

# Planning Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

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Thursday, 6 February 2025 at 1.00 pm  
Council Chamber - Council Offices,  
St. Peter's Hill, Grantham. NG31 6PZ

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**Committee** Councillor Charmaine Morgan (Chairman)  
**Members:** 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

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## Agenda

This meeting can be watched as a live stream, or at a  
later date, [via the SKDC Public-1 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 additional meeting held on 23 January 2025** (To Follow)

### Planning matters

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

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

- 4. Application S24/1040** (Pages 3 - 40)  
**Proposal:** Installation of solar farm with associated  
battery storage, comprising ground

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01476 406080

**Karen Bradford, Chief Executive**  
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mounted solar photovoltaic panels, including mounting systems, inverters and transformers, electrical substation, underground cabling, stock proof fencing, CCTV, internal access tracks and associated infrastructure for a temporary period of 40 years

**Location:** Pastures Farm, High Dike, Welby

**Recommendation:** To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions.

**5. Application S24/1327** (Pages 41 - 84)

**Proposal:** Conversion of former school house building together with erection of 3 (no) 3-storey apartment blocks to form a total of 60 (no) apartments with associated amenity space and vehicle parking; following demolition of the existing workshop and office building (Revised submission of S23/0882)

**Location:** The Old School House, Station Road East, Grantham

**Recommendation:** To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions

**6. Application S24/1822** (Pages 85 - 103)

**Proposal:** Proposed demolition of Class Q consented barn and erection of a detached dwelling, hard and soft landscaping and formation of a re-wilding Zone

**Location:** Wildwood, Nightingale Lane, Aisby, NG32 3NE

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

**7. Application S24/1719** (Pages 105 - 118)

**Proposal:** Change of use of outbuilding to single dwelling

**Location:** 1 Albert Road, Stamford, Lincolnshire, PE9 2EA

**Recommendation:** To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions.

**8. Application S23/0299**

(Pages 119 - 133)

**Proposal:** Erection of 67 dwellings with associated vehicular access from Reedings Road and Owen Way, and associated public open space and infrastructure

**Location:** Land at Reedings Road, Barrowby

**Recommendation:** To authorise the Assistant Director – Planning & Growth to GRANT planning permission, subject to conditions and the completion of a Section 106 Agreement

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

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## Planning Committee

6 February 2025

## S24/1040

Proposal:	Installation of solar farm with associated battery storage, comprising ground mounted solar photovoltaic panels, including mounting systems, inverters and transformers, electrical substation, underground cabling, stock proof fencing, CCTV, internal access tracks and associated infrastructure for a temporary period of 40 years
Location:	Pastures Farm, High Dike, Welby
Applicant	Welby Solar Farm Limited
Application Type:	Full Planning Permission (Major)
Reason for Referral to Committee:	At the discretion of the Assistant Director – Planning & Growth
Key Issues:	Climate Change / Principle of Development Effect of the proposal on agricultural land Effect of the proposal on the character and appearance of the area Effect of the proposal on biodiversity and ecology
Technical Documents:	<ul style="list-style-type: none"><li>• Agricultural Land Classification Report</li><li>• Arboricultural Impact Assessment</li><li>• Biodiversity Net Gain Report</li><li>• Construction Traffic Management Plan</li><li>• Cultural Heritage Assessment</li><li>• Cumulative Impact Assessment</li><li>• Drainage Strategy</li><li>• Ecological Impact Assessment</li><li>• Flood Risk Assessment</li><li>• Geophysical Survey</li><li>• Glint &amp; Glare Assessment</li><li>• Landscape and Visual Appraisal</li><li>• Minerals Resource Assessment</li><li>• Noise Assessment</li><li>• Planning, Design and Access Statement</li><li>• Statement of Community Involvement</li><li>• Sustainability Statement</li><li>• Transport Appraisal</li></ul>

### Report Author

Adam Murray – Principal Development Management Planner



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Corporate Priority:	Decision type:	Wards:
<b>Growth</b>	<b>Regulatory</b>	<b>Lincrest</b>
<b>Reviewed by:</b>	Phil Jordan, Development Management & Enforcement Manager	28 January 2025

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

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

S24/1040 – Pastures Farm, High Dike, Welby



## 1 Description of the site

- 1.1 The application site consists of an area of approximately 144.9 hectares of land situated to the east of High Dike (B6403) and situated approximately 1.5km north of the village of Welby. The site comprises of 99.2 hectares of land for the proposed solar farm, and 45.7 hectares of land for the proposed grid connection route, which is situated approximately 4km to the south-west of the site. The site currently consists of an area of agricultural land, which are currently in arable use, and form part of a single agricultural unit associated with Pastures Farm.
- 1.2 The application site primarily follows the established field boundaries, with the exception of the south-eastern boundaries, which do not follow a clearly defined physical feature. The boundaries of the site are largely marked by mature hedgerow and trees.
- 1.3 The site is bound to the north, south and west by open countryside, including further agricultural land and associated dwellings and storage buildings; and to the west by High Dike (B6403), with the former RAF Barkston Heath, and Belton House Registered Park and Garden located beyond. There are a number of Public Rights of Way (PRoW) within the immediate vicinity of the site, including Bridleway Heyd/19/1, which runs adjacent to the northern boundary of the site.
- 1.4 As referenced above, the proposed development site also includes a cable connection route, which extends from the southern western boundary of the solar farm, running southwards adjacent to the High Dike before crossing approximately 0.7km south of High Road and running for approximately 1km to the east connecting to the Grantham BSP substation.
- 1.5 As alluded to above, the proposed development site lies outside of the main built-up area of a defined settlement within the village – the nearest settlement is Welby, which is located approximately 1.5km to the south of the proposed development site – and, therefore, falls to be identified as being located within the Open Countryside. The site is identified as being within Flood Zone 1 of the Flood Map for Planning but is also identified as including areas of medium and higher risk of surface water flooding. Furthermore, the Natural England Provisional Agricultural Land Classification Maps identify the site as being Grade 3 agricultural land value; a detailed Agricultural Land Classification Survey has been completed as part of the application submission and this is discussed in further detail below. The site also falls within a Minerals Safeguarding Area designed in the Lincolnshire Minerals and Waste Local Plan.
- 1.6 The site is not subject to any statutory landscape designations. However, the site is located within the Southern Lincolnshire Edge Landscape Character Area (South Kesteven Landscape Character Assessment, 2007), which is defined by the large-scale, open arable landscape character; and comprises of open rectilinear fields under arable cultivation with some fragmented hedgerow trees, which allow extensive views.
- 1.7 Similarly, the proposed development site does not contain any designated built heritage assets. However, there are a number of designated assets located within the surrounding area. The Grade I Listed Belton House and its associated Registered Park and Garden are approximately 1.8km to the west of the site on the opposite side of the High Dike. Honington Camp Scheduled Monument is located approximately 2.4km to the north west of the site. There are a number of listed buildings also located within the village of Welby.

1.8 Furthermore, whilst the site is not subject to any ecological designations, it is noted that the verges immediately adjacent to the High Dike on the western boundary are identified as a Local Wildlife Site, and form one of five LWS within 1km of the site. Similarly, there are also a number of nationally designated sites within the immediate area, including Wilsford Heath Quarry Site of Special Scientific Interest, which is located within approximately 600m to the north of the site. The site is located within the SSSI Impact Risk Zone for this site.

1.9 The proposed development site has not been subject to any previous planning applications. However, the application proposals have been the subject of an Environmental Impact Assessment [EIA] Screening Opinion (LPA Ref: S23/1845) in December 2023, which concluded that the proposed development was not defined as being EIA development, and therefore, the current application was not required to be accompanied by an Environmental Statement.

1.10 It is appreciated that the site is one of three solar proposals within the immediate vicinity of Welby. The current status of these proposals are as follows:

- LPA Ref: S24/0360 – Church Lane, Welby – approximately 2.2km to the south of the current application site and uses the same grid connection point as the current application scheme. Allowed on Appeal in January 2025.
- LPA Ref: S23/2199 – Land at High Dike, Londonthorpe (Ash Tree Solar Farm) – located on the opposite side of the High Dike. Refused planning permission following resolution by Planning Committee in October 2024. Currently pending appeal.

## **2 Description of the proposal**

2.1 The current application seeks full planning permission for the installation of a solar farm with associated battery storage, comprising ground mounted solar photovoltaic panels, including mounting systems, inverters, transformers, electrical substation, underground cabling, stock proof fencing, CCTV, internal access tracks and associated infrastructure for a temporary period of 40 years.

2.2 The proposed solar farm is anticipated to have an energy generating capacity of up to 46 megawatts (MW) and would be operational for a temporary 40-year period, with all equipment removed from the site at the end of the operational period, and the land subsequently returned to its current agricultural use. The application states that the solar farm would provide the equivalent energy needs for approximately 14,500 homes in the UK.

2.3 The application submission has been accompanied by a series of Proposed Plans and Elevations, as well as detailed technical assessments, which indicate that the development would consist of the following:

- Ground mounted solar array – panels based on metal mounting structure to form an array, which would be pile driven into the ground. The panels would be tracker panels, which would run to south and rotate east to west tracking the sun throughout the day. The arrays would be positioned 2.3m above ground and therefore, the panels would be 0.8m above ground at their lowest point and 3.5m at their highest point in the day.
- Battery Storage Compound – the battery energy storage system (BESS) would be located in the north-east corner of the site and screened by Welby Hazels. The units would be grouped in approximately five sets of eight units divided by internal access tracks. The individual units are 6m in length, 2.5m in width and 2.9m in height.

- 33kV Customer Substation – the substation and control building consists of a prefabricated container structure situated on a concrete foundation. The building is approximately 12.5m in length, 2.9m in width and 2.4m in height and contains two entrances.
- Power Conversion Block – the conversion blocks would house the inverters, transformers and associated equipment to convert the energy into Alternating Current energy. There are proposed to be 17 conversion units within the site with 10 situated in the BESS area. The conversion units would be 2.2m in height, 2.6m in width, and 11.7m in length and would be a metal panel situated on a stell base frame.
- Boundary Fencing – deer fencing, comprising of wooden posts and wire mesh fencing approximately 2km in height. The on-site substation would be bound by metal palisade fencing approximately 3m in height. The BESS compound would be bound by weldmesh fencing which would be 2.5m in height.
- CCTV system – the CCTV system is to be pole or fence mounted around the perimeter of the site at a maximum height of 3.5m
- Storage container for spare parts
- Water Tanks for the Battery Energy Storage System (BESS) – the proposed water tanks would have capacity for 228,000 litres and would be 2.57m in height, 2.42m in width and 5.42m in length.
- Upgrade of site access and internal access tracks to connect the site

2.4 The Proposed Site Layout indicates that the proposed development would exclude the central field of the site, which will be retained in agricultural use for the lifetime of the development.

2.5 As referenced above, the proposed development would connect to the National Grid via the existing Grantham BSP substation. The cable connection route will be taken from the south-western corner of the site and would run parallel to the High Dike for 3km before crossing to the south of High Road and running for approximately 1km to the east to the substation. The cable would be buried underground for the extent of its connection route, and agricultural land would be fully reinstated following installation of the cable.

2.6 Access to the site is proposed to be taken via the existing agricultural access from the High Dike (B6403), which currently serves Pasture Farm. The access is proposed to be used for construction of the proposed development, as well as during the operational period.

2.7 The application submission has also been accompanied by a Proposed Landscape Mitigation Plan, which identifies that the existing hedgerow boundaries will be retained and enhanced through closing existing gaps with native hedgerow. New species rich hedgerow with occasional tree planting will be planted within the internal boundaries of the site and adjacent to the existing access route. The internal field boundaries are to be planted with new species diverse grassland under the panels, and nectar rich and tussocky grassland on all other areas. A 10m buffer is to be retained around Welby Hazels. New skylark plots are to be provided in the central field which is being retained in arable use.

### 3 Relevant History

Application Ref	Description of Development	Decision
S23/1845	Request for an EIA Screening Opinion for the installation and operation of a 46MW ground mounted photovoltaic solar farm with battery storage, grid connection and supporting infrastructure	EIA Not Required 18.12.23

### 4 Policy Considerations

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

Policy SD1 – The Principles of Sustainable Development in South Kesteven  
Policy SP1 – Spatial Strategy  
Policy SP5 – Development in the Open Countryside  
Policy EN1 – Landscape Character  
Policy EN2 – Protecting and Enhancing Biodiversity and Geodiversity  
Policy EN4 – Pollution Control  
Policy EN5 – Water Environment and Flood Risk Management  
Policy EN6 – The Historic Environment  
Policy DE1 – Promoting Good Quality Design  
Policy RE1 – Renewable Energy Generation  
Policy ID1 – Infrastructure for Growth  
Policy ID2 – Transport and Strategic Transport Infrastructure  
Local Plan Appendix 3 – Renewable Energy

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

Policy M11 – Safeguarding of Mineral Resources

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

#### 4.4 **National Planning Policy Framework (NPPF) (Published December 2024)**

Section 2 – Achieving sustainable development  
Section 4 – Decision-making  
Section 9 – Promoting sustainable transport  
Section 11 – Making effective use of land  
Section 12 – Achieving well-designed and beautiful places  
Section 14 – Meeting the challenge of climate change, flooding and coastal change  
Section 15 – Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment  
Section 17 – Facilitating the sustainable use of minerals

#### 4.5 **National Policy Statement for Energy (EN1) (Published November 2023)**

#### 4.6 **National Policy Statement for Renewable Energy (EN3) (Published November 2023)**

### 5 Representations Received

#### 5.1 **Association of Gardens Trust**

5.1.1 No comments to make

## 5.2 **Civil Aviation Authority**

5.2.1 No comments received.

## 5.3 **Defence Infrastructure Organisation**

5.3.1 No objection subject to conditions.

5.3.2 The application site occupies the statutory safeguarding zones surrounding RAF Barkston Heath, RAF Cranwell ad East 1 WAM network. Specifically, the application site falls within the aerodrome height and birdstrike safeguarding zones, and the technical zone around the East 1 WAM network, an asset which facilitates air traffic services.

5.3.3 Within this zone, the principal concern of the MOD is the creation of new habitats that may attract and support populations of large and / or flocking birds close to an aerodrome.

5.3.4 After reviewing the plans and documentation provided in the application, given the location of the development relative to RAF Barkston Heath, it is identified that the landscaping plans have the potential to form an attractive environment to those large and / or flocking bird species that may be hazardous to aviation safety.

5.3.5 The land underneath the panels is shown as species diverse grassland, which if maintained by grazing, may introduce an attractive environment for birds hazardous to aviation. Other habitats which will be provided include modified grassland, other neutral grassland, mixed scrub, trees and hedgerow with an enhancement of existing ditches. Whilst the indicative landscaping plan identifies the species that would be planted, no details of the proportions or numbers of individual species have been provided. To address that potential harm, a condition requiring the submission, approval and implementation of a detailed planting and landscape management plan should be added to any consent that might be issued.

5.3.6 The technical safeguarding zone defines areas to regulate the height of development, materials used in construction and introduction of sources of electro-magnetic fields around radars, transmitter / receiver sites and other types of technical installations supporting operational defence and national security requirements.

5.3.7 It is identified that the volume of ground mounted photovoltaic panels has the potential to generate Electrical Noise Interference which may impact on the operation and capability of technical assets forming part of the East 1 WAM network, an asset used to facilitate air traffic management with resultant degradation in aviation safety.

5.3.8 In order to prevent this harm, the MOD requests that a condition is added to any consent to require the submission, approval and implementation of an Electric Noise Management Plan.

## 5.4 **Environment Agency**

5.4.1 No objection subject to conditions.

## 5.5 **Heritage Lincolnshire**

5.5.1 No objection subject to conditions.

5.5.2 The site for the proposed development lies in an area of archaeological interest, approximately 2km to the south of the meeting point of two Roman roads, Ermine Street to the west and King Street to the east. Cropmarks of possible prehistoric date comprising a field system and a ring ditch lie immediately beyond the northern boundary of the proposed development and other cropmarks of prehistoric date lie to the south. Romano-British

pottery, roofing tile and stone building debris were identified at a site to the west of Ermine Street, approximately 1.5km from the western boundary of the proposed area of development.

5.5.3 Trial trenching has identified a range of archaeological deposits distributed over several areas which are predominantly of late Iron Age and Roman data. Previous investigations on deposits within the site have been undertaken in advance of the construction of an Anglian Water pipeline. Prior to these investigations, the archaeological remains were unidentified, although cropmarks plotted in the area have indicated their presence. The identified remains have the potential to contribute to the regional archaeological research agenda and to consideration of the setting of the nearby Iron Age hillfort at Honington which is a Scheduled Monument of national importance.

5.5.4 We recommend that an archaeological mitigation strategy is imposed as a condition of any planning permission which may be forthcoming. The mitigation strategy should be submitted to and agreed by the Local Planning Authority prior to the commencement of development. The strategy should contain illustrations which show the locations of significant archaeological remains against all areas of proposed impact and ground disturbance. Written details of construction methods and groundworks should be detailed as part of the process of compiling the strategy and protected areas should be clearly demarcated and fenced off during construction and decommissioning.

## 5.6 **Historic England**

5.6.1 No objections.

5.6.2 With regard to the assessment of setting impacts on Honington Camp Scheduled Monument, there is evidently a setting relationship between the later prehistoric – Roman remains indicated in the geophysical survey and previous investigations, and the Iron Age scheduled monument which sits on the same mass of rising ground the other side of Barkston Heath.

5.6.3 Our key concern in respect of the setting of Honington Camp is that associated archaeological remains on the proposal site are appropriately addressed through the planning process both as setting and as assets in their own right.

## 5.7 **Black Sluice Internal Drainage Board**

5.7.1 No objections

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

5.8.1 No objections subject to conditions.

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

5.9.1 No comments received.

## 5.10 **Lincolnshire County Council (Planning Policy)**

5.10.1 No comments received.

## 5.11 **Lincolnshire Fire and Rescue**

5.11.1 No objections.

## 5.12 **Lincolnshire Wildlife Trust**

5.12.1 No comments received.

## 5.13 **Londonthorpe and Harrowby Without Parish Council**

- 5.13.1 There is limited evidence to support the sequential search test as specified in the Local Plan has been appropriately carried out. The 5km search area used due to the cost of connection is not part of the sequential selection criteria and should be disregarded.
- 5.13.2 Lincolnshire County Council has recently stated that they will not endorse solar farms on Grade 1, 2 or 3A land, and that 3B may only be considered to facilitate access to poorer quality brownfield land.
- 5.13.3 The proposal impacts the golden triangle of Londonthorpe and the woods, Alma Park Woods and Belton House and Park.
- 5.13.4 We are pleased that the cable does not pass through the heritage area of Londonthorpe village.
- 5.13.5 We cannot see that existing wildlife has been taken into account. A bat survey has not been carried out; the night time operation of the battery units may produce high frequency noise which will act against the significant deer population.
- 5.13.6 We believe that a noise attenuation plan should be required for the battery storage system.
- 5.13.7 We request that the construction routing is revised and uses the new Grantham bypass under construction.
- 5.13.8 We do not agree that a biodiversity net gain will be achieved.

## 5.14 **Natural England**

- 5.14.1 No objections.
- 5.14.2 From the description of the development, this application is likely to affect 18.8 hectares of Grade 3A BMV agricultural land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of agricultural land as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of the substation, may permanently affect agricultural land this would be limited to small areas of which is BMVAL.
- 5.14.3 However, during the life of the proposed development, it is likely that there will be a reduction in production over the whole development area. The LPA should therefore consider whether this is an effective use of land in line with Paragraph 180 of the NPPF, which encourages the siting of large solar farms on previously developed and non-agricultural land.
- 5.14.4 The application is accompanied by a Biodiversity Net Gain Assessment, which follows the DEFRA biodiversity metric method. The assessment indicates that the proposals meet the required minimum 10% BNG required by law.

## 5.15 **National Trust**

- 5.15.1 The National Trust recognise that the applicant has reviewed the Belton House and Park Setting Study when considering the scope of the landscape and heritage impacts as a result of the proposal. Further analysis is also provided, alongside the supporting Landscape and Visual Appraisal and Zone of Theoretical Visibility (ZTV) work. Given both topography and separation distances, it is considered that there is less risk to the more intimate, experiential

setting associated with Belton's eastern parkland. There may be some wider incidental intervisibility between the parkland and the application site, with the introduction of a more functional visual feature in the wider landscape. This also accounting for the construction phase, alongside any additional security measures and infrastructure.

- 5.15.2 It is noted that visual screening, both existing and proposed, is liable to change over time and seasonally. Also, accounting for maturity, and in relation to Bellmount Plantation, the current management of ash dieback disease.
- 5.15.3 In light of the above, and with regard for Belton's significance and setting, the National Trust request that relevant heritage, landscape and ecological review is undertaken during the decision-making process. Also, that the cumulative impact of this, and nearby solar farm proposals are given due consideration.
- 5.15.4 More broadly, if SKDC consider that this application should be approved we request the type and nature of panels is agreed to secure the use of non-reflective panels, and that all opportunity is taken to maximise visual screening.

## 5.16 **North Kesteven District Council**

- 5.16.1 No objections.
- 5.16.2 We note that the application site immediately borders the North Kesteven District Council boundary on the northern edge of the site, and we can confirm that we have had pre-application discussions in relation to the proposed development.
- 5.16.3 We have no objection to the proposed development and advised at pre-application stage that cumulative LVIA impact with the registered NSIP solar projects in North Kesteven District along with the Lincolnshire Reservoir were unlikely owing to separation distances involved. We recommended that the applicant consider cumulative LVIA impacts with the Temple Oaks Renewable Energy Park solar NSIP project. We note that these points are addressed in the LVIA and that the applicant has referenced the North Kesteven Landscape Character Assessment in their assessment.
- 5.16.4 We note that the LVIA assigns a minor or moderate adverse impact on the Wilsford Heath Landscape Character Area and from Viewpoints 4, 5 and 7 which are located in North Kesteven, and we agree with these conclusions.
- 5.16.5 We recommend that the applicant consider soft landscaping and mitigation measures which respond to the characteristics of the Wilsford Heath LCA and also considers the Central Lincolnshire Biodiversity Opportunity Mapping study, which illustrates opportunity areas immediately adjacent, within North Kesteven District.

## 5.17 **National Grid**

- 5.17.1 No comments received.

## 5.18 **National Trust**

- 5.18.1 No comments received.

## 5.19 **SKDC Conservation Officer**

- 5.19.1 The Grade I listed Belton Park and Garden has been noted to be within the ZTV of the proposed solar farm. This is assessed to be not impacted upon by the proposed solar farm. The site is screen from Belton Park by hedgerows and trees. Care should be taken to strengthen the visual barrier with strong hedgerows and a tree line along the western and

southern boundaries of the solar farm. By itself, it is not considered to cause harm to the setting, the cumulative impact should be considered.

