It is considered that the existing self-seeded rape crop which is dominant across the two fields is a significant constraint to establishing grassland. It should therefore be terminated during autumn using a power harrow or disc harrow. This should be sufficient to retard the regrowth and allow space for desirable grassland seedlings to establish. Any persistent volunteers can be expected to succumb as the grassland communities mature. The rotovated substrate will also create a suitable seedbed to introduce seed or green hay. The grassy margins should not be rotovated.

Witherns will be managed to create a moderate condition grassland of sufficient species richness to be classified as Lowland Meadow. This will principally be through an annual application of green hay donated from nearby SSSI grasslands and the two adjacent fields of species rich grassland which are within the wider project and annual hay meadow management.

Step 1 - Rotovate using a power harrow or disc harrow to create maximum bare ground and a suitable seedbed.

Step 2 - During autumn, spread species rich green hay using a bale chopper or a muck spreader at an appropriate rate to cover all areas without smothering. Roll to ensure maximum seed soil contact.

Step 3 - Allow seedlings to germinate and develop through the winter, spring and early summer.

Step 4 - Top or hay cut during August or September and remove arisings.

Step 5 - After cutting, spread green hay.

Step 6 - It is recommended that aftermath grazing is introduced during the autumn and winter of year 2. Livestock should be grazed at a density of 0.2 to 0.5 grazing units per year. This equates to c. 1 grazing unit per hectare for 6 months or 2 grazing units per ha for 3 months etc. This will introduce dung into the field which will support the development of the soil microbiome, and will break up the areas of dense hay and help to maximise the productivity of the grassland, in turn supporting the restoration of the soil. The aim of winter grazing is to break up the litter layer and expose some bare ground (c. 20 %) to allow seed space to germinate. Winter grazing should not continue past 31st March and should be managed to avoid damaging the soil structure during wet weather. If livestock

are not available, the field should be chain harrowed during the winter to break up the litter layer and expose up to 20 % bare ground.

This annual management of Witherns should continue for a minimum of 10 years. After this, management will be directed by the results of monitoring. Good structure in the grassland will require livestock to be the primary management tool, and a transition to management using grazers is recommended.

Kirkhill will be managed to create good condition other neutral grassland. The method of establishment will be to seed the field in year 1 with a meadow seed mixture at a low sowing rate and to implement hay meadow management rhythm for a minimum 5 years, before transitioning to management with livestock only.

Step 1 - Rotovate using a power harrow or disc harrow to create maximum bare ground and a suitable seedbed.

Step 2 - Sow Emorsgate EM2 Standard General Purpose Meadow Mix at a rate of 20 kg per ha. Seed should be surface sown and not drilled. Following sowing, the seed should be rolled to ensure maximum soil contact. Seed should be sown between September and March, when the ground is firm enough to gain access. Earlier sowings have the greatest chance of success due to the risk posed from spring drought. Once seedlings have germinated, they need sufficient moisture for a minimum of 3 - 4 weeks to avoid succumbing to desiccation.

Step 3 - Allow seedlings to germinate and develop through spring and early summer.

Step 4 - Top or hay cut during August or September and remove arisings. Re-seeding in year 2 is not recommended at this stage, but this would depend on the success of the grassland. If significant species have failed, re-seeding may be recommended to occur during the autumn.

Step 5 - It is recommended that aftermath grazing is introduced during the autumn and winter of year 2 as described above.

This annual management of Kirkhill should continue for a minimum of 5 years. After this, management will be directed by the results of monitoring. Good structure in the grassland will require livestock to be the primary management tool, and a transition to management using grazers is recommended.

Ongoing management (both fields) after year 5 and 10 for Kirkhill and Witherns respectively will be directed by monitoring and will transition to management using livestock only. Management will focus on careful adaptation of stocking densities and timing. The focus should be on high intensity, short duration grazing with long periods of rest, i.e. 3 or 4 months rest, and would be most effective using cattle as the principle grazer.

Stocking densities should follow typically accepted levels for conservation grazing of 0.5 livestock units per ha pre year. This baseline density can then be adjusted to fit a more dynamic herding system of high intensity, short duration, with long periods of rest. Grazing should be managed to ensure plants can reach maturity, flower and set seed, to encourage species diversity in the sward. Excessive winter grazing should be avoided to reduce the risk of damage through poaching, although a low impact winter grazing regime is encouraged to allow space in the sward for germinating seedlings.

Scrub

The initial intervention will see shrubs in the existing hedgerow between Kirkhill and Witherns translocated out into the fields to create 10 m wide gaps in the hedgerow and encourage the development of well-structured scrub patches.

Translocation of shrubs will should follow the steps set out below:

Step 1 - Select short sections of hedgerow to translocate. These sections should be no greater than 10 m long and comprise maximum number of species.

Step 2 - Coppice the shrubs during autumn, leaving c. 30 cm long stumps for ease of handling. Retain the brash to create wildlife heaps.

Step 3 - Grub out the root balls during autumn or winter using an excavator. Care should be taken to reduce damage to the roots. Roots should be covered to prevent drying or root hairs whilst out of the ground.

Step 4 - Plant the shrubs in clusters with c. 5 m spacing between shrubs. The shrubs should be planted so the ground is at the same level as previously.

Step 5 - Once the shrubs are planted, coppice the stems to ground level or as low as is reasonably possible.

Step 5 - Place the brash in piles through the scrub planting.

Step 6 - The gaps in the hedge should be levelled and seeded with grassland species using the method set out for either Witherns or Kirkhill.

Scrub at the field margins will be allowed to naturally regenerate through ceasing cutting the arable margins. When cutting stops, the grassland species will continue to produce seeds, but will also allow scrub to naturally regenerate from the hedgerows through rhizomes or from seeds. Species diversity in the scrub could be increased through scattered planting of shrub species including hazel, hawthorn, crab apple, dog rose, dogwood, plum and bullace. Shrubs along the edge of the planting should not be planted with tree guards as it negatively effects their growth structure, creating tall and leggy shrubs which have reduced value to creating a well structured ecotone.

Ponds and scrapes

The ponds and scrapes will be constructed to have a maximum depth of between 75 cm and 1.5 m. The ponds should be able to hold water throughout the year but may dry out in hot summers. The pond may require a lining to maintain water. Lining can be created using clay soils which will need to be 'puddled' to ensure a good water seal. Alternatively Bentonite Clay lining is recommended as a sustainable, non-plastic solution.

All spoil created from the construction of the ponds should be graded into the surrounding landscape but should not prevent surface water from flowing into the ponds. Spoil should not be piled on the uphill slope as this could divert runoff away from the pond, reducing its catchment. The pond margins should be graded to create a variety of gradients including shallow gradients and a berm (ledge), just below

the anticipated waterline.

Once the ponds have been constructed and demonstrated to hold water, aquatic and marginal plants should be planted into the ponds and around their margins. Planting should be conducted between September and March. Plants should be native and locally sourced. Appropriate species would comprise:

- Purple loosestrife *Lythrum salicaria*;
- Water plantain *Alisma plantago-aquatica*;
- Yellow flag iris *Iris pseudocorus*;
- Water forget-me-knot *Myosotis scorpioides*.;
- Brooklime *Veronica beccabungo*;
- Water speedwell *Veronica anagalis-aquatica*;
- Curled or broadleaved pondweed *Potamogetum crispus* or *P. natans*.

Maintenance would be in response to monitoring. The pond should be assessed to the criteria set out within the Defra Biodiversity Metric Condition Assessment for Ponds. This will identify poor water quality, excessive poaching or excessive shading and management can be recommended for remediation where required.

Monitoring

Habitat creation and management of dynamic semi-natural habitats and ecosystems is unpredictable by nature. Monitoring is therefore an essential part of the management plan and will provide iterative guidance on the efficacy of the management plan as set out within this document. The management prescriptions within this document will require a degree of flexibility in response to the conditions observed within the developing habitats. However, deviations from the management prescription should be agreed in advance with the project ecologist.

Monitoring should be conducted annually for the first five years during June or July before the grass is cut for hay. After year 5, monitoring may be reduced to once in 2 years, and eventually to once in 5 years as habitats become more stable. This will be at the discretion of the project ecologist.

Monitoring will follow the method set out in the Statutory Biodiversity Metric for conducting condition assessments and will accord with the UKHabs definitions for habitat type. A report should be produced after each monitoring visit and should include recommendations for action or alterations to the management prescription set out here. The report should include the following elements for each habitat type proposed:

- A habitat description using the classifications set out within UKHabs v. 2.0;
- A plant species list and estimate of relative abundance using the DAFOR scale;
- A Metric condition assessment using the Statutory Biodiversity Metric criteria;
- The identification of any deviation from the objectives and recommendations to redress these; and
- Recommendations for alterations to the annual management schedule, where required.

WITHERNS & KIRKHILL

UKHab MAPS

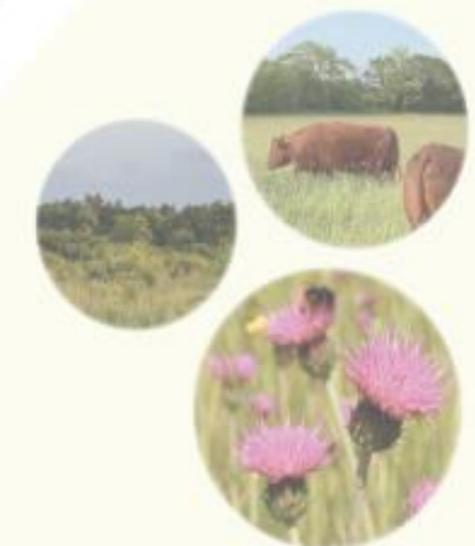
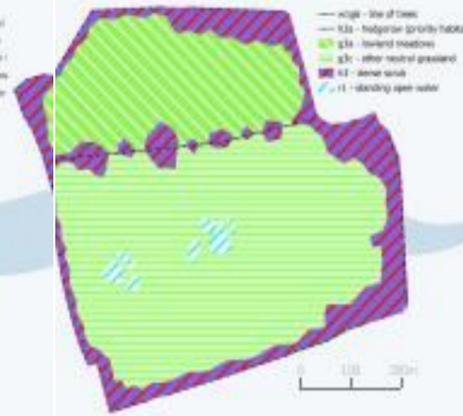
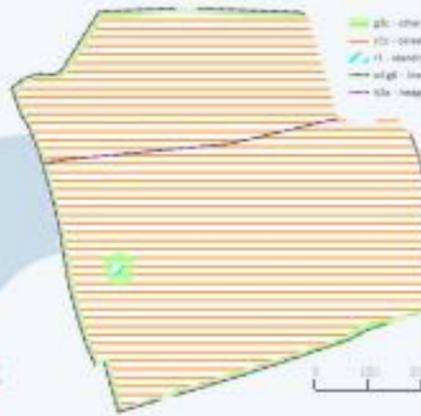
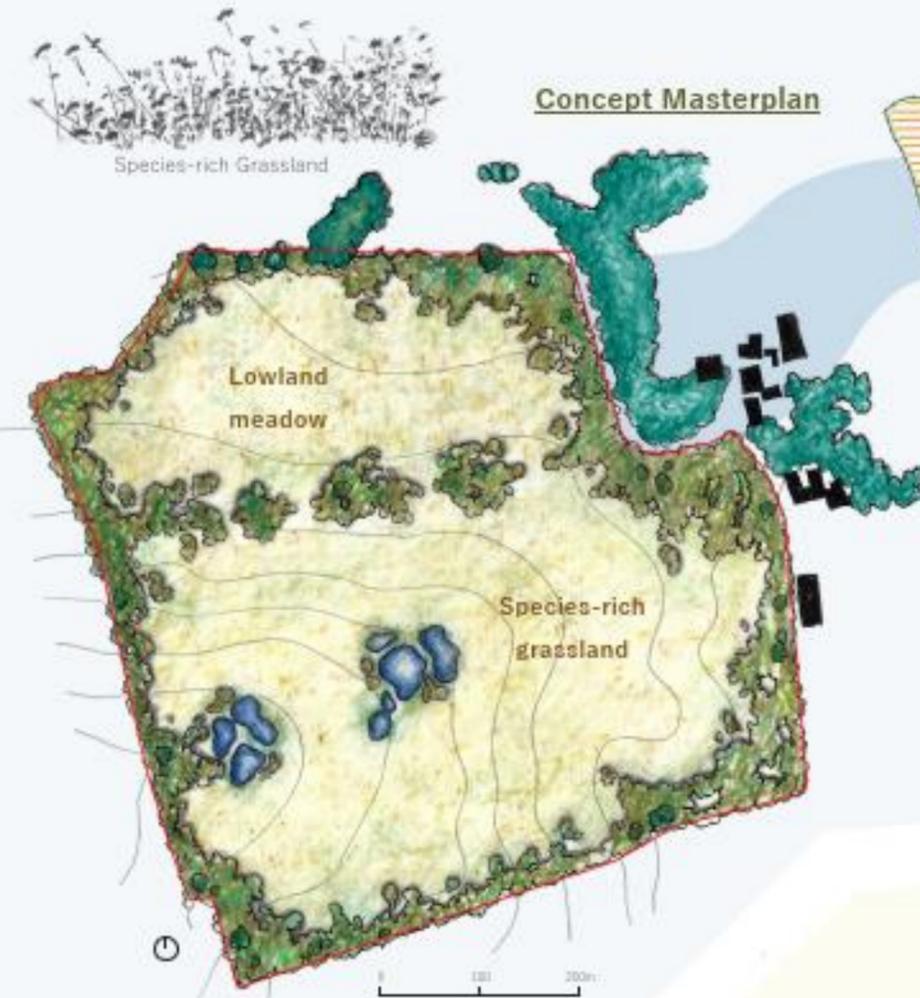
Baseline = 85.97 BU
 Saleable uplift units:
244.72 BU
 Post-intervention = 330.70 BU

ARK FIELD

Concept Masterplan

Existing

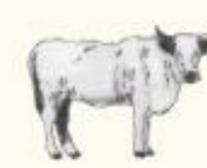
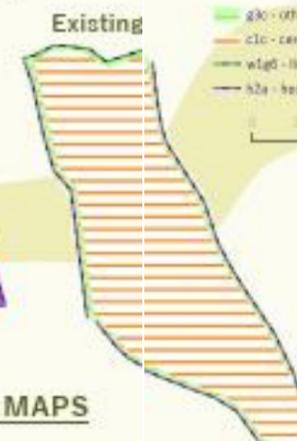
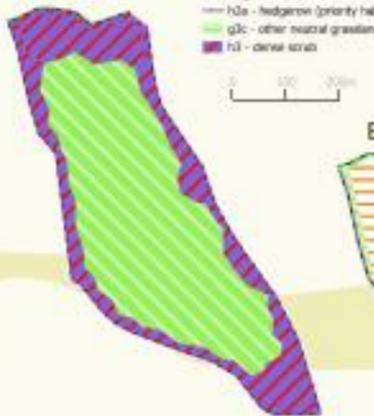
Proposed



Concept Masterplan

Proposed

Existing



Baseline = 25.54 BU
 vSaleable uplift units:
41.48 BU
 Post-intervention = 77.02 BU

UKHab MAPS

134

26

104

105

27

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APPENDIX 3 - LETTER OF RELEASE

TO BE TYPED ON THE COUNCIL'S HEADED NOTEPAPER

Dear [Owner]

We acknowledge receipt of your written request following the fulfilment of the obligations set out in [Clause 5 / paragraphs 2 and 3 of Schedule 2] / [the final monitoring report in respect of the habitat enhancements which were required to be implemented pursuant to the planning obligations imposed upon [the Owner] in the Deed made pursuant to s106 of the Town and Country Planning Act 1990 dated [] and made between []].

The planning obligations which are specified in the Schedule below have been fulfilled.

Schedule

[Specify released obligations]

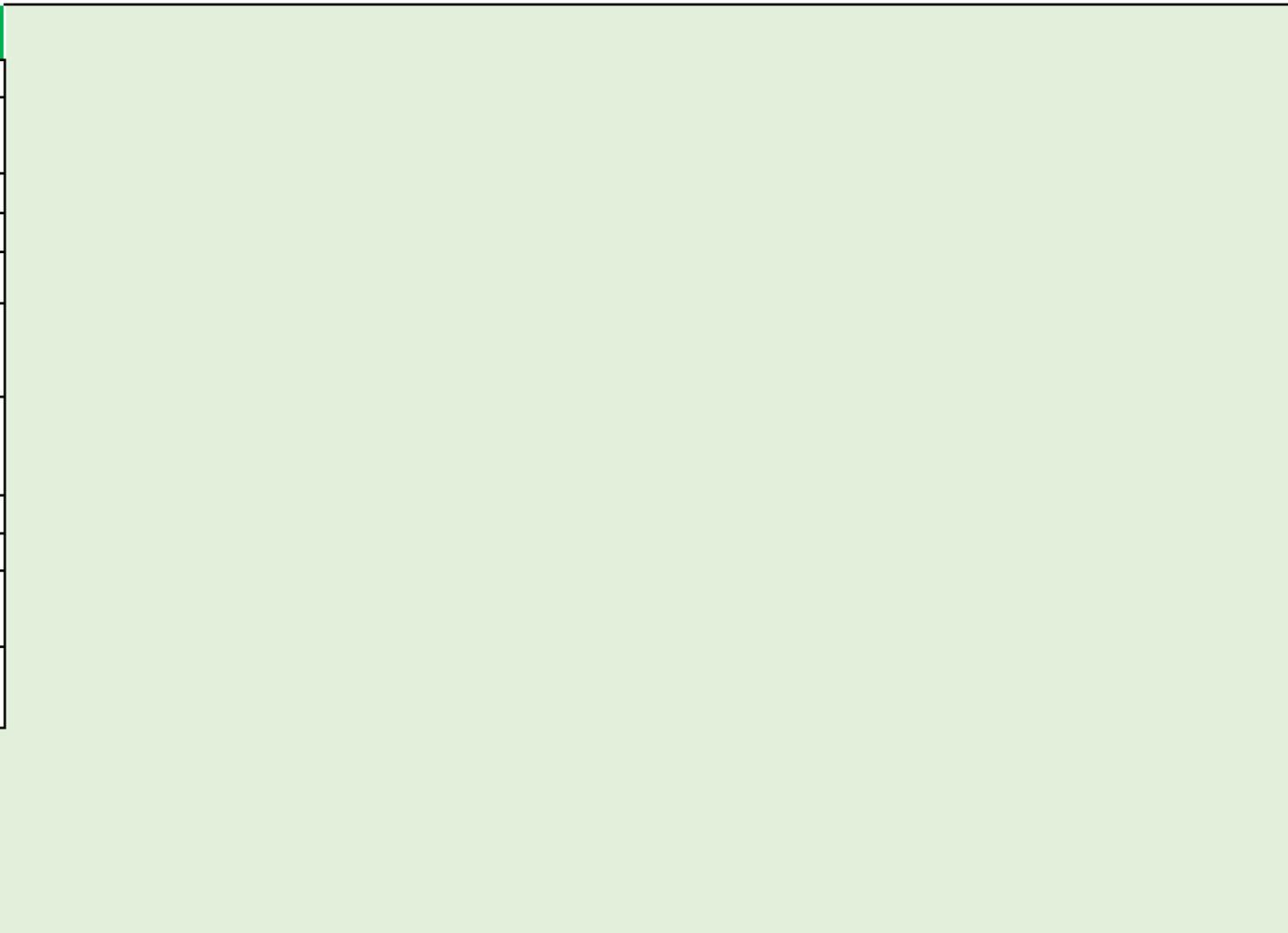
[Having considered the final monitoring report that you have submitted] [Having considered your request] we agree that the planning obligations referred to in the Schedule above have been fulfilled and hereby release the Owner and the [Ark Lane / Kirk Hill / Witherns / Exton's East] Biodiversity Area] / [Biodiversity Areas] from any further liability in respect of those planning obligations.

Yours faithfully

For and on behalf of the Council being duly authorised to do so

APPENDIX 4 – HABITAT MONITORING REPORT TEMPLATE

BNG Habitat Monitoring Report	
Site Name:	
Site Location:	Provide address and grid reference
Planning Reference Number:	N/A if an offsite habitat bank
Register Reference Number:	N/A if part of onsite deliver
Consent or Licence Reference Number:	N/A if not required for your site. If required, are these permissions up to date?
Site Owner and Contact Details:	
Person or Organisation Responsible for Delivering Management (if different from Site Owner) and Contact Details	
Monitoring Report Author:	
Date of Report:	
Number of Years Monitoring Completed to Date:	The tabs at the botom of this page can be used to provide a quantitive report for each year of montoring in a single document
Comments:	



Area Habitats

Parcel Reference	Area (ha)	Monitoring Results					Target Habitats					Conclusion		
		Calendar Date	Broad Habitat type	Habitat	Condition	Biodiversity Units	Broad Habitat Type	Habitat	Condition	Standard Time to Target Condition	Biodiversity units	Has the Target Habitat Been Achieved	Has the Target Condition been Met?	Is a Change in Habitat Management Needed

Hedgerows

Feature Reference	Length (km)	Monitoring Results					Target Habitats					Conclusion		
		Calendar Date	Broad Habitat type	Habitat	Condition	Biodiversity Units	Broad Habitat Type	Habitat	Condition	Standard Time to Target Condition	Biodiversity units	Has the Target Habitat Been Achieved	Has the Target Condition been Met?	Is a Change in Habitat Management Needed

Watercourses

Feature Reference	Length (km)	Monitoring Results					Target Habitats					Conclusion		
		Calendar Date	Broad Habitat type	Habitat	Condition	Biodiversity Units	Broad Habitat Type	Habitat	Condition	Standard Time to Target Condition	Biodiversity units	Has the Target Habitat Been Achieved	Has the Target Condition been Met?	Is a Change in Habitat Management Needed

Area Habitats

Parcel Reference	Area (ha)	Monitoring Results					Target Habitats					Conclusion		
		Calendar Date	Broad Habitat type	Habitat	Condition	Biodiversity Units	Broad Habitat Type	Habitat	Condition	Standard Time to Target Condition	Biodiversity units	Has the Target Habitat Been Achieved	Has the Target Condition been Met?	Is a Change in Habitat Management Needed

Hedgerows

Feature Reference	Length (km)	Monitoring Results					Target Habitats					Conclusion		
		Calendar Date	Broad Habitat type	Habitat	Condition	Biodiversity Units	Broad Habitat Type	Habitat	Condition	Standard Time to Target Condition	Biodiversity units	Has the Target Habitat Been Achieved	Has the Target Condition been Met?	Is a Change in Habitat Management Needed

Watercourses

Feature Reference	Length (km)	Monitoring Results					Target Habitats					Conclusion		
		Calendar Date	Broad Habitat type	Habitat	Condition	Biodiversity Units	Broad Habitat Type	Habitat	Condition	Standard Time to Target Condition	Biodiversity units	Has the Target Habitat Been Achieved	Has the Target Condition been Met?	Is a Change in Habitat Management Needed

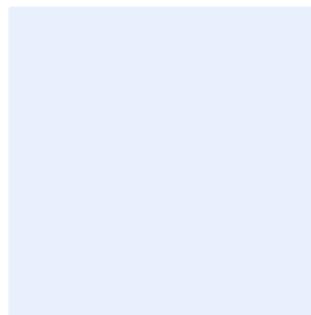
BNG Habitat Monitoring Report

Site Name	
Planning Reference	N/A if an off-site habitat bank
Register Reference	N/A if part of a consented planning proposal
Consent or Licence Reference	N/A if not required for your site. If required, are these permissions up to date?
Site Owner	
Author	
Date of Report	
Monitoring Year	

Consultant:



Client:




Template published by Natural England. We acknowledge the significant input from the HMMPT user-testers and production on Natural England's behalf by FPCR Environment and Design.

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Template User Guide

The biodiversity net gain habitat Monitoring Report Template (MRT) is an appendix of the Habitat Management and Monitoring Plan Template. Use it to report progress to the relevant authority, on the habitat management and monitoring, for on-site or off-site biodiversity net gain delivery.

The MRT has been produced in two parts: this Word document template and a separate Excel template. The Word template allows you to present details to evidence the progress of the monitoring. The Excel template allows you to provide the key quantitative data in a concise format, that can be efficiently collated by the relevant authority to contribute to their own reporting requirements.

To tailor the plan for your site, insert (copy and paste) the relevant standardised forms from the associated Companion Document into your MRT. The Companion Document contains templates for each broad habitat type used in the statutory biodiversity metric, assisting authors in completing the 'Monitoring report tables' with progress towards habitat and condition targets. (See section 3, p.127-193 of the Companion Document).

Once the report is complete, you can delete blue guidance text and write over and delete grey prompt text in this template.

Document Details

Provide ownership, copyright and licensing information within this table.

Authorship Details MR-B01

Use this box to provide any details of document ownership by the author such as company address, any relevant copyright information or map licence information.

Version Control MR-T01

Provide version control details within the table. This table should be updated for each Monitoring Report throughout the 30-year management and monitoring period.

Version	Issue Status	Prepared by / Date	Approved by / Date

1. Introduction

Survey Details

Organisation Responsible for Monitoring Surveys MR-T02	
Name or Initials	
Organisation	
Survey date(s)	
Statement of competency	
Provide a statement of competency for the person or organisation responsible for overseeing the completion of relevant surveys. See Statutory Biodiversity Metric User Guide for details of competency requirements.	
Surveys completed	
State which surveys have been completed to inform this monitoring report, referencing relevant guidance as appropriate.	
Survey conditions and limitations	
State the conditions relevant to each survey. Where limitations were encountered, discuss how they have affected the survey results and, if relevant, how these have been overcome.	

Progress Summary

Summary of Progress Made Since Implementation Period MR-B02

Provide a brief overview of habitat creation, enhancement and management measures completed to date, referring back to the Habitat Management and Monitoring Plan. Use the Activity Register in Section 4 of this template to list actions completed.

If any prescriptions have not been completed as planned, state why.

Site Wide Successes and Challenges

Successes MR-B03

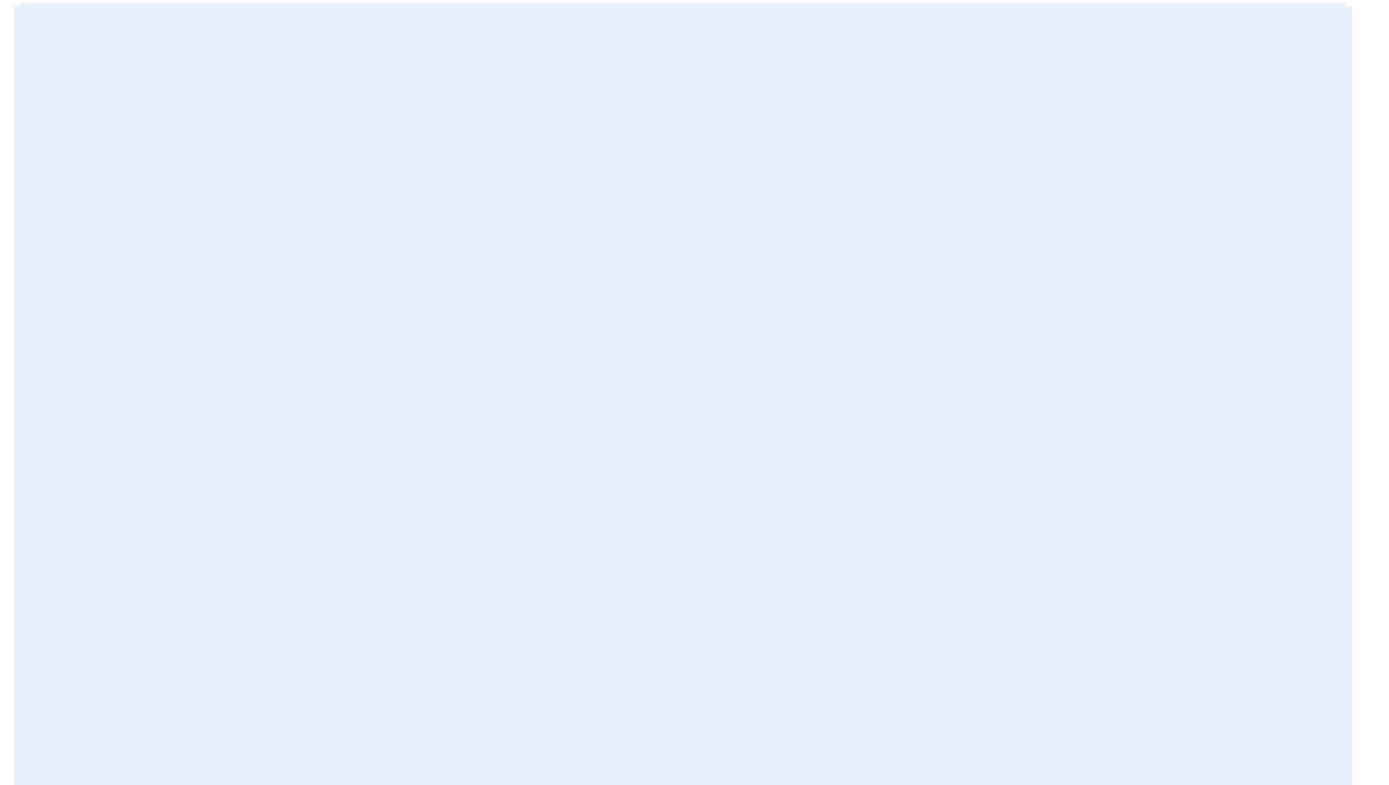
Provide a summary of the elements of the project that are progressing as intended.

Challenges MR-B04

Provide a summary of the elements of the project that are not progressing as intended and why, if known. Highlight if any adaptive management is planned and or has been implemented to overcome challenges.

State here if urgent action is required to remediate the issues, and how this will be implemented.

General Site Photographs MR-F01



2. Progress Towards Habitat Condition Targets

Provide relevant details for all habitat types covered by management plan.

Find the template tables in pages 127-189 of the **Companion Document**. Copy across and complete a table for each habitat type present within each of the following categories, as appropriate to your project.

Habitats

Hedgerows

Watercourses

3. Monitoring Report Conclusions

Provide details of actions required for the next monitoring period to continue successfully.

Key Future Actions MR-B05

Provide a list of key actions and or management prescriptions required to continue progressing towards targets or to adapt management to deliver targets. This box should provide detailed actions for the person responsible for delivering management to follow.

Adaptive Management

Are any Adaptations to the Management Plans Targets and, or, Prescriptions Required? MR-B06

Provide an overview of how any adaptive management practices have been, or are to be, implemented to continue managing the site to deliver the targets.