5.19.2 The DBA confirmed that there will be intervisibility with the Scheduled Monument of Honington Camp. The assessment confirms that there will be a less than substantial impact upon the setting of the Scheduled Monument. As noted by Historic England as well as Heritage Lincolnshire, the results of further archaeological interventions should be submitted to the LPA, to assess the archaeological potential, and its potential inter-relationship with the Honington Camp, to fully assess the level of the potential impact. At this point, the proposed works would result in a less than substantial impact upon the setting, however the potential unknown below ground archaeology could raise this to a higher level of impact.

5.19.3 Further less than substantial impact has been noted on the nearby farmsteads Wilsford Heath Farm, Quarry Farm and Gipple Farm, as well as RAF Barkston Heath. The assessment concluded that '*changes may impact the significance of the heritage assets due to altering the rural context in which these assets are understood and appreciated*' (Arcadis 2024, 64). Wilsford Heath Farm is set approximately 400m to the north of the site, and would be slightly screened by the field between the boundary and the farm. It is also proposed to add more trees and mixed shrub planting to the existing boundary. Additionally, a small area of grassland margins are to be retained to the north, which would further soften the immediate visual impact of the solar farm. While there would be a less than substantial harm to the setting of this heritage asset, it is considered to be at a low level at most, due to the change in the immediate and wider rural landscape appearance. The inclusion of further tree planting as visual and noise barrier may further reduce this harm.

## 5.20 **SKDC Environmental Protection Officer**

5.20.1 No objection subject to conditions.

5.20.2 The findings of the Noise Assessment are accepted.

## 5.21 **Welby Parish Council**

5.21.1 We recognise the need to decarbonise and achieve net zero targets.

5.21.2 We note from the EIA related to this submission that 19 acres of the proposed land is Grade 3A and none of it lower than Grade 3B. The vast majority of the land is actively farmed for arable crops. We note that, whilst agriculture and energy production are not mutually exclusive and in some instances land will need to be shared, the loss of high grade arable land is of concern to our community.

5.21.3 The proposed development is one of three schemes at various stages of planning and all are in close proximity to the village of Welby. The cumulative impact of loss of arable land, the impact to the fundamental nature of the landscape and the sense of encirclement needs to be noted. The cumulative impact on biodiversity should be considered collectively.

5.21.4 There is a lack of unanimous community support for this submission.

5.21.5 The South Kesteven Local Plan does not make any provision for solar farms, which makes it difficult to recognise the basis for the approval of these plans.

5.21.6 Solar development is inefficient and therefore the benefits of these schemes need to be questioned.

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

6.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and no letters of public representation have been 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 on 30 January 2020, and this forms the Development Plan for the District and is the basis for decision-making for the current application.

7.2 The Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies DPD (Adopted June 2016) also forms the development plan for the District in relation to minerals planning.

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

7.4 The policies and provisions set out in the National Planning Policy Framework (NPPF) ("the Framework") (Published December 2024), and the National Policy Statements for Energy (EN1) and Renewable Energy (EN3) are also a relevant material consideration in the determination of applications.

7.5 Furthermore, whilst each application is required to be determined on its own merits, it is acknowledged that the current application scheme forms one of three proposed solar farms within the vicinity of Welby. Land at Church Lane (LPA Ref: S24/0360) has recently been allowed on appeal following refusal of the application in July 2024. The Inspector's Decision Letter (**Appendix 1**) for that appeal refers directly to the current application scheme and, therefore, is a material consideration for the determination of the current application.

### **7.6 Principle of Development / Effect of the proposals on climate change**

7.6.1 It is noted that representations have raised objections to the application proposals on the basis that the adopted Local Plan does not specifically allocate land for solar development. In addition, it is also noted that representations have raised objections on the basis that the proposed development scheme cannot demonstrate substantial local community support.

7.6.2 The proposed development site is located outside of the main built-up area of an existing settlement within the District; the nearest settlement is Welby, which is located approximately 1.5km to the south. Therefore, the site falls to be defined as being located within the Open Countryside. Policy SP5 (Development in the Countryside) limits development in such locations to that which has an essential need to be located outside of the existing built form of a settlement. This policy includes support for rural diversification projects. The proposed solar development would reasonably fall within the consideration of a rural diversification project and therefore, would be acceptable within this countryside location.

7.6.3 The application proposals would have a generating capacity of approximately 46MW, and the proposed solar farm includes a Battery Energy Storage System (BESS) that allows for the storage of excess energy meaning energy can be exported when there is less or no sun using the excess energy generated during the sunnier periods, to allow for a smoother delivery to the Grid. The proposed development would make a positive contribution towards

meeting the national objectives in respect of energy generation, and would also be consistent with the principles with the adopted Local Plan, which supports renewable energy generation in principle, subject to material considerations. It is also acknowledged that South Kesteven District Council has formally declared a climate emergency, and has also published a Climate Change Strategy (2023) which, amongst other things, seeks to maximise opportunities for the District to become more self-sufficient for energy and to reverse biodiversity loss and expand existing habitats. It also recognises that the development of renewable energy at every level will be important to drive local energy generation and provide a tangible contribution to national net zero targets. These matters are material considerations that weigh in favour of the application.

7.6.4 In assessing the application proposals against the specific policy obligation of Policy RE1 (Renewable Energy Generation):

- (a) A detailed Agricultural Land Classification Report has been submitted as part of the application and confirms that 40.3ha (40.6%) of the site is classed as Grade 3A (Good Quality) land and therefore constitutes BMVAL. The remaining 58.9ha of the site (59.4%) is classed as Grade 3B and therefore does not constitute BMVAL. As referenced above, the proposed layout excludes the central field of the site (21.5 ha) which is identified as being the majority of the BMVAL, and therefore, the proposed development would result in the use of 18.8ha of BMVAL in total.
- (b) The application submission has been accompanied by a Statement of Community Involvement which provides a summary of the consultation undertaken by the Applicant prior to submission of the application. It is noted that representations received from Welby Parish Council and Londonthorpe and Harrowby Without Parish Council during the course of the consideration of the application have raised concerns about the proposed development and, therefore, it can be concluded that the proposal cannot demonstrate the express support of the affected local community.

Notwithstanding this, it is noted that the Inspector's decision for the Folkingham solar development (LPA Ref: S23/0511) concluded that Policy RE1 does not make any distinction between different types of renewable energy schemes and, in the absence of Appendix 3 (Renewable Energy) of the adopted Local Plan making any specific reference to requiring community support for solar proposals, there is no firm basis for requiring such proposals to demonstrate the support of the local community. In addition, national policy does not require solar development to demonstrate the support of the local community and, therefore, it was concluded that the imposition of such a requirement would be inconsistent with the requirements of the Framework.

As such, whilst the application scheme does not benefit from the support of the affected local communities, in light of the Folkingham appeal decision, it is concluded that this does not constitute a conflict with Policy RE1(b).

- (c) The application proposals have a generating capacity of up to 46MW and this limit is recommended to be secured by planning condition. Electricity generated from the development would be transferred to the National Grid at the Grantham BSP substation located to the south-west of the site.
- (d) The submitted Planning, Design and Access Statement confirms that permission is sought for a temporary period of 40 years from the date of the first export of

electricity to the National Grid. The statement also confirms that the site would be decommissioned at the end of the operational period. A condition requiring a decommissioning and restoration strategy would ensure that the site is appropriately reinstated at the end of its operational life.

(e) Other relevant local and national planning policies and the prospective impacts of the development are discussed in further detail below.

7.6.5 Taking the above into account, it is Officers' assessment that the principle of renewable energy generation is supported by Policy SD1, SP1 and RE1 of the adopted Local Plan, subject to material considerations. These matters are discussed in further detail below.

## 7.7 Effect of the development on agricultural land

7.7.1 It is noted that representations have raised concerns on the basis that the proposed development would result in the loss of an area of BMVAL and that there has been insufficient assessment of alternative sites to justify the loss of this BMVAL.

7.7.2 As outlined above, 40.3ha (40.6%) of the site is classed as Grade 3A (Good Quality) land and therefore constitutes BMVAL. The remaining 58.9ha of the site (59.4%) is classed as Grade 3B and therefore does not constitute BMVAL. However, the proposed layout excludes the central field of the site (21.5 ha) which is identified as being the majority of the BMVAL, and therefore, the proposed development would result in the use of 18.8ha of BMVAL in total.

7.7.3 In respect of the Alternative Sites Assessment undertaken, Officer's accept that the Provisional Agricultural Land Classification Maps do not distinguish between Grade 3A (BMVAL) and Grade 3B (non-BMVAL) quality land and, therefore, it is not possible to identify alternative sites which would not involve the use of BMVAL without accessing private land to undertake intrusive soil assessment. Officers accept that requiring such an approach would not be proportionate, practical or reasonable and therefore, it is accepted that the current site is sequentially preferable having regard to the balance of considerations.

7.7.4 Furthermore, as accepted in the Church Lane appeal decision, whilst the use of higher quality agricultural land is discouraged by the Local Plan and NPPF, the proposed solar development would be for a temporary period of 40 years and, therefore, the agricultural land would not be permanently or irreversibly lost. The current application scheme allows for pasture grazing to occur between and underneath the solar panels, which would allow for the continuation of an alternative agricultural use, and also allows for the soil condition and structure to improve through recovery from the current intensive use.

7.7.5 In addition, most of the land will continue to be used for some agricultural purpose during the operational period and can be returned to arable farming at the expiration of the temporary planning permission. Also, it is accepted that the way in which agricultural land is used is not a matter of planning control and, therefore, there is nothing to restrict the farmer from using the fields subject to the current application for grazing use, or even leaving them to fallow. As such, whilst the proposals would limit the ability to carry out arable farming during the operational period, this does not result in the loss of agricultural land.

7.7.6 In view of the above, it is Officers assessment that the proposed development would be in accordance with Policy SP1 and Solar Energy Criteria 9 of Appendix 3 of the Local Plan and therefore does not negatively impact the District's agricultural land asset.

7.8 **Effect of the development on the character and appearance of the area**

7.8.1 It is appreciated that representations received have raised concerns about the impact of the development on the rural landscape character and setting, particularly in view of the potential cumulative impacts.

7.8.2 It is acknowledged that the site is not subject to any statutory landscape designations. However, the site is located within the Southern Lincolnshire Edge Landscape Character Area (South Kesteven Landscape Character Assessment, 2007), which is defined by the large-scale, open arable landscape character; and comprises of open rectilinear fields under arable cultivation with some fragmented hedgerow trees, which allow for extensive views.

7.8.3 The application has been accompanied by a Landscape and Visual Appraisal, which reaches the following key conclusions in relation to the landscape character impacts:

- Southern Lincolnshire Edge Landscape Character Area – accounting for the mitigation measures proposed, and the small geographic extent of impacts, there is likely to be moderate / minor adverse effects in year 1, reducing to minor / moderate adverse effects by year 15.
- Wilsford Heath Landscape Character Area -There is likely to be minor adverse effect on this character area at year 1 and at year 15

7.8.4 In respect of the above, it is the Case Officer's assessment that the proposed development would invariably result in an impact on the landscape character of the area, as result of the change of use of the site and the introduction of the proposed large scale energy infrastructure. Whilst these impacts would be softened through the proposed landscaping mitigation scheme, there would remain a residual adverse impact on the landscape character, contrary to the requirements of Policy EN1 of the adopted Local Plan, Solar Energy Criteria 1 of the Renewable Energy Appendix, and Section 12 of the Framework. This policy conflict falls to be assessed within the overall planning balance discussed below.

7.8.5 With regards to the localised visual impact of the development, as identified above, the application site is bound to the west by High Dike (B6403) and also there is a network of PRoW which run adjacent to the northern boundary of the site.

7.8.6 In terms of the localised visual impacts, the LVIA provides the following assessment:

- There is likely to be a moderate adverse effect at year 1 on those receptors closest to the site i.e., those using the PRoW adjacent to the northern boundary of the site, and along the PRoW between the site and Welby. These would reduce to minor and moderate / minor by year 15.
- For those visual receptors beyond 1km of the site, there is likely to be a minor / moderate effect at year 1 reducing to minor adverse effect by year 15.
- For road users beyond 500m the PV arrays and battery storage would only just be perceptible, despite being visible upon the skyline, few views are possible. Whilst the scale of change would be larger for road users closer than 500m, the proposed development would not lead to an overall change in the nature of views experienced when travelling along these routes. The scale and extent of the impacts would be reduced through the mitigation measures, and therefore, there is likely to be a minor adverse effect at year 1 and year 15.

7.8.7 Similar to the landscape character assessment, the proposed development would result in a degree of visual impact, which would be reduced through the proposed landscaping mitigation scheme, which can be secured through planning conditions. However, there would remain a residual minor adverse visual impact for localised receptors. As such, the proposed development would be contrary to Policy EN1 and DE1 of the adopted Local Plan and Section 12 of the National Planning Policy Framework. This policy conflict falls to be assessed in within the overall planning balance.

## 7.9 **Cumulative Impacts**

7.9.1 It is noted that representations received from Welby Parish Council have raised concerns due to the potential cumulative impact of the development, in combination with the other proposed solar developments, on the loss of agricultural land and the landscape character of the area.

7.10 As referred to above, it is appreciated that the site is one of three solar proposals within the immediate vicinity of Welby. The current status of these proposals are as follows:

- LPA Ref: S24/0360 – Church Lane, Welby – approximately 2.2km to the south of the current application site and uses the same grid connection point as the current application scheme. Allowed on Appeal in January 2025.
- LPA Ref: S23/2199 – Land at High Dike, Londonthorpe (Ash Tree Solar Farm) – located on the opposite side of the High Dike. Refused planning permission following resolution by Planning Committee in October 2024. Currently pending appeal.

7.10.1 In this respect, the Ash Tree Solar Farm does not represent a committed / allocated development scheme and, therefore, it is not necessary to consider any cumulative impacts associated with those proposals as part of the current application. In the event that the Committee resolved to approve the current application, the cumulative impact of the application together with the Ash Tree Solar Farm would be a matter for consideration by the Inspector as part of the appeal determination. Nonetheless, it is appreciated that the Church Lane scheme benefits from planning permission following the Inspector's decision to allow the appeal and, therefore, the current application must consider the potential cumulative impacts.

7.10.2 The application has been accompanied by a Cumulative Effects Addendum (Arcadis) (November 2024), which concludes the following:

- Southern Lincolnshire Edge Landscape Character Area - It is understandably expected that the combined effect on landscape character of all three developments would be greater than if any one development was singularly located in this area. Taking into account the mitigation measures planned by all three schemes, it is considered that the overall effect would be moderate in year 1 reducing to moderate / minor in year 15.
- Wilsford Heath Landscape Character Area – taking into account the distance that Ash Tree Solar Farm and Church Lane Solar Farm lie away from this LCA, it is not considered likely that there would be any cumulative effects upon this setting.
- The cumulative effects on visual receptors, including users of the PRoW and the local roads would not be substantial to cause the schemes to collectively become prominent or dominate any receptors visual experience. As the mitigation planting

establishes, it would reduce the perceptivity of the developments to the point where they would integrate effectively into the visual pattern of the surrounding landscape.

7.10.3 In connection with the above, it is noted that the Church Lane appeal decision includes the following commentary in relation to the cumulative effects:

*"The proposed scheme in addition to two solar schemes subject to recent planning consideration have been assessed in terms of cumulative impact. Ash Tree Farm and Pastures Farm are located 0.6km and 2.1km respectively to the north of the site. On the assumption that all three schemes are constructed the overall cumulative effect, on the area's character and overall visual impact, would be greater. Nonetheless, mitigation measures of all three solar farms would reduce these cumulative effects to minor".*

7.10.4 Taking the above into account, the application proposals in combination with the approved Church Lane solar development would result in a cumulative minor adverse impact on the character and appearance of the area. This harm falls to be weighed in the overall planning balance detailed below.

## 7.11 Impact on heritage assets

7.11.1 The proposed development site does not contain any designated built heritage assets. However, there are a number of designated assets located within the surrounding area. The Grade I Listed Belton House and its associated Registered Park and Garden are approximately 1.8km to the west of the site on the opposite side of the High Dike. Honington Camp Scheduled Monument is located approximately 2.4km to the north west of the site. There are a number of listed buildings also located within the village of Welby.

7.11.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard for the desirability of preserving listed buildings and their settings, or any special architectural interest which it possesses.

7.11.3 In respect of the potential impact of the development on Belton House and the Registered Park and Garden, Historic England and the National Trust have been commented on the application. In this respect, it should be noted that neither party has raised formal objections. The National Trust have advised that there may be some limited intervisibility between the Registered Park and Garden and the application scheme, which would result in the introduction of a functional feature in a rural landscape. They have requested that these matters are taken into account in the decision-making process and, if the application is to be approved, they have requested details of the type and nature of solar panels, as well as a decommissioning and restoration plan to be secured via planning conditions. These matters are included within the recommended schedule of conditions below.

7.11.4 With regards to the impact of the proposed development on Londonthorpe Conservation Area, the Council's Conservation Officer has not raised any formal objections, however, it is appreciated that they have suggested that the submitted Cultural Heritage Impact Assessment should be updated to include assessment of the Londonthorpe and Oasby Conservation Areas. The Conservation Officer has suggested that there is the potential for less than substantial harm to the setting of the Conservation Areas.

7.11.5 It is the Case Officer's assessment that the proposed development scheme would result in a degree of impact of the rural landscape character in which the site is experienced, and that this landscape does contribute to the experiential setting of Belton House Registered Park and Garden and the Londonthorpe Conservation. The extent of impact on this setting would be reduced by effective landscaping, which is to be secured via planning condition.

7.11.6 In view of the limited intervisibility between the Belton House Registered Park and Garden, and the separation distance and landscaping between the proposed development and Londonthorpe Conservation Area, it is the Case Officer's assessment that whilst the proposed development would alter the setting of these assets, it would not amount to harm to the significance of those assets.

7.11.7 In relation to the Scheduled Monument of Honington Camp, the submitted Heritage Assessment confirms that there will be less than substantial impact on the setting of the scheduled monument. Heritage Lincolnshire have acknowledged that further archaeological investigation is needed to assess the potential inter-relationship with Honington Camp, this is to be secured through planning conditions. However, there would be a less than substantial harm to the setting of the asset, and this would be at the lower end.

7.11.8 However, it is understood that this part of the setting does not contribute to the significance of the asset as it is beyond the likely extent of the defended rural landscape forming part of the setting to the historical extent of the settlement area. Therefore, the proposed development would comply with Section 16 of the NPPF.

7.11.9 Nonetheless, Local Plan Policy EN6 requires the harm to the setting of a heritage asset to be weighed against the public benefits of the proposal. In this respect, the application proposals would make an important contribution towards meeting the national objectives in respect of reducing greenhouse gas emissions as set out in the Climate Change Act 2019. On a local level, South Kesteven District Council have formally declared a climate emergency, and the published Climate Action Strategy identifies increasing the provision of sustainable forms of energy as a key action for achieving net zero. These are considered to be significant public benefits that weigh substantially in favour of the proposals.

7.11.10 Taking the above into account, it is the Officer's assessment that the significant public benefits associated with the application proposals would outweigh the less than substantial harm to the setting of the Honington Camp Scheduled Monument. As such, the application scheme would be in accordance with Policy EN6 of the adopted South Kesteven Local Plan and Section 16 of the National Planning Policy Framework.

## 7.12 **Impact on archaeological assets**

7.12.1 Heritage Lincolnshire (as Local Archaeological Advisors) have been consulted on the application proposals and have confirmed that they have no objections, subject to the imposition of conditions requiring the submission of an archaeological mitigation strategy, which sets out a scheme for further investigation of the cable connection route, areas where remains are to be protected and / or recorded during construction and the safeguarding of areas during construction activities. This is included within the recommended schedule of conditions set out below.

7.12.2 Taking the above into account, subject to the recommended conditions, the application proposals would accord with Policy EN6 of the Local Plan, and Section 16 of the Framework in respect of archaeological matters.

## 7.13 **Effect of the development on biodiversity and ecology**

7.13.1 As detailed previously, the site is not subject to any ecological designations. However, it is noted that the High Dike, Copper Hill to Londonthorpe Verges are identified as a Local Wildlife Site and form one of five LWS's within 1km of the site. Similarly, there are also a number of nationally designated sites within the immediate area, including Wilsford Heath Quarry Site of Special Scientific Interest, which is located approximately 600m to the north

of the site; the application site is located within the SSSI Impact Risk Zone for this designated site.

7.13.2 The application has been accompanied by an Ecological Impact Assessment (Clarkson & Woods) (May 2024), which identifies the following conclusions:

- The majority of the site comprises large arable fields with little ecological importance. The installation of panels into these areas is unlikely to result in any long-term adverse impacts on biodiversity, and subject to the establishment of grassland beneath and around the panels, the scheme is likely to result in a positive impact on biodiversity within the local area.
- The design of the scheme has been modified at an early stage to ensure that the most ecologically valuable habitats within the site are retained within the development, and recommendations have been made to ensure that these habitats, and the species which may be present within them are adequately protected. This is to be secured through conditions for the production of a CEMP.
- On and off-site mitigation is proposed to enhance land to accommodate displaced skylark territories. The mitigation proposed will mitigate for up to 52% of the displaced skylark territories. It is considered that there will be a minor negative residual impact on breeding birds as a result of the proposals.
- Several areas within the site have been retained for wildlife mitigation and enhancement purposes. These areas will lie outside of the solar array construction area, and will be managed for the benefit of biodiversity, and provision of habitat for protected species.
- Post-construction, the creation of new habitats and ongoing management of retained / newly created habitats will result in a positive net gain to local wildlife. The creation and management of these habitats will be secured through the production of a LEMP.

7.13.3 In addition, the application has also been accompanied by a Biodiversity Net Gain Report (Clarkson & Woods) (May 2024), which includes the results of the statutory biodiversity metric. This confirms that the proposed development would result in a 21.21% net gain in habitat units, 19.87% net gain in hedgerow units and 52.58% net gain in watercourse units. This is a benefit that weighs in favour of the proposals.

7.13.4 Lincolnshire Wildlife Trust have been consulted on the application proposals and have not raised any objections. Conditions are proposed to require compliance with the submitted Landscape Mitigation Plan, as well as the submission of a detailed Landscape and Ecological Management Plan. Similarly, conditions are proposed to require compliance with the recommendations contained in the Ecological Impact Assessment, including the submission of a Construction and Environmental Management Plan (CEMP). Furthermore, the statutory biodiversity gain condition will require the submission of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan prior to commencement of the development.

7.13.5 In respect of the impact of the proposed development on the existing field boundary hedgerows and trees, the submitted Arboricultural Impact Assessment (AIA) identifies the following:

- Of the total 104 arboricultural features on site, a total of one group of trees and 11 hedgerows are located within, or immediately adjacent to, development works and will require partial removal to facilitate the development.
- The proposed installation of a new access road within the RPAs of one group of trees and four hedgerows has a low potential to result in soil disturbance which has the potential to impact the structural or physiological condition of the trees. Any roots encountered will require removal and will therefore require appropriate mitigation and protection measures.
- Preliminary tree protection measures have been included within the report, when further detail is known as to the construction process at the detailed design stage, a bespoke Arboricultural Method Statement should be prepared to protect the trees to be retained over the course of the works.