Provide an overview that is detailed enough for those implementing the work to understand and carry out the on-the-ground management practices.

4. Activity Register

Creation MR-T03

Date	Works Completed	Who Delivered Works	Who is Liable for Delivery	Signed Off by Ecologist	Ecologist Company & Name	Comments

Enhancement MR-T04

Date	Works Completed	Who Delivered Works	Who is Liable for Delivery	Signed Off by Ecologist	Ecologist Company & Name	Comments

Management MR-T05

Date	Works Completed	Who Delivered Works	Who is Liable for Delivery	Signed Off by Ecologist	Ecologist Company & Name	Comments

Monitoring MR-T06

Date	Works Completed	Who Delivered Works	Who is Liable for Delivery	Signed Off by Ecologist	Ecologist Company & Name	Comments

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

5 September 2024



S24/0617

Proposal:	Outline planning application for up to 80 dwellings, including vehicular access, pedestrian and cycle links, public open space, landscaping, drainage and associated works (All matters reserved except access)
Location:	Land South of A15 West of Peterborough Road, Market Deeping
Applicant:	c/o Agent
Agent:	Bidwells, 199 Avebury Boulevard, Central Milton Keynes
Application Type:	Outline planning permission (All matters reserved except access)
Reason for Referral to Committee:	Section 106 Agreement containing financial contributions
Key Issues:	Principle of Development Impacts on the character of the area Impacts on others' private amenity Highway safety/parking Drainage/flood risk Sustainability
Technical Documents:	Biodiversity Net Gain Metric Baseline Habitat Plan Flood Risk Assessment GEO Environmental Study Land Use Parameter Plan Master Strategy Plan (Rev B) (Indicative Only)

Report Author

Miranda Beavers – Senior Development Management Planner



01476 406302



Miranda.beavers@southkesteven.gov.uk

Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Market and West Deeping

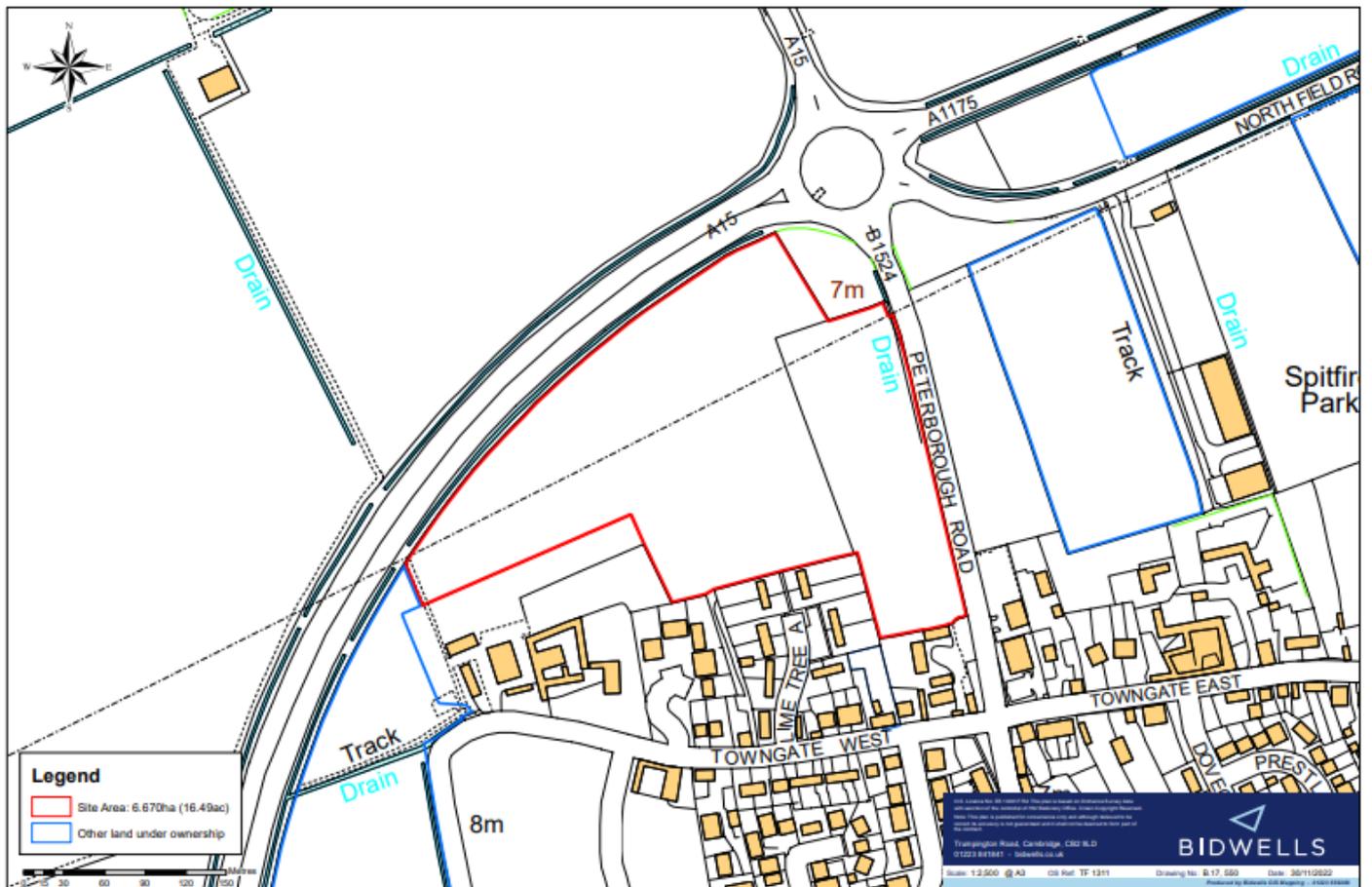
Reviewed by:

Adam Murray – Principal Development Management Planner

23 August 2024

Recommendation (s) to the decision maker (s)

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



1 Description of Site

- 1.1 The application site is located to the north-west edge of Market Deeping, to the south of the A15 and to the west of Peterborough Road. The site comprises 6.7ha and is currently used as arable and scrub grassland. The site is split into two fields, the western field is used for agricultural (arable) purposes and the eastern field is part scrub land. Existing boundaries comprise hedgerow and trees. The Deepings Neighbourhood Plan proposes that the route of the 'Deeping Green Walk' would cross from Peterborough Road to the east of the site through to the adjacent field to the south-west.
- 1.2 The application site includes allocated site DEP1-H1: Towngate West (SKLP254), plus the surrounding land to the north and west between the allocation and the A15 to the north. The allocation is shown below:



1.3

2 Description of Proposal

- 2.1 The proposal is for Outline Planning Permission for the erection of up to 80 dwellings, including vehicular access, pedestrian and cycle links, public open space, landscaping, drainage and associated works (All matters reserved except for access).
- 2.2 The Proposed (indicative) Masterplan Strategy (ref: UDS73162-A3-0201 Rev B) provides details of the proposed layout to show how residential development can be accommodated and delivered on site. This is a requirement under the criteria of Policy DEP1-H1, which states a "comprehensive masterplan" is required for the site. The residential dwellings and built form have been contained to the allocated area of the site, with the wider area of the site offering open space, drainage and biodiversity net gain features.
- 2.3 The site is proposed to be accessed off Peterborough Road via a 5.5m wide vehicular access point with footways either side. Three pedestrian access points are also proposed to be included.

3 Relevant History

- 3.1 There is no planning history relating to this site.

4 Policy Considerations

- 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 SP3 'Infill Development'
Policy SB1 'Sustainable Building'
Policy H1 Housing Allocation
Policy H2 Affordable Housing Contributions
Policy H4 Meeting All Housing Needs
Policy EN5 'Water Environment and Flood Risk Management'
Policy EN2 'Protecting Biodiversity and Geodiversity'
Policy DE1 'Promoting Good Design'
Policy ID2 'Transport and Strategic Transport Infrastructure'

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

Chapter 4 'Decision Making'
Chapter 5 'Delivering a sufficient supply of homes'
Chapter 6 'Promoting sustainable transport'
Chapter 12 'Achieving well-designed and beautiful places'
Chapter 14 'Meeting the challenge of climate change, flooding and coastal change'
Chapter 15 'Conserving and enhancing the natural environment'

4.3 **Neighbourhood Plan**

The Deepings Neighbourhood Plan (Made 29 June 2021)

4.4 **Supplementary Planning Document:**

Design Guidelines for Rutland and South Kesteven (November 2021)

5 Representations received

5.1 **LCC Highways & SuDS Support**

- 5.1.1 The principle of development is acceptable. As this is an outline application with only access to be considered, the layout has not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning, drainage and layout as detailed within the Lincolnshire County Council Design Approach.
- 5.1.2 The site is located to the Northwest of Market Deeping at the edge of the town, the speed limit along the majority of the site frontage is a national speed limit, drooping down to a 30mph speed limit towards the proposed entrance, the site does benefit from a footway / cycleway along the front, however, this is very narrow and not to modern day specification.
- 5.1.3 Market Deeping Cycling and Walking Network Plan puts a strong emphasis on improving the footway and cycleway network within the Town and this should be a key focus of any development proposals coming forward. As such, the Highway Authority are requesting a S106 contribution of £50,000 towards implement parts of the plan and a condition to improve the frontage footway cycleway to modern day standards, this could be widening the current footway cycleway or rerouting it through the development.

5.1.4 Furthermore, the crossing point on Peterborough Road needs upgrading, the Highway Authority have investigated the provision of a controlled crossing as this would be desirable for the community, however it didn't meet the adopted LCC policy criteria at this time. Therefore, the Highway Authority are requesting a condition to improve this crossing point into an island crossing, this will aid the safe crossing of pedestrians and cycles, not only for the existing users of this network, for the increased use generated from the development and the Deepings walking loop to the service station.

5.1.5 As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. The applicant hasn't yet provided a suitable drainage strategy for the site backed with relevant testing. As this is an outline application with only access to be considered, please make the applicant aware of the requirements for SuDs, that include water cleansing, when a reserved matters application is made, we expect a fully compliant drainage strategy to be submitted should not utilise the use of pipes and gullies as a means of managing the surface water.

5.1.6 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and it is expected that a suitable drainage strategy to manage surface water, backed up with relevant testing should be obtainable, therefore removing surface water flood risk and therefore the Highway Authority does not wish to object to this planning application.

5.2 **Lincolnshire County Council (Education)**

5.2.1 The level of contribution sought in this case is in line with the below table:

Type	Places to be mitigated	Contribution per place*	Sub-total	Local multiplier**	Lincolnshire contribution per place	Total contribution requested
Secondary extension	6	£26,717	£160,302	2.00	£27,251.34	£163,508.04
Sixth-form extension	4	£26,717	£106,868	2.00	£27,251.34	£109,005.36
Total	-	-	£267,170	-		£272,513.40

5.3 **NHS Integrated Care Board**

5.3.1 The contribution requested for the development is £52,800.00 (£660 x 80 dwellings).

5.4 **Deepings Neighbourhood Plan Group**

5.4.1 In summary we support the principles of this scheme. It has been well thought through. However, in the event of an approval, care must be taken with Conditions and a Legal agreement to help ensure that the quality extends into detailed design and implementation.

5.4.2 Density: We support the density proposed, subject to a review of the Reserved Matters submission when received.

5.4.3 Open Space: This is very welcome and will be offering certainty for the fields that are no subject of built development.

Access: If a second access is sought (as seems to be favoured by LCC Highways) then the presently shown pleasant rural/urban balance will be upset for very small highways convenience gains. East-west walking and cycling routes (aka Deepings Green Walk) Welcomed to create a new section of the Green Walk. Connection to Limit Tree Avenue is limited to cycle and pedestrian access. This is welcomed, provided care is taken to protect residents' privacy.

5.4.4 Affordable Housing Mix: We recommend that future housing mix refers to the forthcoming Deepings Housing Needs Study when produced around August 2024.

5.4.5 Layout: We recommend a footnote is used to draw attention to this when reserved matters are drawn up to ensure on-street parking is planned in with sufficient projecting planted bays in the street to prevent a parked-car dominated street.

5.4.6 Transport: The Transport Statement is not strong on non-vehicular access. It presents a rosy picture of pedestrian and cycle access. Local routes are well used but they are not safe, thereby their full potential is not realised. There is not the 'strong level of cycle infrastructure' alleged on page 15 of the TP. 30mph speed limit changes welcomed. We recommend: Cycle enhancements need to be included as part of Highway agreements or a s106 (see below).

5.4.7 Crossing Point: It is likely that the development will create an increase in journeys by foot/bike between the locality and the convenience store/fuel filling service station to the north. This has been observed associated with the new housing development off Northfield Road. It is noted that the convenience store located at the service station is the closest shop to the development. Additionally, it has longer opening hours than many other shops in The Deepings. The development should therefore make contributions to maximising the safety of such journeys. Improvements are needed to the crossing point adjacent to the proposed development's site on Peterborough Road which is on the route to the service station. We would offer two suggestions as to how the route between the proposed development and the service station.

A. One option would be for the footway on the east side of Peterborough Road to be extended further south and the crossing point moved further south. This would provide safer opportunities to cross the road, further away from the roundabout where visibility is more limited. This is particularly important given the current 60 mph speed limit. The safety of all the crossing points around the roundabout could be improved by some significant cutting back of vegetation which has been neglected for quite some time.

B. An alternative approach could be to instead extend the pavement on the west side of Peterborough Road to meet the roundabout and crossing points on the A15/A1175 dual carriageway to then connect with the existing path to the service station. While we would be concerned that this would involve pedestrians crossing two lanes of traffic adjacent to the roundabout, we acknowledge that pedestrians will often seek out the most direct route and so constructing this route properly may be beneficial.

We would expect and encourage a reduction in the speed limit on Peterborough Road alongside the proposed development and the site to the east of Peterborough Road which is also allocated in the local plan.

5.4.8 We recommend these S106 or condition request Conditions

- The parameters plan on page 82 of the D&A is helpful but needs to be secured with conditions.
- Important Gateway to be better identified. The parameters plan does not provide stress to the need for a high quality gateway treatment on the Peterborough Road frontage.
- Frontage. A specific scheme to show retention and improvement of the frontage hedge to Peterborough Road (accepted at page 73 of the D&A).
 - Solar power potential to be optimised in layout. Detailed submission needed to show how potential solar power installations are maximised with south facing roof slopes.
 - Completion of the Green Walk connection (cycle and pedestrian) from the site westward to meet with Public footpath MD1 and the highway at Towngate West/Millfield Road. This should be largely done prior to first occupation, or some other enforceable trigger.
 - Power lines to be underground.
 - Pumping stations or utility apparatus to be located discretely (not exposed next to play areas) and masked with landscaping.

5.5 **Anglian Water Services**

5.5.1 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 within 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 development can commence.

5.5.2 The foul drainage from this development is in the catchment of Deeping Water Recycling Centre that will have available capacity for these flows.

5.6 **Welland and Deeping Internal Drainage Board**

5.6.1 The proposed surface water discharge meeting the Board's accepted Greenfield run-off rate of 1.4 litres per second per hectare is agreeable with the Board in principle but will require an application for consent to discharge surface water to be made to the Board prior to connection.

5.6.2 In line with current recommendations, the use of SUDS should be considered as a first approach to dealing with surface water run-off. Lincolnshire County Council, as Lead Local Flood Authority, will have a key input into any SUDS or surface water disposal strategy. I would advise early engagement of discussions with them.

5.7 **Lincolnshire Wildlife Trust**

5.7.1 We are encouraged to see the application proposes to create a 44.98% and 10.42% of habitat and hedgerow units respectively through the sizeable provision of greenspace. The outline plan features a mosaic of habitats across the site as well as corridors of habitat along vehicular and pedestrian routes. The biodiversity units stated in the metric need to be actioned via a habitat management and monitoring plan for the full 30-year period required by the Environment Act. This can be achieved through a planning condition providing permission is granted for the development.

5.8 **SKDC Affordable Housing Officer**

- 5.8.1 The NPPF requires all developments of 10 or more dwellings be made up of 30% affordable house.

The Strategic Housing Market Assessment (SHMA) recommends 60% affordable rent/ 40% affordable ownership (25% of all AH must be First Homes as set out in the NPPF)

The development proposes:

30% of 80 = 24 affordable housing units, which meets the SKDC Policy H2

14 units of affordable rent

10 units of affordable ownership

No objections to the proposed development, subject to appropriate housing and tenure mix.

5.9 **SKDC Environmental Protection Officer**

- 5.9.1 Environmental Protection has reviewed the Phase 1 ground assessment and agree with the conclusions that the land proposed for the development is low risk from its past historical uses and would not necessarily be contaminated or need any significant remediation schemes. Environmental Protection would require (for the scale of such development) and as the Phase I report recommends that a phase II intrusive ground assessment is undertaken.

- 5.9.2 Environmental protection has reviewed the acoustic report submitted for the proposed development and agree with the results from the acoustic measurements and assessment in relation to any noise mitigation proposed for the development. From the initial masterplan for the site layout the developer has left the area closest to the A15 dual carriage way as open area to include LAP, footpath and planting. This does assist in mitigating the potential of noise impact from road traffic using the A15 by pulling back the proposed residential properties into the middle and Northeastern part of the overall site. As the developer fully finalises the site masterplan then a further acoustic assessment would be needed to model the impact of noise and revise any proposed mitigation measures.

- 5.9.3 Environmental Protection would recommend that the applicant produces a construction management plan for the construction phase of the proposed development to mitigate the impact of issues such as construction noise and dust to any nearby sensitive receptors.

5.10 **SKDC Conservation Officer**

- 5.10.1 The proposed layout of the site will result in minimal harm to the significance of the listed buildings on Towngate West. The listed buildings were previously used for agricultural purposes but are now have a residential use. The setting of these assets will be impacted as the rural setting does add to the character and overall significance of these assets. The impact of the setting has been mitigated by the decision to locate the development on land at the eastern end of the development site and the area directly to the rear of the listed buildings will be open space, which allows an understanding of their rural location. The proposal therefore will result in minimal harm to the surrounding heritage assets and will not affect the heritage assets overall significance

5.11 **Historic England Comments**

- 5.11.1 We suggest that you seek the views of your specialist conservation and archaeological advisers.

5.12 **Market Deeping Town Council**

5.12.1 We were pleased to see the proposed greenery, footpaths, the unique design element and the respect that had been shown for the boundary along Peterborough Road.

5.13 **Heritage Lincolnshire**

5.13.1 It is recommended that the developer should be required to commission a Scheme of Archaeological Work, in the form of an archaeological 2 evaluation to determine the presence, character and date of any archaeological deposits present at the site. This evaluation should initially consist of trial trenching.

5.14 **Market Deeping Town Council**

5.14.1 The Planning and Highways Committee of Market Deeping Town Council considered the outline planning application and were pleased to see the proposed greenery, footpaths, the unique design element and the respect that had been shown for the boundary along Peterborough Road.

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 4 letters of representation have been received, raising the following points of relevance to planning:

- Existing neighbours' residential amenities should be protected by the installation of better fencing.
- Great care should be given to the design of the properties being proposed as the development is at the entrance to the Town. They should complement the historic character.
- Strong objection to development as it would back onto existing properties and would ruin view.
- Lime Tree Avenue – the footpath from the new development would increase security risk to occupiers, parking on cul-de-sac is already limited. The development could lead to even more car parking on Lime Tree Avenue.
- Existing services already struggling – GP surgery cannot cope, school spaces would be impacted, leisure facilities need funding.
- Open space could result in a fear of crime, loss of privacy and security to existing homeowners.

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 adopted Development Plan comprises of the following documents:

1. South Kesteven Local Plan 2020-2036 (Adopted 29 June 2021); and
2. The Deepings Neighbourhood Plan 2016-2036

7.2 Furthermore, the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies DPD (Adopted June 2016) forms part of the development plan 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 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.

7.5 **Principle of Development**

7.5.1 Local Plan Policy SP1 (Spatial Strategy) identifies that the focus for the majority of growth is in and around the four market towns, with Grantham being a particular focal point for development. Development proposals that make effective use of previously developed land will also be encouraged. In connection with the above, decisions about the location and scale of new development will be taken on the basis of the settlement hierarchy set out in Policy SP2.

7.5.2 Policy SP2 (Settlement Hierarchy) identifies Stamford as one of the three market towns (in addition to Grantham) that will be the focus for new development during the plan period. It states that “*Development which maintains and supports the role of the three market towns of Stamford, Bourne and The Deepings will be allowed provided that it does not compromise their nature and character. Priority will be given to the delivery of sustainable sites within the built-up part of the town and appropriate edge of settlement extensions*”.

7.5.3 The principle of a residential development on part of the site is established through the allocation within the adopted Local Plan, although this does not apply to the whole application site. The indicative layout submitted with the application documents shows that all the dwellings would be sited inside of the allocation area, and the majority of open space would be the land between the road to the north and the allocation area, with the wider site being used for biodiversity net gain features and drainage.

7.5.4 The allocation policy DEP1-H1 states the following:

Towngate West (SKLP254) Indicative Unit Numbers: 73 Approximate Density: 23 Dwellings per hectare – lower density based on heritage/conservation constraints and to ensure a high-quality gateway development.

The following development principles accompany this allocation:

- a. A comprehensive masterplan is required for the site.
- b. Highway, footway, cycleway connections shall be provided throughout site which connect the site into the wider town.

- c. This site represents an important gateway location, with heritage and conservation features, this should be recognised in the design and layout of development proposals and proposals should seek to enhance the Peterborough Road frontage.
- d. Sensitive landscaping shall be incorporated along the western edge of the site.
- e. To ensure the development achieves good, high-quality design, a design code will be prepared for the site.
- f. This site is situated within a Minerals Safeguarding Area. Before considering a planning application or allocation for this site a Minerals Assessment will be required.

7.5.5 Local Plan Policy H1 (Housing Allocations) identifies that the residential development needs of the District will be delivered through a series of site allocations throughout the District, including at The Deepings. The current application site includes approximately 3.12 hectares of land which forms allocation site ref: DEP-H1; (set out above). To satisfy the development principles that are set out in the allocation (DEP-H1), the Applicant's Agent have provided the following supporting information:

7.5.6 (a) An Indicative Masterplan and Masterplan Principles Report (Section 7 of the Design and Access Statement).

7.5.7 (b) The indicative Masterplan shows pedestrian and cycle connections throughout the site, which provide connectivity to the wider town, including the incorporation of the Deepings Green Walk Route (Deepings Green Walk Project aims to achieve linking of publicly accessible green spaces and other routes around the town to create an attractive network). This would provide further pedestrian links to the southwest of the site and the north east onto Peterborough Road where the Green Link is proposed to continue.

The proposal would require improvements to the pedestrian crossing at this point on Peterborough Road.

7.5.8 (c) The indicative Masterplan proposes that the design and layout of the development would seek to enhance the Peterborough Road frontage through maintaining the part of the existing hedgerow along the eastern edge, creating a 'gateway' to the development using additional planting and design features.

7.5.9 (d) A design code has been prepared by the applicants to accompany this outline application. The design code that has been prepared is comprehensive and sets out how the development would achieve good, high-quality design.

7.5.10 (e) A minerals assessment has been submitted which confirms non-mineral development to be acceptable.

7.5.11 In addition to the allocated area, the remainder of the site, to the north and northwest of the of allocation, the principle of development is assessed against the spatial strategy as set out in Policy SP2. The site lies on the edge of the settlement and any land outside of the allocation would be subject to Policy SP4 of the Local Plan - Development on the Edge of Settlements.

7.5.12 Policy SP4 states that proposals for development on the edge of a settlement, as defined in Policy SP2, which are in accordance all other relevant Local Plan policies, will be supported provided that the essential criteria a – f below are met.

7.5.13 The proposal must:

- a. demonstrate clear evidence of substantial support from the local community* through an appropriate, thorough and proportionate pre-application community consultation 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 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 seeks to address a specific targeted need for local market housing; and
- f. enable the delivery of essential infrastructure to support growth proposals.

7.5.14 To satisfy the criterion (a-f) as set out in Local Plan Policy SP4, the Applicant's Agent have provided the following supporting information:

7.5.15 (a) A Statement of Community Involvement (SCI) has been prepared and the documents sets out how a pre-application community consultation exercise took place. Community engagement included meetings and discussions with the Deepings Neighbourhood Plan Group, Town and Parish Councillors, Ward Members and residents. The SCI sets out that there were 32 response forms received following the public exhibition.

(b), (c) and (d) The application is for outline planning permission with all matters reserved, except for access. At up to 80 dwellings, the proposed development can be calculated as an average density of 30dph. The Masterplan is indicative at this stage; however, a land use parameters plan has been produced as part of the outline scheme which sets out where within the site the residential development would be located, to include public open space, a play space, strategic open space for biodiversity and attenuation, vehicular access, pedestrian access and green walk alignment. When allocating the site, the SKLP Policy DEP-H1 supporting text states that "It is recognised that The Deepings is an attractive and sought after residential location given the range of services and facilities available, and its proximity to Peterborough. The strategy for The Deepings focuses growth in accordance with this and the existing settlement pattern, ensuring that development is located close to existing services and facilities and does not compromise the attractiveness of the area." It is proposed that if this application for outline planning permission is recommended for approval, that a development of up to 80 dwellings within these land use parameters would, subject to details of the scale and design of the dwellings, result in a layout and density of development that would be in keeping with the character appearance and setting of the area that be adjacent to the existing pattern of development, and would not extend obtrusively into the open countryside.

(e) Policy H4 of the SKLP (Meeting All Housing Needs) requires all major proposal for residential development to provide appropriate type and sized dwellings to meet the needs of current and future households in the district. Policy H2: Affordable Housing Contributions" States that all development comprising 11 or more dwellings should make provision for 30% affordable housing. Criteria a. of the policy sets out that all affordable housing will be expected to 'include a mix of socially rented/affordable rent/ intermediate rent and

intermediate market housing'. It is proposed to provide a policy compliant up to 30% affordable housing provision which will include a mix of social rent, affordable housing and intermediate market housing and rent appropriate to the local need.

Of the proposed up to 80 dwellings on site, the proposal would offer 24 affordable dwellings. Paragraph 64 of the NPPF (2023) sets out that the type of affordable housing should be specified in policy and is expected to be met unless an agreed approach contributes to the objective of creating mixed and balanced communities.

(f) NPPF Section 3: Plan Making, para 34 states that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). The following draft heads of terms are offered by the Applicants subject to further consideration:

- Affordable housing – up to 30% provision on site. The siting of specific affordable tenure is to be agreed in due course.
- Provision of on-site publicly accessible open space as per the approved parameters plan
- Off-Site Sports Provision – financial contribution
- Secondary and Sixth Form Education
- Highways – proposed cycleway/footway infrastructure affected by the development
- Healthcare – financial contribution
- BNG Monitoring financial contribution

A draft heads of terms, subject to agreement, as planning obligations is to be covered within a Section 106 Agreement.

To summarise it is the Case Officer's assessment that the development of the site, when taken as a whole, including the allocated and non-allocated areas identified within the red line would be capable of accommodating the erection of up to 80 dwellings with associated infrastructure. It is considered that the redevelopment of the site would be in accordance with the overall strategy for the District, as set out in Policies SP1, SP2, SP4 and DEP-H1 of the adopted South Kesteven Local Plan and Policy DNP1 of the Deepings Neighbourhood Plan. As such, the principle of development is acceptable, subject to material considerations. These matters have been assessed below:-

7.6 Meeting Housing Needs

7.6.1 The Strategic Housing Market Assessment (SHMA) (2017 update) demonstrates that the supply of affordable housing is an acute problem within South Kesteven. The SHMA identifies a need for 238 additional affordable homes per annum, which represents a considerable proportion of the overall housing requirement for 650 dwellings per annum within the District. Further, the Council's latest Annual Position Statement (July 2023) demonstrates a significant under delivery of affordable housing since the adoption of the Local Plan. The SHMA recommends 60% affordable rent, 40% affordable ownership.

7.6.2 Policy H2 (Affordable Housing Contributions) seeks to ensure all major residential developments contribute towards meeting the needs of affordable housing by requiring a provision of 30% of scheme's total capacity as affordable housing.

- 7.6.3 The Council's Affordable Housing Officer has commented that in order to establish whether there is a need for affordable housing in the particular area, there is a requirement to gauge separately the needs for affordable rental units and that of ownership units.
- 7.6.4 As this is an outline application with all matters reserved (except for access), it is Officers' assessment that the necessary 30% affordable housing contribution can be secured through the Section 106 Agreement, including the tenure split and the requirement for an affordable housing plan showing the distribution throughout the application site. In respect of the market housing mix, this would be a matter for approval as part of the future reserved matters application, and can be appropriately informed by local evidence, as well as the policies of the South Kesteven Local Plan, at the point of determination of that application.
- 7.6.5 Therefore, as a matter of principle, the application would accord with Policy H2 and H4 of the adopted South Kesteven Local Plan.

7.7 **Impact on the Character of the Area**

Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan 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 street scene, 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. Part 12 of the NPPF (Achieving well-designed places) states that 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

7.7.1 When deciding applications that may affect the setting of a listed building, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which it possesses.

7.7.2 Policy EN6 (The Historic Environment) of the Local Plan seeks to protect and enhance heritage assets and their settings within the district. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted permission where the public benefits of the proposal outweigh the potential harm. Proposals which would conserve or enhance the significance of the asset shall be considered favourably. Substantial harm or total loss will be resisted.

7.7.3

The above policy reflects Part 16 of the NPPF which seeks to protect and enhance heritage assets. Paragraph 205 states, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...' Paragraph 208 goes on to say, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

7.7.4 As the application is in outline form there are no details beyond access to the site. An indicative layout plan has been submitted that demonstrates how up to dwellings could be accommodated on the site.