7.13.6 In view of the above, conditions are proposed to require the submission of a detailed Arboricultural Method Statement and Tree Protection Plan prior to the commencement of development, which will ensure that all retained trees are appropriately protected during the course of the construction period.

7.13.7 Taking the above into account, subject to the imposition of conditions, the application proposals would accord with Local Plan Policy EN2, Solar Energy Criteria 7, Section 15 of the National Planning Policy Framework and the Environment Act 2021.

#### 7.14 **Access and Highways Impacts**

7.14.1 Access to the site is proposed to be taken via the existing access from High Dike (B6403) serving Pastures Farm. The access is proposed to be used for construction of the proposed development, as well as the operational period, including periodic attendance by maintenance operatives.

7.14.2 Lincolnshire County Council (as Local Highways Authority) have been consulted on the application and have raised no objections and have confirmed that the proposed access is suitable to accommodate the development.

7.14.3 In view of the above, the application proposals would not give rise to any unacceptable adverse impacts on highways safety and / or capacity during the construction, operation and decommissioning phases of the development. As such, the application proposals would accord with Policy ID2 of the Local Plan, Solar Energy Criteria 6 of the Renewable Energy Appendix and Section 9 of the Framework.

#### 7.15 **Flood Risk and Drainage**

7.15.1 The site is identified as being within Flood Zone 1 of the Flood Map for Planning but is also identified as including areas of medium and higher risk of surface water flooding. The Flood Risk Assessment and Drainage Strategy Reports (Arcadis) (May 2024) submitted as part of the application draw the following conclusions:

- The main part of the site where the solar farm is proposed is primarily at low risk of flooding from surface water, albeit with small areas at high risk. The drainage strategy outlines how any risks will be managed, in line with national and local policy requirements through incorporating SuDS such as swales.
- A small section of the cable route is at high risk of surface water flooding. However, the only potential for change to the drainage regime along the cable route is

temporary, during construction, and the drainage strategy outlines how these risks will be mitigated.

- The area beneath the solar panels will remain as existing and the pre-development site infiltration rate will not change. Rainwater falling onto each panel will drain freely onto the ground beneath the panels and infiltrate or runoff the ground at the same rate as it does currently.
- The localised increased surface water runoff from the development will be intercepted/collect via shallow vegetated swales which will interrupt and slow channelised flows, enhance and promote infiltration, evaporation and interception capacity and help spread the water over a greater surface area.
- Existing access tracks are impermeable. Any additional tracks will be constructed using permeable materials such as Type 1 sub-base. All runoff will be retained on site utilising trench drains to intercept where required.
- As a means of reducing flooding to the surroundings during exceedance events, by offering betterment on existing surface water rates and volumes, a swale / depression downslope will be created in each field of the solar farm.

7.15.2 Lincolnshire County Council (as Local Highways Authority) have been consulted on the application proposals and have confirmed that the proposed development would not increase flood risk in the immediate vicinity of the site, and therefore, they have confirmed that they have no objections.

7.15.3 It is noted that comments received from the Internal Drainage Board have confirmed that any works to any ditch, dyke, or watercourse would require express written consent, and have also set out the duties for maintenance of any watercourse within the site. These matters are covered under the Land Drainage Act and therefore do not require any further planning control through planning conditions.

7.15.4 The Environment Agency (EA) did initially submit a holding objection raising concerns relating to the risk of pollution to groundwater sources due to the battery energy storage system. The Applicant subsequently submitted a further Groundwater Protection Strategy Report, and the EA have confirmed that they have removed their objection pending the imposition of conditions requiring the submission of a further Surface Water Drainage Strategy for managing the risk of groundwater pollution from the BESS in the event of a fire. This is proposed to be included as a pre-commencement condition.

7.15.5 Taking the above into account, subject to the imposition of conditions, the proposed development would not give risk to any unacceptable risk of flooding and, therefore, would accord with Policy EN5 of the adopted South Kesteven Local Plan and Section 14 of the Framework.

## 7.16 Pollution Control

7.16.1 The proposed solar panels themselves would not emit noise, dust or vibration during the operational period. However, the operation of the solar farm will require the installation of transformers and inverters which would convert the solar energy generated into AC (Alternating Current) to be supplied to the National Grid. Furthermore, the application includes a Battery Energy Storage System (BESS). The operation of the power conversion units together with the battery stations would be the main sources of noise during the operation of the solar farm. The inverters would be operational during daylight periods when

the solar panels were generating electricity; the inverters would be actively cooled with the operation of fans to control the temperature. The principal source of noise within the battery system would also be the cooling fans located within the batter containers, which would operate as required to ensure the batteries operate at their correct temporary. Whilst the solar inverters would only operate during daylight hours, the equipment associated with the operation of the battery stations could potentially operate on a 24-hour basis.

- 7.16.2 The Noise Assessment submitted with the application notes that a 3m high acoustic bund has been included as part of the design for the BESS. The Assessment concludes that the operation of the solar farm would generate noise levels that would exceed the existing background noise levels, but that this would not be considered harmful to residential amenity.
- 7.16.3 The Council's Environmental Protection Team have been consulted on the application and have confirmed that they accept the findings of the Noise Assessment and, therefore have no objections.
- 7.16.4 As such, it Is Officers assessment that, subject to conditions requiring the implementation of the proposed acoustic barrier, the proposed solar operations would not result in any unacceptable adverse impacts on noise sensitive receptors and therefore, would be in accordance with Local Plan Policy EN4 (Pollution Control), Solar Energy Criteria 5 of the Renewable Energy Appendix, and Section 15 of the National Planning Policy Framework.
- 7.16.5 In relation to the potential for noise, dust and vibration to be generated as a result of the construction and decommissioning of the proposed solar farm, the Council's Environmental protection have raised no concerns in relation to the submitted Outline Environmental Management Plan. Conditions are proposed to require the submission of a detailed Construction Environmental Management Plan, prior to the commencement of development, which will reflect any updates to the proposed site layout accounting for the results of the archaeological investigations and any further requirements for surveys to be completed.
- 7.16.6 Furthermore, conditions are proposed to require the submission of a detailed Decommissioning Plan, which will be required to include details relating to decommissioning activities. Conditions are also required for the submission of an Operational Management Plan, which will set out details of any approval for maintenance or repair works, to ensure that these operations do not give rise to any unacceptable adverse impacts on the amenity of residents of the surrounding villages.
- 7.16.7 Taking the above into account, it is Officer's assessment that, subject to conditions, the construction, operation and decommissioning of the proposed solar farm will not give rise to any unacceptable adverse impacts in relation to dust, noise and vibration. Therefore, the application proposals would be in accordance with Local Plan Policy EN4 and Section 15 of the Framework.

## 7.17 Aircraft Movements and Associated Activities

- 7.17.1 Criteria 8 of the Renewable Energy Appendix requires proposals to demonstrate that the design and positioning of the proposed solar installation has been carefully considered to avoid the potential nuisance of glint and glare to aircraft movements.
- 7.17.2 In connection with the above, the Ministry of Defence and Civil Aviation Authority have both been consulted on the application and no objections have been received. The MoD have confirmed that they have no concerns in relation to glint and glare impacts. However, they

have requested conditions for the submission of a detailed Landscape Management Plan to ensure that the proposed development does not provide an environment that encourages large and / or flocking bird species which may be hazardous to aircraft. Furthermore, they have also requested conditions to require the submission of an Electrical Noise Interference Management Plan to ensure that the proposed development does not interfere with any technical installations the support aviation activities. These matters are proposed to be included within the schedule of conditions recommended below.

7.17.3 As such, subject to conditions, it is Officers assessment that the application proposals would not give rise to any unacceptable adverse impacts on aircraft movements and associated activities, and therefore, the application proposals would accord with Solar Energy Criteria 8 of the Local Plan Renewable Energy Appendix.

## 7.18 **Other Matters**

### Minerals Safeguarding

7.18.1 Furthermore, it is noted that the proposed site lies within a Minerals Safeguarding Area. The application scheme would involve the temporary change of use of the land to form a solar development, and therefore the development proposals would be reversible, and would retain the potential for future minerals extraction at the site. As such, the application scheme would accord with Policy M11 of the Lincolnshire Minerals and Waste Local Plan.

### Fire Safety

7.18.2 Lincolnshire Fire and Rescue have been consulted on the application and have raised no objections. Informatics are to be included as part of any planning permission granted to direct the Applicant to the comments made by LFR in relation to battery safety and the provision of suitable risk mitigation measures.

### Crime Prevention

7.18.3 The proposed development scheme includes appropriate measures to mitigate against the risk of crime, this includes the installation of perimeter fencing and CCTV monitoring.

### Tourism

7.18.4 As set out above, it is Officers' assessment that the application proposals would not give rise to any adverse impacts of the setting of Belton House and its associated Registered Park and Garden and, therefore, it would be unlikely to have any material impact on the overall tourist offer or result in a reduced number of visitors to the area.

## **8 Crime and Disorder**

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

## **9 Human Rights Implications**

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

## **10 Planning Balance and Conclusions**

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

10.2 The application proposals seek permission for the installation of a solar farm with associated battery storage, comprising ground mounted solar photovoltaic panels, including mounting systems, inverters, transformers, electrical substation, underground cabling, stock proof fencing, CCTV, internal access tracks and associated infrastructure for a temporary period of 40 years with a generating capacity of up to 46 megawatts (AC).

10.3 The proposed development is located within an area of Open Countryside, where Policy SP5 strictly limits development to those which have an essential need to be located within such areas; this includes support for rural diversification projects, such as the current proposals. In addition, Policy RE1 (Renewable Energy Generation) of the Local Plan advocates a generally permissive approach to renewable energy schemes, subject to a series of criteria which consider the site specific impacts associated with a particular project. As such, the application proposals are acceptable in principle, subject to material planning considerations.

10.4 In this context, the application proposals would make an important contribution towards meeting the national objectives in respect of reducing greenhouse gas emission as set out in the Climate Change Act 2019. On a local level, South Kesteven District Council have formally declared a climate emergency, and the published Climate Action Strategy identifies increasing the provision of sustainable forms of energy as a key action for achieving net zero. These matters are material considerations that weigh in favour of the application proposals.

10.5 In respect of the effect of the development on the character and appearance of the area, it is Officers assessment that the proposed development would result in an impact on the landscape character area and a visual effect on localised receptors, as a result of the change of use of the site and the scale of the proposed development. Whilst these landscape and visual impacts can be reduced through the submitted proposed landscaping scheme, the application proposals would still result in a minor adverse impact on these matters, contrary to Policy DE1 and EN1 of the adopted South Kesteven Local Plan and Solar Energy Criteria 1 of the Renewable Energy Appendix. Furthermore, this would result in a less than substantial impact on the setting of the Scheduled Monument at Honington Camp.

10.6 In respect of whether there are material considerations which indicate that the proposals should be determined other than in accordance with the adopted Development Plan, the electricity generated by the proposed development and the contribution that this makes towards meeting the national and local objectives of reducing reliance on fossil fuels and reducing greenhouse gas emissions is a significant benefit which Officers attribute substantial weight. In addition, the scheme would also achieve a biodiversity net gain which exceeds the statutory 10% requirements, and therefore, Officers would attribute this significant weight. It is appreciated that the proposed development would also attract benefits to the local economy in association with the construction of the scheme over a temporary period; accordingly, Officers would attribute this limited weight.

- 10.7 All other impacts assessed above are considered to be capable of being mitigated to a position of being in accordance with the development plan.
- 10.8 Balanced against the proposal would be the minor adverse impacts on the landscape character and visual appearance of the area, both in isolation and cumulatively with the approved Church Lane, Welby solar development, and the less than substantial harm to the setting of the Scheduled Ancient Monument at Honington Camp.
- 10.9 Taking all of the above into account, it is Officers assessment that the identified policy conflicts within the Development Plan would be outweighed by the benefits. Further, it is Officers' assessment that the balance of material considerations in this case would also indicate that planning permission should be granted.

## **11 Recommendation**

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

## **Schedule of Conditions**

### **Time Limit for Commencement**

#### **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).

#### **Temporary Permission Limits**

- 2) Written confirmation of the first export date shall be provided to the Local Planning Authority no later than 20 days following the event. The development hereby permitted shall cease on or before the expiry of a 40 year period from the date of the first export of electricity from the solar farm to the electricity grid network; excluding electricity exported during initial testing and commissioning.

The land shall thereafter be restored to its former condition in accordance with a scheme of decommissioning work (“Decommissioning Scheme”) which shall make provision for the removal of the solar panels and all other associated equipment, and the subsequent restoration of the site. The scheme shall include details of:

- (a) The extent of equipment and foundation removal, and the site restoration to be carried out;
- (b) The management and timing of any works;
- (c) A Traffic Management Plan to address the likely traffic impacts arising during the decommissioning period.
- (d) An Environmental Management Plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitat features and trees on the site.
- (e) The location of any temporary compound and parking areas.
- (f) Full details of the removal of the solar arrays, associated buildings and plant, any access tracks and sub-surface cabling and all associated ground restoration, including trench backfilling.
- (g) Full details of all other works to the land to allow for renewed agricultural production following the removal of structures from the site.
- (h) A programme of implementation.

The Decommissioning Scheme shall be submitted to and approved in writing by the Local Planning Authority, no later than 39 years from the date of the first export of electricity and shall be subsequently implemented as approved.

Reason: The proposed development has a 40 year operational period, and to ensure that the site is fully restored to allow for agricultural use, and to maintain the rural landscape character of the area.

### **Approved Plans**

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

- a. Proposed Site Layout (Ref: IGP-02)
- b. Proposed PV Mounting Structure (Ref: IGP-03)
- c. Proposed 33kV Substation (Ref: IGP-04)
- d. Proposed BESS and Conversion Unit (Ref: IGP-05)
- e. Proposed Battery Energy Storage Unit (Ref: IGP-06)
- f. Proposed Battery Energy Storage Water Tanks (Ref: IGP-07)
- g. Proposed CCTV Pole Details (Ref: IGP-08)
- h. Proposed Deer Fence Details (Ref: IGP-09)
- i. Proposed Weldmesh Fence Details (Ref: IGP-10)
- j. Drainage Strategy Plan (Ref: 30183533-ARC-SW-XX-RP-CE-0001)
- k. Landscape Mitigation Plan (Ref: 30183533-ARC-ELS-ZZ-DR-LV-00016-S2-P01)

Unless otherwise required by another condition of this permission.

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

#### Power Output

- 4) The output of the solar farm hereby approved must not exceed 46 MW (AC).

Reason: To define the permission and ensure that the output of the proposal remains below the limitations allowed under the Town and Country Planning Act.

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

##### *Heritage / Archaeology*

##### Archaeological Mitigation Plan

- 5) Before the development hereby permitted is commenced, an Archaeological Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
  - a. A Written Scheme of Investigation for further archaeological evaluation of the cable connection route
  - b. A plan illustrating the location of archaeological remains on the site;
  - c. Areas which are designated for archaeological monitoring and recording;
  - d. Proposals to ensure that significant archaeological remains are protected or, if appropriate, set out a programme of further archaeological works to ensure that they are recorded in advance of works on site;
  - e. A programme for the implementation of the archaeological mitigation strategy.

Thereafter, all works on site shall be carried out in accordance with the approved Archaeological Mitigation Strategy.

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.

#### Materials Details

6) Before any part of the development hereby permitted is commenced, a specification of the materials to be used (including the use of any non-reflective panels) in the construction of external surfaces of the development shall be 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 and EN1 of the adopted South Kesteven Local Plan; and to ensure that the development does not result in any harm to nearby heritage assets as required by Policy EN6 of the adopted Local Plan.

#### *Biodiversity / Ecology*

#### Construction Environmental Management Plan

7) Before any part of the development hereby permitted is commenced, a detailed Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted CEMP shall be based on the submitted Outline Construction Environmental Management Plan (OCEMP) (Arcadis) (May 2024) and shall include measures to mitigate against the adverse effects of vehicular movements and noise and means to manage the drainage and ecological impacts of the construction stages of the development. The detailed CEMP shall include:

- Details of access construction to ensure that the proposed development can be accessed by emergency vehicles.
- Construction hours
- The routing of all construction vehicles
- The parking of all vehicles and site operatives
- The loading and unloading of all plant and materials
- The storage of all plant and materials used in constructing the development
- Wheel washing facilities
- Ecological Management Plan, including appointment of an Ecological Clerk of Works, and the implementation of Natural England licences as required.
- Relevant details of the archaeological mitigation strategy for the protection of retained features during the construction period.

The approved CEMP shall be strictly adhered to throughout the construction period.

Reason: To minimise the effects of the construction stage of the development on the highway, and ecological and archaeological assets.

#### Tree Protection & Arboricultural Method Statement

8) No works pursuant to this permission shall commence until a final detailed arboricultural method statement and protection plan for the protection of the retained trees and hedgerows have been submitted to and approved in writing by the Local Planning Authority.

The protection scheme and plan shall be completely implemented prior to site preparation, clearance and building works, starting on site and not removed until entirely complete. The protection scheme must include details of all trees and hedgerows to be retained and positioning of protection fencing and ground covers to create construction exclusion zones. No retained tree or hedgerow shall be cut down, uprooted, or destroyed, nor shall any

retained tree or hedgerow be pruned in any manner without the prior written approval of the Local Planning Authority.

Reason: To protect the trees from unnecessary damage during the construction period, and in accordance with Policy DE1 (Good Quality Design) and Policy EN2 (Protecting Biodiversity and Geodiversity) of the adopted South Kesteven Local Plan 2011-2036.

#### *Flood Risk and Drainage*

#### Surface Water Management Plan

- 9) The development hereby permitted shall not be commenced until such time as a scheme for the disposal of surface water in the event of a fire within the battery energy storage system (BESS) have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved scheme shall be implemented before the development hereby permitted is first brought into use, and shall be retained and maintained in full for the lifetime of the development.

Reason: To ensure that the proposed development does not give risk to an unacceptable risk of surface water flooding and groundwater pollution, as required by Policy EN4 and EN5 of the adopted South Kesteven Local Plan.

#### *Aircraft and Associated Activities*

#### Electrical Noise Interference Management Plan

- 10) No works pursuant to this permission shall commence until such time as an Electrical Noise Interference Management Plan (ENIMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Ministry of Defence. The submitted ENIMP shall contain, but not be limited to:

- a. Manufacturers specifications for any generating and associated infrastructure to be installed at the site, to include any inverters, substations, PV panels and any associated cables (including all interconnecting cables as well as the export cables to the national grid) and connectors
- b. Details of measures designed to prevent electrical noise interference being caused to transmitter/receiver technical installations at RAF Barkston Heath
- c. A schedule setting of how the development will be operated, maintained and tested throughout its lifetime to ensure that any electrical noise interference on transmitter/receiver technical installations at RAF Barkston Heath is prevented; and
- d. A protocol through which the site operator can be notified of electrical noise interference issues or observations, the measures that would be taken to investigate, and a description of the approach to resolving/mitigating those impacts.

The provisions set out in the approved ENIMP and any modifications or mitigation, as agreed in writing by the Local Planning Authority shall be maintained for the lifetime of the development. No electrical component or electrical equipment not specified in the approved ENIMP shall be installed or operated within the site without the express written consent of the Local Planning Authority, in consultation with the Ministry of Defence.

Reason: In the interests of maintaining the effective operation of national defence infrastructure and to maintain aviation safety.

#### **During Building Works**

## *Biodiversity / Ecology*

### Ecological Mitigation

11) All works on site during the construction period shall be carried out in accordance with the recommendations contained within Section 3 of the Ecological Impact Assessment (Clarkson and Woods) (May 2024), including reasonable avoidance measures for protected species and the provision and retention of skylark mitigation plots.

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

### **Before the Development is Operational**

#### *Landscape and Visual Impact*

#### Landscape and Ecological Management Plan

12) Before the solar development hereby permitted is operational, a Landscape and Ecological Management Plan (LEMP) shall have been submitted to and approved in writing by the Local Planning Authority and shall include details of the management and monitoring of the site during the operational period.

Reason: To protect and enhance the existing landscape features on the site, and to mitigate the harm to the landscape and visual characteristics of the area as a result of the development; and in accordance with Policy EN1 (Landscape Character), EN2 (Protecting Biodiversity and Geodiversity) and DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan.

#### Landscaping Implementation

13) Before the end of the first planting / seeding season following the date when electrical power is first exported ("first export date"), all landscaping works shown on the approved Landscape Mitigation Plan (Ref: 30183533-ARC-ELS-ZZ-DR-LV-00016-S2-P01) shall have been carried out in full, unless otherwise required by another condition of this permission,

Reason: To mitigate the harm to the rural character caused by the proposal and to secure a biodiversity net gain and in accordance with Policy EN1 (Landscape Character) and Policy EN2 (Protecting Biodiversity and Geodiversity) of the adopted South Kesteven Local Plan.

#### External Material Implementation

14) Before the development is operational, the external appearance of all built form on the site shall have been completed in accordance with the details approved by Condition 6 above.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan.

#### *Access / Highways*

#### Operational Environmental Management Plan

15) Before the date of the first export of electricity from the development hereby permitted, an Operational Environmental Management Plan (OEMP) relating to any maintenance or repair works of the approved development shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the solar farm continues to generate electricity; and to mitigate the impacts of any further construction works required for the repair or replacement solar arrays;

in accordance with Policy RE1 (Renewable Energy Generation) of the adopted South Kesteven Local Plan.

#### *Pollution Control*

##### Noise Mitigation Implementation

16) Before the date of the first export of electricity from the development hereby permitted, a 3m high acoustic barrier to the Battery Energy Storage System (BESS) shall be installed, as indicated on Figure 6-5 of the submitted Noise Assessment (ref: 30183533-ARC-NOI-REP-00001/Rev 02).

Thereafter, the acoustic barrier shall be retained and maintained for the lifetime of the development.

Reason: To ensure that the solar farm does not give rise to any unacceptable adverse noise impacts on residential amenity, and to ensure that the development operates as assessed; and in accordance with Policy EN4 and DE1 of the adopted South Kesteven Local Plan.

#### **Ongoing**

##### *Landscape and Visual Impact*

##### Lighting Details

17) No permanent illumination of the site shall be permitted unless otherwise agreed in writing by the Local Planning Authority. In such circumstances, prior to the erection of any external lighting on site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To protect the rural character of the site and in accordance with Policy EN1 (Landscape Character) of the adopted South Kesteven Local Plan.

##### Compliance with LEMP

18) The approved development must be carried out in accordance with the approved Landscape and Ecological Management Plan.

Reason: To protect and enhance the existing landscape features, and to mitigate the harm to the landscape and visual characteristics of the area as a result of the development; and in accordance with Policy EN1 and DE1 of the adopted Local Plan.

##### Landscape Protection

19) Within a period of five years from the first export date, any trees or plants provided as part of the approved Landscaping Plan that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species, unless otherwise agreed by the Local Planning Authority.

Reason: To mitigate the harm to the rural character caused by the proposal and to secure a biodiversity net gain and in accordance with Policy EN1 (Landscape Character) of the adopted Local Plan.

##### Early Decommissioning

20) In the event that the site ceases to generate electricity for a period of 12 months prior to the cessation of the 40 year period, a scheme of Decommissioning Works ("Early

Decommissioning Scheme") shall be submitted no later than 6 months from the end of the 12 month non-electricity generating period to the Local Planning Authority for approval in writing. The early decommissioning scheme shall include the same details required under the Decommissioning Scheme set out in Condition 2 of this permission.

Thereafter, the early decommissioning scheme shall be carried out in accordance with the approved details.

Reason: To ensure that the solar farm continues to generate electricity or is otherwise removed to the benefit of the character and appearance, and agricultural productivity of the District; in accordance with Policy EN1 and RE1 of the adopted South Kesteven Local Plan.

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

- 1) In reaching the decision, the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with Paragraph 38 of the National Planning Policy Framework (2024).
- 2) The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Kesteven District Council.

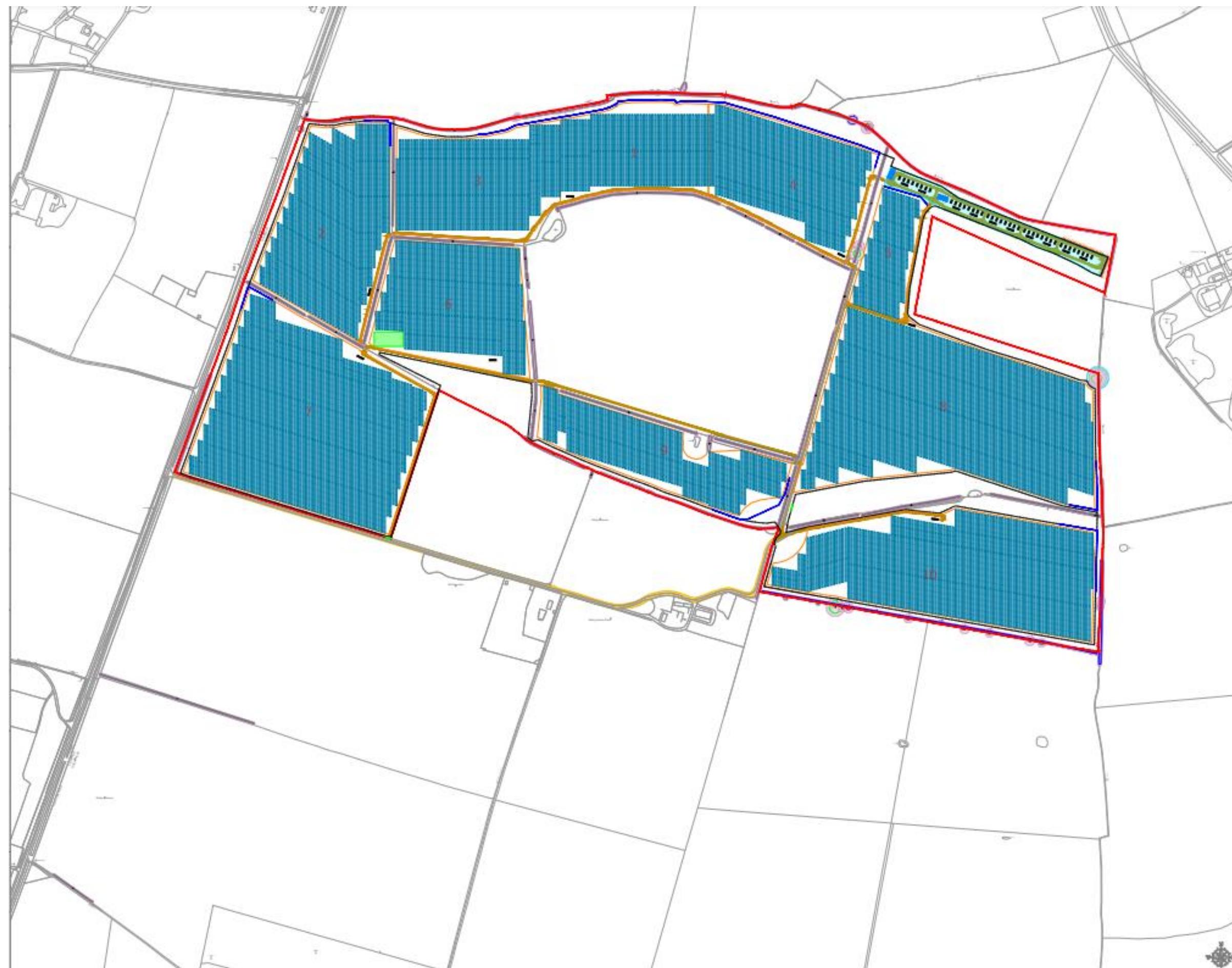
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

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.

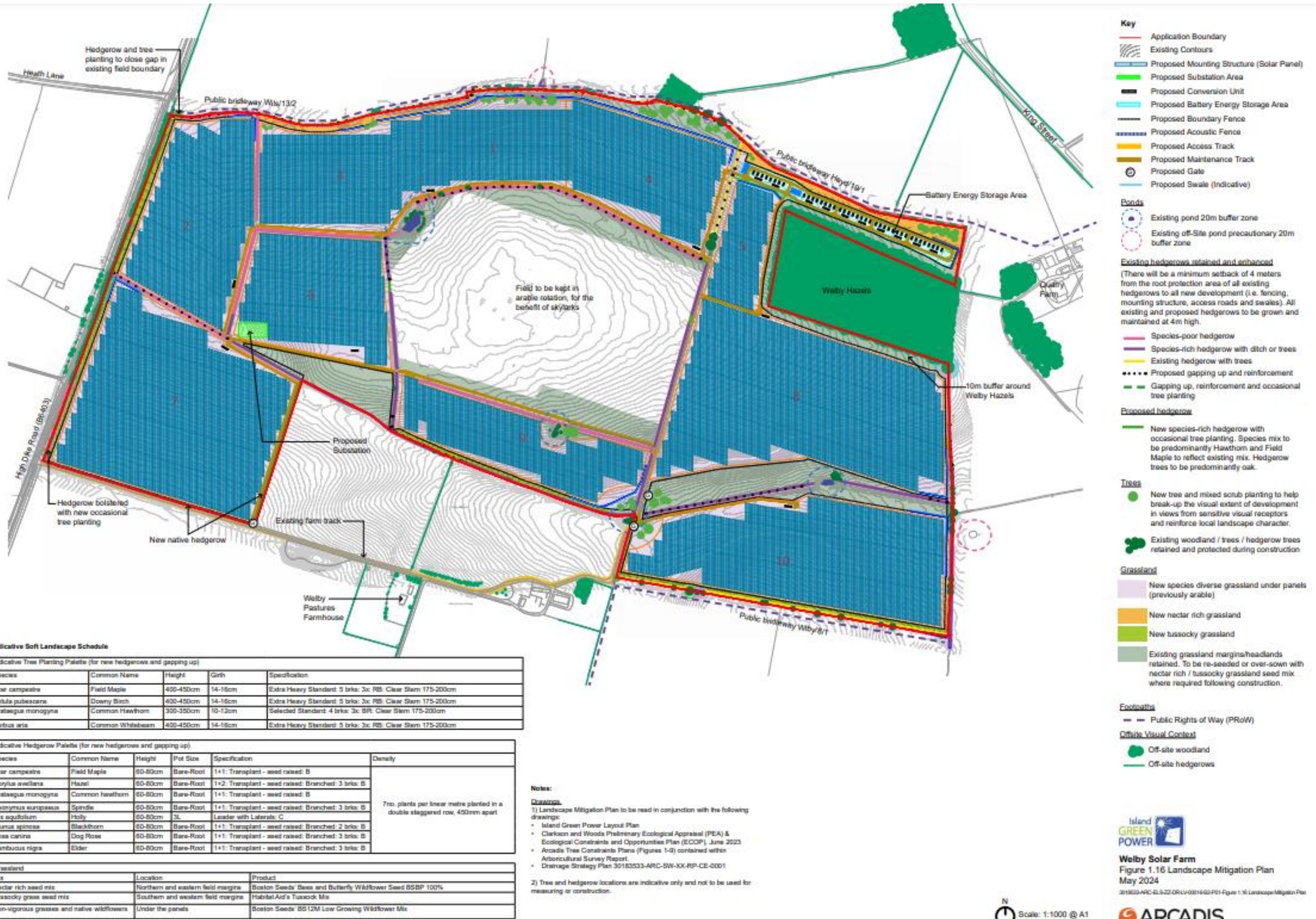
- 3) The developer should produce a risk reduction strategy (Regulation 38 of the Building Regulations) as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. We would also expect that safety measures and risk mitigation is developed in collaboration with LFR.
- 4) Applicants will also need to comply with relevant Building Regulations in Part B. They require applicants to provide suitable access for the fire service. Battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. When a battery within a battery storage unit ceases to operate, it will need to be removed from the site and dealt with in compliance with waste legislation. The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. The Waste Batteries and Accumulators Regulations 2009 also apply
- 5) In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highways Authority in maintaining the highway by reason of damage caused by construction traffic, the Highways Authority may seek to recover these expenses from the developer.
- 6) Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522782070 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>

Proposed Site Layout

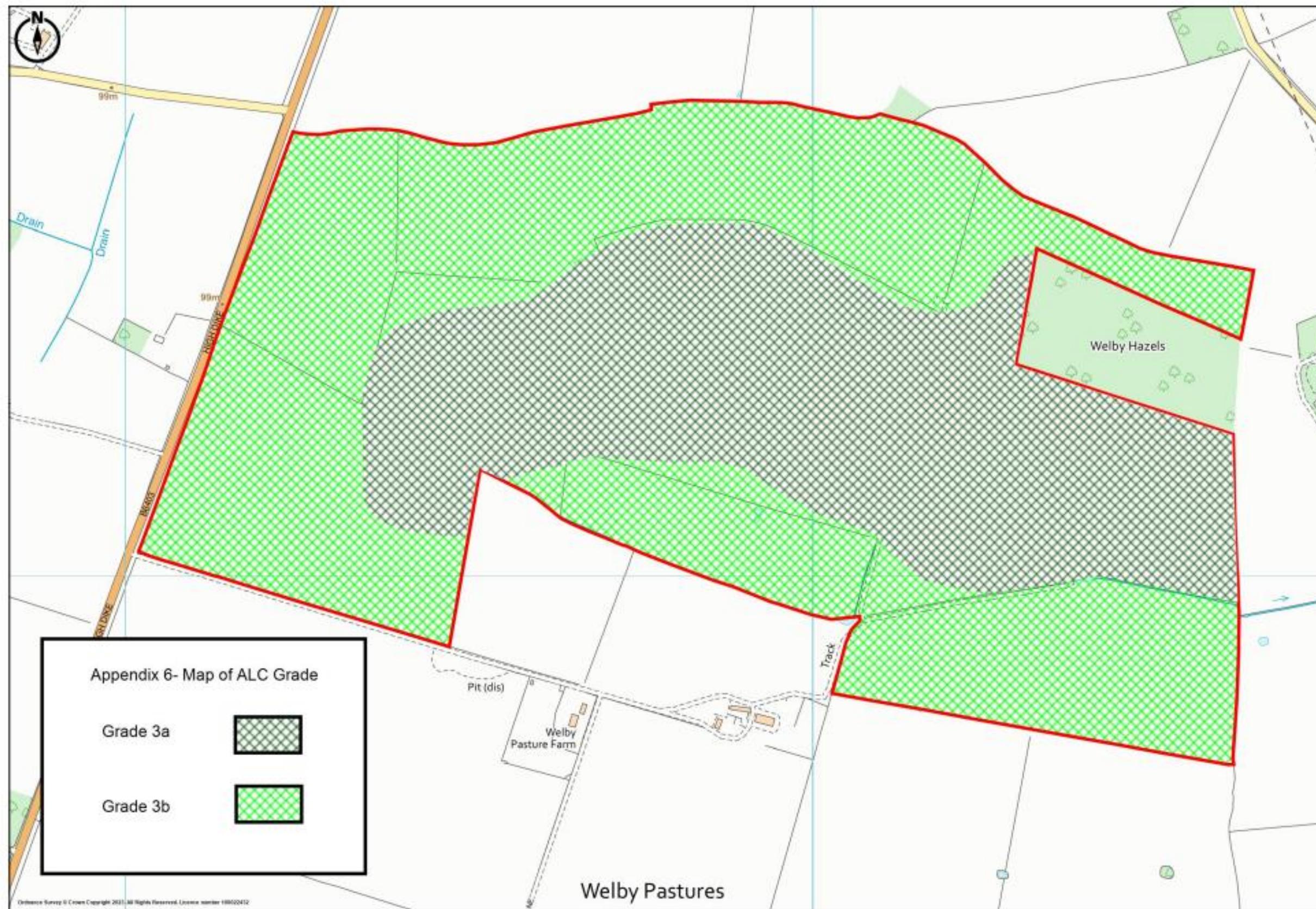


## Proposed Landscaping Plan



Welby Solar Farm  
Figure 1.16 Landscape Mitigation Plan  
May 2024

ARCADIS





## Planning Committee

6 February 2025

**S24/1327**

Proposal:	Conversion of former school house building together with erection of 3 (no) 3-storey apartment blocks to form a total of 60 (no) apartments with associated amenity space and vehicle parking; following demolition of the existing workshop and office building (Revised submission of S23/0882)
Location:	The Old School House, Station Road East, Grantham
Applicant	Invicta Developments Limited
Application Type:	Full Planning Permission
Reason for Referral to Committee:	At the discretion of the Chairman of the Planning Committee
Key Issues:	<ul style="list-style-type: none"><li>• Design Quality and Visual Impact</li><li>• Impact on amenity</li><li>• Impact on heritage assets</li><li>• Biodiversity and Ecology</li><li>• Infrastructure for Growth</li></ul>
Technical Documents:	<ul style="list-style-type: none"><li>• Biodiversity Net Gain Report</li><li>• Built Heritage Impact Assessment</li><li>• Design, Access and Planning Statement</li><li>• Financial Viability Appraisal</li><li>• Flood Risk Assessment and Drainage Strategy</li><li>• Preliminary Ecological Appraisal</li><li>• Parking Assessment</li><li>• Options Testing Appraisal</li></ul>

### Report Author

Adam Murray – Principal Development Management Planner

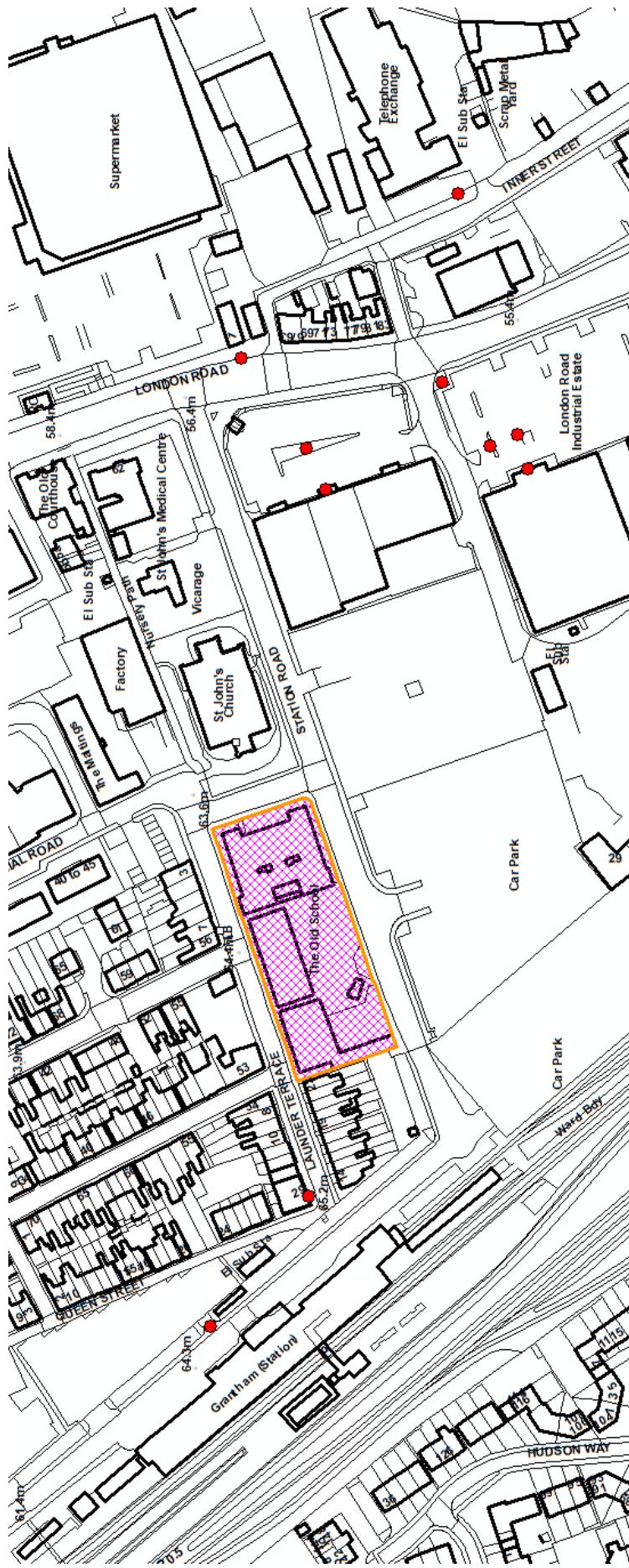
01476 406080

[Adam.Murray@southkesteven.gov.uk](mailto:Adam.Murray@southkesteven.gov.uk)

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Grantham St Vincent's

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

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



## Application Boundary



### Key

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## 1 Description of the site

1.1 The application site comprises an area of approximately 3,569 sq. metres (0.88 acres) of broadly rectangular land situated between Station Road East and Launder Terrace, to the south-west of Grantham Town Centre. The site currently contains former school buildings, and a modern workshop and office building, which have subsequently been used for commercial purposes since the closure of the former school; most recently, the site was used for pine furniture sales and as an indoor market space. However, the site currently stands vacant.

1.2 The former school buildings are constructed in red brick, with steeply pitched slate roofs and attractive window detailing; and comprise of the former main school house to the east of the site, and the former infant school house to the north-west of the site. The former workshop and office structure is positioned to the centre of the site, and is constructed of modern red brick with concrete tiled roof. The existing buildings on the site are a mixture of 2 and 2 ½ storey domestic scale.

1.3 The northern and eastern boundaries of the site, adjacent to the former school house, are marked by traditional wrought iron black railings; whilst the yard to the south-west of the complex of buildings is currently bound by a red brick wall topped with palisade fencing.

1.4 The site is bound to the north and west by residential properties fronting onto Launder Terrace; to the east by Station Road East, beyond which lies with St. John the Evangelist Church; and to the south by Station Road East, with Grantham Train Station Car Park opposite and the East Coast Mainline Railway approximately 150m to the south of the site.

1.5 The application site falls within Character Area 03D of the Grantham Townscape Assessment, which identifies the following key characteristics of the existing built form in the area:

- Terraced housing and industrial survivals, including station environs, part of the Victorian (some mid-Victorian), and Edwardian southern expansion of the town.
- Late 19<sup>th</sup> and early 20<sup>th</sup> century artisan terraced housing, part of the significant urban extension of the town in this period. A valuable survival of malthouses and associated buildings and an important Victorian church.
- Mostly regular plots of terraced housing, narrow rear gardens and larger survival of outbuildings in rear gardens. Some larger floorplates, mostly traditional buildings interspersed.
- Mostly red brick, although gault and brown bricks are also seen. Ancaster stone for the Church of St. John, some render and cladding seen to terraces. Roofs, mostly modern concrete interlocking tiles (replacing natural slate), red brick chimneys.
- There is a marked hierarchy in the terracing. Sub-area 03D contains the earliest terraces from the 1850s onwards. These are also the most compact in footprint and plot. Being artisan houses, probably built soon after the railway was constructed, they are the simplest in architectural design. They have narrow flush fronts without bay windows, situated to the back edge of the pavement. Nevertheless, window proportions follow the usual Victorian sash layout. Few original doors remain, but the simple four panel type would be likely. Lintels are simple, rectangular blocks and the flush eaves to the relatively low pitched roofs consist of the basic brick detail.

1.6 The application site is identified as a Protected Employment Site (Local Plan Ref: EMP-G22: Old School, Station Road, Grantham) within the adopted Local Plan, and the St. John the Evangelist to the east of the site is a Grade II Listed Building. Furthermore, due to the local historic and architectural significance of the former school house buildings, these buildings are deemed to be a non-designated heritage asset by the LPA. The value of these buildings is recognised within the Townscape Character Appraisal, which states the following:

- The former school, facing St. John's Church, is a lively Gothic Revival single storey urban school, typical of the Victorian period, with mullioned Gothic arched windows, gables and steep pitched roofs.
- There are three present and former late 19<sup>th</sup> century school buildings of historic and architectural significance. There are important buildings of which there are few examples surviving.

1.7 The site has been the subject of a previous full planning application for a development of the same description (LPA Ref: S23/0882), which was refused August 2023 via delegated powers.

1.8 The previous application was refused for the following reason(s):

(1) *As a result of the scale and layout of the proposed development, the application proposals would not reflect the character and appearance of the existing streetscene and the surrounding built form, and would also create the impression of an excluded community. The scheme also fails to provide appropriate features, such as an active frontage, secure cycle storage, security lighting and boundary treatments, to reduce crime and the fear of crime for future occupants. Taking the above into account, it is concluded that the application proposals would have an unacceptable adverse impact on the character and appearance of the surrounding area, the amenity of future occupants of the proposed development, and the integration of the scheme within the surrounding community. As such, the application scheme is contrary to Policy DE1, EN1 and ID2 of the adopted South Kesteven Local Plan 2011-2036, the adopted Design Guidelines SPD (November 2021), and Section 12 of the National Planning Policy Framework (July 2021). As a result of the identified conflict, the application proposals would also be contrary to Policy SP3. In this case, the Local Planning Authority considers that the public benefits of the proposal, would not outweigh the identified harm.*

(2) *The existing former Old School House buildings which occupy the site are defined as a non-designated heritage asset by virtue of their local historic and architectural significance. The application proposals involve the unjustified demolition of the former Infant School Hall, and would also result in the loss of the character and identity of the retained Primar Old School Building due to the inappropriate scale and attachment of the proposed 3-storey new build form. As a result, the application proposals would result in substantial harm to the significance of a non-designated heritage asset. The public benefits of the scheme would not outweigh the identified harm. As such, the application proposals are contrary to Policy EN6 of the adopted South Kesteven Local Plan 2011-2036 (Adopted January 2020), and Section 16 of the National Planning Policy Framework (July 2021).*

(3) *The application proposals fail to provide an appropriate biodiversity net gain or justification for why this cannot be achieved contrary to the requirements of Policy EN2 of the adopted South Kesteven Local Plan 2011-2036 (Adopted January 2020), and*

*Section 15 of the National Planning Policy Framework (July 2021). In this case, the Local Planning Authority considers that the public benefits of the proposal would not outweigh the identified harm.*

*(4) The applicant has failed to enter into a planning obligation to secure the necessary financial contributions to healthcare, and the required affordable housing provision, contrary to Policy H2 and ID1 of the adopted South Kesteven Local Plan 2011-2036 (Adopted January 2020).*

## **2 Description of the proposal**

2.1 The current application seeks full planning permission for the conversion of the former school house building, together with the erection of 3(no) 3-storey apartment blocks, to form a total of 60(no) apartments with associated amenity space and vehicle parking; following demolition of the existing workshop and office building, and the demolition of the former infant school house.