- 7.7.5 The site is not located within the Market Deeping Conservation Area but is bordered by 3no. designated heritage assets that are all Grade II listed. These assets are located on the western edge of Towngate West and are the Maltings at Towngate House Farm, Barns and Stables at Towngate House Farm and Towngate House Farmhouse.
- 7.7.6 There are other designated heritage assets nearby, however the proposed development will not have any intervisibility between them and therefore will not impact on their significance. There is a Grade I listed St Guthlac's Church which is located at some distance from the site, views of the Church from the site are already interrupted by the existing development, therefore the site will not impact the significance of the Grade I listed St Guthlac's Church.
- 7.7.7 The site, comprising two fields, is currently partly in agricultural (arable) farming use and partly scrub/grassland. The site is partly screened from view along the eastern boundary by a section of hedgerow along Peterborough Road, although a section of the site is clearly visible from Peterborough Road and open to view where the hedgerow ends. From the north-western side, along the curve of the A1175, the site is well screened during Spring/Summer months, from wider views by existing landscaping which includes trees and hedge line. However, during Autumn/Winter months the site would appear more visible.
- 7.7.8 As the application is in outline form only, no elevations have been submitted at this stage, therefore the visual impact of the proposed development cannot be assessed. As the application site includes an area of land that is allocated within the SKLP for residential development, the Policy (DEP-HA1) requires that a detailed Design Code should be submitted at outline stage. The applicant's Agent has prepared a Design Code accompanied by an indicative masterplan. The Design Code that has been prepared is comprehensive and sets out how the development would aim to achieve good, high-quality design, and this objective would be expected to be expanded upon at the reserved matter stage. Any proposed designs would be expected to take reference from the historical character of the Market Deeping, using local design features and materials such as stone. It is noted within the Design and Access Statement that the design and layout would be influenced by the adjacent development at Corner Farm and historic buildings within the immediate surrounding area.
- 7.7.9 SKDC's Conservation Officer has been consulted and she is of the view that the proposed layout (parameter plan) of the site would result in minimal harm to the significance of the listed buildings on Towngate West. The listed buildings were previously used for agricultural purposes but are now have a residential use.
- 7.7.10 The setting of these assets will be impacted as the rural setting does add to the character and overall significance of these assets. The impact of the setting has been mitigated by the decision to locate the development on land at the eastern end of the development site and the area directly to the rear of the listed buildings will be open space, which allows an understanding of their rural location.
- 7.7.11 However, as a matter of principle, whilst the proposed development would alter the setting of the nearby listed buildings, this would not result in any harm to the significance of these assets. Further detailed consideration of the potential impact would be subject to consideration as part of the assessment of the detailed development design, through the reserved matters application(s).
- 7.7.12 The built form would be confined to the allocated area of the site. It is accepted that the concentration of up to 80 dwellings in this part of the site would result in a slightly higher density of development than the approximate density specified within Policy DEP-H1 of the

SKLP. However, it is considered that an appropriate mix of up to 80 dwellings could be accommodated on the site, so that the development would not feel cramped. This would be helped by the fact that the unallocated area of the site would be developed as an area of green space (for biodiversity and attenuation), including a designated proposed play space. The density of development would also be consistent with other residential developments that exist within Market Deeping.

7.7.13 The considerations of the matters the subject of Policy DE1 and EN6 of the SKLP and NPPF Section 12 and 16 would fall to be considered at reserved matters stage including appearance, landscaping, layout, and scale including any harm identified by the development upon the special significance of adjacent listed buildings.

7.8 **Impact on Residential Amenity**

7.8.1 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 130 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

7.8.2 As discussed above, the matters of appearance, landscaping, layout and scale are reserved for subsequent approval. It would be at the time that reserved matters are submitted that the assessment of residential amenity would be undertaken. The indicative master plan does however demonstrate how 80 dwellings could be accommodated on the site whilst providing adequate separation distances to ensure no significant overlooking/loss of privacy would occur. Accepting that this indicative layout is not for consideration as part of this outline application. As referred to above the land use parameter plan is proposed to be listed as the 'approved plan' which would inform where the built form will be located within the site at reserved matters stage.

7.8.3 As discussed above, the matters of appearance, scale and layout are reserved for subsequent approval. It is at reserved matters stage, that assessment against DE1 would be undertaken. Notwithstanding the above, it is considered that the site can accommodate up to 80 dwellings, be appropriately accessed and the access would not result in unacceptable adverse impacts on the residential amenities of the occupiers of adjacent properties. As such the proposal is considered in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.

7.9 **Highway Safety/Parking**

7.9.1 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.

7.9.2 The site is currently access via a 6.0m wide informal agricultural entrance off the west side of Peterborough Road. Peterborough Road links Market Deeping Town Centre to the A15 (which bypasses Market Deeping). It is proposed that the site would be continued to be access off Peterborough Road, however the access point would be moved approximately 10m south of the existing entrance. The new access road would be 5.5m wide with 2m wide

footways on either side. The proposal incorporates 3 new pedestrian access points onto the site, one at the northeast of the site, north on Peterborough Road, one at the western side of the site connecting it to an existing public right of way (PROW), and the third connecting the site to the south with an existing residential development on Lime Tree Avenue.

- 7.9.3 Lincolnshire County Council as the Local Highway Authority have been consulted and they have commented that “the speed limit along the majority of the site frontage is a national speed limit, dropping down to a 30mph speed limit towards the proposed entrance, the site does benefit from a footway / cycleway along the front, however, this is very narrow and not to modern day specification.” Notwithstanding this, they have stated that the principle of development is acceptable, subject to conditions and a financial contribution in order to facilitate improvements to the footway and cycleway network within the town, improving the frontage footway to modern day standards and rerouting it through the development, which they have stated should be a key focus of development proposals coming forward.
- 7.9.4 Further to this they have stated that in order for the principle of the development to be acceptable the crossing point at Peterborough Road would need to be upgraded. They have requested a condition that requires improvements to this crossing point, upgrading it to an island cross, details to be agreed prior to occupation.
- 7.9.5 It is considered that should the application be recommended for approval, that this condition and others requested by the local highway authority should be imposed of any planning permission granted.
- 7.9.6 With regard to parking provision, as this application is at outline stage and the layout details are yet to be submitted, it is expected that parking provision will be in accordance with the guidance set out in Lincolnshire County Council’s guidance set out in Lincolnshire Development: Roads and Sustainable Drainage Design Approach (2021).
- 7.9.7 As such the proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.
- 7.10 **Drainage/Flood Risk**
- 7.10.1 Policy EN5: Water Environment and Flood Risk Management states that all development must avoid increasing flood risk. Surface Water should be managed effectively on site through the use of Sustainable Drainage Systems (SuDS) unless it is demonstrated to be technically unfeasible.
- 7.10.2 Section 14, para 159 of the NPPF states that inappropriate development in areas of flooding should be avoided by directing development away from areas of highest risk
- 7.10.3 Section 15, para 183 of the NPPF states that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).
- 7.10.4 As discussed above, the matters of appearance, landscaping, layout and scale are reserved for subsequent approval. It would be at the time that reserved matters are submitted that

the assessment of proposed drainage and flood risk would be undertaken, as this would be informed by the proposed layout of development.

7.10.5 Lincolnshire County Council as the Lead Flood Authority have been consulted at this stage and they are asked that the Applicants are made aware of the requirements for drainage (amongst other elements) should be designed as set out in the Lincolnshire County Council Design Approach.

7.10.6 It is at reserved matters stage, that assessment against Policy EN5 of the SKLP and Sections 14 and 15 would be undertaken.

7.11 **Biodiversity Net Gain**

7.11.1 NPPF Section 15, para 186 states that when determining planning application, local planning authorities should support development whose primary objective is to conserve or enhance biodiversity; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

7.11.2 Policy EN2 of the SKLP states that the Council, working in partnership with all relevant stakeholders, will facilitate the conservation, enhancement and promotion of the District's biodiversity and geological interest of the natural environment. This includes seeking to enhance ecological networks and seeking to deliver a net gain on all proposals, where possible.

7.11.3 In England Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This means that developers must deliver a BNG of 10%. This means that a development will result in more or better natural habitat than there was before development.

7.11.4 For this application the applicant has completed the statutory biodiversity metric. The results of the base-line survey compared to the proposed development would create a 44.98% and 10.42% of habitat and hedgerow units respectively across the site as well as corridors of habitat along vehicular and pedestrian routes. Lincolnshire Wildlife Trust were consulted with the submitted information and they have commented that "The biodiversity units stated in the metric need to be actioned via a habitat management and monitoring plan for the full 30-year period required by the Environment Act. This can be achieved through a planning condition providing permission is granted for the development."

7.11.5 Subject to appropriate conditions, it is considered that the proposed development would be acceptable and in accordance with Policies EN2 of the SKLP and Section 15 of the NPPF.

7.12 **Sustainability**

7.12.1 Policy SB1 is the key Local Plan policy in relation to the efficiency of individual buildings/developments; whereas, Policy SD1 tends to guide developments to sustainable locations, for example in the context of paragraph 8.1.1 above. Policy SB1 requires that new housing developments meet optimum Building Regulations targets for water efficiency; and that all development proposals will be expected to mitigate against and adapt to climate change.

7.12.2 There is no reason to suspect that the development would not be adequate in terms of the requirements of Policy SB1, especially because the houses must be constructed lawfully in accord with the Building Regulations.

7.12.3 The application, therefore, is acceptable in a sustainability context (bearing in mind that it is within a sustainable settlement as per Policy SP2 of the Local Plan).

7.13 **Section 106 Heads of Terms**

7.14 Taking the above into account, 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 parameters plans, and £82,146.60 towards improving existing sports facilities within Market Deeping.
- Affordable Housing – 30% of all dwellings provided on site, comprising:
 - 15% Affordable Other Home Ownership
 - 25% First Homes
 - 60% Affordable Homes (Affordable Rent)

Tenure and housing mix details of the dwellings are to be submitted and approved at reserved matters stage, following the granting of outline planning permission. The Nomination Agreement will also be secured as part of the Section 106 Agreement, which will give priority to applicants with a local connection.

- Healthcare - £660 per dwelling to contribute the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural Primary Care Network (PCN) at The Deepings Practice.
- LCC Education - £272,513.40 towards the cost of additional school places, as a result of the development, for primary, secondary and sixth form schooling.
- LCC Local Highways Authority - £50,000 to provide improved section of cycle/footway infrastructure affected by the development.
- Monitoring Fee - £15,000.00
- BNG Monitoring Fee – Calculation based on creation of 6.23ha of medium distinctiveness: £21,257.19 initial payment with additional review mechanism.

7.14.1 As such, in the event that the application was deemed to be acceptable in all other respects, the above financial contributions would ensure that 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.

7.14.2 Therefore, subject to the completion of a Section 106 Agreement, the application proposals would accord with Policy ID1, DEP-H1, and H2 of the adopted South Kesteven Local Plan.

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 The issues raised in the representations are noted, but do not raise any overriding planning reasons to refuse the application, which accords with Policies SD1, SP2, SP3, EN2, EN5, DE1, SB1 and ID2 of the Local Plan, the made Deepings Neighbourhood Plan, and Sections 5, 6, 12, 14 and 15 of the NPPF and the Design Guidelines for Rutland and South Kesteven SPD; there are no material considerations that indicate otherwise, as such the proposal is therefore recommended for approval.

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 In the event that the agreement has not been concluded within twelve weeks after the date of the Committee and, where in the opinion of the Assistant Director – Planning, there are no extenuating circumstances which would justify an 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 education, healthcare, highways improvements, and public open space, as required by Policy H2, ID1, ID2 and OS1 of the adopted South Kesteven Local Plan.

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 of the 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).

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. layout;
 - ii. scale
 - iii. appearance
 - iv. landscaping

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 planning application form, and with following list of approved plans:

Development Access General Arrangement Drawing (Ref:23810_03_020_01/ Rev B)
Drawing No. UDS73162-A1-1401 Rev A Parameter Plan (in so far as access only)

Unless otherwise required by another condition of this permission.

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

Pre-commencement

4. The development hereby permitted shall be carried out in accordance with the broad principles of the following plans:

Drawing No. UDS73162-A1-1401 Rev A Parameter Plan

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

5. Before the development hereby permitted is commenced, details demonstrating how the proposed dwellings would comply with the requirements of Local Plan Policy SB1 must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how carbon dioxide emissions would be minimised through the design and construction of the buildings; details of water efficiency and the provision of electric car charging points.

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

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

6. Before the development hereby permitted is commenced, a Construction Management Plan and Method Statement shall have been submitted to and approved in writing by the Local Planning Authority. The Management Plan and Method Statement shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include:-

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material;
- hours of construction work including hours of deliveries;
- full details of any piling to be employed, if relevant; and;
- strategy stating how surface water run off 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 (permanent or temporary) 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: 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.

7. 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. This evaluation should consist of a programme of trial trenching.

Thereafter, the archaeological investigations 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 and the NPPF (section 16)

8. As part of any reserved matters application relating to layout and / or scale, plans showing the existing and proposed land levels of the site including site sections, spot heights, contours and the finished floor levels of all buildings with reference to neighbouring properties/and 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 in accordance with the approved phasing required by Condition 6 above.

Reason: In the interests of the visual amenities of the area and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

9. As part of any reserved matters application relating to layout, an updated acoustic assessment shall be submitted which models the impact of noise sources and shall identify any necessary mitigation measures.

Reason: In the interests of protecting the amenities of future occupiers of the dwellings in accordance with Policy DE1 of the South Kesteven Local Plan.

10. Before the development hereby permitted is commenced, a surface water drainage scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- 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;
- provide attenuation details and discharge rates which shall be restricted to and agreed amount of litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- 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.

No dwelling/ no part of the development shall be occupied until the approved scheme has been completed or provided on the 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.

11. 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 site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Phase I Geo-Environmental Desk Study (M-EC) (March 2024) (Revision B); and if required.
- b. 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. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

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 residents and users of the development; and in accordance with Policy EN4 (Pollution Control) of the adopted Local Plan and guidance contained in the NPPF.

12. As part of any reserved matters application(s) relating to appearance, details of the materials (including the 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

13. All works on site shall be carried out in accordance with the recommendations of the Ecological Impact Assessment (Section 4 of the Ecological Impact Assessment ref RSE_5864_R2_V3_ECIA Issued April 2024 RammSanderson)

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

Before the Development is Occupied

14. The development hereby permitted shall not be occupied before a 3-metre-wide footway/ cycleway from the crossing to the northeast of the site along or adjacent to Peterborough Road, to the south-eastern area of the site and continuing to Towngate West has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian and cycle access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

15. The development hereby permitted shall not be occupied before the crossing point to the North of the site, on Peterborough Road, has been upgraded to an island crossing, in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian and cycle access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

16. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with Peterborough Road, which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface 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.

17. Before any dwelling hereby permitted is occupied, the scheme for acoustic mitigation and ventilation, 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.

18. 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 have been submitted by the agreed competent person and identify that the approved remedial works have been implemented. The report shall include, unless otherwise agreed in writing:

- a. A complete record of remediation activities, and data collected, as identified in the remediation scheme to support compliance with the agreed remediation objectives.
- b. Photographs of the remediation works in progress; and
- c. 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 site investigations and remediation will not cause pollution in the interests of the amenities of future residents and users of the development; and in accordance with Policy EN4 of the adopted South Kesteven Local Plan and national guidance contained in the National Planning Policy Framework.

Ongoing

19. The number of dwellings to be constructed on the application site shall not exceed 80 in total.

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

Informatives

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - i. (a) a Biodiversity Gain Plan has been submitted to the planning authority,
and
 - ii. (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Kesteven District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply. The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

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 a 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. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

4. All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are to be put 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 put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance, please refer to <https://www.lincolnshire.gov.uk>
5. The highway 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. For further guidance please visit our website; www.lincolnshire.gov.uk/highwaysplanning/works-existing-highway.
6. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit the Highway Authority's website via the following link:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
7. It is advised that in respect of Condition 14, it is expected that the footway/cycleway would have a reduced width along the frontage of No.7 Corner Farm with a lead-in taper from the site.

Indicative Masterplan

- KEY**
- Site Boundary
 - Public Rights of Way
 - Proposed Developable Area
 - Proposed Promotes
 - Tertiary Route
 - Proposed Primary Road w/Shared Footpath
 - Proposed Secondary Roads
 - Rural Courtyard
 - Proposed Primary Access
 - Pedestrian & Cycle Access
 - Local Area for Play (LAP)
 - Designs Green Walk
 - Footpath Link w/Green Corridor
 - Proposed Swales
 - Proposed SUDs Location
 - BMG-Proposed Planting w/Active Hedges
 - Existing & Reinstated Planting
 - Retained Rural Grassland w/ Biodiversity Characteristics

PLANNING ISSUE, NOT FOR CONSTRUCTION

REF: 2024/0223 PFE APPLICATION REVISED

DATE: 2024/03/26

PREPARED BY: Urban Design Studio

FOR: Rathbone Trust

BIDWELLS
Urban Design Studio
Rural House, Thornhillgate
Rotham, Cotswolds OX20 8LZ

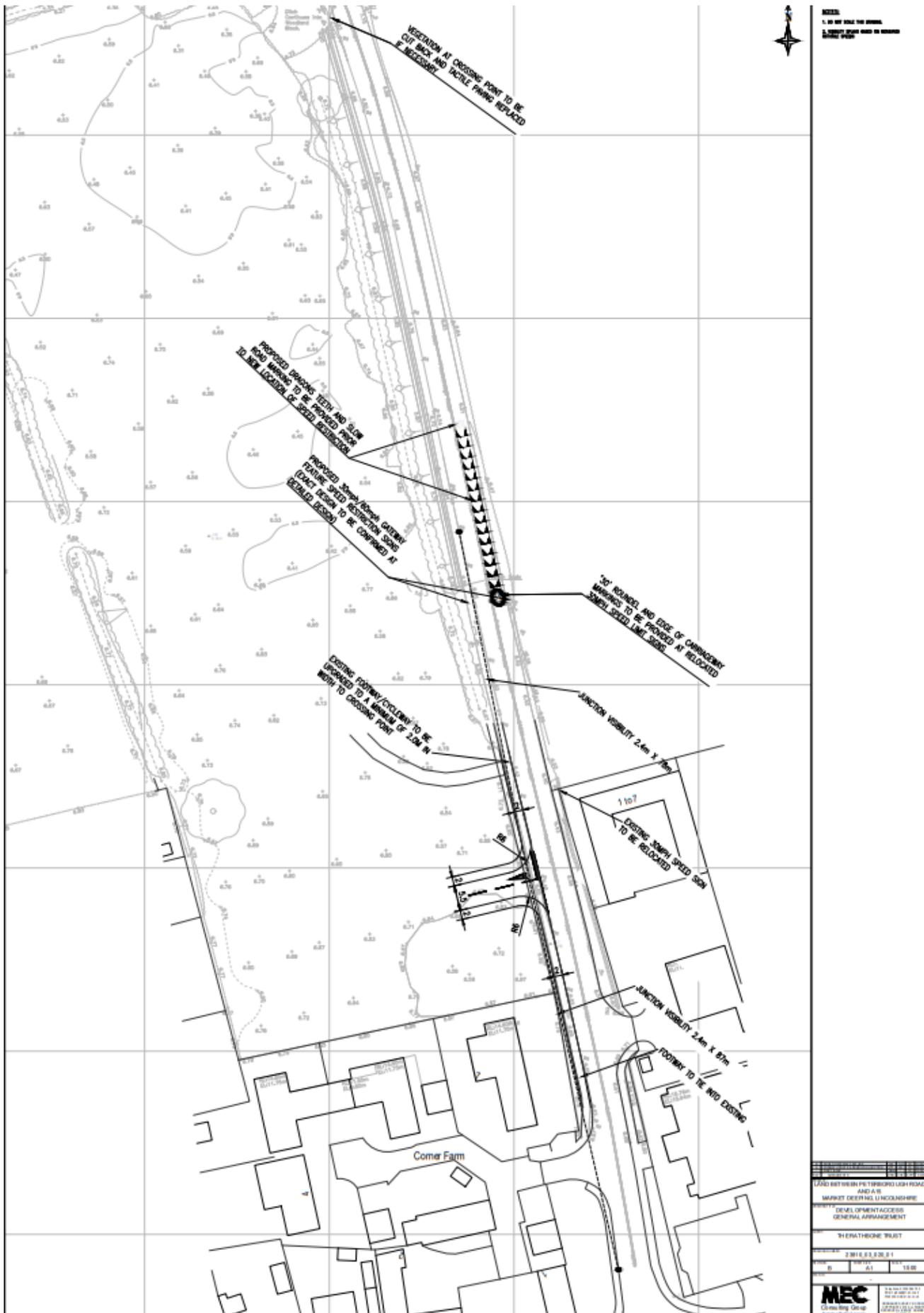
LAND BETWEEN A15 & PETERBOROUGH ROAD, MARKET DEEPPING
MASTER PLAN STRATEGY

APP NO: 24/0156/01
DATE: 23/02/24
PLANNING ID: 03.26
REF: 2024/0223

UDS73162-A3-0201 **B**



Development Access General Arrangement



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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

5th September 2024



S23/2281

Proposal:	Proposed development of 8no new semi-detached residential dwellings.
Location:	28 Stonebridge Road, Grantham, Lincolnshire NG31 9AR
Applicant:	Mr Muhammed Tariq
Agent:	Mr Darren Timms
Application Type:	Full planning permission
Reason for Referral to Committee:	South Kesteven District Council are Owner of the application site
Key Issues:	Impact on Heritage Assets Design Quality and Visual Impact Impact on neighbouring amenities. Ecology and Trees
Technical Documents:	Landscape Statement Tree Survey and Arboricultural Impact Assessment Heritage Impact Assessment Design and Access Statement Landscape Schedule

Report Author

Venezia Ross-Gilmore, Senior Planning Officer



01476 406080 extension 6419



Venezia.ross-gilmore@southkesteven.gov.uk

Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Grantham St Vincent's

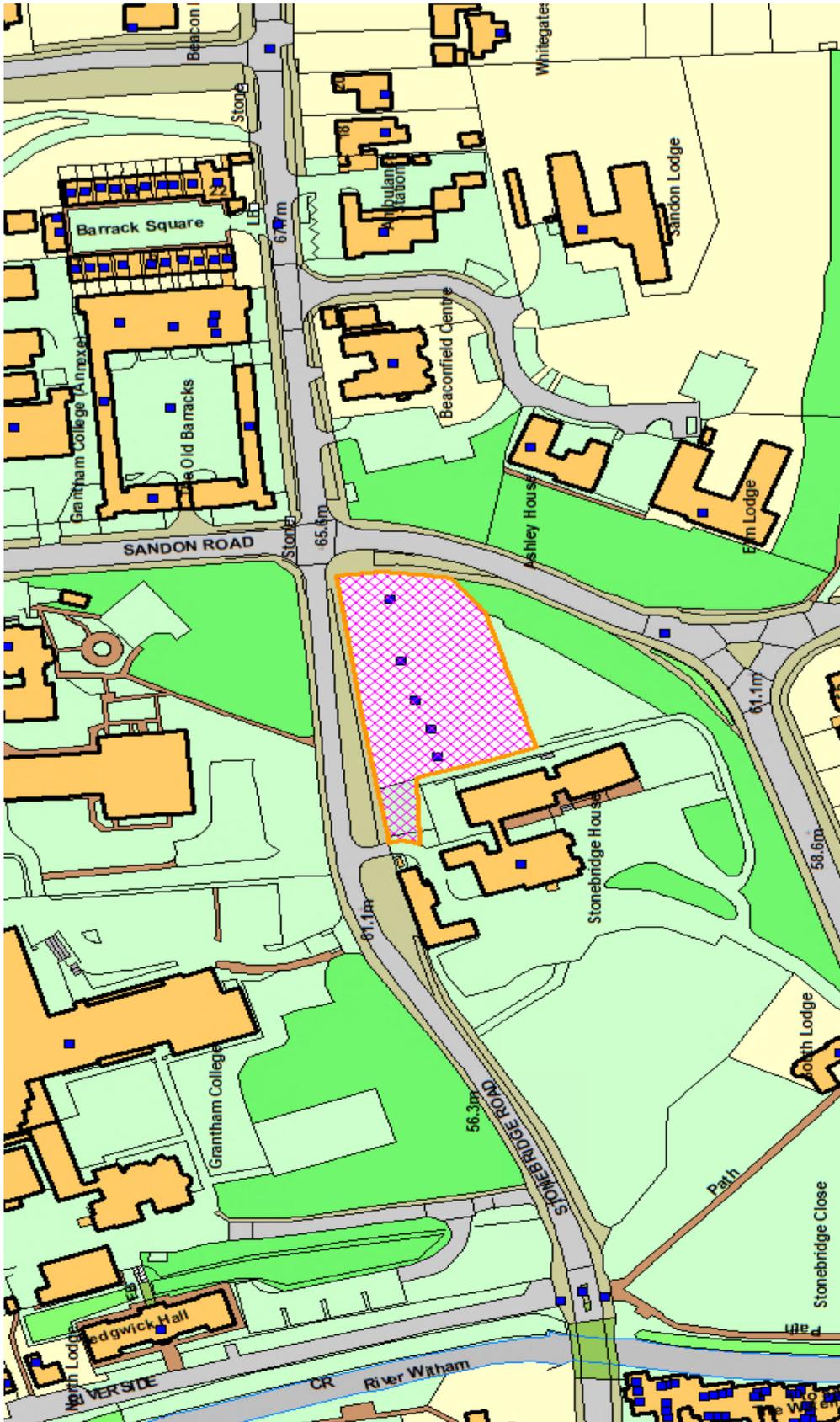
Reviewed by:

Adam Murray – Principal Development Management Planner

27 August 2024

Recommendation (s) to the decision maker (s)

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



Key



Application
Boundary



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1 Description of Site

- 1.1 The application site comprises land to the south of Stonebridge Road, Grantham, formerly occupied by residential dwelling houses nos.28 to 36 Stonebridge Road. To the east the site is bordered by Sandon Road, and the site is within the St Anne's Conservation Area. Stonebridge Road is a main route into Grantham Town Centre.
- 1.2 The site is broadly rectangular in shape and has an existing access shared with the adjacent building, Stonebridge House. Stonebridge House is a listed building and was formerly occupied by the Police Station and divisional headquarters for Grantham. Stonebridge House is now part of Grantham Further Education College. There is a section of historic wall fronting Stonebridge Road.
- 1.3 The site is open to the Stonebridge Road frontage and there is a further section of historic boundary wall partially enclosing the eastern boundary to Sandon Road. The site has been cleared following permission S20/1541, but there are remaining mature trees situated to the south of the site, along the eastern boundary creating a verdant vegetative screen on the eastern boundary. To the south there is no current boundary definition. To the west there is a partial boundary treatment consisting of mature trees and hedging, screening the site from the neighbouring listed building and property. There are several trees in the neighbouring property and some of these are protected by TPOs.
- 1.4 The site lies within the St. Annes Conservation Area and is in close proximity to the neighbouring Listed Building, Stonebridge House. Stonebridge House is a Grade 2 Listed Building. To the north of the site there is another listed building, the Kesteven and Grantham Girl's School, which is a Grade 2 Listed Building. To the northeast of the site there is a further listed building, the Former Barracks, which is a Grade 2 Listed Building. In addition to the listed buildings the conservation area contains a number of unlisted buildings that make a positive contribution to the character or appearance of the area and are considered buildings of local appearance. South Lodge, Stonebridge House is a building of local importance. The Grantham St. Anne's Conservation Area Appraisal notes the importance of the listed and unlisted buildings, as well as the importance of trees and hedgerows for defining boundaries, and the grass verges as a prominent feature. The key views and vistas are St Wulframs Church situated to the west of the river, and the escarpment to the east.

2 Description of proposal

- 2.1 The application seeks full planning permission for the erection of 8 residential dwelling houses with associated access and parking provision. The dwellings are arranged in four pairs of semi-detached dwelling houses fronting Stonebridge Road. The proposed dwellings are indicated as being 3-storeys with single storey extensions to the rear of the dwelling houses.
- 2.2 There would be a private access road parallel to the public highway, Stonebridge Road. Access to the site would be taken through the existing access that is shared with the adjacent property Stonebridge House, accessing onto Stonebridge Road. Vehicle parking would be alongside each plot. Each of the dwelling houses would have a private garden amenity space provided to the rear of the dwelling.
- 2.3 The applicant has engaged positively with the Council during the life of the application and considered the Design PAD workshop comments made at preapplication stage and further

comments made during the planning application. The development scheme was redesigned and an amended scheme was submitted to the Council in June. The amended scheme includes:

- An amended Site Location Plan and Block Plan with reference to the highway land transfer on the Stonebridge Road frontage.
- Redesigned semidetached dwelling house on the corner of Stonebridge Road and Sandon Road to account for the prominent position in the streetscene.
- The continuation of a wall on the Stonebridge Road and Sandon Road frontages, and boundary details for the rear gardens e.g. timber fencing.
- Space on the site frontage for landscaping.
- The contemporary designs were amended to more traditional designs and include traditional materials.

3 Planning History

3.1 Relevant planning history:

S20/1541

Site clearance of 5 dwellings and greenery of the frontage on to Stonebridge Road, and creation of a new temporary vehicular access. Included the removal of trees along the frontage and access to the site. Planning Permission granted 18th December 2020.

4 Relevant Planning Policies & Documents

4.1 **SKDC 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 H4 – Meeting All Housing Needs

Policy EN1 – Landscape Character

Policy EN2 – Protecting Biodiversity and Geodiversity

Policy EN3 – Green Infrastructure

Policy EN6 – The Historic Environment

Policy DE1 – Promoting Good Quality Design

Policy SB1 – Sustainable Building

Policy ID2 – Transport and Strategic Transport Infrastructure

Design Guidelines for Rutland and South Kesteven

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

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed and beautiful places

Section 16 – Conserving and enhancing the historic environment

5 Representations Received

Lincolnshire County Council Highways

5.1 Requested additional information on the 18th December 2023:

'Amendment of red line to reflect the more recent land transfer which amends the highway boundary and affects the proposed block plan. Please ensure the provision for adequate off-street parking, is proposed within the limits of the site, considering the above'.

Comments on the Amended Scheme

5.2 Requested additional information on the 3rd July 2024, related to the land transfer and boundary details. An amended Site Location Plan and Block Plan was provided. The Block Plan confirms the proposed boundary details; retained wall to northern and eastern boundary, timber close boarded fence on the southern boundary and to rear gardens.

5.3 Final comments have not been received to date and will be reported to Members through the late items paper.

SKDC Environmental Health

5.4 No objections, subject to conditions. Proposed conditions include; contaminated land, construction management plan, delivery noise, demolition, asbestos.

Comments on the Amended Scheme

5.5 Environmental Protection has reviewed the documents in respect of the above application and has no further comment.

SKDC Tree Officer

5.6 Requested an Arboricultural Impact Assessment to BS5837 (2012) on the 2nd January 2024:

'The tree survey relates to the existing site conditions. It does not consider the proposal in relation to the existing trees and vice versa. I have concerns in respect to the future relationship between the unit/s planned nearest to the junction with Sandon Road and the existing trees. The trees at the rear have the potential to be overbearing to the new house/s and its occupiers. It may be necessary to amend the layout slightly, although it is difficult to comment in any further detail as the current plans do not show the trees in the context of the proposed layout. An Arboricultural Impact Assessment report should be carried out to the BS5837 (2012) Trees in Relation to Design, Demolition and Construction-Recommendations. It should consider whether the proposal is feasible from an arboricultural perspective and highlight what if any mitigating measures may be required i.e. no-dig surfacing, pruning, tree protection fencing. A tree protection methodology and plan should be submitted and approved by the LA. The protection plan should show necessary tree protection measures in the relation to the development and the retained trees.

The trees at the rear of the site are, I believe, subject to a TPO.

The existing landscape details are limited. I would suggest that a detailed sustainable landscape plan is submitted. It should consider the guidelines in the local plan and NPPF

which say the developments should enhance and protect the existing environment and make room for new and existing trees. The Council's local plan says new development "will seek to provide net gain to the environment". The Design Guide for Rutland and South Kesteven recommends that developments should have a strong and attractive landscape character'.

5.7 An Arboricultural Impact Assessment and Method Statement was provided in March 2024.

5.8 The Tree Officer commented in March 2024 that he was still concerned the relationship between the layout and the TPO trees to the south is unsustainable.

'The group of retained TPO trees will dominate the gardens and cast shade onto the houses for the majority of the day. In addition, large trees in proximity to houses and gardens can cause future occupiers to feel uneasy particularly on windy days. It is my experience that this would lead to future pressure to prune and remove more trees.

I note the loss of the eight trees to facilitate the development. I cannot find any detailed reference to replacement trees or their siting within the development layout. The Council's local plan says new development "will seek to provide net gain to the environment". The Design Guide for Rutland and South Kesteven recommends that developments should have a strong and attractive landscape character'.

Comments on the Amended Scheme

5.9 The Tree Officer commented again on the amended scheme in July 2024, commenting that he still has

'concerns regarding the proximity of the proposed dwellings to the existing TPO trees. I do not believe that their relationship is sustainable in the long term. It is my experience that positioning dwellings so close to existing trees will lead to pressure to prune and remove.

There is a lack of detail in respect to future landscaping. The NPPF says the development should enhance and protect the existing environment and make room for new and existing trees. That does not appear to be the case here'.

SKDC Conservation Officer

5.10 In January 2024 the Conservation Officer commented that in principle the proposal is not of concern on heritage grounds, and welcomed the inclusion of the brick boundary wall as a positive contribution to the conservation area, but improvements to the design are required to be in line with Policies DE1 and EN6.

5.11 *'The application is regarding the former site of police houses along Stonebridge Road. The site is set within the St Annes Conservation Area, and in close proximity of the grade II listed Former Barracks (NHLE 1062467) at the junction with Sandon Road, and the grade II listed Stonebridge House (NHLE 1392865), to the immediate west of the site. The Conservation Area is located within the built-up area of Grantham of Victorian and Edwardian date, in the vicinity of the bridges on Belton Lane, Avenue Road/Stonebridge Road and St Catherine's Road. The southern half of the conservation area is dominated by private residences, with the northern half mostly in educational uses. Pre-application advice was previously provided for this development.*

Previous recommendations were provided for appropriate boundary treatment. A common front boundary type found in the surrounding streets is a red brick wall. As mentioned in the

pre-application advice, the current characterful high boundary wall to the frontage of Stonebridge Road at the western end of the site should be retained, and a front boundary wall should be included to demarcate public and private space and also to enhance the character of the street. The applicant has incorporated this advice, and the current plans does include the retention of the existing wall, and proposes to rebuilt the derelict wall fronting the length of Stonebridge Road, incorporating a pedestrian access as recommended, with matching material and at matching height to the remaining wall. This will reinstate the previous streetscape and be in keeping with the surrounding area. This would also have the potential to result in a positive impact upon the conservation area.

The site is situated on a prominent corner of the streetscape within the conservation area. Any new development should have regard to the historic context in terms of scale, height, form, alignment, style, design, materials and also maintain gaps between buildings that afford views of landmark buildings within and without the area. The northeast corner of the site is clearly visible, and any design needs to be mindful of this. Currently the proposal is not reflecting this significant position of this corner, but has the potential to create a feature building that positively contributes to the conservation area, and not impact the setting of the grade II listed Barracks. The proposed design needs to better address this corner and a single detached dwelling would be a better approach here.

The application did not take into consideration the recommendations to reference the local character and materials, the use of red brick instead of the grey buff facing brickwork is still recommended to acknowledge the wider streetscape and be in keeping with the conservation area’.

Comments on the Amended Scheme

5.12 The Conservation Officer commented on the amended scheme in July 2024.

5.13 *‘Following previous advice in January 2024, the applicant provided a full re-design of the proposed 8 dwellings at this site. An additional desk study identifying the characteristics of the wider streetscape was provided. The study identified a number of houses which were used as design examples.*

Four different frontage styles of semi-detached dwellings are proposed, taking account of the various historic design characteristics, while integrating modern features and amenities. The proposed designs are a significant change from the previous design. All proposed dwellings are 2.5 storey high, with single storey rear sections. They are to be made of bed multi-stock brick in a reclaimed/heritage style, composite limestone lintels and cills, grey slate tiles, anthracite UPVC soffits, fascias, and slim profile UPVC sash windows. The existing northern perimeter brick wall is to be retained and extended to enclose the east to the junction with the highway. Fences of 1.8m height are proposed to be installed between each plot.

The proposed materials would fit very well within the wider streetscape. The applicant took previous advice into consideration to retain the boundary wall, and restoring it across the entire width of the site, as well as incorporating more local materials and designs, which is much appreciated. In principle, based on the material and design provided, the proposed works would be considered in line with the SKDC Policy EN6. There is still the potential to improve the north-east elevation of the easternmost dwelling to present more of a feature wall, as this will be facing the main junction and be visible from distance. The elevation is

currently still fairly simple in appearance. The north-west elevation already presents some good detailing and features, some of which could be adapted for the north-east elevation. Details will need to be provided regarding the design of the boundary wall and landscaping, as well as examples of the material proposed prior to the start of construction for approval’.

SKDC Design Officer

- 5.14 The Design Officer commented on the proposals in January 2024.
- 5.15 The Design Officer commented that the proposed scheme is not well designed and does not respond to local character and context or any site and contextual analysis work.

The plans submitted are not adequate in order to communicate the proposed design. Text within the Design and Access Statement has copied and pasted text provided within pre-application comments, also with an absence of accompanying plans.

The landscape proposals and plans are inadequate and do not respond to local landscape character and the predominant and character forming species found in the area.

The proposed scheme has not sufficiently acknowledged, responded to, or addressed the prominent corner plot that it occupies and the important views towards the site.

Whilst a contemporary architectural approach is acceptable – the proposed scheme still needs to be justified and evidenced and should respond to the site context, as described above and below. Any proposal, whether traditional or contemporary, needs to possess a high quality of design – and evidence of this is not present (high quality design is made up of many components, such as for example: response to context, layout, landscaping, height, massing, facades and fenestration, orientation, boundary treatments, quality of materials and architectural detailing).

As stated in paragraph 139 of the NPPF (2023), development that is not well designed should be refused. As set out above and below, the proposed scheme also does not reflect local design policy (SKDC Design SPD, 2021) or government guidance on design.

“139. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design...”

Comments on the Amended Scheme

- 5.16 A final response has not been received. These will be reported through the late items paper.

Cadent Gas

- 5.17 No objections. There are no National Gas assets affected in this area.

6 Representations as a Result of Publicity

This application has been advertised in accordance with the Council’s Statement of Community Involvement and no letters of representation were received.

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 in January 2020, which forms the Development Plan for the District, and is the basis of decision-making in South Kesteven alongside the Lincolnshire Minerals and Waste Local Plan (where relevant).

7.2 In addition, 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 application.

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.

Principle of development

7.4 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.

7.5 Policy SP2 (Settlement Hierarchy) identifies that the majority of development will be focuses in Grantham in order to support and strengthen its role as a sub-regional centre. New development proposals will be supported on appropriate and deliverable brownfield sites and on sustainable greenfield sites (including urban extensions), where development will not compromise the town's nature and character.

7.6 Local Plan Policy SP3 confirms that infill development in settlements defined in Policy SP2 will be supported provided that

- a. it is within a substantially built-up frontage or re-development opportunity (previously developed land)
- b. it is within the main built-up part of the settlement
- c. it does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties
- d. it does not extend the pattern of development beyond the existing built form, and it is in keeping with the character of the area, and is sensitive to the setting of adjacent properties.

7.7 The development proposal constitutes infill development as it meets the criteria a to d in Policy SP3. The site is within a substantially built-up frontage on Stonebridge Road (a) and offers a redevelopment opportunity (b). With criteria (c) it would not cause an unacceptable impact on the occupiers' amenity of adjacent properties, as the site was previously occupied by residential dwelling houses and its nearest neighbour is now part of the further education college. With regards to criteria (d) the development of the site would not extend the pattern of development beyond the existing built form and would replace the now vacant residential use on the site.

- 7.8 The site is a brownfield site within the town of Grantham, and the redevelopment of the site back into residential use would be in accordance with policies SP1, SP2 and SP3. It is considered that the site would be a positive redevelopment opportunity.

Meeting all Housing Needs

- 7.9 Policy H4 (Meeting All Housing Needs) is concerned with major residential development proposals providing appropriate type and sized dwellings to meet the needs of current and future households in the District. This clarifies that new housing proposals shall also:
- b. Enable the provision of high-quality family housing that meets changing household needs and responds to market demand.
- 7.10 In this case it is proposed to provide 8 residential dwelling houses with associated access and parking provision, located in a mixed-use area but on a site that was previously residential use. The site is in a sustainable location within walking distance of the centre of Grantham and the town's amenities including a railway station.
- 7.11 The development would contribute 8no. 4-bedroom residential dwellings of this type in this location, and lead to short term boost to the local economy related to its renovation. The proposal is therefore considered to be in accordance with H4 of the adopted Local Plan.

Impact on Heritage Assets

- 7.12 Policy EN6 (The Historic Environment) is the primary development plan policy through which the Council exercises its statutory responsibilities. This policy states that the Council will seek to protect and enhance heritage assets and their settings in keeping with the policies in the National Planning Policy Framework, and proposals will be expected to take Conservation Area Appraisals into account, where these have been adopted by the Council. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted permission where the public benefits of the proposal outweigh the potential harm.
- 7.13 In connection with the above, 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 possesses. Similarly, Section 72 of the Act 1990 requires Local Planning Authorities to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 7.14 The site is located within the St. Annes Conservation Area and located within proximity to a number of Listed Buildings including the neighbouring property Stonebridge House. As such the potential impact of the development proposals on the setting and significance of the Conservation Area and listed buildings will be a key material consideration as to whether the development would appropriately preserve the nature and character of the area.
- 7.15 The Conservation Officer has confirmed that there are two listed buildings within the immediate vicinity of the site, the impressive C19 Grade II Listed Stonebridge House and grounds border the site to the west, and the distinctive C19 gothic styled castellated Grade II Listed Former Barracks are sited across the road to the northeast. Development on this site will have a notable impact on the principal settings to these heritage assets.

- 7.16 During the pre-application enquiry the Conservation Officer recommended appropriate boundary treatments, noting a common front boundary type in the Conservation Area and surrounding streets is a red brick wall. The Conservation Officer noted that the current characterful high boundary wall to the frontage of Stonebridge Road at the western end of the site should be retained, and a front boundary wall should be included to demarcate public and private space and also to enhance the character of the street. The applicant has incorporated this advice, and the submitted plans include the retention of the existing wall and proposes to rebuild the derelict sections of the wall fronting the length of Stonebridge Road, incorporating a pedestrian access as recommended, with matching material and at matching height to the remaining wall. This will reinstate the previous streetscape and be in keeping with the surrounding area. This would also have the potential to result in a positive impact upon the conservation area and the setting of the nearby Listed Buildings.
- 7.17 The site is situated on a prominent corner of the streetscape within the conservation area, and any new development would need to have regard to the historic context in terms of scale, height, form, alignment, style, design, materials and also maintain gaps between buildings that afford views of landmark buildings within and without the area. The northeast corner of the site is clearly visible, and the proposal reflects this significant position of this corner with an active side aspect that positively contributes to the Conservation Area.
- 7.18 The amended scheme takes into consideration the recommendations provided in the preapplication response regarding reference to local character and materials, for example the use of red brick. This acknowledges the wider streetscape and creates a development that would be in keeping with the Conservation Area.
- 7.19 The proposals in their current form are considered to be appropriate to local character, and would not result in any harm to the Conservation Area and listed buildings and in accordance with Policy DE1 and EN6 of the Local Plan, and section 12 and 16 of the NPPF.

Design Quality and Visual Impact

- 7.20 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan 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 street scene, 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. Part 12 of the NPPF (Achieving well-designed places) states that 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.
- 7.21 In connection with the above, the Rutland and South Kesteven Design Guidelines SPD (Adopted November 2021) identifies that the detailed design of a proposal should be influenced by its context and should consider the relationship between the site and other buildings, routes and spaces, views and vistas, facilities, architectural details and the landscape. The appearance and architectural landscape of surrounding buildings should be drawn upon and influence the detailed design.
- 7.22 The existing site has verdant character, on a prominent corner of the Conservation Area and makes a positive contribution to the immediate and surrounding context.

- 7.23 The site is surrounded by a mixture of uses, and was previously a residential site in relation to an adjoining use, a police station. To the north of the site there is educational uses related to Grantham College and a school, to the northeast and east there are various health related uses and offices, to the south residential uses, and west further educational uses for Grantham College. Some of the buildings are functional but in the main they are attractive heritage assets. The vacant site provides little benefit to the neighbouring uses currently, however it is a verdant site with trees to the southeastern boundary and prominent in the streetscene.
- 7.24 The Design Officer was consulted on the preapplication and the development scheme and commented that the scheme was not well designed as defined by the NPPF (2023), the National Design Guide, the Design Guidelines for Rutland and South Kesteven (2021) and Policy DE1 of the Local Plan (2020). The Design Officer continued that the design process has not been followed sufficiently or comprehensively and the proposal does not respond to the local character and context or any site and contextual analysis work.
- 7.25 A key design principle for the site is to respond to the corner location, and the key views and approaches. The street characters are predominantly green, and this is a key part of the areas character. Following the Design Officer's comments the development scheme underwent a significant redesign, and the design process was revisited. The amended scheme was accompanied by a Desk Top Study and Justification Statement detailing the design considerations in light of the site context in the redesign.
- 7.26 The proposed development comprises four house designs, with all the designs comprising a semi-detached house type. The designs are all traditional in design with red bricks, composite limestone heads and cills, sash anthracite windows, anthracite UPVC soffats and fascias, conservation roof windows, and grey slate tile roofs. There is a small amount of amenity space to the front and side of each of the dwellings, including space for off-road parking. There is little detail about landscaping for the development, other than Landscape Schedule and Landscape Statement that details potential plants to utilise in the planting scheme, but no detail regarding the location of planting or the proposed scheme. As such, conditions are proposed to require the submission of detailed landscaping plans for the site.
- 7.27 The proposals are for a traditional form of architecture, with contemporary design features including internal open plan living and car ports. Each of the semidetached pairs are unique to the neighbouring pair, which leads to an attractive and varied streetscene. The new development scheme responds to the local area clearly and addresses the prominent corner plot that the site occupies with an active frontage to Stonebridge Road and Sandon Road. The corner house also has a double gable with bay windows to the ground floor. The proposed boundary treatments include close board timber fencing to the rear gardens, and the continuation of the wall to the Stonebridge Road and Sandon Road boundaries, supplemented with planting.
- 7.28 It is considered that the new scheme is high quality design with consideration given to the proposed dwelling's orientation, boundary treatments, materials, architectural detailing and fenestration. However, the detailed landscape proposals and plans remain inadequate therefore the conditions are proposed to overcome these concerns. Subject to the imposition of these conditions, the application would be in accordance with Policy DE1 of the adopted Local Plan and Section 12 of the National Planning Policy Framework.

Impact on neighbours' residential amenities

- 7.29 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(f) 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.
- 7.30 The site is located in a mixed education, health and residential area, and the proposed dwellings would be situated with an acceptable separation from neighbouring properties. The site's primary neighbour is the college site to the west. There will be no adverse impact on the amenity of neighbouring properties or the college site in terms of loss of privacy, loss of light or overlooking. The dwellings would face Stonebridge Road, with amenity space to the north and south in the form of private gardens. There would be sufficient but compact amenity space, and space for off-road parking. Notably there have been no objections from neighbours regarding the development proposal.
- 7.31 Environmental Protection has been consulted as the site is in a residential area, and has commented regarding the inclusion of several planning conditions to ensure that residential amenity is protected. The planning conditions include reference to contaminated land remediation should contamination be discovered, a construction management plan, and noise related to the proposed construction.
- 7.32 Taking into account the nature of the proposal, scale and design, it is considered that there would be no significant or unacceptable impact on the residential amenities, and it is therefore considered that the proposal is in accordance with Policy DE1 of the Local Plan and section 12 of the NPPF.

Ecology and Trees

- 7.33 Policy EN2 Protecting Biodiversity and Geodiversity states that the council will facilitate the conservation, enhancement and promotion of the District's biodiversity and geological interest of the natural environment. This included seeking to enhance ecological networks and seeking to deliver a net gain on all proposals, where possible.
- 7.34 Similarly, Policy EN3 (Green Infrastructure) requires development proposals to ensure that existing and new green infrastructure is considered and integrated into the scheme's design, taking opportunities to enrich biodiversity habitats, enable greater connectivity and provide sustainable access for all.
- 7.35 The site currently comprises of grass, shrubs and mature trees, and it is proposed to retain existing landscaping and the mature trees. The proposed dwelling houses will have private amenity spaces and it is proposed to landscape an area of open space adjacent to Stonebridge Road. The application has not been supported by any Ecology Survey as the site was previously occupied by residential development, or Biodiversity Net Gain (BNG) information as the application predates the 12th February 2024 for the BNG mandatory requirement.

- 7.36 The site has a line of mature trees to the southeastern boundary, with several trees protected by Tree Preservation Orders, and the application has been supported by tree survey. The Arboricultural Impact Assessment report and survey, and the proposal has been considered against feasibility from an arboricultural perspective and any mitigation that would be required. There is also tree protection methodology and a plan submitted, to show necessary tree protection measures in relation to the development and retained trees.
- 7.37 The Tree Officer has been consulted and has commented that the tree survey does not consider the development proposal in relation to existing trees. The Tree Consultant has expressed concerns regarding the proximity of the nearest dwelling to the Stonebridge Road / Sandon Road junction and the potential impact on the trees along this border. The trees could be overbearing to the new house, and the tree officer has suggested that it may be necessary to amend the layout, but he cannot be certain as the plans do not show the trees in context of the proposed layout. The planning officer considers that the site was previously a residential development site, and the Tree Officer's concerns could be mitigated through the imposition of a planning condition for a Landscape and Tree Management Plan. The Plan would set out how the development would maintain and retain the landscape and existing ecology of the site. It would identify the existing protected trees and provide details for the species and condition of the tree, as well as proposed management techniques that would be appropriate. It would also secure any replacement tree planting should a tree failure take place.
- 7.38 It is considered that the application has considered the development proposal and its relationship with the protected trees, and the trees are in proximity to the proposed dwellings, however this is a similar scenario to the previous residential development on the site. The trees are protected by tree preservation orders and important to the character of the Conservation Area, and although overbearing, they would provide a verdant vegetative screen to the development site. The proposals in their current form are considered to be appropriate, and the development would be in accordance with Policy EN2, EN3 and EN6 of the Local Plan, and section 12, 15 and 16 of the NPPF.

Climate Change

- 7.39 Policy SD1 (The Principles of Sustainable Development in South Kesteven) sets out the overarching obligation for development proposals to minimise its impact on climate change and contribute towards a strong, stable and more diverse economy. The policy requires consideration of a number of matters including minimising the use of resources and the production of waste; meeting high environmental standards in terms of design and construction; encouraging the use of sustainable construction materials and proactively enhancing the District's character and natural environment.
- 7.40 Similarly, Policy SB1 (Sustainable Buildings) states that all development proposals will be expected to mitigate against and adapt to climate change. This includes a requirement for development proposals to demonstrate how carbon dioxide emissions have been minimised; achieve a "water neutral position", including the provision of an appropriate water efficiency promotion and consultation education programme as part of all major residential developments; and supporting low carbon travel, including the provision of electric car charging points.
- 7.41 All development proposals should therefore include information on energy consumption in particular demonstrating how carbon dioxide emissions have been minimised in accordance

with the energy hierarchy, and on water resources, to promote enhanced sustainability. However, no information has been provided in regards to sustainable building, other than the provision of EV charging points.

- 7.42 To summarise, insufficient information has been provided to assess the development proposal and its potential impact on climate change, therefore the proposal would be in conflict with Policy SB1 of the Local Plan, and section 12 of the NPPF. Notwithstanding this, the identified conflict could be satisfactorily resolved through the imposition of planning conditions, if the application were deemed to be acceptable in all other respects.

Highway issues

- 7.43 SKDC Local Plan Policy ID2 deals with transport issues, requiring that new developments should not severely impact on the safety and movement of traffic on the highway network. 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.
- 7.44 The preapplication response advised that there would need to be appropriate vehicle and cycle parking provision, including arrangements for electric vehicle charging points on the site, and the applicant would need to provide clarity on arrangements for the storage and collection of refuse. Each of the dwelling houses would have an EV charging point located at the side of the house under the car port. However, further details have not been provided regarding cycle parking provision.
- 7.45 Lincolnshire County Council (as Local Highways Authority) have been consulted on the application. Whilst they expressed a requirement for further information, this relates to matters of landownership for the site frontage onto Stonebridge Road; and it is noted that they have not expressed any concerns or requested any additional information in relation to matters of highways safety or capacity. Matters of landownership are a private civil matter and therefore, are not material to the determination of the planning application.
- 7.46 The proposal would utilise the existing access onto Stonebridge Road, and provide adequate access and parking provision for vehicles. The development would not have an unacceptable adverse impact on highway safety, in accordance with Local Plan Policy ID2 and Section 9 of the NPPF.

Drainage and Flood Risk

- 7.47 Policy EN5: Water Environment and Flood Risk Management states that all development must avoid increasing flood risk. Surface Water should be managed effectively on site through the use of Sustainable Drainage Systems (SuDS) unless it is demonstrated to be technically unfeasible.
- 7.48 Section 14, para 159 of the NPPF states that inappropriate development in areas of flooding should be avoided by directing development away from areas of highest risk
- 7.49 Section 15, para 183 of the NPPF states that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).

- 7.50 The application site is located within Flood Zone 1, with a low risk of surface water flooding. The proposed development would increase hard surfaces that generate surface water run-off and therefore an effective surface water drainage strategy would be necessary.
- 7.50.1 The application form states surface water will be disposed of via a soakaway, and it is proposed to connect to the existing drainage system, similar to when the site was previously a residential use. The submitted Topographical Block Plan, drawing ref. 0832 Rev 1 contains some details regarding the Surface Water drainage proposals, however the provided information is considered insufficient. Therefore, planning conditions are proposed to require the submission of further details for surface water drainage scheme.
- 7.50.2 In this regard, the proposal would therefore be in accordance with Local Plan Policy EN5.

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

- 10.1 In summary the details of the layout, and appearance would result in a high-quality development scheme on a residential infill site in the town of Grantham. The site is in a sustainable location and is walking/cycling distance from the centre of Grantham for services and amenities. The house types are contemporary, but the design is traditional in form, and would provide 8no. 4-bedroom dwellings in this sustainable location. The development proposals would not cause any harm to the Conservation Area or the neighbouring Listed Buildings, and there would be no significant impact on the residential amenity of the existing residential uses in proximity to the site. There would be short-term economic benefits to the local economy during the construction phase of the development, which is also attributed weight in the planning balance alongside the sustainable location.
- 10.2 Taking the above into account, it is considered that the proposed use is appropriate for its context and is in accordance with the NPPF (Sections 9, 12, 15 and 16) and Policies SD1, SP1, SP2, SP3, H4, EN6, DE1, and ID2 of the South Kesteven Local Plan. There are no material considerations that indicate otherwise although conditions have been attached.

11 Recommendation

To authorise the Assistant Director-Planning to GRANT planning permission, subject to the following conditions:

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:

- i. Site Location Plan (received 09/07/24)
- ii. Proposed Block Plan (received 09/07/24)
- iii. Proposed New Dwellings - House Type A, drawing ref. 0832 (received 20/06/24)
- iv. Proposed New Dwellings – House Type B, drawing ref. 0832 (received 20/06/24)
- v. Proposed New Dwellings – House Type C, drawing ref. 0832 (received 20/06/24)
- vi. Proposed New Dwellings – House Type D, drawing ref. 0832 (received 20/06/24)
- vii. Topographical Block Plan, drawing ref. 0832 Rev 1 (received 20/06/24)
- viii. Proposed Street Scene, drawing ref. 0832 Rev 3 (received 20/06/24)

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

- 3) No development shall be carried out (other than site preparation works) until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the measures to be installed together with a timetable for implementation. The works shall thereafter be carried out fully in accordance with the approved strategy.

Reason: To prevent flooding and to comply with Policy EN5 of the South Kesteven Local Plan.

- 4) No development, 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
- i. 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.

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 in accordance with Policies EN4 and DE1 of the adopted South Kesteven Local Plan.

During Building Works

- 5) Before any of the works on the external elevations for the building(s) hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces 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.

- 6) Before any construction work above ground is commenced, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i. planting plans;

- ii. written specifications (including cultivation and other operations associated with plant and grass establishment);

- iii. 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 and its assimilation with its surroundings and in accordance with Policies DE1, EN3 and OS1 of the adopted South Kesteven Local Plan.

- 7) Before any construction work above ground is commenced, the details of hard landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i. proposed finished levels and contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- viii. retained historic landscape features and proposals for restoration, where relevant.

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

- 8) Should the developer during excavation and construction works of the said development site find any area of the site 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 by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of 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.

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 the future residents and users of the development; and in accordance with Policies EN2 and EN4 of the adopted South Kesteven Local Plan and national guidance contained in the NPPF paragraphs 178 and 179.

- 9) To minimise noise impacts on the existing residential dwellings, 'construction work' shall only be carried out between the hours of 7:30 am to 6:00 pm Monday to Friday and 9:00 am to 1:00 pm on a Saturday. Construction work shall not be carried out on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

To minimise the impact of potential noise on the surrounding area, deliveries of construction materials shall only take place between 8:00 am and 5:00 pm, Monday to Friday and between 9:00 am and 5:00 pm on a Saturday. No deliveries shall take place on a Sunday or Public Holiday.

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

Before the Development is Occupied

- 10) Prior to first occupation of the development hereby permitted, details demonstrating how the proposed dwellings would comply with the requirements of Local Plan Policy SB1 must have been submitted to and approved in writing by the local planning authority. The scheme shall include details of how carbon dioxide emissions would be minimised through the design and construction of the buildings; details of water efficiency and the provision of electric car charging points. The approved sustainable building measures shall be completed in full, in accordance with the agreed scheme, prior to the first occupation of the dwellings hereby permitted.

Reason: This condition is necessary in order to ensure that the proposal complies with the Council policy on sustainable building.

- 11) 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.

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

i. long term design objectives,

ii. management responsibilities and

iii. maintenance schedules for all landscape areas, other than privately owned, domestic gardens.

Reason: Hard and 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.

- 13) Before any part of the development hereby permitted is occupied/brought into use, the external elevations of the dwelling houses shall have been completed using only the materials stated on the approved plans unless otherwise agreed 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.

Ongoing Conditions

- 14) 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.

- 15) 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.