2.2 In this respect, it is acknowledged that the current application is a revised submission of the previously refused application (Ref: S23/0882) for a development of the same description, which was refused via delegated powers in August 2023.

2.3 The current application has sought to address the previous reasons for refusal by including the following key amendments:

- Block C has been set back from Launder Terrace and the existing railing is to be retained.
- External doors have been added to all street-facing elevations.
- The 3-storey blocks now include a stepped eaves and ridge height.
- The 3-storey blocks have been set back from the retained school building, but connected by a recessed link.
- Window designs have been amended to feature modern and dormer windows.

2.4 The application submission has been accompanied by a Design, Access and Planning Statement, Built Heritage Impact Assessment, Existing and Proposed Elevation Plans and Proposed Site Plans, which indicate that the proposed development would consist of the following: -

2.5 The proposed scheme would entail the demolition of the former Infant School building positioned within the north-west corner of the site, and the demolition of the modern workshop and office building located in the centre of the site. The former school building to the east of the site is proposed to be retained and converted into 6(no) apartments distributed across 2-storeys with 3(no) apartments on each floor.

2.6 3 (no) 3-storey new build apartment blocks would be erected to the rear of the former school house (along the northern and southern boundary of the site) to provide a further 54 (no) apartments. The proposed new build elements would be physically attached to the former school house on the western elevation and would cumulatively produce a U-shaped built form within the site. Albeit Block A and B (adjacent to the retained school building) would be set forward of the established building line of the former school buildings, and the properties neighbouring the site to the west, and situated immediately to the rear of the existing footway. Block C (in the north-west corner of the site) would be set back from these buildings and would be broadly consistent with the positioning of the existing infant school building.

2.7 The internal courtyard between these buildings would form a communal, private garden area for future occupants of the site and would include raised planters and informal seating, as well as low level lighting.

2.8 The existing yard to the south-west corner of the site is proposed to be re-purposed as a parking area for the scheme and would provide 15 (no) car parking spaces, with an additional 2(no) disabled parking bays and a motorcycle bay, together with a covered bike store. The parking area would also include a bin collection area.

2.9 Vehicular access into the site is proposed to be via the existing access from Station Road East to the south of the application site boundary. However, as indicated above, the scheme now includes occupant access to the proposed apartments directly from the street; as well as continuing to propose occupant access via the internal courtyard.

2.10 The scheme is proposed to deliver 60 (no) 2-bed flats.

2.11 As indicated above, the proposed new build elements of the scheme are identified as being 3-storey scale and would contain projecting gables finished with off-white render and would feature conservation style rooflights and dormer windows. The proposed elevations would include brick arch detailing to doors.. The proposed new build blocks would feature a stepped eaves and ridge height, and would be connected to the retained school building by a recessed link section.

2.12 The existing built form of the former school house building is shown as being largely retained, including the retention of the mullioned window openings and the existing roof, with additional conservation rooflight windows added into the roofscape.

2.13 The existing wrought iron railings to the east of the former school building are shown to be retained and as indicated above, the area to the front of Block C facing onto Launder Terrace are also now proposed to retain the existing wrought iron railings. The existing boundary wall to the south-west of the site is to be retained a topped with stone capping.

### 3 Relevant History

Application Ref.	Description of Development	Decision
S23/0882	Conversion of former school house building together with erection of 3 (no) 3-storey apartment blocks to form a total of 60 (no) apartments with associated amenity space and vehicle parking; following demolition of the existing workshop and office building	Refused 10.08.23

### 4 Policy Considerations

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

Policy SD1 – The Principles of Sustainable Development in South Kesteven

Policy SP1 – Spatial Strategy

Policy SP2 – Settlement Hierarchy

Policy SP3 – Infill Development

Policy H2 – Affordable Housing Contributions

Policy H4 – Meeting All Housing Needs

Policy E4 – Protection of Existing Employment Sites

Policy E6 – Loss of Employment Land and Buildings to Non-Employment Uses

Policy EN1 – Landscape Character

Policy EN2 – Protecting Biodiversity and Geodiversity  
Policy EN4 – Pollution Control  
Policy EN5 – Water Environment and Flood Risk Management  
Policy EN6 – The Historic Environment  
Policy DE1 – Promoting Good Quality Design  
Policy SB1 – Sustainable Building  
Policy OS1 – Open Space  
Policy ID1 – Infrastructure for Growth  
Policy ID2 – Transport and Strategic Transport Infrastructure

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

4.3 **National Planning Policy Framework (NPPF) (Published December 2024)**

Section 2 – Achieving sustainable development.  
Section 4 – Decision-making  
Section 5 – Delivering a sufficient supply of homes  
Section 6 – Building a strong, competitive economy  
Section 9 – Promoting sustainable transport  
Section 11 – Making effective use of land  
Section 12 – Achieving well-designed places  
Section 14 – Meeting the challenge of climate change, flooding and coastal change  
Section 15 – Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment

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

**5 Representations received**

5.1 **Anglian Water**

5.1.1 No objection subject to conditions.  
5.1.2 The foul drainage from this development is in the catchment of Marston (Lincs) Water Recycling Centre that will have available capacity for these flows.  
5.1.3 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.  
5.1.4 The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to the sewer seen as a last option. The Flood Risk Assessment and Outline Sustainable Drainage Strategy submitted with the planning application relevant to Anglian Water states that to provide betterment on the current surface water discharge arrangements the site will be calculated as a 1 in 1 year greenfield rate which Anglian Water welcome this approach, however, there is no evidence of the existing connections submitted with the application and what the current discharge rates are and there is no evidence that site drainage is unrestricted. It is also noted that the discharge rate as Soil type 1 is being calculated as a soil type 4 in order to increase the discharge rate to 5l/s however there is no evidence of the ground investigations being carried out to demonstrate the soil type therefore on the basis the 5l/s discharge rate is considered to be excessive for a site of this size. Therefore, a condition should be applied if permission is granted to require a surface water drainage strategy.

5.2 **Cadent Gas**

5.2.1 No comments.

5.3 **Grantham Civic Society**

5.3.1 The current proposals replace the earlier proposals which were opposed, and the planning application refused. The Society notes that the Applicant has taken on board a number of concerns and has submitted a detailed and comprehensive Built Heritage Impact Assessment and a more informative Design, Access and Planning Statement.

5.3.2 The GCS supports the retention of the eastern part of the school in the close proximity to St. John's Church but notes the redundant nature and the poor condition of the surviving western school buildings. We request condition that if the remainder of the school buildings are to be demolished, detailed plans of those structures to be demolished are made and retained with Lincolnshire Archives together with a photographic record. Additionally, we specifically request that the former notice boards are retained and displayed where possible in any communal areas. We also ask that the outstanding issues made by the Conservation Officer are addressed.

5.3.3 Whilst the GCS notes the comments that "the application site is in a highly sustainable location where future residents will be able to access the facilities and services in Grantham Town Centre, without the need to use a car", the GCS is most concerned that there is likely to be insufficient parking on site (namely 20 parking bays for 60 dwellings). GCS had voiced this point in respect of the earlier application and had suggested dialogue with those involved in the adjacent car parks. The comments from National Highways indicate their opposition to this. The GCS requests that the inadequacy of parking at this end of the town is addressed.

5.4 **Grantham Town Council**

Consolidated comments

5.4.1 Objection

5.4.2 There remains potential for the site to be used for retail purposes

5.4.3 The number of proposed apartments is a concern due to the shortage of parking.

5.5 **Heritage Lincolnshire**

5.5.1 No objection subject to conditions.

5.5.2 The proposed site lies to the west of the centre of Grantham, close to the railway station and opposite the Grade II Listed Church of St. John the Evangelist, built 1840-41. A number of former works and factories dating from the post-medieval period are recorded in the surrounding area.

5.5.3 A Church of England School is recorded in Spittlegate, which dates the school's foundation to the early 1840s.

5.5.4 Former school buildings are a significant part of our historic environment. New uses frequently alter the original fabric and character of the building, and it is beneficial to create a record of the structure before alteration or demolition.

5.5.5 Therefore, a Scheme of Archaeological Works should be commissioned to enable the historic assets within the site to be recorded prior to their alteration / destruction.

5.6 **Historic England**

5.6.1 No comments to make.

5.7 **Lincolnshire County Council (Education)**

5.7.1 No comments received.

5.8 **Lincolnshire County Council (Highways & SuDS)**

5.8.1 Additional information required.

5.8.2 A Parking Statement is required; the aim of the statement is to ensure enough parking is available for the proposed use without overspill or obstruction of the public highway.

5.8.3 A full drainage strategy needs to be provided.

5.8.4 A Section 106 contribution of £10,000 will be required towards the Grantham Transport Strategy.

5.9 **Lincolnshire Fire & Rescue**

5.9.1 No comments received.

5.10 **Lincolnshire Police Crime Prevention Officer**

5.10.1 No objections

5.11 **Lincolnshire Wildlife Trust**

5.11.1 No comments received.

5.12 **LNER**

Consolidated comments

5.12.1 Objection.

5.12.2 The Developer should be required to resurface any damage to Station Road East.

5.12.3 There is insufficient parking to serve the development.

5.12.4 LNER would request Section 106 funding towards improvements to access to the station, a contribution of funding towards maintaining Station Road East, and funding for improved wayfinding for the station.

5.12.5 No consultation has been undertaken with LNER despite their operational railway site being close to the development.

5.12.6 The planning application includes an assumption that the developers and subsequent residents will be able to use land held under a 99 year lease by LNER, this hasn't been agreed.

5.13 **NHS Lincolnshire Integrated Care Board**

5.13.1 Section 106 contribution requested.

5.13.2 £32,670.00 requested towards expanding capacity within the K2 Healthcare Grantham and Rural Primary Care Network.

5.14 **SKDC Conservation Officer**

Consolidated comments

5.14.1 Objection.

5.14.2 The distinctive former Spittalgate School (also Old School House) on the site has been designated as a non-designated heritage asset (MLI126761). The buildings complex is described a main building to the east, made of red brick in a Flemish bond with ashlar string courses, window arches, and other details, and a steeply pitched roof of slate. The building plan is symmetrical, likely with one half being used as a boy's school and the other half for girls with separate entrances and playgrounds for each. A further school building was built to the west in around 1886 as an infant's school, in matching material and style. Cartographic evidence shows a small structure in the centre of the site, which has long since been removed. As this building is a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.14.3 Following previous comments, a site appraisal for the viability of two other options for the development, as well as updated drawings have been provided. I agree with the comments provided by the Urban Design Officer in regards to the viability, assessing a higher density approach which retains more fabric versus the current proposal of lower density with communal area, but less historic fabric.

5.14.4 If the current proposal is to be accepted, the material and design should be of high quality, with the brickwork matching the school building as well as the general streetscape. The terrace design would fit in well within the wider streetscape and adjustments have been made to present a street frontage towards Launder Terrace and Station Road. The provision of a communal garden space is a positive feature that adds to the design. The windows of Block C have been adjusted in scale to be more proportional to a Victorian terrace frontage. The stylistic differences between the road facing elevations and courtyard elevations would be in keeping with the terrace design, where the back elevations would often be more modest in appearance, compared with the decorative front elevations.

5.14.5 As previously noted, the window and door lintels and cills should take inspiration from the existing building, as well as the surrounding terraced buildings. If structures are to be demolished, material and decorative features should be reused. The gable ends of the existing buildings present interesting features such as the three pointed arch detailing and vertical herringbone pattern with three air vent slits above, stained glass window as well as various protruding brickwork patterns. There are thus many features that can be picked up and replicated or reused within the new design. Different styles of dormers could also be utilised to provide a more piecemeal appearance.

5.14.6 There is a strong opportunity to maintain the character, appearance and identify of the heritage asset with good materials and complimentary detailing. The existing buildings have the opportunity to create a positive impact on the important gateway to and from the rest of the town from Grantham Railway Station through a heritage-led approach to regeneration.

5.14.7 Any structures to be demolished should be recorded to a Level 3 as defined by Historic England prior to any works being undertaken.

5.14.8 I would advise that there is still heritage concerns with the design provided. The Old School is considered a non-designated heritage asset and as such retains local significance. The proposed demolition would result in a substantial level of impact upon this building, as a high percentage of the building will be lost. The applicant should demonstrate how material could be retained and features incorporated into the new buildings.

## 5.15 **SKDC Environmental Protection**

5.15.1 No objection subject to conditions.

## 5.16 **SKDC Planning Policy Officer – Affordable Housing**

5.16.1 No comments received.

## 5.17 **SKDC Urban Design Officer**

### Initial comments

5.17.1 Objection.

5.17.2 Unfortunately, despite amendments, the original primary concerns and the reasons for refusal still remain – these being part demolition of the building being unjustified and the character and identity having been lost (even if the new buildings are no longer attached to the retained) – with the new build elements not of sufficient design quality.

5.17.3 This is a prime site next to the train station and requires a high quality proposal. Any scheme for the site should aim to meet the following design principles:

- Be polite to the original building – retention of them and sensitive scale, massing, height, building line, materials and detailing of any new elements.
- Embrace the spirit of the Old School House and create a bespoke scheme in response to it.
- Allow the Old School House to be the dominant and most prominent feature on the site.
- The site and context requires a bespoke scheme rather than a standardised approach.

5.17.4 Some of the new elevations are an improvement on previous versions with North Block B facing Launder Terrace moving closer to a contemporary take on the Victorian terrace and possessing a more familiar Victorian rhythm and proportions, along with front doors to the street. Unfortunately, this is not sufficient to overcome the major issues that still remain.

### Revised comments

5.17.5 Viability testing is based on two options – it is not to say that there are not more options – given the location the density could be higher, although this would require a more apartment block style approach, and the negative impacts of this would be less amenity space and parking.

5.17.6 In reviewing the overall approach, it can be noted that there are benefits of the current proposals, in that there is an internal garden, a parking area and we have units in scale and proportion (subject to detailing and materials) that are broadly in keeping with Victorian terraces. A higher density scheme would lose some of these features but would provide an option for retaining more of the original building. As such, it requires a judgement of the balance of retaining the original building versus providing adequate amenity space and parking.

5.17.7 The new build elevations are now looking much more like Victorian terraces – the windows will need to be set back into the reveal to create the impression of an opening in proportion to the Victorian ones adjacent or the window needs to be filled completely with glazing and the lower infill removed. The detailing needs to be of a high quality and the bricks and other

materials need to be of high quality and sit well with the surrounding terraces and original school building.

#### 5.18 **Network Rail**

5.18.1 No objections in principle to the scheme. However, during construction and operation of the scheme, we would want to ensure that vehicles do not block or obstruct access to Grantham Railway Station and its operations.

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

6.1 The application has been advertised in accordance with the Council's Statement of Community Involvement and letters of representation have been received from 3 interested parties; all of whom have raised formal objections. The material considerations raised within the representations can be summarised as follows:

#### (1) Principle of Development

- Support the reuse of the building

#### (2) Impact on neighbouring amenity

- The increased scale of the development will reduce natural light for nearby properties.

#### (3) Access, Highways and Parking

- Insufficient parking for the quantum of development

#### (4) Impact on heritage assets

- The existing building is a historic landmark that should be preserved in its current form.

### **7 Evaluation**

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

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

7.3 The policies and provisions set out in the National Planning Policy Framework (NPPF) ("the Framework") (Published December 2024) are also a relevant material consideration in the determination of planning applications.

7.4 It is also appreciated that the Local Planning Authority are also in the process of conducting a Local Plan Review. The Regulation 18 consultation on the draft Plan was carried out between February and April 2024. At this stage, the policies contained within the draft Plan can be attributed very limited weight in the determination of planning applications. However, the updated evidence base published alongside the Plan Review is a material consideration and must be taken into account in the determination of planning applications.

7.5 As referenced above, the current application is a revised submission of the previously refused application for a development of the same description (Ref: S23/0882), which was

refused by the LPA in August 2023. The previous application was refused for reasons relating to (i) the impact of the development on the character and appearance of the area and the amenity of future occupants of the development (ii) the harm to the Old School House as a non-designated heritage asset (iii) the absence of a biodiversity net gain; and (iv) the absence of a Section 106 Agreement to secure necessary infrastructure improvements and affordable housing. In this respect, the LPA's assessment of the previous application remains a relevant material consideration, subject to appropriate consideration of any material changes to the proposed development or policy in the intervening period.

## 7.6 Principle of Development

7.6.1 It is appreciated that public representations received on the application have indicated support for the principle of reuse of the site. However, it is also noted that Grantham Town Council have objected to the application on the basis that the site retains potential for employment generating uses or retail uses.

7.6.2 As discussed above, it is important to note that the previous application was not refused for any reasons relating to the principle of development on the site. It is Officers' assessment that there has been no material change in circumstances, which would justify reaching an alternative assessment on this matter.

7.6.3 Notwithstanding this, the application site comprises the former old school building and more modern workshop and office building, which have been utilised for a range of commercial purposes following the closure of the school. As such, the site falls to be defined as previously developed land. Furthermore, it is also acknowledged that the site is positioned within the established built-up area of Grantham; situated between Station Road East and Launder Terrace and, therefore, redevelopment of the site would not extend the pattern of development beyond the existing limits of the town in any direction.

7.6.4 Taking the above into account, redevelopment of the site would be in accordance with criteria (a), (b) and (d) of Policy SP3, and would be in accordance with the principles of the overall spatial strategy for the District, which seeks to focus growth on Grantham and encourages the use of previously developed land. With regards to criteria (c) and (e) of Policy SP3, these matters fall to be discussed against the relevant material design considerations, which are discussed in further detail below.

7.6.5 In respect of the proposed redevelopment of the site for residential purposes, the application site is identified as a Protected Employment Site (Site Ref: EMP-G22) under Policy E4 of the Local Plan. This policy states that identified employment sites will be protected to ensure the continued provision of locally important employment opportunities, and appropriate proposals for B1, B2 and / or B8 uses, as well as other employment generating uses outside of Use Class B will be supported, subject to consideration of the site-specific impacts.

7.6.6 Notwithstanding this, Policy E6 (Loss of Employment Land and Buildings to Non-Employment Uses) establishes a permissive approach to the potential loss of allocated employment sites to non-employment uses. It states that the Council will seek to retain and enhance existing areas of employment use, unless it can be demonstrated that:

- (a) The site is vacant and no longer appropriate or viable as an employment site – this may include the need for effective, robust and proportionate marketing of the land and buildings to be undertaken; or
- (b) Redevelopment would maintain the scale of employment opportunities on the site, or would deliver wider benefits, including regenerating vacant or underutilised land; or

- (c) The alternative use would not be detrimental to the overall supply and quality of employment land within the District; or
- (d) The alternative use would resolve existing conflicts between land uses.

7.6.7 The application has been accompanied by a Design, Access and Planning Statement (The Planning Hub), which sets out the following assessment against the above criteria:

- The site has accommodated several failed business uses over the years, resulting in the buildings becoming vacant, poorly maintained and unviable for new business ventures. Despite being advertised for sale as a commercial / business venture, there was no interest in the site for a new business.
- The overall allocation measures 0.4ha and, with another small site in Stamford, is the smallest of the 40 employment allocations across the District, which total some 363.34ha. The allocation is only 0.11% of the total employment allocation for the District.
- The commercial or business use of the site could give rise to conflicts with the residential uses of the land to the west and north of the site, whereas residential use of the site would accord with the prevailing residential land uses and would be appropriate within this location.

7.6.8 It is appreciated that the application site has been marketed for sale by Savills, and the Applicant has indicated that this has not generated any interest in retained commercial / employment use of the site. Whilst, Grantham Town Council have indicated that the site could continue to be used for retail provision, there has been no evidence supplied to demonstrate viable interest in using the site in this manner. However, limited evidence has been provided in respect of this marketing process in order to verify the information provided and demonstrate compliance with criteria (a).

7.6.9 Notwithstanding this, Officers note that the Employment Land Study (2024) published alongside the Local Plan Review concludes that the site is not suitable for employment land uses, and therefore is not considered to be viable. As such, the Employment Land Study recommends the removal of the allocation as part of the forthcoming Local Plan Review.

7.6.10 Similarly, Officers accept that the application site comprises a very small proportion of the overall supply of employment land within the District and identified within the Local Plan. As such, it is Officers' assessment that removal of the application site from employment uses would not have an unacceptable impact on the availability and quality of employment land within the District, and therefore, the application scheme would accord with criteria (c) of Policy E6.

7.6.11 Furthermore, the application proposals would result in the provision of 60 dwellings within a sustainable location for growth within the District and would provide a substantial contribution towards the Council's housing land supply. The Council's most recent published Annual Position Statement 2023 confirmed that the Local Planning Authority could demonstrate a 5.01 year housing land supply until 31<sup>st</sup> October 2024. The Council have not published a further Annual Position Statement and it is acknowledged that the revised National Planning Policy Framework (December 2024) has subsequently increased the Council's housing requirements from 650 dwellings per annum to 895 dwellings per annum. In this context, it is the Case Officer's assessment that the provision of additional housing is a significant benefit that should be attributed substantial weight.

7.6.12 Taking all of the above into account, it is Officers assessment that the proposed redevelopment of the site for residential purposes would be in accordance with the overall spatial strategy for the District, as set out in Policy SP1, SP2, SP3 and E6 of the adopted Local Plan, and Section 5 and 6 of the NPPF, when taken as a whole. Consequently, the application proposals are acceptable in principle, subject to material considerations. These matters are assessed in detail below.

## 7.7 Meeting All Housing Needs

7.7.1 Local Plan Policy H2 (Affordable Housing Contributions) seeks to meet the needs for affordable housing within the District by requiring all major residential proposals to provide affordable housing. Within the main built-up area of Grantham, the policy requires the provision of 20% affordable housing. The only exceptions to this are brownfield development sites across the District, and in such cases, a site specific viability assessment is required, and the Council will consider alternative options to deliver a range of affordable and intermediate products, and an overage clause will be included to cover any deficit in provision. This must be justified through clear evidence set out in a viability assessment, which the Council will have independently assessed.

7.7.2 The National Planning Practice Guidance (PPG) advises on viability and how it should be assessed, including benchmark land values, which advises that viability assessment should be:

- Based upon existing use value
- Allow for a premium to landowners (including equity resulting from those building their own homes)
- Reflect the implications or abnormal costs, site specific infrastructure costs and professional site fees.