- 16) Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no building, enclosure, swimming or other pool or container used for domestic heating purposes shall be constructed within the curtilage of the dwelling house without Planning Permission first having been granted by the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area, and for this reason would wish to control any future development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

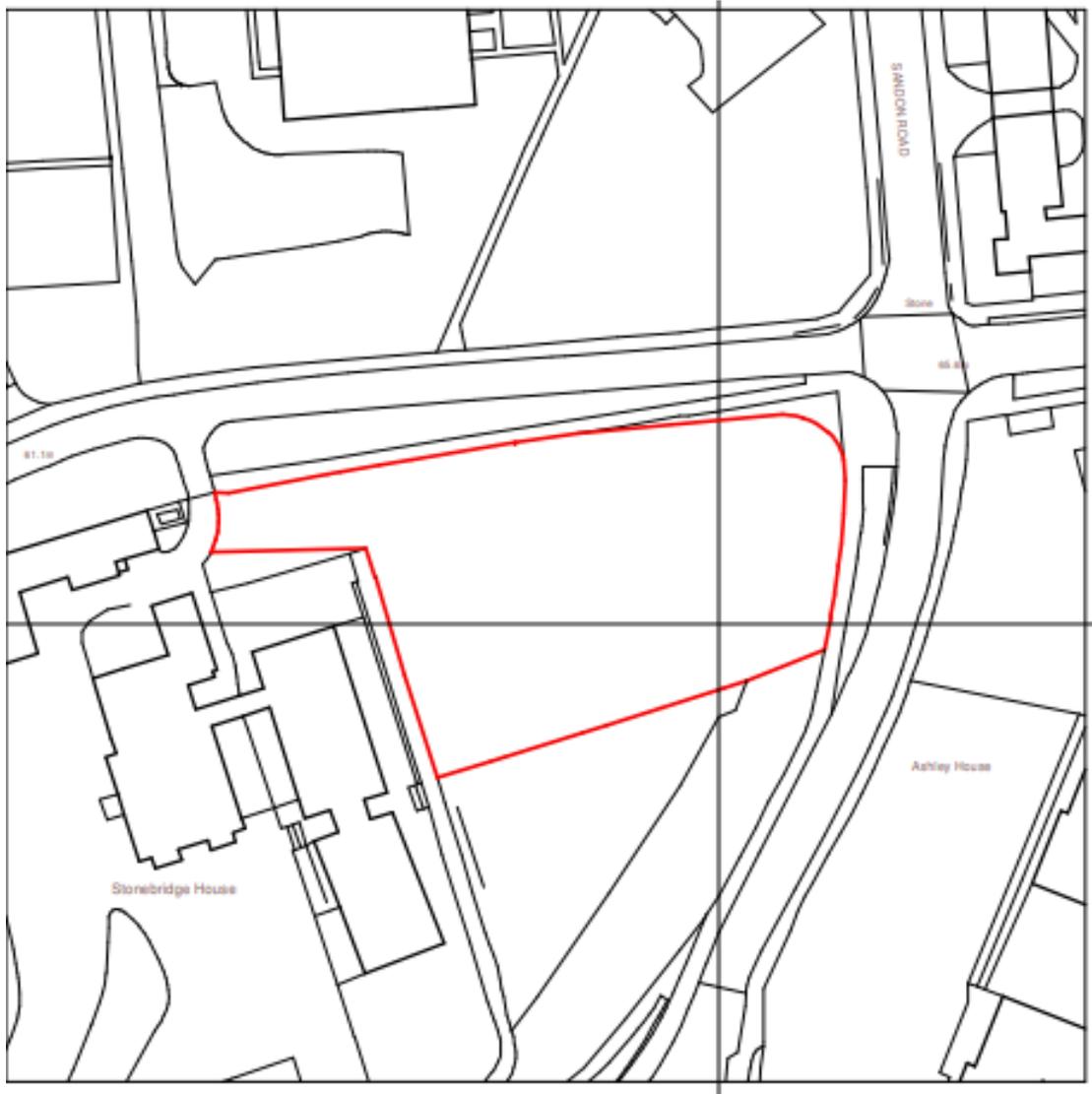
- 17) Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the property other than those expressly authorised by this permission shall be carried out without Planning Permission first having been granted by the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area, and for this reason would wish to control any future development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

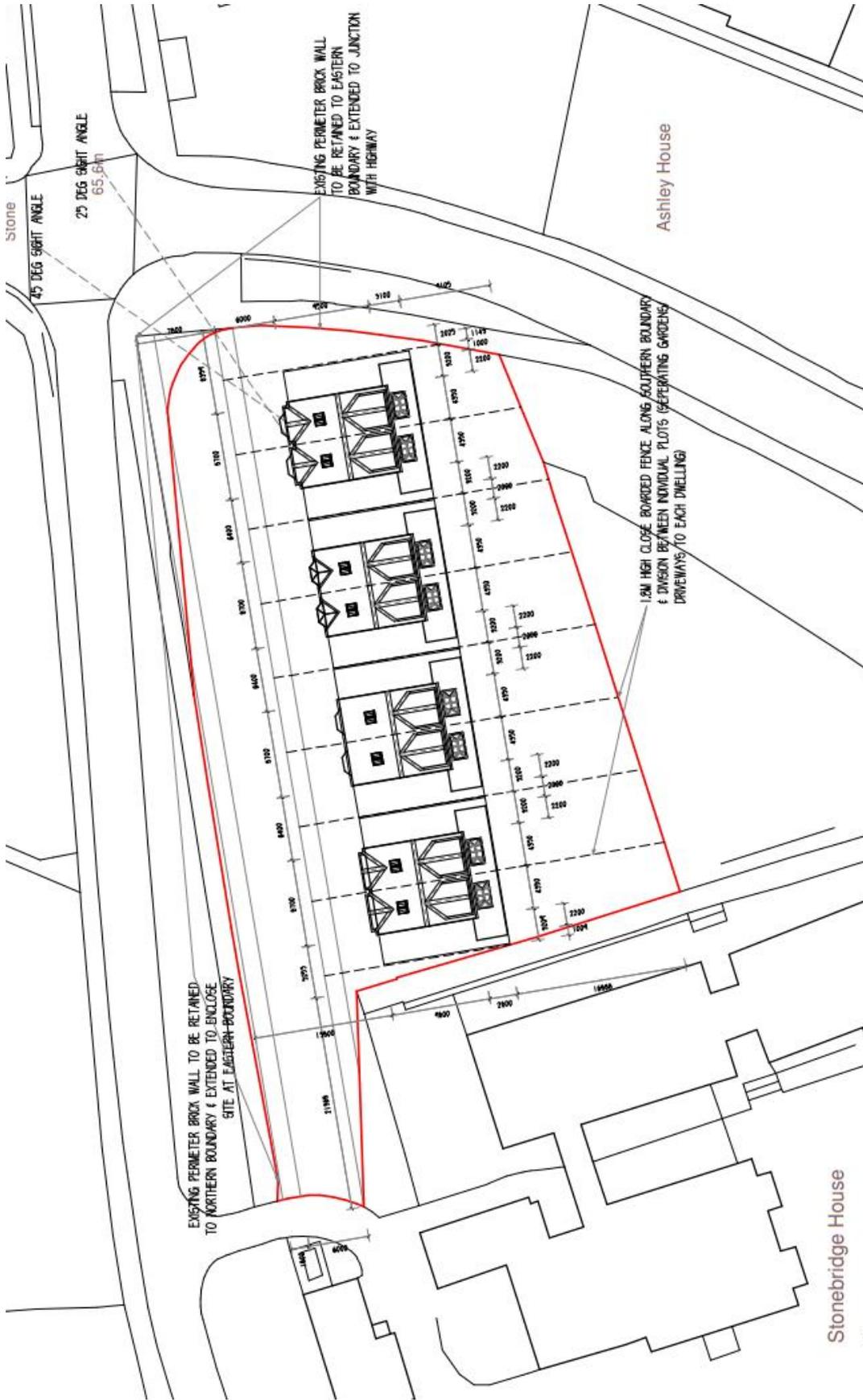
Standard Note(s) to Applicant:

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



BLOCK PLAN PROPOSED



FRONT ELEVATIONS PROPOSED



PROPOSED FRONT/ N.W. ELEVATION 1:100 (TYPE A)



PROPOSED FRONT/ N.W. ELEVATION 1:100 (TYPE B)



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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

5 September 2023



S23/2033

Proposal:	Conversion of public house to 2no. commercial units and 12no. residential units (2no. commercial units on the ground floor with 4no. flats over and a conversion of existing rear extension into 8no. residential houses).
Location:	41 Watergate, Grantham, Lincolnshire
Applicant:	Mr Sarmad Aslam
Agent:	Mr M Hamza
Application Type:	Full Planning Permission
Reason for Referral to Committee:	Section 106 agreement for financial contributions
Key Issues:	Development principle Amenity impacts Impact on Heritage Assets and Street Scene Highway safety
Technical Documents:	Design & Access Statement/Planning Statement Archaeological Building Survey

Report Author

Kevin Cartwright (Senior Planning Officer)



01476 406375



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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Grantham St Wulfram's

Reviewed by:

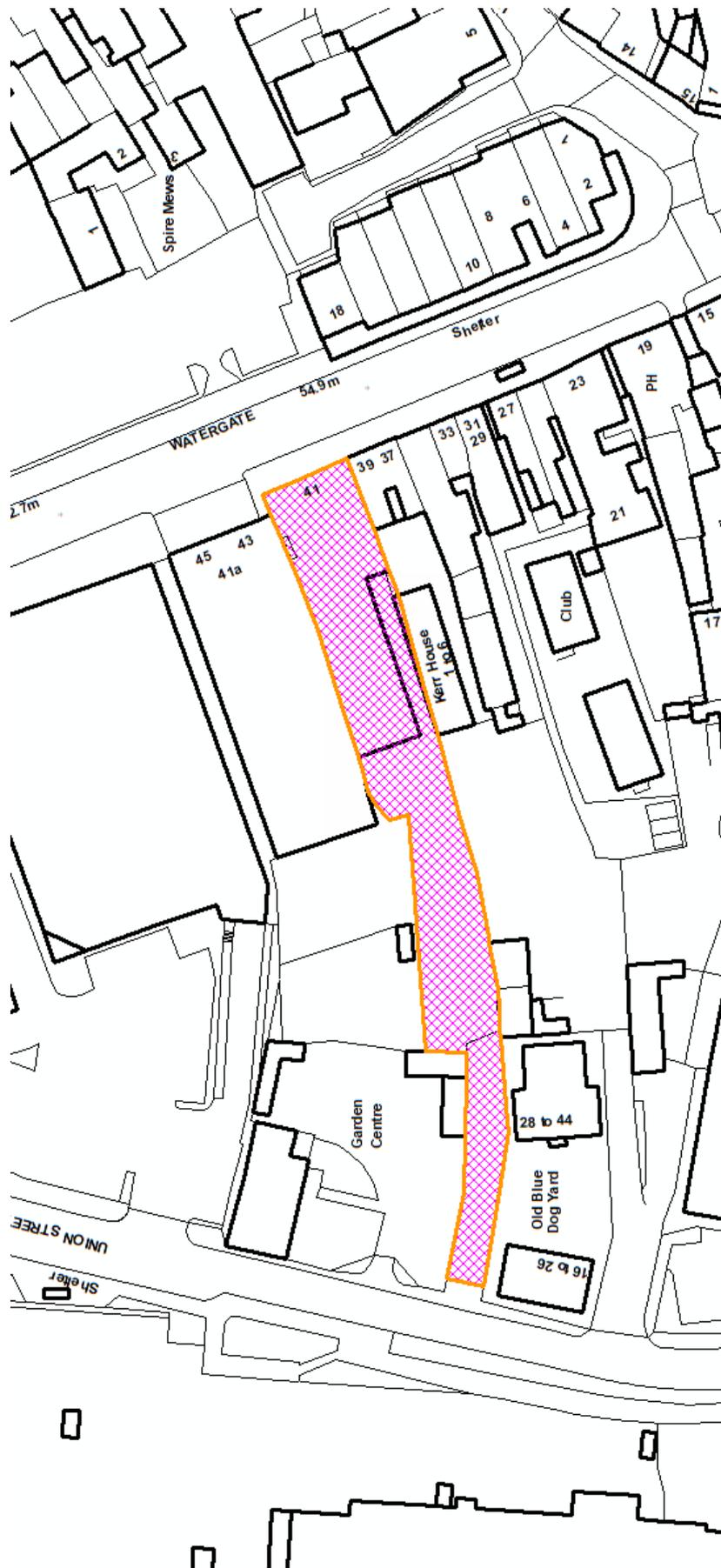
Phil Jordan, Development Management & Enforcement Manager

27 August 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director of Planning & Growth to GRANT planning permission, subject to the completion of a Section 106 legal agreement

S23/2033 – 41 Watergate, Grantham, Lincolnshire



1 Description of Site

- 1.1 The application site is the former Playhouse Public House and associated buildings. The site has two points of access; one from Watergate and the other from Union Street. The site is located within the Grantham conservation area.
- 1.2 To the north of the site is the Kwik Fit garage, to the south are a number of retail premises that front Watergate.
- 1.3 Whilst the host property is not listed, the building is thought to originate from the 19th or possibly 18th century. It is a three storey, terraced property fronting Watergate with more modern 20th century additions to the rear.

2 Description of Proposal

- 2.1 The proposal is for the conversion of the main building into 4no. residential units and 2no. commercial units at ground floor and the conversion of the two storey rear extension to 8no. residential units.
- 2.2 The external alterations to the main building would be minimal and would relate to the installation of shop fronts in relation to the 2no. retail units. It is proposed to install two timber framed shopfronts that would incorporate decorative Georgian features.
- 2.3 In relation to the conversion of the two storey rear extension the alterations are predominantly internal alterations as well as the provision of a balconies to the first floor northern elevation and insertion of windows.
- 2.4 A cycle storage area and refuse area would be provided and parking for 10. cars that would utilise the existing access from Union Street.

3 Relevant History on site

- 3.1 SK. 35/1036/86 – Two storey extension to restaurant/licensed premises - Planning permission granted 15th September 1986.
- 3.2 On the nearby site, 37-39 Watergate:
- 3.3 S19/0378 – Planning permission for Erection of three storey block to create 6 no. flats – granted 5th July 2019.
- 3.4 S19/1599 – Discharge of Conditions - Submission of details reserved by Conditions 4 (archaeology), 5 (hard landscaping) and 6 (materials and finishes) of S19/0378 – Approved 28th January 2020.
- 3.5 S22/0095 – Planning Permission - Section 73 application to vary condition 2 of S19/0378 (Erection of three storey block to create 6 no. flats) – Granted 11th March 2022.

4 Policy Considerations

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 SP6 – Community Service and Facilities

Policy SB1 – Sustainable Building

Policy EN5 – Water Environment and Flood Risk Management

Policy EN6 – The Historic Environment

Policy DE1 – Promoting Good Quality Design

Policy ID2 – Transport and Strategic Transport Infrastructure

Policy GR4 – Grantham Town Centre

4.2 National Planning Policy Framework (NPPF)

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well designed places

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

Section 16 – Conserving and enhancing the historic environment

Other Relevant Documents

Grantham Shopfront Design Guide

5 Representations Received

5.1 Environmental Protection Services (SKDC)

5.1.1 No objection, subject to conditions in relation to contaminated land ensuring that the recommendations of the Phase 1 desk study are followed.

5.2 LCC Highways & SuDS Support

5.2.1 No objection - The site will be accessed from Watergate and vehicle access will be from Union Street where there is sufficient parking due to the site being located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal. A construction management and surface water drainage condition is requested.

5.2.2 A request for a financial contribution of £10,000 in relation to improvements to the town centre in terms of provision of and condition of open space, green space, planting seating and public amenities.

5.3 **NHS Lincolnshire Integrated Care Board**

- 5.3.1 The above development is proposing 12 dwellings which, based on the average of 2.4 people per dwelling for the South Kesteven District Council area, would result in an increase in patient population of 29.
- 5.3.2 Therefore an increase in population of 29 in the South Kesteven District Council area will place extra pressure on existing provisions, for example- extra appointments requires additional consulting hours (as demonstrated in the calculations above.) This in turn impacts on premises, with extra consulting/treatment room requirements.
- 5.3.3 The development will impact Vine Street Surgery, St Peter's Hill Surgery, St John's Medical Centre and The Harrowby Lane Surgery as the development is within their catchment area.
- 5.3.4 The contribution requested for the development is £7,920.00 (£660 x 12 dwellings).

5.4 **LCC Education**

- 5.4.1 LCC Education has no comments on this consultation in relation to education as there is sufficient capacity in the locality for children generated by this scheme.

5.5 **Lincolnshire Fire and Rescue**

- 5.5.1 Objection on the basis of inadequate access for fire fighting appliances.
- 5.5.2 Access for fire appliances and fire fighters, to the proposed residential dwelling-houses located at the rear of the premises, must meet with the requirements specified in Building Regulations 2010 Part B5. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence.

5.6 **Anglian Water**

- 5.6.1 No drainage strategy has been provided.

5.7 **SKDC Historic Buildings Advisor**

- 5.7.1 The application is concerning the redevelopment of the former Playhouse pub and adjacent extension at No 41 Watergate into two commercial units and 12 residential dwellings. This site is set within the Grantham Conservation Area. The building affected has been standing empty for several years. The building originates from the at least the 19th century, but is said to date from the 18th century. In principle there is no objection to the redevelopment of the building into dwellings as this would preserve the building for the future and has the potential to improve its appearance and thus the appreciation of the Grantham Conservation Area.
- 5.7.2 However, the application provides little insight into the history of the building and lacks detail regarding how and if this history has been fully considered in the design for the development. The proposed shopfront currently lack detail. Historic photographs of the building show the

presence of Victorian shopfront within the ground floor of the building, there is the potential to incorporate some of this into the current design as an acknowledgement of the buildings history.

- 5.7.3 Due to the significant works required to redevelop the building, including the demolition of the single storey extension to the back and substantial internal redevelopment, I would like to request that a building recording to a Level 2 as defined by Historic England (Understanding Historic Buildings A Guide to Good Recording Practice 2016) is to be undertaken on the building prior to any development, to record the current appearance of the building.
- 5.7.4 Further information in form of detailed joinery details is also required for the proposed window replacements, which are noted to be 'like for like with double glazed panels for better thermal efficiency'.
- 5.7.5 Final comments - No objection to the proposed works. The shopfront would attempt to match no. 39 which would create a good streetscape.

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 1no. letters of representation have been received. A summary of the comments are summarised below:

- Object to the proposed density. Concerns in relation to amenity, access and egress, emergency services, parking and deliveries.
- Union Street is already reduced to a single lane by the permitted parking .It is often jammed and vehicle mount the kerb and HGV's delivering to the supermarket.
- There is already unregulated parking in relation to the adjacent new development.

7 Evaluation

7.1 Principle of Development

7.1.1 The proposal would result in the conversion of the ground floor elements that front Watergate to two commercial retail units. As such it is considered that the vitality and viability of the town centre would be sustained and improved in that the current public house has remained empty for a period of time which adds nothing to the town centre and would be detrimental to the amenity of the area if the building falls into further disrepair.

7.1.2 As such this element of the scheme is considered to accord with local plan policy GR4.

7.1.3 The conversion of buildings for residential accommodation within town centres is supported by both national and local planning policy, in terms of the principle. Town centres have changed fundamentally in recent decades, with many businesses or services no longer requiring a public-fronting premises to accommodate operations. Appropriate reuse can add vitality and vibrancy to town centres. Introducing good quality, habitable accommodation can help to achieve this and reduce vacancy levels of town centre buildings.

7.1.4 Again in relation to Local Plan Policy GR4.

The second paragraph of the Policy states: *“Within the town centre, development or reuse of buildings for a range of uses including retail, leisure, offices, food and drink, cultural and residential will be supported.”*

7.1.5 Overarching Policy SD1 is inevitably of relevance, with regard to the following objectives:

- minimise the need to travel/locate close to services
- convert/redevelop vacant buildings within settlements
- provide housing that meets the need of future and present generations

7.1.6 Policy SP1 is also relevant to consideration of the development principle, in particular where it discusses the following objectives:

- deliver sustainable growth including new housing
- focus growth in main settlements, especially Grantham
- create strong, sustainable, cohesive and inclusive communities
- make effective use of previously developed land
- enable access to jobs, services and facilities locally

7.1.7 Policy SP3 supports infill development subject to a number of criteria:

- it is within a substantially built-up frontage or re-development opportunity (previously development land);
- it is within the main built-up part of the settlement;
- it does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties;
- it does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties.

7.1.8 Policy SP6 requires applications that result in the loss of a community use to demonstrate that there are alternative facilities available and active in the area and the existing use is no longer viable.

7.1.9 In this instance there are other public houses in the town centre and the premises have been vacant for a number of years as can be demonstrated by the appearance of the property both internally and externally.

7.1.10 Additionally, it should be noted that the proposal includes the provision of two commercial units at ground floor. As such a commercial/retail presence would remain on the site.

- 7.1.11 These policies reflect the general approach by Government, through the NPPF, to protect and enhance town centres but to allow them to adapt to current and future sustainable uses.
- 7.1.12 Taking into account the above matters the creation of retail units and the conversion to residential is considered acceptable in principle and in accordance with local plan policies SP1, SP3, SP6 SD1 and GR4. Specific matters of the above policies including form and character, amenity, highway matters are discussed elsewhere in this report.

7.2 **Amenity impacts**

Public amenity:

- 7.2.1 The proposed development has two distinct parts. Creation of retail/commercial units at ground floor within the existing building and conversion to residential of the floors above the main property and conversion of the rear extension to residential.
- 7.2.2 It is considered that the proposed commercial retail units can be regarded as a logical extension to the retail and commercial activity along Watergate and taking into account the extant public house use of the site would not result in any significant harm to the amenity of neighbouring occupiers.
- 7.2.3 In relation to the conversion elements to the rear of the site, whilst the proposal would introduce balconies to the northern elevation their outlook would be over the neighbouring commercial premises. As such there would not be any significant overlooking/loss of privacy to other sensitive residential areas.
- 7.2.4 The conversion of the upper floors of the main building would utilise existing openings and would not result in any significant impact on the amenity of neighbouring occupiers.
- 7.2.5 As the proposal is the conversion of an existing building, there would be no undue impact in relation to overbearing or overshadowing as the mass of the built form remains fundamentally the same.
- 7.2.6 As such the proposal is considered to accord with Policy DE1 of the Local Plan in terms of amenity impacts on existing occupiers.

Private amenity:

- 7.2.7 The proposed units would provide an acceptable form of development. Rooms would be of a useable size with an acceptable source of daylight/sunlight to each room. The introduction of the balconies to the northern elevation would provide a welcomed, albeit small area, of amenity space for each unit. The new openings to the southern elevation would ensure natural light and ventilation to each room.
- 7.2.8 In relation to the room sizes, the applicant has demonstrated that the room sizes would meet or exceed the Nationally Described Space Standards.

- 7.2.9 There would be appropriate bin storage/cycle storage within the site with bin collection and cycle collection areas annotated on the plans. In the absence of further detail, it is considered appropriate to require details of the buildings/structures for these elements of the scheme. This can be secured by an appropriately worded condition.
- 7.2.10 Taking into account the above matters the application would accord with Policy DE1 of the Local Plan in terms of amenity impacts for the future occupiers of the development.

7.3 Highway Matters

- 7.3.1 The proposal would be served by the existing access off Union Street. Whilst it is accepted that the junction with Union Street does, to some extent, have limited visibility due to the alignment of neighbouring buildings and boundary treatments these arrangements have been assessed by the local highway authority and no objections on highway safety grounds have been raised.
- 7.3.2 It is considered that due to the number of residential units proposed, it is unlikely that there would be a high number of vehicle movements to and from the site. It should be noted that planning permission was granted for the construction of a three-storey block of six flats adjacent to the application site at 37-39 Watergate (Planning Ref: S19/0378). It is considered this would generate a comparable number of vehicle movements to this application, again there were no concerns raised by the highway authority in terms of traffic impacts associated with that development.
- 7.3.3 The proposed development would result in an acceptable form of development in a town centre location. Whilst car parking provision is made the site is in a sustainable location in which the future residents would not be dependent upon the motor vehicle for essential services which are within walking distance of the site and further, there would be good connections to public transport.
- 7.3.4 The proposed development also includes cycle storage. This would again provide future occupiers with an alternative to the motor vehicle.
- 7.3.5 It can therefore be concluded that the application, in respect of highway issues, is not in conflict with Policy ID2 of the Local Plan, or with Paragraph 115 of the NPPF.

7.4 Impact on Heritage Assets and Street Scene

- 7.4.1 There are a number of heritage assets within the immediate vicinity of the proposed development. These include the principle building which is grade II listed and a cluster of listed buildings to the south including 1-19 Watergate, 21-23 Watergate, 33-35 Watergate and The Priory.
- 7.4.2 Additionally, there are a large number of listed buildings to the north-east of the site to the rear of Watergate car park located on Swinegate. These listed buildings are further detached from the site than those on Watergate.

- 7.4.3 The application site forms the part of the northern boundary of the conservation area between Watergate and Union Street.
- 7.4.4 It is considered that the proposed development would not result in any harm to these listed buildings or the conservation area as the proposed development is a conversion scheme, and as such limited changes to the external appearance of the building are proposed and there are intervening buildings between the application site and the heritage assets.
- 7.4.5 Careful attention has been paid to the construction and design of the shopfront and the windows to the main building. The shopfront design was amended from a more modern design to traditional and the windows would be repaired and double-glazed units installed internally to ensure minimal impact and ensure that the conversion would be sympathetic to the host building and street scene.
- 7.4.6 In relation to the more modern rear extension conversion element, new openings would be constructed and existing openings blocked up to give the proposal a more uniform appearance and ensure that adequate natural light is provided to each unit. Subject to these being of timber construction and of a similar design and appearance to that of the existing windows, these alterations would not result in any harm to the character and appearance of the area. This detail can be achieved by an appropriately worded condition.
- 7.4.7 Taking into account the above, a condition requiring the submission of detail of hard and soft landscaping is considered appropriate although accepting that there would be limited opportunity for soft landscaping when taking into account the parking and associated turning areas.
- 7.4.8 The proposal would result in a positive heritage contribution in that it would bring back into use a currently vacant building.
- 7.4.9 A comprehensive archaeological building survey has been provided, as per the request of the Historic Building Adviser. This adequately records the appearance of the current building.
- 7.4.10 Taking into account the above matters the proposal is considered to accord with local plan policy EN6, DE1 and NPPF Section 16 and the Grantham Shopfront Design Guide.

7.5 **Sustainability**

- 7.5.1 The conversion would be required to be in accordance with the Building Regulations, thereby helping to improve the energy efficiency of the building as required by those Regulations (EV charging points, insulation, ventilation, efficiency of apparatus etc).
- 7.5.2 The re-use of a substantial building for a new purpose, especially in a town centre location close to existing services, is in itself sustainable development. Residents would not have to travel far to use the good range of services available in Grantham and options for public transport are available from this location. Whilst the development does offer parking, it is considered the sustainable location would encourage occupiers to be less car dependent. The proposals also include a cycle store.

7.5.3 Taking into account the above matters the application would give rise to an acceptable form of sustainable development, in accord with Policies SD1, SB1 and DE1 of the Local Plan, and with the NPPF.

7.6 **Drainage**

7.6.1 Limited information has been provided in relation to surface and foul drainage. However, as the scheme relates to conversion it is anticipated that the proposal would likely utilise existing arrangements. Nonetheless it is considered appropriate to require the submission of surface and foul drainage arrangements particularly as the development may change the surface water run-off characteristics of the site should the current surface treatments change.

7.6.2 As such the proposal is considered to accord with local plan policy EN5.

7.6 **S106 Developer Contributions**

7.6.1 Regulation 122 of the Community Infrastructure Regulations 2010 (and repeated in Paragraph 57 of the Framework) requires planning obligations to be fair and reasonably related in scale and kind to the development proposal and necessary to make the development acceptable terms.

7.6.2 The following requests for developer contributions have been received:

7.6.3 NHS Lincolnshire Integrated Care Board - £7,920.00 (based on £660 x 12 dwellings). This would mitigate the impact of the proposed development on the identified nearby surgeries at Vine Street Surgery, St Peter's Hill Surgery, St John's Medical Centre and The Harrowby Lane Surgery as the development is within their catchment area.

7.6.4 LCC Highways – £10,000 - improvements to the town centre in terms of provision of and condition of open space, green space, planting seating and public amenities.

7.6.5 It is considered that the requests satisfy the above tests in that without the contributions there would be an unacceptable and unmitigated impact on identified local surgeries and identified improvements to the town centre.

7.7 **Fire Safety**

7.7.1 The comments of Lincolnshire Fire and Rescue are noted. Of particular importance is the fact that they reference compliance with the relevant Building Regulations requirements. As such it is not the role of the planning system to duplicate any requirements in this respect.

7.7.2 A plan has been submitted illustrating that a fire appliance could enter the site from Union Street. Even if this was not the case, a satisfactory solution could be achieved in relation to fire safety in that a sprinkler system could be installed to satisfy Building Regulations.

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 The creation of the two retail/commercial units and the conversion of the existing building and rear extension to residential use is considered acceptable having regard to the NPPF and to the Local Plan, in particular Policies SD1, SP1, SP2, SP6, SB1, EN5, EN6, DE1, ID2 and GR4 and NPPF Sections 2, 4, 5, 12, 14 and 16.
- 10.2 As a result, the proposals are fully in accordance with the policies referred to above and whilst concerns have been raised, there are no material considerations that outweigh the policies referred to above. Therefore, the proposal is recommended for approval.

11 RECOMMENDATION:

Recommendation – Part 1

- 10.6 To authorise the Assistant Director – Planning to GRANT planning permission, subject to the completion of a Section 106 legal agreement, and subject to conditions

Recommendation – Part 2

- 11.7 Where the Section 106 Agreement has not been concluded prior to the Committee, a period not exceeding 12 weeks after the date of the Committee shall be set for the completion of the obligation.
- 11.8 In the event that the agreement has not been concluded within the 12-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 necessary financial contribution towards provision of local surgery(s) and town centre improvements. As such the necessary criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.*

Schedule of Conditions

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 planning application form, and with the following list of approved plans:
 - i. Site Location Plan dated 2 Nov 2023
 - ii. Proposed Site Plan Parking Arrangements Dwg No. 15_03 Site Plans
 - iii. Proposed Floor Plans Dwg No. 14-02 Proposed_03
 - iv. Proposed Elevations and Sectional Detail Dwg No. 15-02 Proposed_03.

Unless otherwise required by another condition of this permission.

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

Prior to Commencement

- 3 Prior to the commencement of the development hereby details of surface/sewage/used water connections shall have been submitted to and approved in writing by the local planning authority.

The surface water drainage details shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- 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;
- provide attenuation details and discharge rates;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- 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

The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the proposed drainage is suitable for the development, in the absence of any technical information relating drainage within the current application, to ensure that the development will accord with Policy EN5 of the Local Plan.

- 4 Before the development hereby permitted is commenced, details of hard and soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details.

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

Prior to Occupation

- 5 Before any part of the development hereby permitted is occupied/brought into use, the details of the storage of refuse and recycling and cycle storage shall have been submitted to and approved in writing by the local planning authority.

The development shall be undertaken in accordance with the approved details and shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and promote sustainable means of travel.

- 6 Before any part of the development hereby permitted is occupied/brought into use, details of the vehicle parking and turning area shall have been submitted to and approved in writing by the local planning authority.

The development shall be completed in accordance with approved details prior to first occupation of the development and shall not be used for any purpose other than for the parking and turning of private vehicles and motorcycles belonging to the occupants of the property and their visitors, servicing and deliveries.

Reason: To ensure that adequate parking provision is provided and retained in order to minimise on street parking and to ensure that vehicles can enter and leave premises in a forward gear in the interests of highway safety

- 7 Notwithstanding the submitted details before any part of the rear conversion element (properties 1-8) are occupied, precise joinery details of the windows and doors to be installed shall be submitted to and approved in writing by the local planning authority.

The details shall include:

- confirmation that the doors and windows are of timber construction
- 1:20 sample elevations
- 1:1 joinery profiles

The development shall be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

- 8 Prior to the occupation of any part of the rear conversion element (properties 1-8) details of the materials to be used in making good/bricking up any openings shall be submitted to and approved in writing by the local planning authority.

The works shall be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory form of development and the use of similar/matching materials.

- 9 Prior to the occupation of the main building apartments 1-4 the windows shall be repaired and secondary glazing/internal double-glazed units installed as per the submitted details provided by Artic Glaze Ltd dated 07/07/2021.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

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.
- Please contact the Lincolnshire County Council Street works and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
- The applicant is advised that the windows to the rear conversion (properties 1-8) of the scheme should be of a comparable design, appearance and profile to that of the existing windows.