7.7.3 In respect of the above, the application submission has been accompanied by a Financial Viability Assessment (Intali Property Strategy) (July 2024), which concludes that the scheme cannot support any affordable housing or infrastructure contributions without undermining the viability of the development.

7.7.4 The Applicant's Viability Assessment has been independently reviewed on behalf of the Council by CP Viability Ltd. The conclusions of this review were that there is reasonable evidence to confirm that the scheme cannot support affordable housing and Section 106 obligations without undermining the delivery of the project.

7.7.5 Taking the above into account, the application proposals are considered to accord with Policy H2 of the adopted Local Plan.

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

7.7.7 In this respect, the 2023 Local Housing Needs Assessment advises the following housing mix should be provided for the period to 2041:

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

7.7.8 The application proposals would provide 60(no) 2-bed apartments, and whilst the application proposals do not provide a mix of property types and sizes, it would provide a contribution towards meeting the need for smaller properties within the District as a whole.

7.7.9 Furthermore, it is noted that Policy H4 includes a requirement for 10% of all dwellings on major residential developments to be provided to the standards of Part M4(2) of Building Regulations. The current application does not provide any details in relation to the delivery of this policy requirement. However, it is Officers assessment that these details could be secured through planning conditions, in the event that the application was considered to be acceptable in all other respects.

7.7.10 Taking the above into account, it is concluded that subject to conditions, the application proposals would be in accordance with Policy H2 and H4 of the adopted Local Plan, and Section 5 of the National Planning Policy Framework.

## 7.8 Design Quality and Visual Impact

7.8.1 As previously identified, the application proposals would involve the redevelopment of a brownfield site, which is currently occupied by former school buildings and a modern workshop and office buildings that are in various stages of disrepair. As such, a sympathetic redevelopment of the site has the potential enhance the positive features of the site and provide in an overall improvement to the streetscene.

7.8.2 The application site falls within Character Area 03D of the Grantham Townscape Assessment, which identifies the existing built form is defined by the following:

- Terraced housing and industrial survivals (including station environs, part of the Victorian (some mid-Victorian) and Edwardian southern expansion of the town).
- Late 19<sup>th</sup> and early 20<sup>th</sup> century artisan terraced housing, part of the significant urban extension of the town in this period. A valuable survival of malthouses and associated buildings and an important Victorian church.
- Mostly regular plots of terraced housing, narrow rear gardens and larger survival of outbuildings in rear gardens. Some larger floorplates, mostly traditional buildings interspersed.
- Mostly red brick, although gault and brown bricks are also seen. Ancaster stone for the Church of St. John, some render and cladding seen to terraces. Roofs, mostly modern concrete interlocking tiles (replacing natural slate), red brick chimneys.

- There is a marked hierarchy in the terracing. Sub area 03D contains the earliest terraces from the 1850s onwards. These are also the most compact in footprint and plot. Being artisan houses, probably built soon after the railway was constructed, they are the simplest in design. They have narrow flush fronts without bay windows, situated to the back edge of the pavement. Nevertheless, window proportions follow the usual Victorian sash layout. Few original doors remain, but the simple four panel type would be likely. Lintels are simple, rectangular blocks and the flush eaves to the relatively low pitched roofs consist of basic brick detail.

7.8.3 Furthermore, the Townscape Assessment outlines the following key design principles for future development within this area:

- New buildings shall maintain and reinstate the strong building line with, wherever possible, active frontages.
- Maintain the predominant two-storey scale
- Introducing street trees and tree planting throughout the area would be of great benefit.
- Retain identified heritage assets as they form a key part of the identity of this part of the town
- Converted buildings should consider the use of colour to emphasise their regeneration and celebrate key buildings within the townscape.
- More sympathetic re-use of the former school buildings to Station Road.

7.8.4 As identified, it is noted that the previous application was refused for reasons relating to the design quality and visual impact; in particular, it was concluded that the scale and layout of the development resulted in a scheme which did not reflect the character and appearance of the existing streetscene and created the impression of an excluded community.

7.9 The current application has sought to address the previous reasons for refusal by including the following key amendments:

- Block C has been set back from Launder Terrace and the existing railing is to be retained.
- External doors have been added to all street-facing elevations.
- The 3-storey blocks now include a stepped eaves and ridge height.
- The 3-storey blocks have been set back from the retained school building, but connected by a recessed link.
- Window designs have been amended to feature modern and dormer windows.

7.9.1 The Council's Urban Design Officer has been consulted on the application proposals and has acknowledged that the aforementioned revisions represent an improvement to the design compared to the previously refused scheme. In addition, they have also acknowledged that the design quality of the new build proposals has also now substantially improved, and more reflective of a traditional Victorian terrace, subject to further details relating to large scale details for windows and appropriate materials. In the event that the application was deemed to be acceptable in all other respects, these matters can be secured as pre-commencement conditions.

7.9.2 However, the Urban Design Officer continues to query whether the amount of level of demolition proposed for the existing buildings on the site is justified, and retains concerns that the new build element steps forward of the building line of the retained Old School Building and the footprint of the buildings to be demolished, such that the new build element does not appropriately respect the character of the Old School House. With regards to justification for the level of demolition proposed, this matter is discussed in further detail below.

7.9.3 Taking the above into account, it is the Case Officers' assessment that, on balance, the application proposals would provide an acceptable appearance, layout and scale which would ensure that the development scheme integrates positively with the character and appearance of the surrounding built form, such that it appropriately addresses the previous reason for refusal relating to the impact on the character of the area. Consequently, it is the Case Officers' position that the application scheme would accord with Policy DE1 and EN1 of the adopted South Kesteven Local Plan, the adopted Design Guidelines SPD, and Section 12 of the Framework; although appropriate conditions relating to large scale details and materials are proposed to ensure that the scheme achieves a high quality finish commensurate for the site's context.

## 7.10 Impact on heritage assets

7.10.1 As identified above, the application site is located immediately adjacent to the Grade II Listed St. John the Evangelist and, as a result of their local historic and architectural significance, the former school buildings within the site are deemed to be a non-designated heritage asset.

7.10.2 In respect of 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 have any special architectural or historic interest which it possesses. It is important to note that these statutory obligations apply to designated listed buildings only and are not applicable to non-designated buildings such as the Old School House.

7.10.3 Policy EN6 (The Historic Environment) is the primary development plan policy through which the Council exercises its statutory functions. 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. Development that is likely to cause harm to the significance of a heritage asset or its setting will only be granted planning permission where the public benefits of the proposal outweigh the potential harm.

7.10.4 With regards to the potential impact of the proposed development on the setting of St. John the Evangelist Church, Historic England have been consulted on the proposals and have raised no objections. Similarly, the Council's Conservation Officer has also raised no objections in this respect. As such, the application proposals would accord with Policy EN6 of the Local Plan and Section 66 of the Act 1990 with regards to the potential impact of the development on the nearby Grade II Listed Church.

7.10.5 With respect to the impact of the proposed development on the former Old School House buildings, which are defined as a non-designated heritage asset, the application proposals would result in the demolition of the former Infant School House and replacement with a 3-storey apartment block, whilst the Primary School House to the east of the site would be retained and converted to form 6 (no) apartments.

7.10.6 As referenced previously, it is acknowledged that the previous application was refused for reasons relating to the harm to the Old School House as a non-designated heritage asset. In particular, it was concluded that demolition of the former Infant School house was unjustified, and that the inappropriate scale and attachment of the new buildings would result in the loss of the character and identity of the retained Primary School house. On that occasion, the public benefits of the proposal were not considered to outweigh the harm caused.

7.10.7 As identified, it is appreciated that the application proposals have been revised with a view to addressing the previous reasons for refusal. Notwithstanding this, the application proposals still entail the demolition of the Infants School house and would continue to be connected to the retained Primary School house, albeit the link between the buildings has now been recessed.

7.10.8 With regards to the above, it is noted that representations received on the application have raised objection to the proposal on the basis of the loss of the historic built form.

7.10.9 The application has been accompanied by a Built Heritage Impact Assessment (Marrons) (July 2024), which identifies the following:

- Through partial demolition, the proposed development will bring about a moderate degree of harm to the non-designated heritage asset of the former Spittalgate School.
- The site lies in the setting of the Grade II Listed building of the Church of St. John the Evangelist and the proposed development will have a neutral impact upon its setting and significance.
- The design of the proposed development is well-conceived around the inherent constraints of the site and responds well to the established character of the surrounding area.
- In bringing about a neutral impact to the Grade II Listed building of the Church of St. John the Evangelist, the proposed development satisfies the statutory objectives of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 195 of the NPPF alongside Policy EN6 of the South Kesteven Local Plan.
- The moderate degree of harm arising from the partial demolition of the non-designated heritage asset of the former Spittalgate School is primarily justified by the inherent challenges of viably developing the building and site. The impact should be weighed in the planning balance according to Paragraph 209 of the NPPF, taking a balanced judgement with regard to the scale of any harm or loss and the significance of the heritage asset.

7.10.10 Grantham Civic Society have been consulted on the application proposals and have confirmed their support for the retention of the eastern end of the school buildings. They have raised no objections to the proposed demolition of the former Infant Hall, subject to the completion of a photograph and measured building survey prior to its demolition, and the retention of the name boards within communal areas of the development. These matters could be appropriately conditioned in the event that the development would be acceptable in all other respects.

7.10.11 The Council's Conservation Officer has been consulted on the application and has raised concerns in relation to the proposed development. As part of their initial comments, they raised concerns in relation to the attachment of the new build 3-storey elements to the

retained Old School House, as well as concerns that the proposed fenestration and detailing of the new buildings would fail to appropriately respect the character of the streetscape and would detract from the significance of the retained school building. Following amendments to the application, the Conservation Officer has acknowledged that the scheme proposed is an improvement in comparison to the design of the previously refused development. However, they remained concerned that the material and design of the new build element does not respect the character of the streetscape and the significance of the building. In particular, they have advised that material salvaged from the demolition of the Infant School Building and decorative features from these buildings should be re-used as part of the new built elements of the scheme. As set out above, it is the Case Officer's assessment that these matters can be appropriately secured through planning conditions. In view of the importance of these matters to the acceptability of the overall development, it is proposed to secure further information in relation to the large scale details as a pre-commencement condition, whilst matters relating to the use of salvaged material will need to be submitted following demolition of the buildings, but prior to the commencement of any construction of the new build structures.

7.10.12 Notwithstanding this, the proposed development would entail the demolition of the Infant School House, it is concluded that the level of demolition proposed would result in substantial harm to the significance of the Old School House as a non-designated heritage asset.

7.10.13 In relation to the above, the Applicant has provided details of two options tested for the alternative development of the site, which sought to retain larger proportions of the former school buildings. The accompanying Financial Viability Appraisal demonstrates that these two options would not be viable to deliver. On that basis, these options have been discounted and the Applicant has stated that the current application proposals represent the optimal viable development scheme which balances the maximum level of retention of the former school buildings possible alongside the need to deliver a minimum quantum of dwellings to ensure that the development is viable.

7.10.14 In this regard, Officers accept that the two options presented are unviable. However, the Urban Design Officer and Conservation Officer have suggested that there are alternative options, which have not been considered by the Applicant which may allow for the retention of the existing buildings in full, alongside a higher density new build element. Notwithstanding this, the Urban Design Officer and Conservation Officer note that such an alternative would be unlikely to provide the outdoor amenity space and parking included within the current application, which are also deemed to be positive elements of the current scheme, and as such a balanced view is required.

7.10.15 In connection with this, Officers acknowledge that Part 11: Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permit the demolition of buildings, subject to an application being submitted to the LPA for determination as to whether details are required as to the method of demolition and any proposed restoration of the site. In assessing the weight to be attributed to this fallback position, it is Officers' assessment that there remains limited evidence that these rights would be exercised, and therefore, limited weight is attributed to this fallback position.

7.10.16 Nonetheless, it is the Case Officer's assessment, that on balance, the application proposals represent the optimal viable use of the application site having regard to the public benefits associated with the provision of additional housing, the quality of the existing buildings, the

quantum of development required to viably redevelop the site, and the benefits of providing communal outdoor amenity space and parking to serve future occupants of the site.

7.10.17 Paragraph 215 of the Framework identifies “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

7.10.18 The proposed development scheme would result in substantial demolition of the Infant School House, and the attachment of the new built form to the retained Old School House, which would result in substantial harm to the significance of these non-designated heritage assets. As set out above, it is the Case Officer’s assessment that, on balance, the level of demolition proposed has been justified as the minimum required to allow for the viable re-development of the site.

7.10.19 Furthermore, the application proposals would result in the provision of 60 dwellings within a sustainable location for growth within the District and would provide a substantial contribution towards the Council’s housing land supply. The Council’s most recent published Annual Position Statement 2023 confirmed that the Local Planning Authority could demonstrate a 5.01 year housing land supply until 31<sup>st</sup> October 2024. The Council have not published a further Annual Position Statement, and it is acknowledged that the revised National Planning Policy Framework (December 2024) has subsequently increased the Council’s housing requirements from 650 dwellings per annum to 895 dwellings per annum. In this context, it is the Case Officer’s assessment that the provision of additional housing is a significant benefit that should be attributed substantial weight.

7.10.20 In addition, the proposals would also generate economic benefits associated with the construction of the proposed development, and the potential for increased patronage of local services and facilities by future occupants of the proposed development, which may increase the vitality of these services.

7.10.21 Taking the above into account, It is Officers’ assessment that the public benefits associated with the provision of 60 dwellings within the main built-up area of Grantham would outweigh the substantial harm caused to the significance of the non-designated former school buildings that would result from the demolition of the former Infant School House. As such, the application proposals accord with Policy EN6 of the adopted Local Plan and Section 16 of the Framework, subject to conditions relating to large scale details and the use of salvaged material.

## 7.11 Impact on neighbouring amenity

7.11.1 In respect of the effect of the development on amenity, it is noted that representations received have raised objections due to concerns about the scale of the proposed development, and the implications that this will have on the availability of natural light serving nearby dwellings.

7.11.2 In assessing the proposed development against the Design Guidelines SPD (Adopted November 2021), it is noted that the back-to-back separation distance between the proposed 3-storey blocks (Block A and Block B) would measure approximately 20 metres, which falls short of the standards included within the SPD in relation to providing adequate privacy. However, it is appreciated that future occupants of the development would be aware of the inter-relationship between the proposed apartment blocks and would need to satisfy

themselves that the proposed arrangements would provide them with an adequate standard of amenity. Furthermore, having regard to the orientation of the site and the proposed floorplans and layout, it is Officers' assessment that all dwellings would receive an appropriate level of natural light during the course of the day.

- 7.11.3 With regards to the potential impact of the proposed development on the residential amenity of existing properties on Launder Terrace, it is noted that the proposed development would be immediately adjacent to an existing residential property on the western boundary of the site (23 Launder Terrace). In this case, it is noted that the existing property has a blank elevation abutting the site, and similarly, there are no windows proposed in the side / western elevation of Proposed Block C. As such, the application scheme would not give rise to any unacceptable impact in terms of overlooking. Furthermore, the proposed development would be set back from the established building line to the west and, therefore, would not break the 45-degree angle set out within the adopted Design Guidelines SPD.
- 7.11.4 In respect of the relationship properties on the northern side of Launder Terrace, it is noted that separation distances between the existing and proposed residential properties would fall short of the 21m distance set out within the adopted Design Guidelines SPD. However, these dwellings would be separated by a public highway and the existing footway on either side and, therefore, would benefit from a conventional relationship between dwellings within a built-up urban area.
- 7.11.5 As outlined above, the previous application was refused for reasons relating to failing to minimise the fear of crime and disorder. In particular, it was concluded that the scheme failed to include appropriate features, such as an active frontage, secure cycle storage, security lighting and boundary treatments, and would create the impression of an excluded community.
- 7.11.6 The current application has been amended to address the previous concerns through the addition of external doors to all street-facing elevations for all dwellings and external lighting has been included for the communal gardens.
- 7.11.7 The Lincolnshire Police Crime Prevention Officer has been consulted on the application scheme and has confirmed that they have no objections. As such, it is the Case Officers' assessment that the revised scheme has satisfactorily addressed the previous concerns relating to crime and the fear of crime, and there would accord with Policy DE1 in this respect.
- 7.11.8 In respect of the impacts of construction activities on the amenity of existing residential properties, it is appreciated that the application site is located within a residential setting and, therefore, there is the potential for short-term impacts on the residential amenity of existing properties as a result of noise, dust and vehicle movements associated with the demolition of the existing buildings and subsequent construction of the development. IN view of the above, in the event that the application was deemed to be acceptable in all other respects, conditions would be imposed to require the submission and approval of a Demolition and Construction Management Plan and Method Statement prior to the commencement of development, in order to mitigate these potential impacts.
- 7.11.9 Taking the above into account, subject to the imposition conditions, it is Officers' assessment that the application proposals would not have any unacceptable adverse impacts on the amenity of neighbouring properties and would provide an appropriate level of amenity for future occupants. As such, the application would accord with Policy DE1 and

EN4 of the adopted Local Plan, and Section 12 of the National Planning Policy Framework, in respect of residential amenity considerations.

## 7.12 **Open Space Provision**

7.12.1 With regards to the open space standards set out within Policy OS1 of the adopted Local Plan, it is Officers' assessment that the application site benefits from suitable access to informal / natural green space, and children's and young persons play equipment within the surrounding area. The site is located within close proximity to Dysart Park, which can be accessed by pedestrian via a walk along the River Witham. It is Officers' assessment that the application proposals would not give rise to any requirements to increase the supply of equipped play space in the local area.

7.12.2 In addition, the application site itself does include the provision of a communal garden area to serve the future occupants of the proposed development.

7.12.3 Taking the above into account, it is considered that the application site benefits from appropriate access to existing open space provision and would not generate a level of demand for open space that requires additional facilities. As such, the application proposals accord with Policy OS1 of the adopted Local Plan and Section 8 of the Framework.

## 7.13 **Access, Parking and Highways Impact**

7.13.1 It is noted that public representations have raised objections to the application proposals on the basis that they do not provide adequate parking provision within the site, and this would result in residents being required to park on the surrounding streets to the detriment of highways safety and the amenity of nearby residents. These concerns have also been raised by Grantham Civic Society, Grantham Town Council and LNER.

7.13.2 In respect of the above, Lincolnshire County Council (as Local Highways Authority) have been consulted on the application proposals and have not raised any formal objections. In commenting on the application scheme, they have identified a requirement for further information and have requested the submission of a Parking Statement to ensure that sufficient parking is available to serve the development.

7.13.3 The Applicant has subsequently submitted a Parking Assessment (Capricorn Transport Planning) (December 2024), which identifies the following:

- The site is located within a 400m walking distance from the heart of Grantham Town Centre and as such has excellent access to the full range of retail, commercial and community facilities that it offers. It is also within a comfortable walking distance of a range of education and employment opportunities.
- The site is within less than 400m walking distance of Grantham's main bus and railway station, where the fullest possible range of public transport services are available to local and longer distance travel destinations.
- The site is well located for cycling, with suitable terrain and access to the entire Grantham Urban Area within 5km. The National Cycle Network provides a traffic free route from north to south within Grantham and can be accessed within a short distance of the site.
- The development would therefore be highly accessible using active travel and public transport modes of travel to reach a full range of activities and opportunities. As such,

these modes would cater for many of the trips generated by the scheme, which is therefore ideally located for residents without cars.

- 7.13.4 Lincolnshire County Council (as Local Highways Authority) have not provided any further comments following receipt of the Parking Assessment.
- 7.13.5 Notwithstanding the above, as part of other, recent major residential development schemes within the main built-up area of Grantham, LCC Highways have indicated that dedicated parking provision is not necessary due to residents benefitting from access to local services and facilities via sustainable methods of travel. As such, it is the Case Officers' assessment that the level of parking provided would be acceptable when viewed in the context of recently approved development schemes within the town.
- 7.13.6 Furthermore, in respect of the proposed access arrangements, it is noted that the application proposals would utilise the existing access into the site via Station Road East. The existing access has previously been used to serve the site as a former school, as well as the more recent commercial activities. It is the Case Officers' assessment that the proposed development of the site for 60 apartments would result in an increase in the number of vehicles accessing the site but would be unlikely to fundamentally alter the nature / size of vehicles using the site. The comments received from Lincolnshire County Council (as Local Highways Authority) have not indicated any concerns in respect of the safety of the proposed access arrangements.
- 7.13.7 The Local Highways Authority have requested a £10,000 financial contribution towards delivering the objectives of the Grantham Transport Strategy and have also requested conditions for the provision of tactile crossing points. Similarly, LNER have requested Section 106 funding towards maintaining Station Road East, and improving access and signage to the train station.
- 7.13.8 At the time of writing, it is Officers assessment that there is currently insufficient evidence to demonstrate that the requested financial contributions would meet the legal tests set out in the CIL Regulations and National Planning Policy Framework. In particular, it is unclear that how the requested contributions have been calculated, the schemes that they would be required to deliver, and how these schemes are necessary to make the development acceptable. In this respect, it is understood that the financial contribution is intended to improve pedestrian and cycle access to the site. However, clarification has been sought from LCC Highways and this will be reported through the late items paper.
- 7.13.9 Notwithstanding this, as referenced above, the independent viability review has confirmed that the proposed development cannot viably support any planning obligations and, as such, it is not possible to secure the requested highways contributions.
- 7.13.10 Taking the above into account, it is the Case Officer's assessment that the application proposals would not give rise to any unacceptable adverse impacts on highways safety and / or capacity and provide an appropriate level of parking. As such, the application proposals are assessed as being in accordance with Policy ID2 of the Local Plan and Section 9 of the Framework.

**7.14 Flood Risk and Drainage**

- 7.14.1 In respect of matters of flood risk and drainage, it is appreciated that no representations have been received on these matters.

- 7.14.2 Nonetheless, the application site is located within Flood Zone 1 of the Flood Map for Planning and is also identified as being at very low risk of surface water flooding. As such, the application site is considered to present an overall low risk of flooding.
- 7.14.3 The application has been accompanied by a Flood Risk Assessment & Outline Sustainable Drainage Strategy (July 2024), which identifies that surface and foul water will be discharged to the existing mains sewer network.
- 7.14.4 In respect of the above, Anglian Water have been consulted on the application proposals and have indicated that a formal drainage strategy is required to demonstrate evidence of the existing connections from the site, the ground conditions, and therefore, the acceptable rate of discharge to the sewer network. Similarly, Lincolnshire County Council (as Lead Local Flood Authority) have also indicated that a detailed Drainage Strategy is required, which includes appropriate SuDS techniques.
- 7.14.5 As such, in the event that the development was deemed to be acceptable in all other respects, conditions requiring the submission of a detailed surface water drainage strategy, based on SuDS principles could be applied. Therefore, it is Officers assessment that, subject to the imposition of conditions, the application proposals would not give rise to any unacceptable risk of flooding. Consequently, the application would accord with Policy EN5 of the adopted Local Plan and Section 14 of the NPPF.