Financial Implications reviewed by: Not applicable

Legal Implications reviewed by: Not applicable

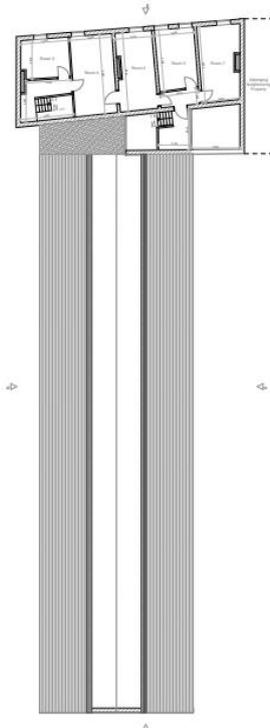
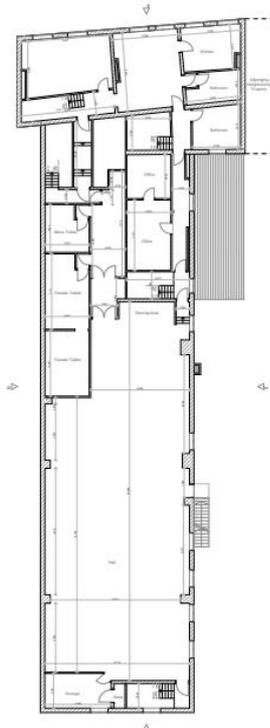
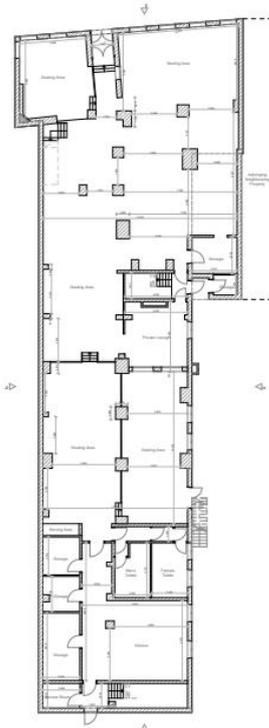
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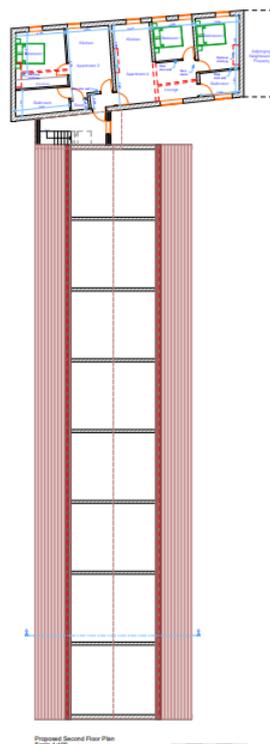
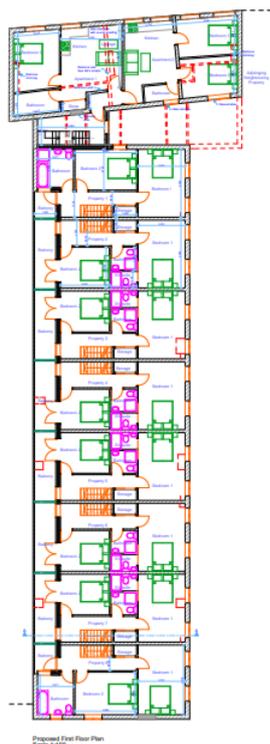
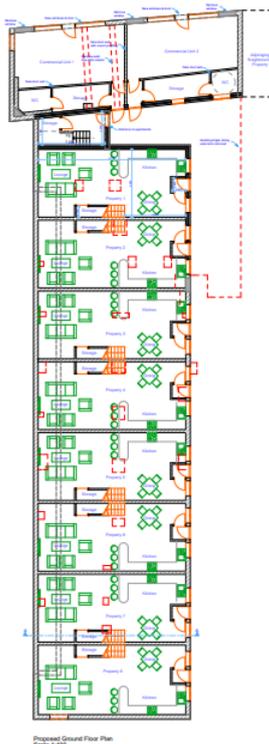
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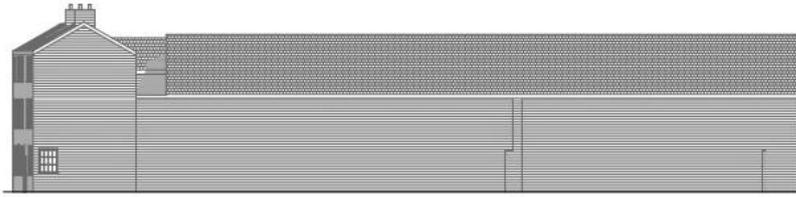
Existing Floor Plans



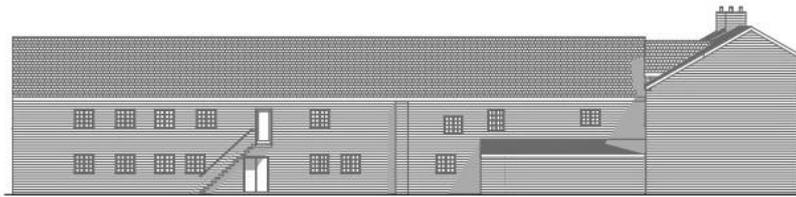
Proposed Floor Plans



Existing Elevations



Existing Side (N) Elevation
Scale 1:100



Existing Side (S) Elevation
Scale 1:100

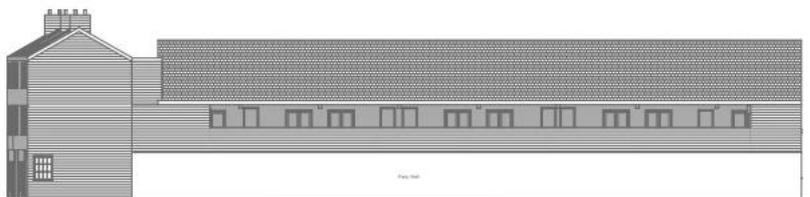


Existing Floor (S) Elevation
Scale 1:100

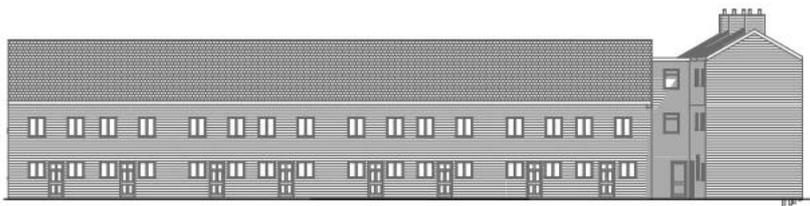


Existing Rear (W) Elevation
Scale 1:100

Proposed Elevations



Proposed Side (N) Elevation
Scale 1:100



Proposed Side (S) Elevation
Scale 1:100

Watergate Frontage Elevation



Proposed Front (E) Elevation
Scale 1:100



Proposed Rear (W) Elevation
Scale 1:100

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

5th September 2024



S24/0070

Proposal:	Proposed residential development of 9no. 3-bedroom houses with associated access off The Drift
Location:	Land off The Drift, Harlaxton
Applicant:	Mr James Perry
Agent:	Mr James Martin
Application Type:	Full planning permission
Reason for Referral to Committee:	Called in by Cllr Leadenham due to concern that the site is edge of settlement development under Local Plan Policy SP4
Key Issues:	Design Quality and Visual Impact Impact on neighbouring amenities. Ecology and Trees
Technical Documents:	Design and Access Statement Phase 1 Contamination Report Flood Risk Assessment and SuDs Strategy Protected Species Report Soakaway Investigation Report Heritage Statement Arboricultural Impact Assessment Arboricultural Method Statement Sustainable Buildings Statement

Report Author

Venezia Ross-Gilmore, Senior Planning Officer



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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Belvoir

Reviewed by:

Adam Murray – Principal Development Management Planner

27 August 2024

Recommendation (s) to the decision maker (s)

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



Key



Application
Boundary



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1 Description of Site

- 1.1 The application site lies to the west of The Drift, on the northern edge of the village of Harlaxton. The site is currently undeveloped agricultural land. There is a field access onto The Drift. There are mature trees and hedgerow screening the site from the streetscene. The trees are protected by a recent group Tree Preservation Order (TPO).
- 1.2 To the north of the site there are outlying residential dwelling houses outside of the village boundary. To the east of the site and The Drift there is modern residential development. To south of the site there is newer residential development. The main area of the village is located to the south of the site. To the west of the site there is open countryside.
- 1.3 The site is broadly rectangular in shape and has an existing field access onto The Drift. The site is approximately 0.71 hectares in size.

2 Description of proposal

- 2.1 The application seeks full planning permission for the erection of 9 residential dwelling houses with associated access off The Drift. The dwellings are all detached 1.5 storey dwellings providing 3-bedrooms and arranged on a private driveway. The private driveway uses the position of the existing field access but would be upgraded suitable to use for residential development. The dwellings all have private gardens to the rear, and parking provision for two vehicles alongside garden space to the frontage.

3 Planning History

- 3.1 Relevant planning history:

S17/1973

Planning application for the formation of agricultural access. Approved 28/02/18.

S21/2046

Planning application for the formation of agricultural access. Approved 10/12/21.

S22/1032

Planning application for the formation of agricultural access (revised proposal following S21/2046). Approved 15/07/22.

S23/0600

Submission of details reserved by Condition 3 (materials) related to S22/1032 (formation of agricultural access). Condition discharged 31/05/23.

4 Relevant Planning Policies & Documents

- 4.1 **SKDC 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 H4 – Meeting all Housing Needs
Policy EN1 – Landscape Character
Policy EN2 – Protecting Biodiversity and Geodiversity
Policy EN3 – Green Infrastructure
Policy EN5 – Water Environment and Flood Risk Management
Policy EN6 – The Historic Environment
Policy DE1 – Promoting Good Quality Design
Policy SB1 – Sustainable Building
Policy ID2 – Transport and Strategic Transport Infrastructure

Design Guidelines for Rutland and South Kesteven (Adopted November 2021)

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

Section 5 – Delivering a sufficient supply of homes
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed and beautiful places
Section 16 – Conserving and enhancing the historic environment

5 Representations Received

SKDC Environmental Health (1)

5.1 Comments to make:

‘From review of the Design and Access statement submitted for the application it is not stated what the previous use of the area of land that is proposed for the residential development and the ground investigation has been for drainage and percolation tests. From mapping evidence, the land may have been in agricultural use?’

It is recommended that the applicant undertakes a screening assessment for current and previous land use of the said proposed development site to ensure that the ground is not subject to any possibility of historical contamination or has been subject to made ground or infill which could affect the proposed residential end use of the development.

The outcome of the screening exercise would determine whether further ground contamination investigation and remediation work was needed and whether planning conditions would need to be included should an approval be granted.

The applicant should submit this information to the planning authority for consideration as part of the application process’.

SKDC Environmental Health (2)

5.2 The applicant provided a Phase 1 Contamination Report during the progress of the planning application. The SKDC Environmental Health Officer then reviewed the report and agreed with the conclusions in the report which recommend that a Phase II Intrusive Site Assessment is required for the planning proposal.

5.3 The SKDC Environmental Health Officer then recommended a planning condition for Intrusive Ground Assessment, along with a scheme relating to the survey; desktop study, detailed scheme for remedial works, implementation of the works.

SKDC Tree Officer (1)

5.4 Initial observations made February 2024:

'In principle, I have no objections to the proposed development in the context of the retained trees with the exception of the oak tree identified in the accompanying survey T5. I am pleased to see that the majority of trees on the road frontage are to be retained. They are an important amenity and screen between the site and the neighbouring existing road and dwellings.

The symbols on the tree survey and layout plans are not typical to a topographical survey plan. Section 3.3 in the report is not definitive. Please could you ask the agent to confirm if the trees are plotted to scale in the context of the layout and on the landscape plans. Accurate plotting of trees and their constraints is essential in determining the potential impacts of the development on the them and vice versa.

I note a footpath and fences are proposed inside the Root Protection Areas of the trees on The Drift frontage. I am not certain what construction method and surfaces are to be used. A new footpath inside the RPA of the retained trees other than the oak T5, is practicable with the use of the no-dig method.

I am keen that development works close to the oak tree T5 should be kept to a minimum. I am concerned that its canopy will dominate the garden of the proposed Unit 7. It is my advice that the oak tree T5 is a veteran in that it has a substantial stem with cavities in the branch framework, ripped stubs and dead wood in the crown. It has considerable habitat, historic and amenity value. I would estimate that the oak tree T5 is in the region of 200 years. Veteran trees are very sensitive to a change in their environment. In that regard, I would suggest that development including paths, patios, fences and new access ways are outside of its RPA. There should be room for work to take place between the RPA and the development.

An RPA for a regular tree according to the guidelines in the BS5837 Sec 4.6 would be calculated as 12 x the stem diameter. Guidance from the Ancient Tree Forum and the Woodland Trust says that for a veteran tree an RPA should be 15 x the stem diameter at 1.5m from ground level with no cap which equates to 16.5m radius from the stem in the case of T5. The BS5837 says that the morphology and disposition of the roots may be influenced by past or existing site conditions such as a road, patio or building. Given the compacted nature of the eastern side of the tree T5 including an existing farm track and road, its root morphology (RPA) may be slightly different and thus extend further into the site (to the west) to take advantage of more favourable growing conditions. The stem diameter is measured by in the report as 1100mm. I believe that it may be greater than that.

The NPPF says that veteran trees are important and should be considered as part of the planning application process. It goes on to say "you should refuse planning permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless both of the following applies: there are wholly exceptional reasons, there's a suitable compensation strategy in place".

In respect to the retention of the veteran oak tree T5, I would suggest that the layout be realigned to maintain a minimum safe distance from it. I would recommend an undisturbed radius of 17m from the stem into the site which would take into account the tree's veteran status and potentially altered root morphology. Ideally it should be retained in an area of open space. Further, I would suggest that a management scheme is put in place to

safeguard the oak tree T5. Its root area should be protected and careful retrenchment pruning/management carried out subject to advice and statutory constraints.

I have no objections to the ash tree T11 being removed to facilitate the access way. It is exhibiting symptoms of ash dieback disease when viewed on Google Streetview (date June 2023). Ideally and subject to a more detailed appraisal, the sycamore T9 should be retained.

Generic tree protection data is provided. A site specific tree protection methodology should be submitted including arboricultural supervision and monitoring, pruning, timing of works etc. Particular attention should be paid to the veteran oak tree T5. This information should be submitted to and agreed by the LA as part of the planning application process.

I am pleased to see new tree planting on the new road frontages within the site which is in keeping with the NPPF guidelines. I would suggest a greater selection of species to avoid the creation of a monoculture. There is space for new trees in the green area to the south of the site. Larger maturing species would be well suited to that area. The planting proposals must incorporate post planting maintenance’.

SKDC Tree Officer (2)

5.5 The Tree Officer made further comments in February 2024:

‘I am satisfied with the explanation with regard to the accuracy of the tree survey plan in that it is based on a topographical survey plan.

I accept the use of no-dig surface methodology and ground guard reinforcement where appropriate other than in the case of the veteran tree T5. The site-specific detail of which should be submitted to the LA.

The oak tree T5 exhibits veteran characteristics. No new development including hard surfaces should take place in its RPA. It is my view that it has a greater RPA than that provided in the tree report due to its veteran status. It is my advice that the layout in its current form is not acceptable in the context of this tree. I would suggest that the layout be amended along the lines of that proposed in my original comments. I note the agreement to remove a lower damaged limb’.

5.6 The Proposed Layout was amended April 2024, and an Arboricultural Impact Assessment was provided following Tree Officer Comments.

5.7 A new area TPO (T24/0002) now covers the site and the nearby trees in their entirety to protect the high public amenity.

SKDC Conservation Officer (1)

5.8 No concerns with the proposal on heritage grounds.

‘The proposed residential development is situated in the village of Harlaxton, an estate village which has links to the nearby Harlaxton Manor, a Grade I listed building situated within the Grade II listed Park and Garden. The site is on the north side of the A607, an area of the village where there is more modern development.*

The proposals are in keeping with the character of Harlaxton Village. Whilst not in the Conservation Area, the proposals are within 1500m of the Grade II listed Park and Garden, as such the design of the new dwellings must be considerate of the potential impact on this*

heritage asset. The impact on the listed garden is minimal less than substantial harm to no levels of harm. This is because the site is an infill site and that the quality of design of the new dwellings complements and enhances the significance of the listed garden, offsetting the harm to the assets setting caused by the development.

The proposals address previous issues raised at pre-application stage with the properties that face The Drift, needing to engage with it. The houses now have two “facing” elevations which make them hard to distinguish which elevation is the front or rear of the property.

The proposed material palette is in keeping with the more historic part of Harlaxton. The use of different textures and details, such as brick bonds and different stone reflect the heritage of the village. The scale and size reflect what is found in the historic part of the village, 1.5 storey detached buildings of stone and brick construction. The introduction of Solar PV and air source heat pumps result in minimal impact on the property as they are discreet. The location of the heat pumps on elevations that are not fronting the access road or The Drift result in reduced visual impact.

The indistinguishable front and rear elevations, with high level of design details and locally inspired material palette means the proposals are in line with South Kesteven District Council’s Local Plan Policies DE1: Promoting Good Design and EN6: The Historic Environment’.

SKDC Conservation Officer (2)

5.9 The Conservation Officer made further comments following amendments to the development proposals, expressing no concerns with the proposal on heritage grounds.

‘The updated plans show that the development has been moved slightly to the west to incorporate the retention of trees that line the Drift. The proposal still incorporates the two “facing” elevations design on the properties that face The Drift which continues to address the previous issues raised at the pre-application stage. The proposed material palette is similar to the materials found in the historical part of Harlaxton village on the opposite side of the A607.

The indistinguishable front and rear elevations, with high level of design details and locally inspired material palette means the proposals are in line with South Kesteven District Council’s Local Plan Policies DE1: Promoting Good Design and EN6: The Historic Environment.

Historic England have raised concerns of the development impacting views from the first floor of Grade I listed Harlaxton Manor (NHLE 1298440) to the Grade I listed Church of St Mary in Bottesford (NHLE 1075095). The proposed location of the development site will sit in the direct line of sight as does the 20th century development of Harlaxton village north of the A607 behind the Grade II Gregory Arms Public House (NHLE 1264568) and Stable Block (NHLE 1187967).

The introduction of 9no. houses on the Drift will not alter these views in a way that substantially impacts the significance of the Grade II listed Park and Garden or the significance of the Grade I listed Manor House. The land to the east of the Drift which has already been developed on is of a slightly higher elevation than the Drift itself, and these two-storey developments have not impeded the view of the 2 church. The Drift itself, slopes down away from Harlaxton, the plans developed previously for the development showing the street elevations received 16th January show that the proposed dwellings are lower than the existing development to the south. Therefore, the argument that the view will be altered*

and substantially impact the significance of the Manor and Park and Garden is inconsistent with the existing dwellings to the south which sit higher than the currently proposed dwellings. The existing dwellings are also within the view path from Harlaxton Manor. The proposed dwellings would also be mostly screened by the line of trees towards the Drift.

The proposed development will result at most in minimal levels of harm to the appreciation of Harlaxton Manor and the Harlaxton Manor Registered Park and Garden due to the potential impact on the view by the development. The proposed design of the development is an example of good quality design that respects the surrounding historic environment which is in line with South Kesteven District Council Policies DE1: Promoting Good Design and EN6: The Historic Environment’.

SKDC Design Officer

5.10 The Design Officer made comments in June 2024.

‘This went to Design PAD at pre-application stage a while ago. [Design PAD considered the impact of the back of houses fronting The Drift; the use of a sensitive rural rear boundary and well detailed rear elevations].

My main comments would be for a less standardised highway design...The turning head could be a nonstandard shape – they are describing the design as a ‘courtyard’ and so a shared surface with square at the end would work better...in an attractive suitable paving material...They’ve placed some street trees in front gardens to be managed by private company – but these could be designed in to the shared surface street design potentially as an alternative option.

The area of land to the east (between the site and [the] Drift) is a smallholding and looks to be used – have they considered privacy issues from rear gardens looking in to the smallholding and vice versa...a more open boundary is needed for character reasons...could a hedge be added as a natural privacy barrier? There also needs to a covenant in place to prevent anyone adding a close boarded fence or other rear garden boundaries at a later date.

Some close boarded fencing has been used and this should be reconsidered as it is in places where it will be visible...Post and rail and a hedge should be used’.

Heritage Lincolnshire

5.11 Heritage Lincolnshire commented on the development proposal in February 2024:

‘The site for the proposed development lies in an area of archaeological importance/interest. Within the parish, remains and artifacts dating from the prehistoric period and later have been recorded. Outside the village, Neolithic and Bronze Age worked flints have been recorded along with evidence of enclosures and ring ditches.

To the south, within the historic core of the settlement, Anglo Saxon pots were found prior to 1958. Harlaxton existed at the time of the Domesday Survey of 1086AD when it was known as ‘Herlavestune’. At the time, two mills, 60 acres of meadow and 60 acres of thicket were recorded under ownership of the King.

The Grade II listed parish church of St Mary and St Peter dates from the medieval period. To the south of the church, is the recorded site of a Manor House and moat, likely to date from the medieval period and later.

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. Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains.

Therefore, given this 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 present at the site. This evaluation should commence with a programme of trial trenching.

'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. National Planning Policy Framework 2023, Section 16, para 194'.

Historic England (1)

5.12 Historic England has expressed concerns regarding the application on heritage grounds:

Impact of Proposals

The proposals are for the construction of nine new dwellings on land currently occupied by pastoral grassland fields and paddocks and derelict outbuildings near to the registered park and garden. There is no heritage information provided with the application and it is therefore difficult to understand the what the impact on the heritage assets would be.

The proposals are directly on the line of the central axis of the approach drive to the manor that centres on the spire of St Mary the Virgin's Church at Bottesford. It is not clear what the harm will be on the connection to the spire and views from key locations within the registered park and garden, from within garden buildings and structures and from inside the manor. This could result in harm to the significance of the registered park and garden, and a consequent harmful impact on the significance the manor and other listed buildings derive from the designed landscape.

Historic England's position

The proposal for the construction of nine new dwellings and associated access are located within what are at present pastoral grassland fields and paddocks and derelict outbuildings and near to the Harlaxton Manor, registered park and garden and multiple listed heritage assets associated are of the highest significance for their historic and architectural interest. The proposal is on the line of the axis of the approach drive to the manor that centres on the spire of St Mary the Virgin's Church at Bottesford. This connection is one of the principal elements of this historic designed landscape of the park and the Manor.

The application does not include heritage information to meet the requirements of paragraph 200 of the NPPF, or support the analysis required in paragraph 201.

It is not clear what the impact will be, however, there is a risk that erosion of the connection and setting towards the spire of Saint Mary the Virgin's Church could harm the integrity of the registered park and garden, the buildings within the park and garden, and the Manor.

This could result in harm to the significance of the registered park and garden, and the significance that listed buildings in the park. Paragraph 205 sets out the great weight that should be given to the conservation of heritage assets, with greater weight given to the conservation of more important heritage assets. Paragraphs 206 and 208 set out the requirements for clear and convincing justification, and sufficient public benefit to outweigh any harm.

We recommend that a heritage statement is undertaken as well as an impact assessment on the views and setting, notwithstanding our initial reservation on the key relationship of the manor and the church spire’.

Historic England (2)

- 5.13 Following the previous comments made by Historic England the applicant submitted a Heritage Statement during the progress of the planning application. Historic England were reconsulted and made the following comments:

Historic England Advice

‘Our concern remains that the development could result in harm to the significance of the registered park and garden, and a consequent harmful impact on the significance the manor and other listed buildings derive from the designed landscape.

Harlaxton Manor is positioned on rising ground and faces northwest towards the village and this raised position connects views to the spire of St Mary the Virgin’s Church at Bottesford from within the registered park and garden. The development proposal is located directly on this line of sight. The Heritage Statement does not consider the impact of the proposals on the registered park and garden in relation to the very important long views to the church spire from key locations, for example garden buildings within the Grade II registered park and garden or upper floors of Harlaxton Manor Grade I. It is not clear what the harm will be on the connection to the spire and views from key locations within the registered park and garden, from within garden buildings and structures and from inside the manor.*

Recommendation

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice’.

Lincolnshire County Council Highways

- 5.14 ‘No objections.

The vehicular access meets the visibility guidelines set out in Manual for Streets. The car parking provided is in line with the guidance set out in Lincolnshire County Council’s Design Approach, therefore it is considered that this proposal would not result in an unacceptable impact upon highway safety.

There is a LCC owned and maintained Grit Bin located where the proposed entrance to the development is, and the applicant will need to contact LCC Network Resilience Team and agree where this will be relocated to’.

The Gardens Trust

- 5.15 Do not wish to make comments.

Anglian Water

5.16 Made the following comments:

Wastewater Treatment

'The foul drainage from this development is in the catchment of Harlaxton Water Recycling Centre that will have available capacity for these flows.

This response has been based on the following submitted documents: FRA and Suds Strategy 22-17631-0- 040/Drainage Layout Plan The sewerage system at present has available capacity for these flows.

Surface Water

The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to incomplete infiltration testing, we would expect a minimum of 24 hours, There is no evidence that a highways drain cannot be utilised and there are some limited watercourses in the area.

Anglian Water recommends a planning condition for a surface water management strategy'.

Environment Agency

5.17 Does not wish to make comments.

SKDC Local Plans Team

5.18 The Local Plans team were consulted and made the following comments:

'The site has been proposed for a draft allocation under code SKPR-74. It would be a 1ha site and the draft development principles are as follows:

SKPR-74 The Land West of The Drift

Indicative Unit Numbers: 24

Assumed Density: 30 dwellings per hectare

The following development principles accompany this allocation:

- a) Pedestrian links, such as footway and cycleway connections into the centre of village from the stie should be incorporated in the development proposal.*
- b) Development should be set back from the large mature trees to the east of the site.*
- c) This site is within or includes a Green Infrastructure Area. Proposals on this site should incorporate the relevant principles for development within Green Infrastructure Areas set out in Policy EN3 Green Infrastructure.*

The site has not been a contentious site through the Local Plan consultation process, however, comments have been made by Harlaxton Parish Council to the Local Plans team expressing concerns in April 2024.

The draft Local Plan and its policies/allocations can only be given minimal weight in the decision-making process, as it is subject to change until the pre submission version of the Local Plan Review'.

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 4 letters of representation were received. There was 1 objection, and 3 neutral responses. The points raised can be summarised as follows:

- Objection to use of agricultural access to access residential development as it has poor visibility due to a high hedge and fence. Suggests access should be through Violet Close instead.
- Object to fencing choice to rear gardens bordering the Drift as its too open. The gardens should be properly fenced.
- Questions the purpose of the nature area. Is it private or public. Could it be used for dog walking. Concern that it could provide a local public nuisance.
- The current site is an eyesore with an old caravan and dilapidated wooden sheds. The new development will improve the outlook considerably.
- Would object to access through Violet Close as this is private road.
- The land is currently quite run down and could be improved.
- Do not think access should be taken from The Drift as it's a main road.
- Development would increase traffic flow in this area and could cause a safety concern due to proximity to other junctions.

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 in January 2020, which forms the Development Plan for the District, and is the basis of decision-making in South Kesteven alongside the Lincolnshire Minerals and Waste Local Plan (where relevant).

7.2 In addition, 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 application.

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.

Principle of development

7.4 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.

7.5 Policy SP2 (Settlement Hierarchy) identifies that the majority of development will be focused in Grantham in order to support and strengthen its role as a sub-regional centre, with Larger Villages providing a supporting role in meeting the development needs of the District. Harlaxton is identified within SP2 as a larger village, whereby development proposals which

promote the role and function of the Larger Villages, and will not compromise the settlement's nature and character, will be supported.

- 7.6 Local Plan Policy SP3 confirms that infill development in settlements defined in Policy SP2 will be supported provided that
- a. it is within a substantially built-up frontage or re-development opportunity (previously developed land)
 - b. it is within the main built-up part of the settlement
 - c. it does not cause harm or unacceptable impact upon the occupiers amenity of adjacent properties
 - d. it does not extend the pattern of development beyond the existing built form, and it is in keeping with the character of the area, and is sensitive to the setting of adjacent properties.

The site lies in between a modern residential development and ribbon development further north, with further residential development to the east. As such, the development proposal constitutes infill development as it meets the criteria a to d in Policy SP3. The site is within a substantially built-up frontage on The Drift meeting criterion (a) and offers a redevelopment opportunity (b). Criterion (c) and (d) are related to design and layout discussed in detail below. However, it is not thought that the development would cause an unacceptable impact on the occupiers' amenity of adjacent properties as it offers a natural addition to the new housing development to the south, and the development would not extend the pattern of development beyond the existing built form as there is residential use to the north, east and south. The site is considered that the site would be a positive redevelopment opportunity.

Meeting all Housing Needs

- 7.7 Policy H4 (Meeting All Housing Needs) is concerned with major residential development proposals providing appropriate type and sized dwellings to meet the needs of current and future households in the District. This clarifies that new housing proposals shall:
- b. Enable the provision of high quality family housing that meets changing household needs and responds to market demand.
- 7.8 It is proposed to provide 9no. 3-bedroom detached dwelling houses to meet demand for family housing in Harlaxton, a Larger Village in the Local Plan. The proposed dwellings are located in an area that is predominantly detached houses and bungalows. It is the officer's assessment that this site is within the residential area on the northern edge of the village and there is demand for this type of accommodation in this sustainable location, within walking distance of the village's amenities e.g. a public house, post office, village hall, sports and social club, and Harlaxton COE Primary School.
- 7.9 The development would contribute additional family dwelling houses in this location, and lead to short term boost to the local economy related to its construction. The proposal is therefore considered to be in accordance with H4 of the adopted Local Plan.

Impact on Heritage Assets

- 7.10 Policy EN6 (The Historic Environment) is the primary development plan policy through which the Council exercises its statutory responsibilities. This policy states that the Council will seek to protect and enhance heritage assets and their settings in keeping with the policies

in the National Planning Policy Framework, and proposals will be expected to take Conservation Area Appraisals into account, where these have been adopted by the Council. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted permission where the public benefits of the proposal outweigh the potential harm.