## 7.15 Biodiversity and Ecology

- 7.15.1 With regards to the impact of the development proposals on biodiversity and ecology, it is acknowledged that the previous application was refused due to failing to provide an appropriate biodiversity net gain or justification for why this cannot be achieved.
- 7.15.2 In respect of the above, the application is subject to the statutory obligation for all planning permissions to deliver a minimum 10% biodiversity net gain. The requirement to deliver this net gain is secured via a statutory pre-commencement condition attached to all permissions. The application submission includes the mandatory biodiversity metric, which confirms that the proposed development could achieve a 12.99% net gain through the provision of tree planting and modified grassland, and additional vegetation within the communal garden. However, a detailed biodiversity gain plan and Habitat Management and Monitoring Plan would be required as part of the statutory condition.
- 7.15.3 Furthermore, it is appreciated that the application site contains vacant buildings which are in various states of disrepair, including a number of buildings which have exposed roof trusses. Therefore, the site may provide suitable habitats to support protect species, such as roosting and commuting bats.
- 7.15.4 The application has been accompanied by a Preliminary Ecological Appraisal (Andrew Chick) (Dated November 2022), which identifies the following key conclusions:
  - The site comprises hardstanding and is of negligible ecological value. Overall, the site is considered to be of low ecological value and the proposals are not likely to give rise to an adverse ecological impact.
  - The search of all of the internal areas and the exterior of the buildings recorded no evidence of bat activity in the area. The Old School and Little School buildings are of a construction detail that is regularly utilised by roosting bats, including habitat associated with the ridge board and ridge tiles, and also with cavities behind timber features set into the internal walls. The buildings are determined to contain features

which would classify them as having medium Bat Roost Potential (BRP). However, the search of all areas has found no evidence of bat use.

- The buildings are clearly being used for nesting by species of common birds. Any future redevelopment work should ideally avoid the active nesting season. If work commences during the bird breeding season, a search for nests should be carried out before commencing work, and active nests should be protected until young fledge.

7.15.5 In connection with the above, Lincolnshire Wildlife Trust have been consulted on the application proposals and have not raised any objections. Notwithstanding this, it is noted that the submitted Preliminary Ecological Appraisal was completed 2 years ago, and therefore, the findings of the survey are no longer valid. Similarly, it is also appreciated that a number of works, including the exposure of the roofs of buildings, have been carried out at the site since the original assessment was completed. As such, in the event that the development was deemed to be acceptable in all other respects, it would be necessary for an updated Preliminary Ecological Assessment to be carried out and the results submitted to the LPA, together with a detailed scheme for ecological mitigation, including bat and bird boxes. These details would be secured as a pre-commencement condition.

7.15.6 Taking the above into account, it is Officers assessment that, subject to the imposition of conditions, the proposed development would result in a biodiversity net gain, and would not result in any unacceptable ecology impacts. As such, the proposed development would be in accordance with Policy EN2 of the adopted South Kesteven Local Plan, and Section 15 of the National Planning Policy Framework.

## 7.16 **Ground Conditions**

7.16.1 As stated previously, it is appreciated that the application site comprises of previously developed land occupied by the vacant, former Old School buildings, which have been used for commercial purposes following the closure of the school. As such, the previous uses of the site have the potential to give rise to sources of ground contamination.

7.16.2 In respect of the above, the Council's Environmental Protection Team have been consulted on the application proposals and have confirmed that they have no objections to the development, subject to the imposition of conditions requiring the submission of a Contaminated Land Assessment and Construction Management Plan.

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

## 7.17 **Climate Change**

7.17.1 It is noted that the Design, Access and Planning Statement which accompanies the application states "the applicant is intending on making the development as eco-friendly and energy efficient as possible in order to comply with this condition of the Local Plan. However, the application submission does not include any detailed Sustainability Assessment of the scheme, and as a result has not demonstrated how the proposed development would comply with the requirements of Policy SB1 of the Local Plan.

7.17.2 Nonetheless, it is Officers assessment that this could be appropriately addressed through the imposition of conditions requiring the submission of further details of sustainable building

measures, including the identification of electric vehicle charging points within the proposed parking area.

7.17.3 Therefore, subject to the imposition of conditions securing further details of sustainable building measures, the proposals would be in accordance with Policy SB1 of the adopted Local Plan.

## 7.18 **Impact on archaeological assets**

7.18.1 Heritage Lincolnshire (as Local Archaeological Advisors) have been consulted on the application proposals and have confirmed that they have no objections, subject to the imposition of conditions requiring the submission of a Written Scheme of Investigation, requiring the submission of a written scheme of investigation, requiring an historic building recording survey prior to the demolition and alteration of the existing buildings.

7.18.2 Similarly, Grantham Civic Society have also confirmed that they have no objection to the application proposals. However, they have also requested a photographic and measured building survey of the former school buildings, as well as the retention of the historic name boards.

7.18.3 It is Officers assessment that these matters could be appropriately addressed through the imposition of conditions. As such, subject to the imposition of pre-commencement conditions for the completion of the building survey, together with details of a scheme of mitigation to include the relocation of the historic name boards, the proposal would accord with Policy EN6 and Section 16 of the Framework in respect of archaeological matters.

## 7.19 **Infrastructure for Growth**

7.19.1 Policy ID1 (Infrastructure for Growth) states that all development proposals will be expected to demonstrate that there is, or will be, sufficient infrastructure capacity to support and meet the essential infrastructure requirements arising from the proposed development. Where financial evidence is provided that indicates the provision of infrastructure along with affordable housing and other policy requirements affects the delivery of an individual scheme the Council will consider prioritising provision.

7.19.2 In this respect, the Lincolnshire Integrated Care Board (LICB) have been consulted on the application and have confirmed that the proposed development would result in a requirement to increase capacity within the local healthcare network. As such, they have requested a Section 106 contribution of £32,670.00 to contribute towards expanding healthcare provision within the K2 Healthcare Grantham and Rural Primary Care Network.

7.19.3 In addition, Lincolnshire County Council (as Local Education Authority) have been consulted on the application and have not submitted any request for financial contributions.

7.19.4 Furthermore, Lincolnshire County Council (as Local Highways Authority) have requested financial contributions towards the implementation of the Grantham Transport Strategy. As outlined above, at the time of writing, there is currently insufficient evidence to demonstrate that the requested contributions would meet the statutory CIL Regulations. In particular, the information provided as part of the LHA's comments does not sufficiently demonstrate that the requested contributions are necessary to mitigate the impacts of the development and proportionate to the scale of development proposed.

7.19.5 In addition, the application scheme would also generate a requirement for the provision of 20% affordable housing to be provided on site.

7.19.6 However, as detailed above, the Applicant has provided a Financial Viability Assessment, which concluded that the scheme cannot support affordable housing or infrastructure contributions without undermining the viability of the development. The Viability Assessment has been the subject of independent review, and this has verified the results of the Applicant's assessment.

7.19.7 Therefore, it is concluded that the scheme cannot support any planning obligations, and as such, the application is in accordance with Policy H2 and ID1 of the adopted South Kesteven Local Plan.

## **8 Crime and Disorder**

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

## **9 Human Rights Implications**

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

## **10 Planning Balance and Conclusions**

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this respect, it is appreciated that the current application is a revised submission of application ref: S23/0882, which was refused by the Local Planning Authority in August 2023 for reasons relating to: (i) the impact of the development on the character and appearance of the area and the amenity of future occupants of the development; (ii) the harm to the Old School House as a non-designated heritage asset; (iii) the absence of a biodiversity net gain; and (iv) the absence of a Section 106 Agreement to secure necessary infrastructure improvements and affordable housing. In this respect, the LPA's assessment of the previous application remains a relevant material consideration, subject to appropriate consideration of any material changes to the proposed development or planning policy in the intervening period.

10.2 The current application has sought to address the previous reason(s) for refusal through revisions to the design of the proposed development, together with the submission of additional technical evidence. The submitted additional documentation, together with the introduction of the statutory biodiversity net gain condition, have been sufficient to overcome the reasons for refusal relating to absence of a biodiversity net gain and the absence of a Section 106 Agreement for infrastructure improvements and affordable housing.

10.3 With regards to the revisions to the design of the scheme, the Council's Urban Design Officer has confirmed that the scheme is substantially improved, and the new build elements are not more reflective of a traditional Victorian terrace. The Urban Design Officer and Conservation Officer have raised concerns that the proposed fenestration, detailing and materials would fail to respect the streetscape and the significance of the retained school house. In particular, they have advised that material salvaged from the demolition of the Infant School Building and decorative features from these buildings should be re-used as part of the new built elements of the scheme. As set out above, it is the Case Officer's assessment that these matters can be appropriately secured through planning conditions.

10.4 As such, it is the Case Officers' assessment that, on balance, the application proposals would provide an acceptable appearance, layout and scale which would ensure that the development scheme integrates positively with the character and appearance of the surrounding built form, such that it appropriately addresses the previous reason for refusal relating to the impact on the character of the area. Consequently, it is the Case Officers' position that the application scheme would accord with Policy DE1 and EN1 of the adopted South Kesteven Local Plan, the adopted Design Guidelines SPD, and Section 12 of the Framework

10.5 Notwithstanding this, the application scheme proposes the demolition of the former Infant Hall, which as a matter of principle, would result in substantial harm to the significance of this non-designated heritage asset. Whilst it is appreciated that these buildings could be demolished under the permitted development rights set out within Part 11: Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, it is Officers' assessment that the weight to be attributed is minimal due to the limited evidence to suggest that these rights would be exercised. Nonetheless, in accordance with the requirements of Policy EN6 of the Local Plan and Paragraph 215 of the Framework, a balanced judgement is required having regard to the scale of harm or loss and the significance of the asset.

10.6 In this respect, it is the Case Officer's assessment that, on balance, the level of demolition proposed has been justified as the minimum required to all for the viable re-development of the site; having regard for the benefits of also enabling the provision of a scheme which includes on-site amenity space and vehicular parking.

10.7 Furthermore, the application proposals would result in the provision of 60 dwellings within a sustainable location for growth within the District and would provide a substantial contribution towards the Council's housing land supply. The Council's most recent published Annual Position Statement 2023 confirmed that the Local Planning Authority could demonstrate a 5.01 year housing land supply until 31<sup>st</sup> October 2024. The Council have not published a further Annual Position Statement, and it is acknowledged that the revised National Planning Policy Framework (December 2024) has subsequently increased the Council's housing requirements from 650 dwellings per annum to 895 dwellings per annum. In this context, it is the Case Officer's assessment that the provision of additional housing is a significant benefit that should be attributed substantial weight.

10.8 In addition, the proposals would also generate economic benefits associated with the construction of the proposed development, and the potential for increased patronage of local services and facilities by future occupants of the proposed development, which may increase the vitality of these services.

10.9 Taking the above into account, It is Officers' assessment that the public benefits associated with the provision of 60 dwellings within the main built-up area of Grantham would outweigh the substantial harm caused to the significance of the non-designated former school buildings that would result from the demolition of the former Infant School House. As such, the application proposals accord with Policy EN6 of the adopted Local Plan and Section 16 of the Framework, subject to conditions relating to large scale details and the use of salvaged material.

10.10 Taking all of the above into account, it is the Case Officer's assessment that the application proposals would accord with the adopted Development Plan, when taken as a whole, and

the material considerations in this case also weigh in favour of planning permission being granted; although appropriate conditions are recommended.

## **11 Recommendation**

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

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

### **Time Limit for Commencement**

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

Reason: In order that the permission 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 Block Plan (Ref: 21-107-001)
- b. Proposed Elevations Plan – Block A, B and D – Part 1 (Ref: 21-107-006/Rev A)
- c. Proposed Elevations Plan – Block A, B and D – Part 2 (Ref: 21-107-007/Rev A)
- d. Proposed Elevations Plan – Block C (Ref: 21-107-005/Rev A)
- e. Proposed Ground Floor Plans (Ref: 21-107-002)
- f. Proposed First Floor Plans (Ref: 21-107-003/Rev A)
- g. Proposed Second Floor Plans (Ref: 21-107-004)

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**

#### *Meeting All Housing Needs*

#### Part M4(2) Dwellings

- 3) Before any part of the development hereby permitted is commenced, a plan indicating the provision of 10% of the dwellings as being Accessible and Adaptable in line with the standard set out in Part M4(2) of the Building Regulations shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be completed in accordance with the approved details and the dwellings shall be retained as such for the lifetime of the development.

Reason: To ensure that the development meets the needs of all future residents as required by Policy H4 of the adopted Local Plan.

#### *Design Quality and Visual Impact*

#### Large Scale Details

- 4) No part of the development hereby permitted shall be commenced, until large scale details of all external features (including fenestration, brickwork embellishment, dormer detailing and materials, and eaves detailing) 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 prior to first occupation.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DE1 (Promoting Good Quality Design) and to minimise the harm to a non-designated heritage asset in accordance with Policy EN6 (The Historic Environment) of the adopted South Kesteven Local Plan.

### *Heritage and Archaeology*

#### Written Scheme of Investigation – Building Recording

- 5) Before any part of the development hereby permitted is commenced, a Written Scheme of Archaeological Investigation (WSI) shall have been submitted to and approved in writing by the Local Planning Authority. The submitted WSI shall include details of a Level 3 Historic Building Recording as defined by Historic England (Understanding Historic Buildings) for any structures to be demolished prior to any works being undertaken and for the retention of the former school notice boards.

Thereafter, all works on site shall be carried out in accordance with the approved WSI.

Reason: In order to provide a reasonable opportunity to record the historic of the site and in accordance with Policy EN6 (The Historic Environment) of the adopted South Kesteven Local Plan.

### *Residential Amenity*

#### Demolition Method Statement & Construction Management Plan

- 6) No works pursuant to this permission, including demolition of buildings hereby permitted, until a Demolition Method Statement and Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted Plan and Statement shall include measures to mitigate the adverse impacts of noise, dust and vehicular movements during the demolition and construction stages of the permitted development. The submitted document shall include:
  - a. The phasing of the development, to include demolition phasing and build routes.
  - b. Construction, demolition and delivery hours
  - c. The parking of all vehicles of site operatives and visitors
  - d. The on-site loading and unloading of all plant and materials.
  - e. The on-site storage of all plant and materials used in constructing the development
  - f. The routing of all vehicles associated with the demolition and construction activities of the development.
  - g. Wheel washing facilities
  - h. A strategy stating how surface water runoff on and from the development will be managed during construction, and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

- i. A method statement for how demolition and removal works of the existing buildings will be undertaken.
- j. Ecological Management Plan, including appointment of an Ecological Clerk of Works, and the implementation of Natural England licences as required.

Thereafter, the Demolition Method Statement shall be strictly adhered to throughout the demolition period.

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

Reason: To minimise the effects of the demolition and construction activities on the residential amenity of neighbouring properties and the public highway and protected species.

#### *Flood Risk and Drainage*

##### Surface Water Drainage Strategy

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

- a. Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development
- b. Provide flood exceedance routing for storm events greater than the 1 in 100 year event.
- c. Provide details of how runoff will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event with an allowance for climate change, from all hard surface areas within the development into the existing drainage infrastructure and watercourse system without exceeding the runoff rate for the undeveloped site.
- d. Provide attenuation details and discharge rates which shall be restricted
- e. Provide details of the timetable for and any phasing of the implementation of the drainage scheme; and
- f. Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker, and any other arrangement required to secure the operation of the drainage system throughout its lifetime.

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

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

#### *Pollution Control*

##### Ground Investigation

8) No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have been submitted to and approved in writing:

- A desk top study documenting all the previous and existing land uses of the site and adjacent land (Phase I);

Should the Phase I Study identify potentially contaminative land uses, the Applicant shall provide to a Phase 2 site investigation detailed below:

- A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and if required
- A detailed scheme for remediation 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 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 investigation and remediation will not cause pollution in the interests of the amenities of future residents and users of the development; and in accordance with Local Plan Policy EN4 (Pollution Control)

#### *Biodiversity / Ecology*

#### Ecological Assessment and Mitigation

9) Notwithstanding the submitted documentation, no works pursuant to this permission shall be commenced until an up-to-date Ecological Impact Assessment, including the results of any necessary protected species surveys, has been submitted to and approved in writing by the Local Planning Authority. The submitted Ecological Impact Assessment must include a Biodiversity Mitigation and Enhancement Scheme, including a scheme for the provision of bat and bird boxes as part of the development scheme.

The submitted Mitigation and Enhancement Scheme shall include a plan identifying the location of any mitigation and enhancement, along with a detailed scheme (and technical details of each of the proposed measures.

Thereafter, the required mitigation and enhancement measures shall be completed in full in accordance with the agreed scheme, prior to the first occupation of the development.

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

#### During Building Works

#### *Design Quality and Visual Impact*

#### Materials Details – salvaged material

10) Following the demolition works hereby approved, but prior to the commencement of any works for the development of the replacement structures, a detailed specification of the material to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The

submitted specification shall include large scale details of the use salvaged materials from the demolition of the former building.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan.

#### *Climate Change*

#### Sustainable Construction

11) No development above damp-proof course shall take place until details demonstrating how the proposed development would comply with the requirements of Policy SB1 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 development, details of water efficiency; and provision of electric car charging infrastructure.

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

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

#### Before the Development is Occupied

##### *Design Quality and Visual Impact*

##### Materials Implementation

12) Before any part of the development hereby permitted is occupied, the external elevations shall have been completed in accordance with the materials details approved by Condition 10 above.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan.

##### Boundary Treatment Implementation

13) Before any part of the development hereby permitted is occupied, the works to provide the boundary treatments for the site as shown on the approved plans shall have been completed in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan.

##### *Pollution Control*

##### Verification Report

14) Before any part of the development hereby permitted is occupied, where remediation is required by Condition 8 above, a verification report shall be 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 remediation 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 investigation and remediation will not cause pollution in the interests of the amenities of future residents and users of the development; and in accordance with Local Plan Policy EN4 (Pollution Control)

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

- 1) In reaching the decision, the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with Paragraph 38 of the National Planning Policy Framework (2024).
- 2) The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan 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.

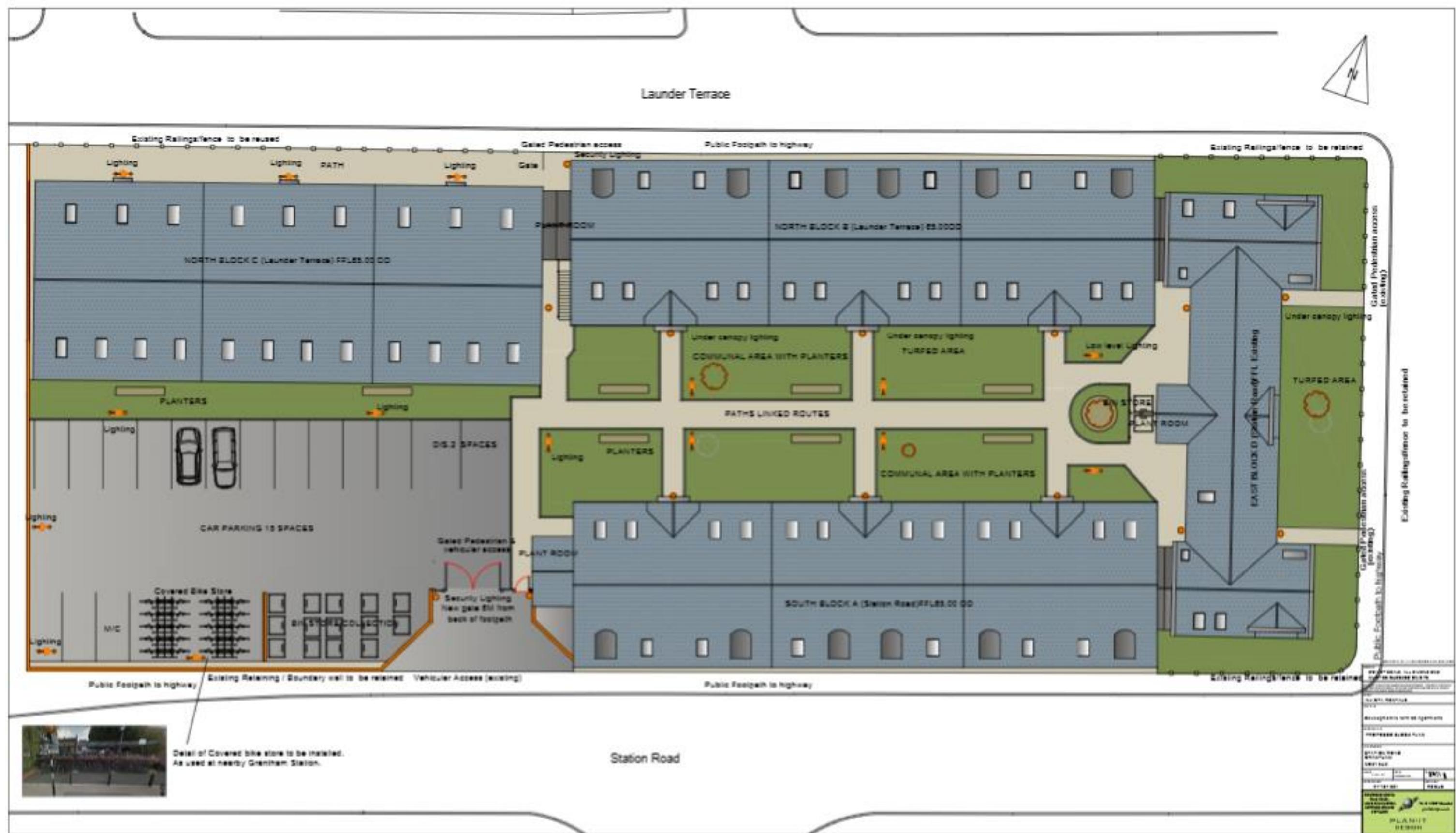
Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