- 7.11 In connection with the above, 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 possesses. Similarly, Section 72 of the Act 1990 requires Local Planning Authorities to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 7.12 The site is located in the village of Harlaxton, an estate village which has links to the nearby Harlaxton Manor, a Grade I listed building situated within the Grade II* listed Park and Garden. The site is to the north of the village within an area where there is more modern development. The site is not in the village Conservation Area, but the proposals are within 1500m of the Grade II* listed Park and Garden. There are not further listed buildings within proximity of the application site.
- 7.13 The Conservation Officer has confirmed that the proposals are in keeping with the character of the village. It is the officer opinion that the site is an infill site, and the quality of the design would complement and enhance the significance of the listed garden. The less than substantial harm to the listed garden would be offset by the design quality.
- 7.14 The officer notes that the material palette is in keeping with the historic area of the village, with texture and detail such as brick bonds and stone. The scale and size of the dwellings also reflect the historic village where 1.5 storey detached stone and brick construction is found.
- 7.15 The updated plans have moved the development slightly to the west to incorporate the retention of the line of trees adjacent to The Drift. The Conservation Officer is satisfied that the proposal continues to address the previous concerns raised at pre-application stage with properties now engaging with The Drift, with two facing elevations making it hard to distinguish the front and rear of the dwellings.
- 7.16 Historic England were consulted and have raised concerns regarding the proposed development impacting views from the first floor of the Grade I listed Harlaxton Manor (NHLE 1298440) to the Grade I listed Church of St Mary in Bottesford (NHLE 1075095). However, it is considered by the planning officer and Conservation Officer that introduction of 9no. houses will not alter these views in a way that substantially impacts the significance of the listed building and listed Park and Garden. The more recent development in the village to the north of the A607 are in the line of sight from the listed building, and land to the east of The Drift sits at a higher elevation. Therefore the 1.5 storey dwellings will be positioned lower than the existing modern development in this area. Furthermore, the proposed dwellings would be screened from the listed building and Park and Gardens by the line of trees adjacent to The Drift, which are now protected by a Tree Preservation Order.
- 7.17 The proposed development will result in minimal levels of harm to the listed building Harlaxton Manor and the listed Park and Gardens. However, it is considered that the high-quality design that respects the surrounding historic environment and provision of additional housing in the village of Harlaxton outweighs the minimal levels of harm. The proposals are

considered to be appropriate to local character and would be in accordance with Policy DE1 and EN6 of the Local Plan, and section 12 and 16 of the NPPF.

Impact on Visual Amenity and the Character of the Area

- 7.18 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan 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 street scene, 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. Part 12 of the NPPF (Achieving well-designed places) states that 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.
- 7.19 In connection with the above, the Rutland and South Kesteven Design Guidelines SPD (Adopted November 2021) identifies that the detailed design of a proposal should be influenced by its context and should consider the relationship between the site and other buildings, routes and spaces, views and vistas, facilities, architectural details and the landscape. The appearance and architectural landscape of surrounding buildings should be drawn upon and influence the detailed design.
- 7.20 The site has a verdant character, with hedgerow and a number of trees positioned along The Drift making a positive contribution to the character of the area. The trees have a Tree Preservation Order. On the opposite side of the carriageway there is a wide grass verge, and again a line of trees positioned along The Drift. The site has residential use to the north, east and south, with open countryside to the west. There is a footway on both sides of the carriageway and adjacent to the site, providing pedestrian connections to the residential dwellings to the north of the village.
- 7.21 The proposed development comprises of nine 3-bedroom dwelling houses, with five designs of detached buildings, all 1.5 storeys with integral garages. The designs are traditional with either Ancaster hard white stone, Rutland Ironstone sawn on bed walling stone or Clipsham Bidwell cream sawn on bed walling stone. There is detailing within the brickwork, and stone quoins and stone lintels/cills. It is proposed that all the dwellings would have traditional red pan tiled roofs, compositive timber and aluminium triple glazed windows with lead effect glazing bars, and cast-iron effect gutters and rainwater pipes. There is amenity space to the front, side and rear of each of the dwellings. There is sufficient space to park up to two vehicles alongside one another.
- 7.22 There is extensive hard and soft landscaping proposed including public open space to the south of the site providing separation to the neighbouring residential use, planted margins to the rear of footways, post and rail fence with native hedgerow between plots, post and rail fence with native hedgerow to the rear gardens fronting The Drift. It is also proposed to provide a pedestrian access to neighbouring Violet Close. The layout and design including the landscaping, reflects the comments made at the Design PAD for the preapplication enquiry and comments made by the Design Officer during the planning application's consideration.
- 7.23 Neighbouring residents have commented that the existing site is an eyesore, and the new development will improve the outlook to their properties. Residents have commented

regarding the proposed boundary fencing to the rear gardens of the residential dwellings bordering The Drift, however the boundary treatment proposed is related to the character of the area and surveillance and outlook over The Drift. However, it is the officer's opinion that what is proposed is acceptable and reflects the design comments made regarding boundary treatments and the development's relationship with The Drift.

- 7.24 The proposals in their current form are considered to be appropriate for the character of the area, in accordance with Policy DE1 of the Local Plan, and Design Guidelines in the adopted SPD, and section 12 of the NPPF.

Impact on neighbours' residential amenities

- 7.25 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(f) 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.

- 7.26 The site is located in a residential area and the proposed dwellings would be situated with an acceptable separation from neighbouring properties. The proposed dwellings would be situated with an acceptable separation from neighbouring dwellings to the north and south. There will be no adverse impact on the amenity of neighbouring properties in terms of loss of privacy, loss of light or overlooking. The dwellings will face a private driveway, with the dwellings adjacent to The Drift having a dual aspect. There would be sufficient amenity space and space for off-road parking on plot.

- 7.27 Taking into account the nature of the proposal, scale and design, it is considered that there would be no significant or unacceptable impact on the residential amenities, and it is therefore considered that the proposal is in accordance with Policy DE1 of the Local Plan and section 12 of the NPPF.

Ecology and Trees

- 7.28 Policy EN2 Protecting Biodiversity and Geodiversity states that the council will facilitate the conservation, enhancement and promotion of the District's biodiversity and geological interest of the natural environment. This included seeking to enhance ecological networks and seeking to deliver a net gain on all proposals, where possible.

- 7.29 Similarly, Policy EN3 (Green Infrastructure) requires development proposals to ensure that existing and new green infrastructure is considered and integrated into the scheme's design, taking opportunities to enrich biodiversity habitats, enable greater connectivity and provide sustainable access for all.

- 7.30 The site has mature trees to the eastern boundary and a number of these are protected by a recent Tree Preservation Order (TPO). The application has been supported by an Arboricultural survey and report.

- 7.31 The Tree Officer has been consulted and has commented on the development proposal, expressing concern regarding the initial development proposal's proximity to the trees. The applicant has amended the scheme following the comments and moved the development

west, which is acceptable to address the Tree Officer's concerns. Furthermore, the Tree Officer has commented that the no-dig surface methodology and ground guard reinforcement is acceptable mitigation.

- 7.32 Neighbouring residents have commented querying the purpose of the nature area, and whether it would be private or public. The area has been incorporated into the development site however the protected trees are in an area of open space and not included within the rear gardens fronting The Drift.
- 7.33 It is considered that the application has considered the development proposal and its relationship with the protected trees. The proposals in their current form are considered to be appropriate and would have an acceptable impact on trees protected by tree preservation orders and the boundary hedgerow. This would be in accordance with Policy EN2, EN3 and EN6 of the Local Plan, and section 12 and 15 of the NPPF.

Climate Change

- 7.34 Policy SD1 (The Principles of Sustainable Development in South Kesteven) sets out the overarching obligation for development proposals to minimise its impact on climate change and contribute towards a strong, stable and more diverse economy. The policy requires consideration of a number of matters including minimising the use of resources and the production of waste; meeting high environmental standards in terms of design and construction; encouraging the use of sustainable construction materials and proactively enhancing the District's character and natural environment.
- 7.35 Similarly, Policy SB1 (Sustainable Buildings) states that all development proposals will be expected to mitigate against and adapt to climate change. This includes a requirement for development proposals to demonstrate how carbon dioxide emissions have been minimised; achieve a "water neutral position", including the provision of an appropriate water efficiency promotion and consultation education programme as part of all major residential developments; and supporting low carbon travel, including the provision of electric car charging points. All development proposals should therefore include information on energy consumption in particular demonstrating how carbon dioxide emissions have been minimised in accordance with the energy hierarchy, and on water resources, to promote enhanced sustainability.
- 7.36 Contributing to low-carbon travel has been demonstrated with the provision of an electric car charger proposed to the frontage of the proposed dwelling. The application also includes a Sustainable Building Statement which includes the proposed measures in accordance with the Local Plan Policy requirement. Confirming that all the dwellings will meet the Building Regulations with EPC's. It is proposed to provide each dwelling house with flush Marley solar PV panels, along with air source heat pumps to provide for their energy needs. The houses will have a hot water cylinder to provide both heating and hot water. Proposals include underfloor heating to the ground floor and radiators to the first floors. All the dwellings will be designed to have as built air permeability rates and require continuous mechanical ventilation and extraction. This will be provided by a MVHR heat recovery system. Finally, the dwellings will all benefit from energy efficient LED lighting.
- 7.37 To summarise, sufficient information has been provided to assess the development proposal and its potential impact on climate change, therefore the proposal would be in accordance with Policy SB1 of the Local Plan, and section 12 of the NPPF.

Highway issues

- 7.38 SKDC Local Plan Policy ID2 deals with transport issues, requiring that new developments should not severely impact on the safety and movement of traffic on the highway network. 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.
- 7.39 The site is located within the village of Harlaxton and there is a pedestrian footway on both sides of the carriageway of The Drift providing linkages to the village by foot. The site is within the 30mph speed restriction to the village, and there are opportunities to cycle to access the village amenities including a public house, village store and post office, primary school and recreation ground.
- 7.40 Lincolnshire County Council have not expressed any objection to the proposed development however have commented on a LCC owned and maintained Grit Bin in proximity to the site access and this will need to be relocated.
- 7.41 Objections from neighbouring residents have centred on taking access from Violet Close, which is proposed to be a pedestrian linkage, and comments regarding to the use of the agricultural access due to obstructed visibility. It is proposed to upgrade the agricultural access and provide an access to meet the LCC standards. LCC have commented as local highways authority that the proposed vehicular access meets the visibility guidelines set out in Manual for Streets, and not expressed any concerns regarding pedestrian access through Violet Close.
- 7.42 Further comments by neighbours include reference to an increase in traffic related to the development. However, this would be negligible as the development is only for 9 dwellings and LCC have not made any comments regarding severe traffic impact or safety concerns related to the development proposals.
- 7.43 The application is therefore in accordance with the requirements of Policy ID2 of the Local Plan and Section 9 of the NPPF in so far as it has regard to highways matters.

Ground Conditions

- 7.44 Environmental Protection has commented on the application that the Phase 1 Geo-Environmental Assessment report has been reviewed and the conclusions in the report suggest that a Phase 2 intrusive site assessment is required for the planning application. The intrusive ground assessment could be dealt with via a planning condition. Therefore, a planning condition is proposed to require the submission of a scheme relating to the survey of the land for contamination.

Drainage and Flood Risk

- 7.45 Policy EN5: Water Environment and Flood Risk Management states that all development must avoid increasing flood risk. Surface Water should be managed effectively on site through the use of Sustainable Drainage Systems (SuDS) unless it is demonstrated to be technically unfeasible.
- 7.46 Section 14, para 159 of the NPPF states that inappropriate development in areas of flooding should be avoided by directing development away from areas of highest risk
- 7.47 Section 15, para 183 of the NPPF states that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any

proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).

7.48 The application site is located within Flood Zone 1, with a low risk of surface water flooding. The proposed development would increase hard surfaces that generate surface water run-off and therefore an effective surface water drainage strategy would be necessary.

7.49 The application form states that surface water will be disposed of via main sewer. Further information is provided in a Flood Risk Assessment and SUDS Strategy report, on a Drainage Layout Plan, drawing ref. 0-500 P2, the Drainage Schedules Plan, drawing ref. 0-501 P2, and Drainage Construction Plan, drawing refs. 0-0700 P2, 0-0701 P1, and 0-701 P2. However Anglian Water has commented that 'The preferred method of surface water disposal would be to a sustainable drainage system SUDS' with connection to the sewer as the last option. Anglian Waters has also commented that 'The Surface Water Strategy/Flood Risk Assessment...is unacceptable due to incomplete infiltration testing' and Anglian Waters has suggested the use of a planning condition to require further investigation into surface water drainage. Therefore, planning conditions are proposed to require the submission of further details for a surface water drainage scheme.

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 Planning Balance and Conclusion

10.1 In summary, the principle of the development is acceptable, and the proposals would result in the provision of nine 3-bedroom dwelling houses on an infill site in a residential area of the village of Harlaxton. The site is in a sustainable location and walking or cycling distance from the village's amenities, in compliance with Policy SP3 and H4. The house types are contemporary and high quality through the use of quality materials, and well-designed layout and appearance. The development proposals would result in minimal levels of harm to the listed building Harlaxton Manor and the listed Park and Gardens, however, it is considered that the high-quality design that respects the surrounding historic environment and provision of additional housing in the village of Harlaxton outweighs the minimal levels of harm. Furthermore, there would be no significant impact on the residential amenity of the existing residential uses in proximity to the site. There would be short-term economic benefits to the local economy during the construction phase of the development, which is also attributed weight in the planning balance alongside the sustainable location.

10.2 Taking the above into account, it is considered that the proposed use is appropriate for its context and is in accordance with the NPPF (Sections 9, 12, 15 and 16) and Policies SD1, SP1, SP2, SP3, H4, DE1, and ID2 of the South Kesteven Local Plan. There are no material

considerations that indicate otherwise although, significant weight has been attributed to the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and appropriate conditions have been recommended.

11 Recommendation

To authorise the Assistant Director-Planning to GRANT planning permission, subject to the following conditions:

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:
 - i. Site Location Plan (received 16/01/24)
 - ii. Proposed Site Plan, drawing ref. (04)03-01 C (received 29/07/24)
 - iii. Proposed Landscaping Plan, drawing ref. (03)05-01 C (received 29/07/24)
 - iv. Proposed Site Details, drawing ref. (04)06-01 A (received 29/07/24)
 - v. Proposed Swept Path Analysis, drawing ref. (04)07-01 B (received 29/07/24)
 - vi. House Type – Plot 01 Type A, drawing ref. (04)08-01 A (received 10/06/24)
 - vii. House Type – Plot 02 Type Cv.1, drawing ref. (04)08-02 B (received 29/07/24)
 - viii. House Type – Plot 03 Type Bv.1, drawing ref. (04)08-03 A (received 10/06/24)
 - ix. House Type – Plot 04 Type Cv.2, drawing ref. (04)08-04 A (received 10/06/24)
 - x. House Type – Plot 05 Type Bv.2, drawing ref. (04)08-05 A (received 10/06/24)
 - xi. House Type – Plot 06 Type Cv.3, drawing ref. (04)08-06 A (received 10/06/24)
 - xii. House Type – Plot 07 Type Dv.1, drawing ref. (04)08-07 A (received 10/06/24)
 - xiii. House Type – Plot 08 Type Dv.2, drawing ref. (04)08-08 A (received 10/06/24)
 - xiv. House Type – Plot 09 Type E, drawing ref. (04)08-09 A (received 10/06/24)
 - xv. Drainage Layout, drawing ref. 0-500 P2 (received 16/01/24)

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

- 3) 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.

Reason: To ensure the provision of satisfactory surface water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

- 4) Before the development hereby permitted is commenced, a scheme relating to the survey of the land for contamination shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i. A desk top study documenting all the previous and existing land uses of the site and adjacent land;
 - ii. 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
 - iii. A detailed scheme for remedial works 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.
 - iv. Shall include the nomination of a competent person to oversee the implementation of the works.

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 the future residents and users of the development; and in accordance with South Kesteven Local Plan (Jan 2020) Policy EN4 (Pollution Control) and national guidance contained in the NPPF

- 5) 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 WSI, including in accordance with any approved phasing.

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 and Paragraph 199 of the NPPF.

- 6) Before the development hereby permitted is commenced, all existing trees shown on the approved plan to be retained shall have been fenced off to the limit of their branch spread in accordance with BS 5837. No works including:

- i. removal of earth,
- ii. storage of materials,
- iii. vehicular movements or
- iv. siting of temporary buildings

shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policies EN2 and OS1 of the adopted South Kesteven Local Plan.

During Building Works

- 7) Should the developer during excavation and construction works of the said development site find any area of the site 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 by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of 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.

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 the future residents and users of the development; and in accordance with Policies EN2 and EN4 of the adopted South Kesteven Local Plan and national guidance contained in the NPPF paragraphs 178 and 179.

- 8) All works on site, including construction and delivery works, shall be carried out in accordance with the recommendations contained within the Habitats and Protected Species Report (May 2024) ref. 2464-PHA, unless otherwise agreed in writing by the Local Planning Authority.

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

- 9) Prior to first occupation of each dwelling hereby permitted, the sustainable building measures for the development shall be completed in accordance with the details set out within the approved Sustainable Building Statement (Boden Associates) (Dated 10 July 2024), and shall thereafter be retained for the lifetime of the development.

Reason: This condition is necessary in order to ensure that the proposal complies with the Council policy on sustainable building.

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

i. long term design objectives,

ii. management responsibilities and

iii. maintenance schedules for all landscape areas, other than privately owned, domestic gardens.

Reason: Hard and 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.

- 11) Before any part of the development hereby permitted is occupied, the works to provide the boundary treatments shall have been completed in accordance with the approved Proposed

Landscaping Plan, drawing ref. (03)05-01 Rev C and Site Details Fencing Plan, drawing ref. (04)06-01 Rev A.

Reason: To provide a satisfactory appearance to any boundary treatments, in the interests of the amenity of the occupants of the proposed dwellings and the outlook onto The Drift, in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

- 12) Before any part of the development hereby permitted is occupied/brought into use, the works to provide the surface water drainage shall have been completed in accordance with the approved details.

Reason: To ensure the provision of satisfactory surface and foul water drainage is provided in accordance with Policy EN5 of the adopted South Kesteven Local Plan.

- 13) Before any part of the development hereby permitted is occupied/brought into use, the external elevations of the dwelling houses shall have been completed using only the materials stated on the approved plans unless otherwise agreed 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.

Ongoing Conditions

- 14) Following first occupation, the approved Habitats and Protected Species Report (May 2024) ref. 2464-PHA and Proposed Landscaping Plan, drawing ref. (03)05-01 Rev C shall be adhered to in full, unless otherwise agreed in writing by the Local Planning Authority.

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

- 15) Following first occupation, the approved Proposed Landscaping Plan, drawing ref. (03)05-01 Rev C and Site Details Fencing Plan, drawing ref. (04)06-01 Rev A shall be adhered to in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a satisfactory appearance to any boundary treatments, in the interests of the amenity of the occupants of the proposed dwellings and the outlook onto The Drift, in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

- 16) 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.

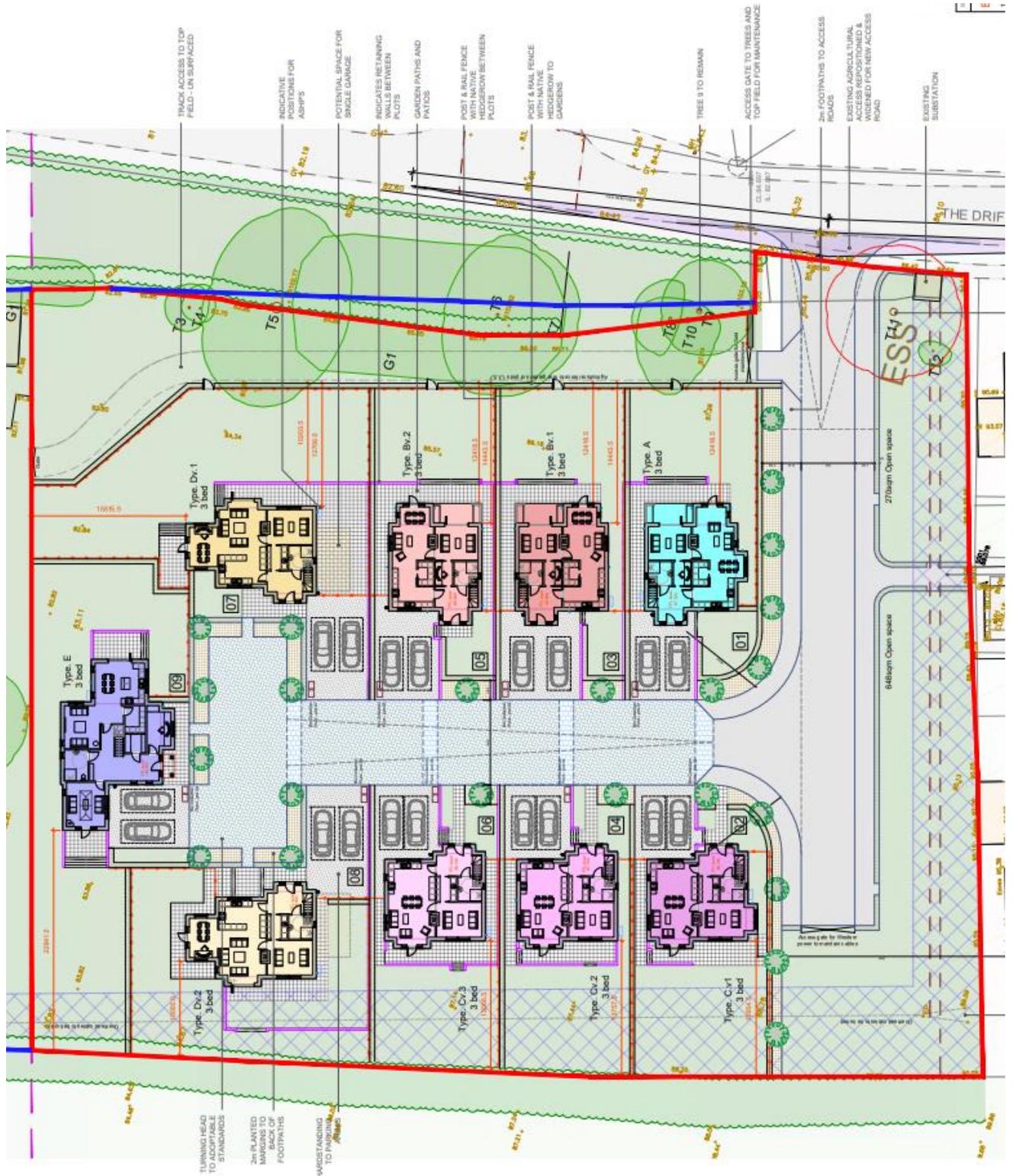
Standard Note(s) to Applicant:

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



BLOCK PLAN PROPOSED



STREETSCENE PROPOSED – THE DRIFT



ELEVATIONS PROPOSED

Plot 1



ELEVATION 01

Plot 2



ELEVATION 01

Plot 7



ELEVATION 01

Plot 9



ELEVATION 01



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

5 September 2024



S24/0706

Proposal:	Section 73 application to vary condition 2 (approved plans) of S20/1862 Amendments to Plot 3 house type
Location:	Osier Farm, 141B Eastgate, Deeping St James
Applicant:	Mr Seth Twigden
Agent:	Aspect Architectural Design, 29A Church Street, Northborough
Application Type:	Full Planning Permission
Reason for Referral to Committee:	Call In – Councillor Dilks & Councillor Ley due to concerns about impact on character of the area and heritage assets
Key Issues:	Impacts on the character of the area Impacts on others' private amenity Highway safety/parking Drainage/flood risk
Technical Documents:	

Report Author

Miranda Beavers – Senior Development Management Planner



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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Deeping St James

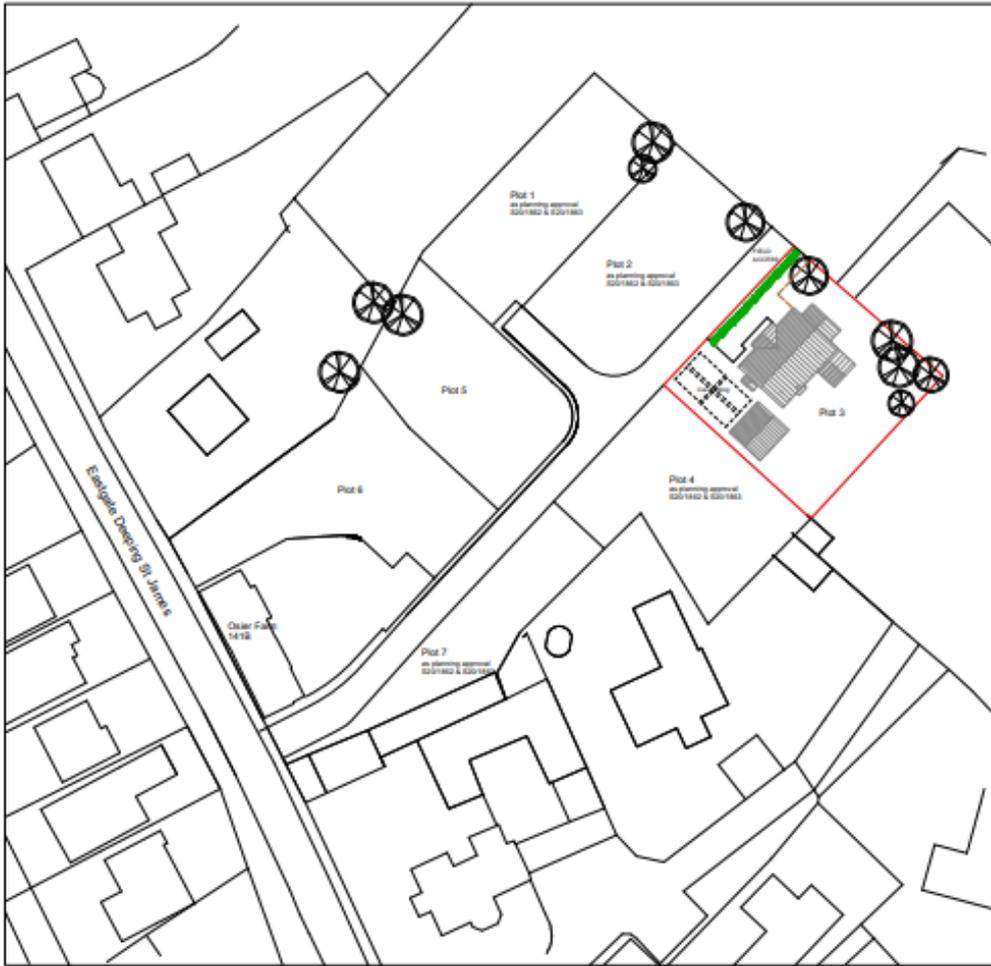
Reviewed by:

Adam Murray – Principal Development Management Planner

23 August 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT planning permission



BOUNDARY TREATMENT
 1.8m high close boarded fence

SCALE 1:500 @ A3



Project OSIER FARM, EASTGATE DEEPING ST JAMES			Aspect Architectural Design
Title			
SITE PLAN			Architectural Design
Date	Scale	Sheet	Architectural Design
D	(-)	01	Architectural Design

1 Description of Site

- 1.1 The application site is located on the north-east side of Eastgate, Deeping St James. The site comprises 141b Eastgate, a Grade II listed farmhouse (of stone and thatch) and various associated farm buildings in and around the yard to the rear. Part of the proposed development site includes land to the rear of No.141 Eastgate, which was former agricultural land.

2 Description of Proposal

- 2.1 This application is a section 73 application to vary conditions 2 (approved plans) of application S20/1862 which granted approval for the demolition of existing modern farm buildings, alterations and extensions to traditional farm buildings to form two dwellings and erection of five new dwellings and associated garages to be sited to the rear. Plot No.3 is one of the 5 new dwellinghouses approved and this application seeks permission to substitute the approved house type for Plot 3.

3 Relevant History

- S20/1862 Full Planning Permission and S20/1863 Listed Building Consent Approved for the demolition of existing modern farm buildings, alterations and extensions to traditional farm buildings to form two dwellings and erection of five dwellings and associated garages, - both Approved 4 June 2024
- S23/2307 Full Planning Permission, Section 73 application to vary condition 2 (approved plans) of S20/1862 Amendments to Plot 2 house type – Approved 21 March 2024
- S23/2370/Full Planning Permission and Listed Building Consent S23/2371 Section 73 application vary condition 2 (approved plans) of planning approval S20/1862 (Erection of detached dwelling) (Amendments to Plots 5 and 6) and Section 19 application to vary Condition 2 (approved plans) of planning permission S20/1863/LB (amendments to Plots 5 & 6) - both Approved 26 April 2024
- S24/0874 Full Planning Permission Section 73 application to vary condition 2 (approved plans) of S20/1862 Amendments to Plot 4 house type - Approved 31 July 2024

4 Policy Considerations

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 SP3 'Infill Development'
Policy SB1 'Sustainable Building'

Policy DE1 'Promoting Good Design'
Policy ID2 'Transport and Strategic Transport Infrastructure'
Policy EN6 'The Historic Environment'

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

Chapter 4 'Decision Making'

Chapter 5 'Delivering a sufficient supply of homes'

Chapter 6 'Promoting sustainable transport'

Chapter 12 'Achieving well-designed places'

Chapter 14 'Meeting the challenge of climate change, flooding and coastal change'

Chapter 16 'Conserving and enhancing the historic environment'

4.3 **Neighbourhood Plan**

The Deepings Neighbourhood Plan (Adopted 29 June 2021)

4.4 **Supplementary Planning Document:**

Design Guidelines for Rutland and South Kesteven (November 2021)

5 Representations received

5.1 **LCC Highways & SuDS**

5.1.1 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

5.2 Deepings Neighbourhood Plan Group

5.2.1 No comments.

5.3 **SKDC Conservation Officer**

5.3.1 The updated proposal results in a two-storey building that is a part of the plot where the roof heights increase in size from front to rear of the site. With the tallest of these being Plot 3 at 8.75 metres and the shortest being 8 metres, which is nearest to the listed building. When comparing the proposed Plot 3 with the previously approved Plot 3, there is an increase in height of approximately 1.75 metres.

5.3.2 However, in context with the surrounding approved Plots, this increase in height will result in a neutral impact on the significance of the listed Osier Farmhouse. The original proposed changes included a large feature picture window which faced towards the Grade II listed building and was out of keeping in both design and scale with the farmhouse. The updated, new proposals removed this, whilst reducing the roof height to better incorporate the dwelling into the surrounding approved development. Removing the harm caused by Plot 3, when taken into consideration the surrounding properties, to become a neutral impact.

5.3.3 The reduction in height will now create a stepped roofline towards the rear of the site away from the listed building, which will mean the listed building is not overly dominated by the new dwellings on the site.

The location of Plot 3 to the rearmost portion of the site, overlooking the fields at the back mean that the impact of the taller roofline will be minimised and will help to create a unique identity to the roofscape of the development.

5.3.4 As such, these updated proposals, without the large picture window to the front elevation, which is not in keeping with the cottage and farmyard location and the reduction in height to be more in line with the previously approved plots is acceptable due to the neutral impact the property will have on the Grade II listed Osier Farmhouse

5.4 **Deeping St James Town Council**

5.4.1 Deeping St James Parish Council would like to continue to object based upon the overdevelopment of the site and the proposed roofline which would still be of a height not in keeping and would dominate the locality

5.5 **Market and West Deeping Ward Councillor(s)**

5.5.1 Councillor Bridget Ley, Councillor James Dennison and Councillor Dilks

5.5.2 Concerns that the proposed 3-storey house with 8.75 metre roofline would be out of keeping with the character of the area and would dominate the adjacent Grade 2 listed cottage.

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 no letters of representation have been received.

7 Evaluation

7.1.1 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.

7.1.2 In this case, the Development Plan comprises of the following documents:

- South Kesteven Local Plan 2011-2036 (Adopted January 2020);
- The Deepings Neighbourhood Plan 2020-2036 (adopted 29 June 2021) 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.

7.1.3 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.

7.2 Principle of Development

7.2.1 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.'

7.2.2 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.

- 7.2.3 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.
- 7.2.4 The principle of development in this instance has previously been established through the approval of planning permission S20/1862 which granted permission for the demolition of existing modern farm buildings, alterations and extensions to traditional farm buildings to form two dwellings and erection of five dwellings and associated garages.
- 7.2.5 This application is to vary Conditions 2 of the approval, which sets out the list of approved plans that the development should be carried out in accordance with. It is proposed to substitute the approved plans for Plot 3 with a revised version. 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.
- 7.2.6 Taking the above into account, the principle of development is considered acceptable subject to site specific impacts. The conditions attached to S20/1862, should be include should this application be approved.

7.3 **Impact on the Character of the Area (including Heritage Assets)**

- 7.3.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan 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 street scene, 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.
- 7.3.2 Part 12 of the NPPF (Achieving well-designed and beautiful places) states that 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.
- 7.3.3 The variation to Condition 2 in this instance is in relation to the design of Plot No.3. PlotNo.3 is to be located within the old farmyard, against the rear boundary of the overall development site. The proposed design for Plot 3 has changed from quite considerably from the originally approved plans, in that the scale is overall larger, with the roof height increasing from 7 metres to approximately 8.7m. The revised design has the addition of second storey accommodation within the roof space. The proposed ground floor layout has a more modern open plan format, and the number of bedrooms is increased from 3 to 5.
- 7.3.4 The proposed integral garage is now proposed to be detached and located on the southern boundary next to Plot 4. The Deepings Neighbourhood Plan, Policy DNP9: Promoting Best Practice in Design states that all new development must be of a high-quality design that both physically and visually enhances and reflects its positive features that make up the character of the local area.

Furthermore, new development should incorporate the retention of any important historic and natural features, building and structures on site. Policy EN6 states amongst other criteria that the Council will seek to protect and enhance heritage assets and their settings, in keeping with the policies in the National Planning Policy Framework. The importance of considering the impact of development on the significance of designated heritage assets is expressed in the NPPF (section 16).

- 7.3.5 Paragraph 135(c) of the NPPF states that Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Furthermore, Paragraph 201 advises that Local Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.3.6 In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability;
- 7.3.7 Due to the separation distances between Plot 3 and the existing listed building, it is not considered that the revised design would result in an impact upon the special significance of the listed building or curtilage barn to the extent that it would cause harm to their setting. The new dwelling would not be fully visible from Eastgate when travelling in either direction due to the fact that the plot is located to the rear of frontage dwellings (including No.141B Eastgate). Although due to its height, glimpses of the new dwelling would be visible from surrounding land.
- 7.3.8 The Conservation Officer has assessed the proposal in the context of the Grade II listed Osier Farmhouse and has stated that “When comparing the proposed Plot 3 with the previously approved Plot 3, there is an increase in height of approximately 1.75 metres. However, in context with the surrounding approved Plots, this increase in height will result in a neutral impact on the significance of the listed Osier Farmhouse. The original proposed changes included a large feature picture window which faced towards the Grade II listed building and was out of keeping in both design and scale with the farmhouse. The updated, new proposals removed this, whilst reducing the roof height to better incorporate the dwelling into the surrounding approved development. Removing the harm caused by Plot 3, when taken into consideration the surrounding properties, to become a neutral impact. The reduction in height will now create a stepped roofline towards the rear of the site away from the listed building, which will mean the listed building is not overly dominated by the new dwellings on the site. The location of Plot 3 to the rearmost portion of the site, overlooking the fields at the back mean that the impact of the taller roofline will be minimised and will help to create a unique identity to the roofscape of the development.”
- 7.3.9 It is not considered that the proposed design of Plot 3 would result in a negative impact upon the street scene and would not be any less appropriate than the previously approved dwellinghouse. The Councils Conservation Officer has no objections to the proposed

substitution of house type, subject to the use of stone to compliment the materials used on Osier Farm and does not consider that the design would dwarf the listed building or result in less than substantial harm to the setting of the historic asset. The applicant has submitted a materials schedule and the use of Clipsham Medwell Stone and Sandtoft Old Hollow 451 (red) have been agreed by the Conservation Officer.

- 7.3.10 Given the policy requirements to ensure the new dwelling does not detract from the character of adjacent buildings or their setting and given the former agrarian nature of the site and its context and given that revised design for Plot 3 has increased in size it is considered reasonable and necessary to remove permitted development rights (by condition) for outbuildings and extensions so that their impact can be fully assessed.
- 7.3.11 By virtue of the nature of the variation, the proposal would be in accordance with The adopted Deepings Neighbourhood Plan, NPPF Sections 12 and 16 and Policies DE1 and EN6 of the SK Local Plan.

7.4 **Impact on Residential Amenity**

- 7.4.1 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 development 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.
- 7.4.2 The Deepings Neighbourhood Plan Policy DNP9 states that new development should safeguard the amenities of existing residential properties in the immediate area by way of the alignment and the layout of the new buildings.
- 7.4.3 The amendment to Condition No.2 and the substitution of plans in relation to Plot No.3 would not impact further upon the amenities of existing residential occupiers. Plot 3 is considered to have the potential to impact neighbours' amenities at Plot 4, to the south and Plot 2 to the northwest, both two storey detached dwellinghouses (not yet built and part of this approved development). The amendments to Plot 3 would result in sufficient separation distances between the neighbouring plots and any primary windows to habitable rooms in existing neighbouring dwellings, such that there would not be an unacceptable loss of light, or an overbearing impact.
- 7.4.4 The creation of second storey accommodation within the roof space would result in a northeast facing window to serve the additional fifth bedroom. However, this window would primarily overlook fields facing north-east. As such, it is not considered that the dwelling (as amended) would have windows that would overlook neighbouring properties and so neighbours' amenities in terms of privacy and overlooking would not be detrimentally affected.
- 7.4.5 Considering 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 Deepings Neighbourhood Plan, NPPF Section 12, and Policy DE1 of the Local Plan.

7.5 Highway Safety/Parking

- 7.5.1 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.
- 7.5.2 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.

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 Taking the above into account, it is considered that the proposal is appropriate for its context and is in accordance with the adopted Deepings Neighbourhood Plan, NPPF (Sections 9, 12 and 16) and Policies DE1 and EN6 of the South Kesteven Local Plan. There are no material considerations that indicate otherwise although conditions have been attached.

11 Recommendation

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

Time Limit for Commencement

1. The development hereby permitted shall be commenced before the expiration of three years from the date of permission Ref. S20/1862.

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:

Drawing No.MSP.1517.001A Site Location Plan, received 29 October 2020

Drawing No.1837.A.1b Proposed Block Plan, received 19 April 2021

Drawing No.1837.A.2a Plot 1 drawings received 19 April 2021

Drawing No. 4533 D2-1 Rev A House Plot 2 Plan and Elevations received 4 March 2024

Drawing No. 4533 D100 Site Plan Plot 2 received 14 December 2023 (insofar as it relates to Plot 2 only)

Drawing No.D01 Rev A Site Plan Plot 3 received 3 July 2024 (insofar as it relates to Plot 3 only)

Drawing No.D02 Rev A Plot 3 Floor Plans received 3 July 2024

Drawing No.D03 Rev A Plot 3 Elevations received 3 July 2024

Drawing No.D04 Plot 3 Garage Plans and Elevations received 3 July 2024 (insofar as it relates to Plot 3 only)

Drawing No. D01 Site Plan Plot 4 received 22 May 2024 (insofar as it relates to Plot 4 only)

Drawing No. D02 Plot 4 Plan and Elevations received 22 May 2024

Drawing No. D03 Plot 4 Garage Plan and Elevations received 22 May 2024 (insofar as it relates to plot 4 only)

Drawing No. D-03 Rev A Plot 5 Proposed Floor Plan and Elevations received 13 March 2024

Drawing No. D-01 Rev A Site Plan received 23 April 2024 (insofar as it relates to Plots 5 and 6 only)

Drawing No. D-02 Rev A Plot 6: Barn Proposed Floor Plans and Elevations received 5 March 2024

Drawing No. D-04 Plot 5 & 6 Garage plans received 27 December 2023 (insofar as it relates to Plots 5 & 6 only)

Drawing No.1837.A.8 Plot 7 Conversion and extension of cart barn received 29 October 2020

Drawing No.1837.a.10 Garages plans 4, 7 and 8 received 29 October 2020
Drawing No.D-05 Osier Farmhouse Garage Plan and Elevations received 27
December 2023 (insofar as it relates to Osier Farmhouse Only)
Unless otherwise required by another condition of this permission.

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

Prior to Commencement

3. The archaeological investigations shall also have been completed in accordance with the approved details before development commences.

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 and Paragraph 199 of the NPPF.

During Building Works

Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop and the local planning authority shall be notified immediately. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared in accordance with current good practice and legislation and submitted to and approved by the Local Planning Authority, and the approved remediation shall thereafter be implemented. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

Before the Development is Occupied

4. The development hereby approved shall proceed fully in accordance with the recommendations within the Ecology and Protected Species Survey report by Inspired Ecology Ltd dated October 2019.

Reason: To ensure that satisfactory provision is made to safeguard the habitat of protected species that may be present on site.

5. Before any dwelling hereby permitted is occupied, radius kerbs should be provided on either side of the access so that it has the appearance of a private road junction. The radius kerbs should be dropped so as not to impede the passage of wheelchairs and perambulators.

Reason: In the interests of highway safety to accord with Section 9 of the NPPF (2023).

6. Before any part of the development hereby permitted is occupied/brought into use electric vehicle charging points shall be made available for use by each dwelling and shall be retained as such for the lifetime of the development.

Reason: To ensure that the development contributes to low carbon travel in accordance with Policy SB1 of the South Kesteven Local Plan (2020).

7. Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the materials

schedule received 8 August 2024 unless otherwise agreed 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.

8. Before any part of the development hereby permitted is occupied/brought into use, the external surfaces shall have been completed in accordance with the approved details.

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

Ongoing

9. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no building, enclosure, swimming or other pool or container used for domestic heating purposes shall be constructed within the curtilage of the dwellinghouse without Planning Permission first having been granted by the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

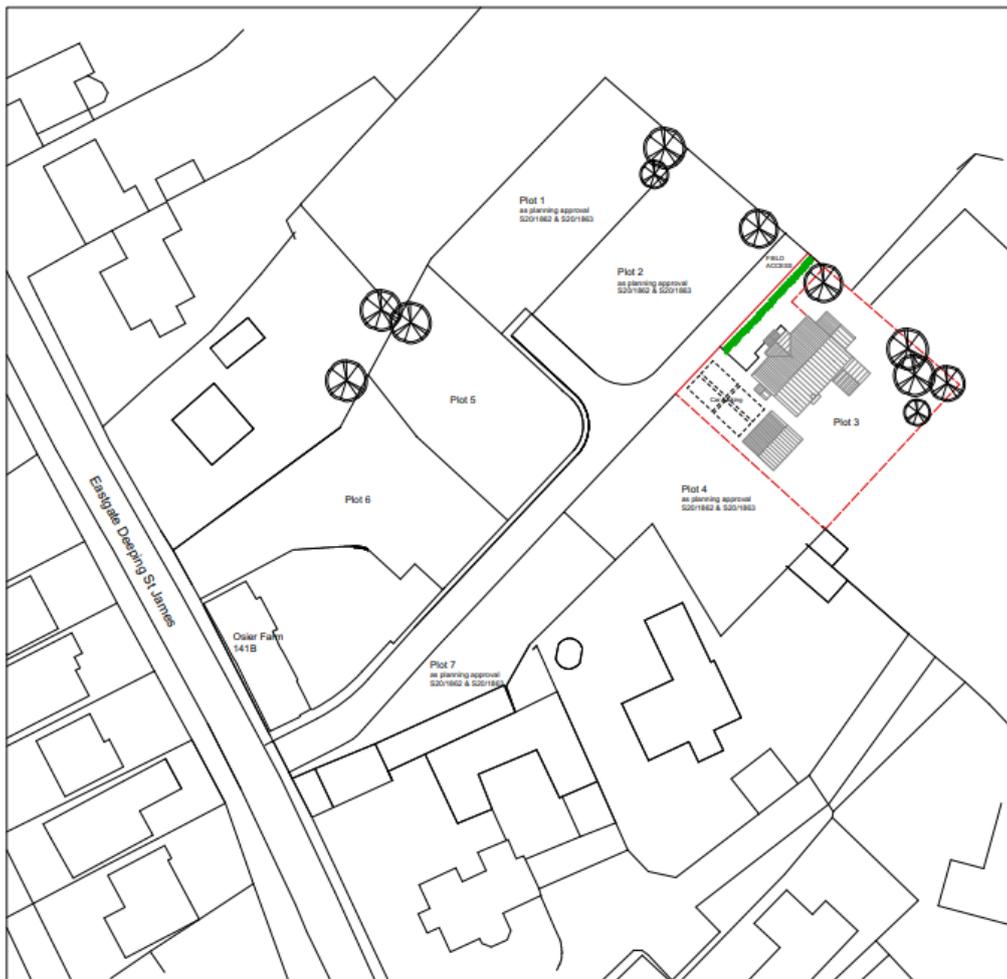
10. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the property other than those expressly authorised by this permission shall be carried out without Planning Permission first having been granted by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties.

Financial Implications reviewed by:

Legal Implications reviewed by: Not applicable

Site Plan



BOUNDARY TREATMENT
1.8m high close boarded fence

SCALE 1:500 @ A3



Project OSIER FARM, EASTGATE DEEPING ST JAMES		Aspect Architectural Design Architectural Designer 251 Church Street Southborough Northampton NN16 9NR Telephone: 01603 821000	Rev A: June 24 - Front porch added
Title SITE PLAN			
Date	Rev	Rev No	
D	(-)	01	A

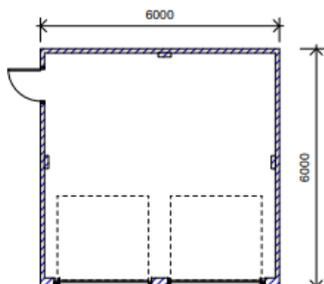
Proposed Garage



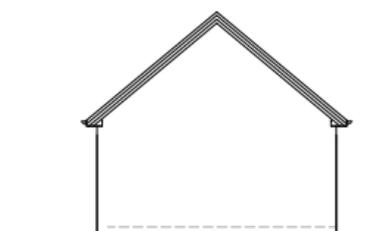
FRONT ELEVATION

REAR ELEVATION

GABLE ELEVATION



GARAGE FLOOR PLAN



GABLE ELEVATION



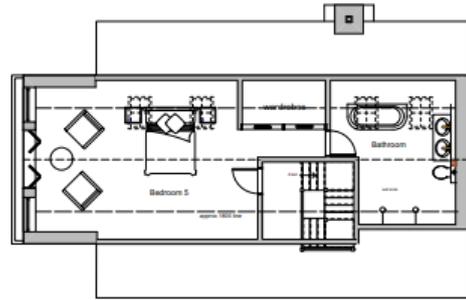
Scale bar 1:100 @ A4

Project PLOT 3, OSIER FARM		Aspect Architectural Design Architectural Designer 251 Church Street Southborough Northampton NN16 9NR Telephone: 01603 821000
Title PLOT 3 GARAGE PLAN & ELEVATIONS		
Date	Rev	Rev No
D	(-)	04

Floor Plans and Elevations



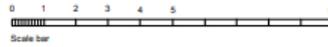
FIRST FLOOR PLAN



SECOND FLOOR PLAN



GROUND FLOOR PLAN
PLOT 3



Rev A: June 24 - Ground floor front hallway revised

Project		PLOT 3, OSIER FARM		Aspect		Architectural Design	
Title		PLOT 3 FLOOR PLANS		Author		Landscape Designer	
Scale	Sheet	Drawn	284	Checked	Reviewed	Approved	Date
D	(-)	02	A				



FRONT/NORTH WEST ELEVATION

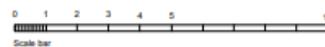
SOUTH WEST ELEVATION



SOUTH EAST ELEVATION

NORTH EAST ELEVATION

PLOT 3



Rev A: June 24 - Ridge height reduced, front gable window changed to a cottage window, bare point added

Project		PLOT 3, OSIER FARM		Aspect		Architectural Design	
Title		PLOT 3 ELEVATIONS		Author		Landscape Designer	
Scale	Sheet	Drawn	284	Checked	Reviewed	Approved	Date
D	(-)	03	A				



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

5 September 2024



S24/1191

Proposal:	Removal of existing passenger lift to be replaced with new lift in the same location
Location:	Stamford Arts Centre, 27 St Mary's Street, Stamford, Lincolnshire, PE9 2DL
Applicant:	Mr Neil Smith
Application Type:	Listed Building Consent
Reason for Referral to Committee:	SKDC are Owner and Applicant
Key Issues:	<ul style="list-style-type: none"> Impact on the character of the Conservation Area Impact on the special interest of the Listed Building
Technical Documents:	Heritage Statement

Report Author

James Adams, Conservation Officer



01476 406415



james.adams@southkesteven.gov.uk

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Stamford St Mary's

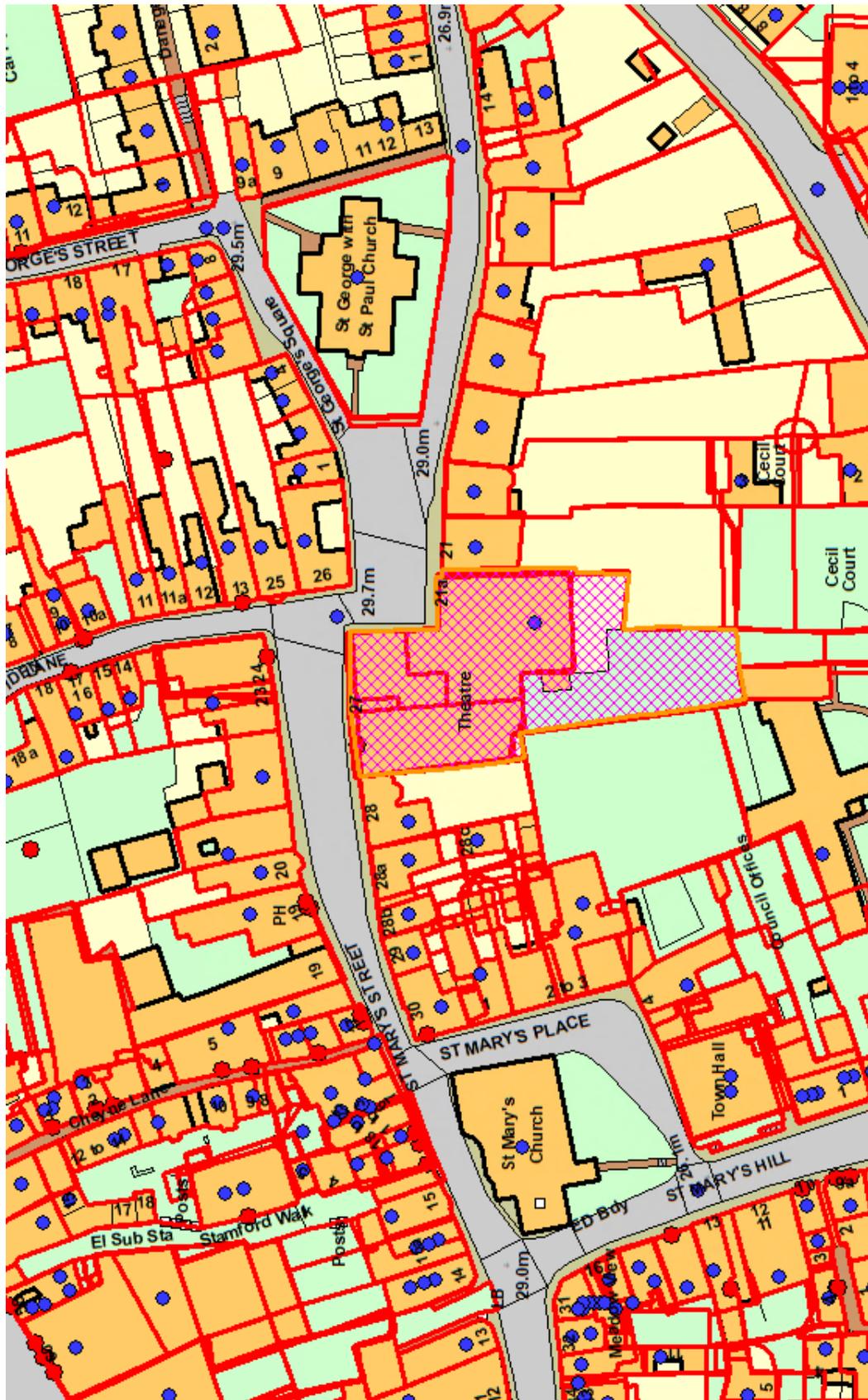
Reviewed by:

Adam Murray – Principal Development Management Planner

23 August 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT listed building consent, subject to conditions.



Key



Application
Boundary



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1 Description of Site

- 1.1 The application site is Stamford Arts Centre, 27 St Mary's Street, Stamford. The building is a Grade II* listed building (NHLE 1062976) dating from 1766. The property, consists of two storeys and is constructed in ashlar with a hipped old slate roof with an arrow vane at the peak. There are 5no. windows, 4no. windows have shouldered stone surrounds and large triple keystones and moulded cills. The listing description states that the interior has been gutted and the building has been used as a club. Only one fine interior doorcase has been retained which is in Roman Ionic style and has elaborate mouldings.
- 1.2 The Medieval Core Character Area of the Stamford Conservation Area is characterised by the street pattern and burgage plots remaining intact, the predominant material is Lincolnshire limestone with coursed rubble masonry or ashlar for the higher status buildings.

2 Description of Proposal

- 2.1 It is proposed to remove the existing lift that is currently inoperable and replace it with a new lift in the same location. The replacement of the lift requires the strip out of the existing lift and control box and radiator near the lift.

3 Relevant History

- 3.1 None

4 Policy Considerations

4.1 SKDC Local Plan 2011 – 2036

Policy DE1 - Promoting Good Quality Design

Policy SD1 - The Principles of Sustainable Development in South Kesteven

Policy EN6 - The Historic Environment

4.2 Stamford Neighbourhood Plan (Made July 2022)

4.3 National Planning Policy Framework (NPPF)

Section 12 - Achieving Well-Designed & Beautiful Places

Section 16 - Conserving and Enhancing the Historic Environment

5 Representations Received

- 5.1.1 Stamford Town Council stated "No objection, defer to Conservation Officer" on 5th August 2024.
- 5.1.2 Historic England declined to comment on the application.
- 5.1.3 Stamford Civic Society commented that the proposal is a necessary and positive enhancement

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 no letters of representation have been received.

7 Evaluation

- 7.1 The Local Planning Authority is required to ensure that special regard to preserving the Listed Buildings and their settings in relation to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.
- 7.2 Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
- 7.3 Policy EN6 (The Historic Environment) states amongst other criteria that the Council will seek to protect and enhance heritage assets and their settings, in keeping with the policies in the National Planning Policy Framework. Proposals will be expected to take into account the Conservation Area Appraisals, where these have been adopted by the Council.
- 7.4 The proposal will result in no harm to the significance of the listed building. The proposals make use of the already existing lift shaft. The control box is to be moved from its current position, which is currently hard to access for maintenance and repair in the position where a radiator is currently located. The control box will be finished in a similar cover to the radiator, which will reduce the visual impact.
- 7.5 As the lift has been condemned on health and safety grounds, a new lift is required to ensure that the building is accessible for all.
- 7.6 The proposed lift requires minor alterations to the layout of the property, in particular the shaft in the basement which is constructed out of breeze blocks so there are no concerns regarding loss of historic fabric. The installation of a new lift in this space will not cause substantive harm to the fabric.
- 7.7 Overall, the proposal is in line with South Kesteven District Council's Local Plan Policy EN6: The Historic Environment and Chapter 16 of the NPPF..

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

10.1 Taking the above into account, subject to the imposition of conditions, it is considered that the proposed scheme would not result in the loss of any historic fabric, and the proposed works secure the optimum viable use of the building. The proposed scheme would not alter the overall character and appearance of the building, and therefore, would preserve the setting and significance of the Grade II* Listed Building. As such, the application proposals are considered to accord with Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990, Policy EN6 of the adopted South Kesteven Local Plan, and Section 16 of the National Planning Policy Framework.

11 RECOMMENDATION:

11.1 To authorise the Assistant Director – Planning to GRANT listed building consent subject to the recommended schedule of conditions.

Time Limit for Commencement

1. The works hereby consented shall be commenced before the expiration of three years from the date of this consent.

Reason: In order to ensure that the works are commenced in a timely manner, as set out in Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Approved Plans

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

- i. 206 P01 – Location & Site Plan received 31 May 2024
- ii. 206 P02A – Proposed Ground Floor Plan [received 31 May 2024]
- ii 206 P03 – Proposed South & East Elevation [received 31 May 2024]

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

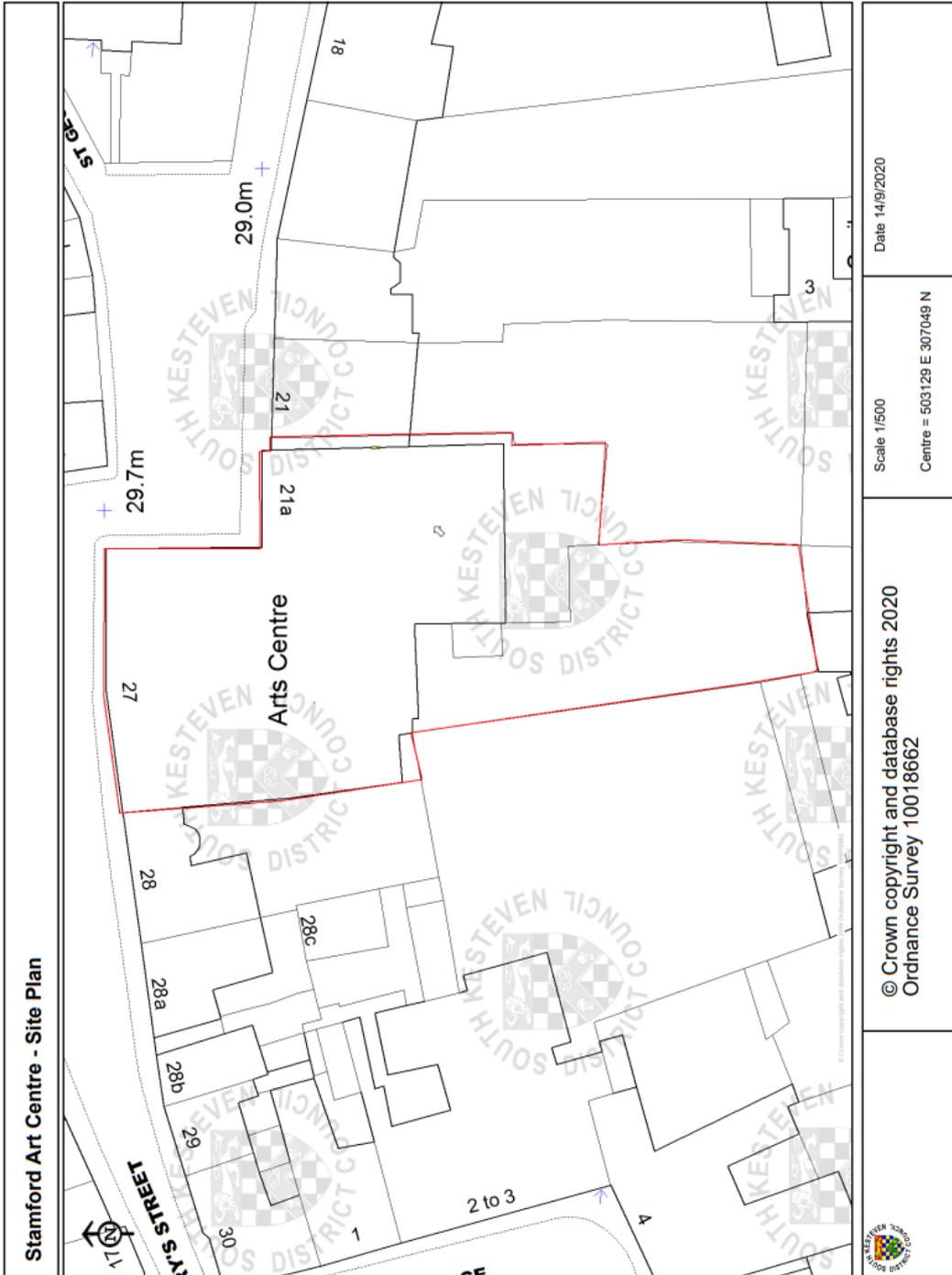
3) Before any part of the development hereby permitted is occupied/brought into use, the external elevations shall have been completed using only the materials stated in the planning application forms unless otherwise agreed in writing by the Local Planning Authority.

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

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 LIFT PLAN & ELEVATIONS