- 3) 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.
- 4) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 5) Protection of existing assets - If a public sewer is shown on record plans within the land identified for the proposed development. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- 6) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087
- 7) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer

adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

- 8) An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991

## Proposed Site Plan



## Proposed Elevations Plans



PROPOSED INTERNAL SOUTH ELEVATION BLOCK D & E



PROPOSED NORTH ELEVATION BLOCK D & E

NORTH BLOCK E (Lauder Terrace) 65.0000D

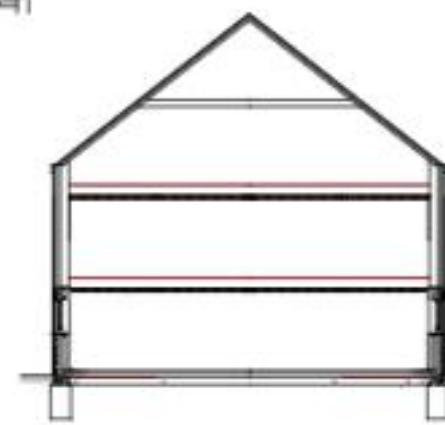


PROPOSED EAST ELEVATION BLOCK D

SIMPLE SECTION OLD SCHOOL



PROPOSED STREET VIEW NORTH BLOCK D, E & C LAUDER TERRACE



SIMPLE SECTION BLOCK D & E





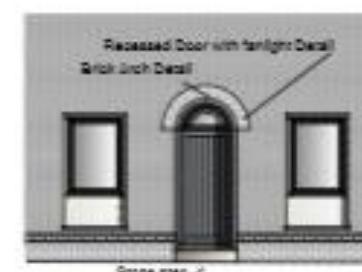
PROPOSED INTERNAL NORTH ELEVATION BLOCK A & B



PROPOSED SOUTH ELEVATION BLOCK A & B



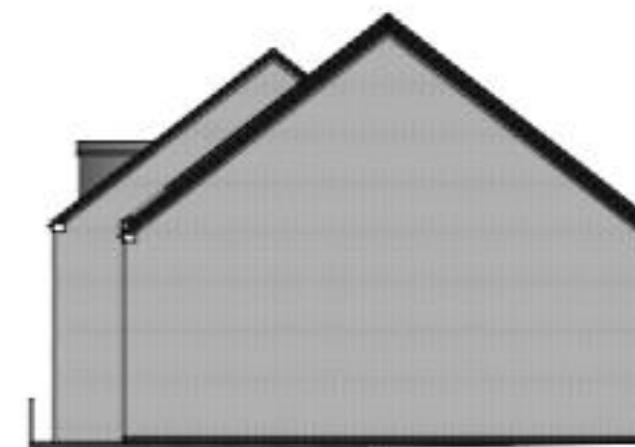
PROPOSED INTERNAL WEST ELEVATION BLOCK B, C & D



PROPOSED INTERNAL NORTH ELEVATION		
DO NOT SCALE. ALL DIMENSIONS ARE TO BE CHECKED ON SITE.		
Scales: 1:500		
Architect: [Redacted]		
Title: [Redacted]		
Date: [Redacted]		
Development: [Redacted] Apartments		
Block/Plot: [Redacted]		
Proposed Elevation: Block A, B & C Part 1		
Address: STATION ROAD, CRANTHORPE, WEST YORKS.		
Ref:	Rev:	Date:
51-07-002	0000	0000
Architectural Services Architectural Services Architectural Services Architectural Services		
PLAN-IT DESIGN		



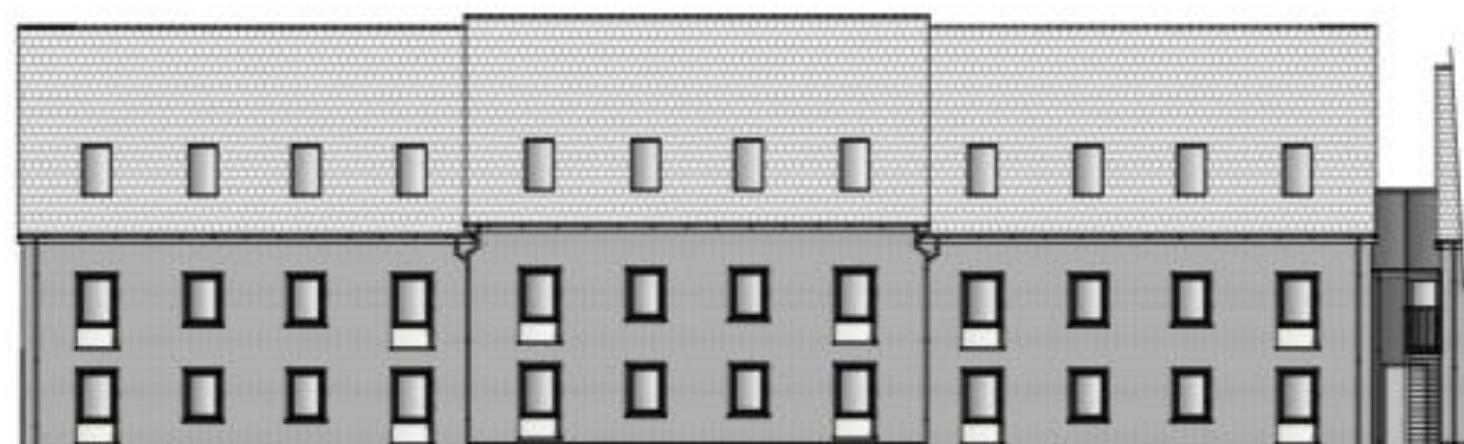
WORTH BLOCK 6 Laundry Terrace PFLAS 05 09



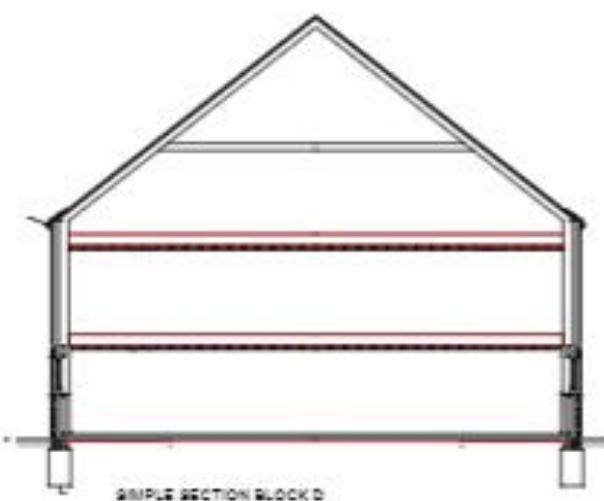
EXPOSED WEST ELEVATION BLOCK



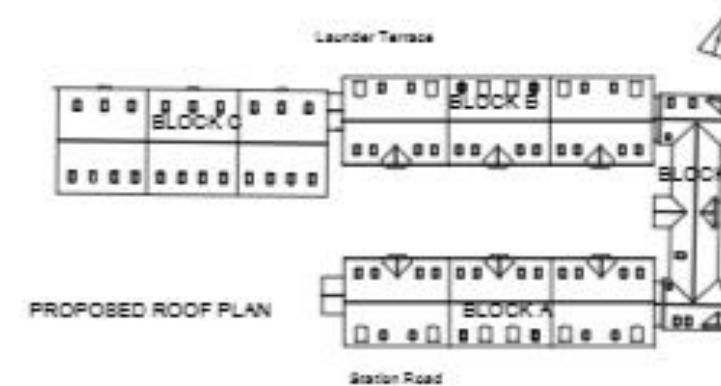
PROPOSED INTERNAL EAST ELEVATION BLOCK 9



PROPOSED INTERNAL SECURITY ELEVATION BLOCK 1



**BLOCK C**



### PROPOSED ROOF PLAN

## Proposed Ground Floor Plan





SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Planning Committee

6 February 2025

## S24/1822

Proposal:	Proposed demolition of Class Q consented barn and erection of a detached dwelling, hard and soft landscaping and formation of a re-wilding Zone
Location:	Wildwood, Nightingale Lane, Aisby, NG32 3NE
Applicant:	J King and P Kermeen
Agent:	Mr John Dickie, John Dickie Associates, 5 Victor Way, Cherryholt Road, Bourne
Application Type:	Full Planning Permission
Reason for Referral to Committee:	Call In – Councillor Sarah Trotter due to concerns about visual intrusiveness/impact
Key Issues:	Impacts on the character of the area Impacts on amenity Highway safety/parking Drainage/flood risk

### Report Author

Miranda Beavers – Senior Development Management Planner

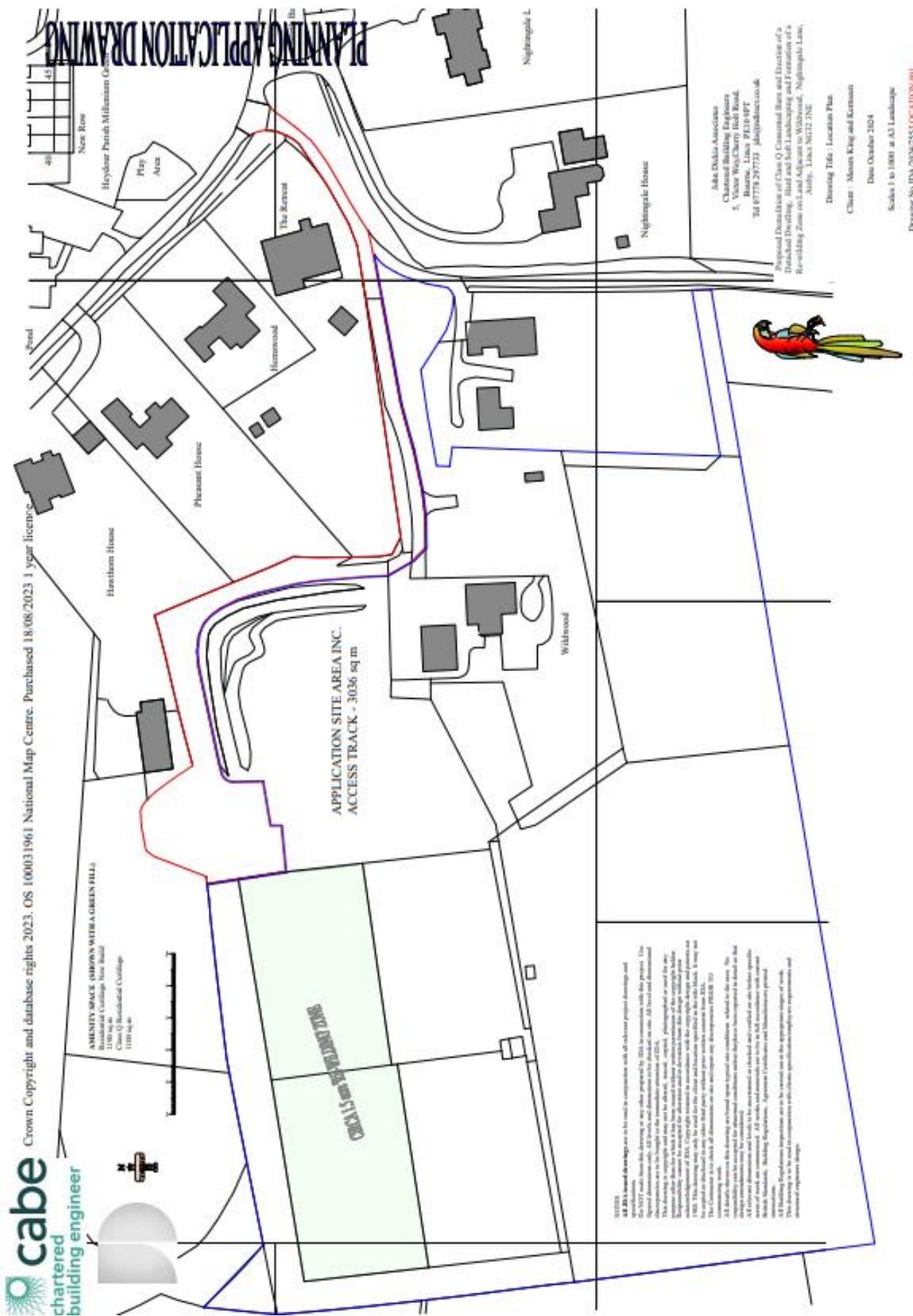
01476 406302

[Miranda.beavers@southkesteven.gov.uk](mailto:Miranda.beavers@southkesteven.gov.uk)

Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Lincrest
Reviewed by:	Adam Murray – Principal Development Management Planner	29 January 2025

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

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



## 1 Description of Site

1.1 The existing barn comprises a steel framed, wooden clad agricultural building (previously used for lambing), with pitched roof. There are 16 photovoltaic panels on the south facing roof slope. The land is situated to the western edge of the village, Aisby. The land lies to the rear (west) of four detached dwellings which lie to the western side of Green Lane. The application site is initially accessed from Green Lane via a shared access road along Nightingale Lane, with the remaining access being located to the north of 'Wildwood'.

## 2 Description of Proposal

2.1 This application is for the demolition of an existing barn and erection of a detached dwelling, hard and soft landscaping (including access way) and creation of re-wilding zone. The replacement dwelling in this instance is recognised as being smaller in scale than the dwelling that was applied for and refused under S23/1913 and again under S24/1291. These applications were refused for the following reason:

- 1) *The proposed development would result in the erection of a new building dwelling within an area identified as being Open Countryside, and there is no demonstrable need for the dwelling to be located in this location contrary to Policy SP5 of the adopted Local Plan. Whilst the site benefits from a fallback position, which has established the principle of a single dwelling on the site, the application proposals would result in a form of development which would be harmful to the character and appearance of the area, and would not represent a betterment when assessed against the fallback position. As such, the application proposals are contrary to Policy SP5 and DE1 of the adopted South Kesteven Local Plan, the Design Guidelines SPD (Adopted November 2021), and Section 12 of the National Planning Policy Framework (2023). The material considerations in this case, including the betterment provided by the proposed rewilding area would not outweigh the conflict with the adopted development plan.*

## 3 Relevant History

- S22/1235 Conversion of existing agricultural building (sited to the northern boundary of Wildwood) into a single dwelling, with the provision & insertion of new windows and roof windows to provide natural light to all habitable rooms  
Approved Details Not Required (with conditions) 05/08/2022
- S23/1913 Demolition of existing barn and erection of a detached dwelling, detached storage building and formation of a re-wilding zone.  
Refused 31/01/2024  
Appeal in Progress
- S24/1291 Proposed demolition of Class Q consented barn and erection of a detached dwelling, garaging, hard and soft landscaping and formation of a re-wilding Zone.  
Refused 13/08/2024

## 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 SP5 'Development in the Open Countryside'  
Policy SB1 'Sustainable Building'  
Policy DE1 'Promoting Good Design'  
Policy ID2 'Transport and Strategic Transport Infrastructure'  
Policy EN1 Landscape Character

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

Chapter 4 'Decision Making'  
Chapter 5 'Delivering a sufficient supply of homes'  
Chapter 9 'Promoting sustainable transport'  
Chapter 12 'Achieving well-designed places'  
Chapter 14 'Meeting the challenge of climate change, flooding and coastal change'  
Chapter 15 'Conserving and enhancing the natural environment'

#### 4.3 **Supplementary Planning Document:**

Design Guidelines for Rutland and South Kesteven (November 2021)

### 5 **Representations received**

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

5.1.1 No objections subject to conditions.

5.1.2 The lane serving the property is a private road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of these proposals on Green Lane and its junction with the private lane. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users. The junction of the private lane and Green Lane remains unchanged and parking has been provided in line with the guidance set out in Lincolnshire County Councils Design Approach and turning space has been provided within the limits of the site to allow vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety

5.1.3 Access to the application site is gained via the track over which a public right of way passes. The surface of the public footpath should not be disturbed without the consent of the Highway Authority. The legal alignment of the public footpath should remain open and available for public use. It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal. The proposed works shall not pose any dangers or inconvenience to the public using the right of way. No additional structures (i.e gates) should be erected on the surface of the public footpath without the prior consent of the Highway Authority.

#### 5.2 **Lincolnshire Wildlife Trust**

5.2.1 I like the separation of the vegetated garden and neutral grassland. As long as these two sites remain distinct with the latter maintained to the appropriate condition I feel this would be appropriate implementation of the metric.

#### 5.3 **Heydour Parish Council**

5.3.1 At Heydour PC meeting held on the 10th September it was resolved that the Council submit that they have 'No comment' on the application S24/1291.

#### 5.4 **Environmental Protection**

5.4.1 No objections subject to conditions

#### 5.5 **Historic England**

5.5.1 No objections.

### **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 7 letters of representation have been received, comments are summarised:

Three No. Letters of Objections:

- a) A single-track lane is the only access, also used for BE equestrian events and dog walkers, not suitable as road for a family home.
- b) Light intrusion from car headlights on access road to and from the property, impacting neighbour residential amenities
- c) Overlooking and loss of privacy to existing adjacent occupiers

Four No. Letters of Support (non-local addresses):

- a) Barely impinges/impacts on the view from neighbouring property as would be screened mature by trees;
- b) It is energy efficient – much 'greener' than converting the lambing shed
- c) The present structure does not lend itself to redevelopment. New build is more energy efficient.

### **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 Local Planning Authority have 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 2024) are also a relevant material consideration in the determination of planning applications.

7.1.4 It is acknowledged that the Local Planning Authority are in the process of conducting a Local Plan Review. The Regulation 18 consultation on the draft Plan was carried out between February and April 2024. At this stage, the policies contained within the draft Plan Review can be attributed very little weight in the determination of planning applications.

However, the updated evidence base which accompanies the ongoing Plan Review is a material consideration and must be taken into account in the determination of planning applications.

7.1.5 In respect of the current development proposals, it is noted that prior approval has been granted for the conversion of existing agricultural building (sited to the northern boundary of Wildwood) into a single dwelling, with the provision and insertion of new windows and roof windows to provide natural light to all habitable rooms via planning application reference: S22/1235. This prior approval remains extant and capable of implementation and, therefore, it is a material consideration in the assessment of the current proposals. Similarly, the previous refusals for a replacement dwelling in lieu of the Class Q fallback position are also a material consideration in the determination of the application.

## 7.2 Principle of Development

7.2.1 In this instance, this site is located beyond the settlement boundaries of Aisby and is considered to be in the open countryside and relevant the policy for this location is SP5. This policy seeks to limit development to that related to agriculture, forestry or equine, rural diversification, replacement dwellings or conversion of existing buildings. In this case, the proposed development would not form one of the identified acceptable forms of development within the Open Countryside and, therefore, would be contrary to Policy SP5 of the adopted Local Plan, and would be contrary to the overall principles of the spatial strategy.

7.2.2 Whilst this proposal does not fall within any of these categories, a significant material consideration is the extant prior approval granted under Class Q. Case law has established that an existing planning permission (granted using Permitted Development Rights under Part 3 (Change of Use) Class Q of the GDPO) can be used as a 'fall back' position to gain planning permission for an alternate scheme.

7.2.3 This current application is for the demolition of the existing barn and erection of 1 detached dwelling, hard and soft landscaping and formation of a re-wilding zone. The proposed development would result in the provision of 1 dwelling on the site, resulting in the removal of the existing steel framed, timber clad barn and is considered would be no less sustainable in terms of its location than the extant Class Q approval. The extant Class Q permission (S22/1235) was approved on the 8 August 2022 and therefore the development is required to be completed by the 22 August 2025. This gives the Applicants less than 7 months to complete the conversion works before the existing permission expires. It is the Officers assessment that this time constraint weakens the weight that can be attributed to the realistic prospect of the fall-back position taking place.

7.2.4 Taking the above into account, the proposed development would involve the erection of a single dwelling on land situated within the Open Countryside and would not form one of the acceptable forms of development in such locations. As such, the application proposals would be contrary to Policy SP5 of the adopted Local Plan. However, it is acknowledged that the application site benefits from prior approval for the formation of a single dwelling on the site, and this deemed consent remains extant and represents a valid fallback position, albeit with less weight attributed to it given the time that has now passed since the prior approval was granted. Notwithstanding this, the principle of development has previously been deemed to be acceptable.

## 7.3 Impact on the Character of the Area

7.3.1 The proposed dwelling would have the appearance of a rectangular modern barn conversion with contemporary domestic design features such a Zinc roof, timber clad walls and floor to ceiling feature windows on the principal elevation. The dwelling would have 2 storeys having an overall height of 6.3m. The dwelling would be approximately 192.96 sqm in floor area (over 2 floors). If the application were to be recommended for approval, materials details could be secured by way of an appropriately worded condition.

7.3.2 The existing barn, which has planning permission to be converted into a house (S22/1235) has an existing height of 5.8m. The conversion of the barn into a dwelling, as approved would not comprise an external enlargement to the existing built form and the resultant dwelling would comprise additional doors and windows to the north, south and east elevation, whilst a first floor would be formed following the removal of an existing mezzanine level. The dwelling would have 2 bedrooms on the upper floor. The resultant dwelling would comprise a floorspace that is larger than 100sqm, but of a lesser scale than 465sqm; the dwelling would therefore fall to be a 'larger dwellinghouse' for the purposes outlined within Class Q.

7.3.3 It is accepted that the site is not highly visible from within Aisby village, however the proposed dwelling would be visible from surrounding land. The supporting Design and Access Statement states that the "high quality design will enhance the landscape character". A Contextual Analysis document was submitted with the application which includes images of other agricultural buildings within the District. There is one example of a replacement dwelling application that was approved (with a Class Q fall-back position) within the village of Aisby, however it is not considered that this example is comparable as the original building in that case was a large grain dryer, as opposed to the much small lambing shed that would be converted in this case. A further parameter plan demonstrates view of the site from various vantage points surrounding the site and this helps to understand the visibility of the site from a wider area.

7.3.4 Notwithstanding the limited contextual analysis, the proposed dwellinghouse (as amended) would not be significantly larger than if the existing barn were to be converted, as approved. The dwelling would be greater in height; however, it would occupy a similar footprint to the existing barn (to be demolished) and is similarly orientated within the site as the Class Q approval so that the principal elevation is facing south. Much of the residential garden would be on the northern side, and the access way to the eastern side.

7.3.5 It is the Officers assessment that the scale and siting would not result in greater impact upon the character and appearance of the area when compared to the fall-back position, especially given the residential curtilage that is proposed is not greatly extended when compared to the Class Q approval. It is the Officers assessment that dwelling does represent a design that would be more suitable than the fall-back proposal within the context of this site, given the increased thermal efficiency design details of the new dwelling and, subject to conditions requiring further materials and landscaping specifications it would be no less in keeping with the local vernacular than the approved conversion.

7.3.6 The site is relatively discreetly located and is not widely visible from surrounding land, as demonstrated by photographs submitted in the parameters plan. It has been demonstrated through supporting documents and plans that the design is similar in scale to the approved scheme and would be a betterment, when compared to the fallback position, within the context of this rural village location.

7.4 By granting planning permission for a change of use of the land, to be used as residential garden, it would allow the occupants to benefit from the associated permitted development rights relating to residential structures, which include the right to construct certain sized outbuildings and means of enclosure. It is considered that in this instance, given the size of the land and the site characteristics, the erection of additional built forms or the erection of boundary treatments surrounding the area, are likely to cause impacts which could be harmful to the rural character and appearance of the area; as such, it is considered reasonable to impose an appropriately worded conditions to restrict/remove some of the of Permitted Development rights under Schedule 2, Part 1 or Part 2.

7.4.1 Class Q case law makes it clear that, where a fallback position exists, authorities should seek to approve alternative schemes that result in a better planning outcome. In view of the above, the proposal would result in a betterment when compared to the Class Q fallback position. In this instance as the scale and design aesthetic of the proposed dwelling, when compared to the existing permission, would result in an enhanced or better form of development. It therefore complies with Policy DE1 of South Kesteven Local Plan and the NPPF (2024) Section 12.

## 7.5 **Impact on Residential Amenity**

7.6 Whilst the proposed development would result in an impact on neighbours' residential amenities as a result of the siting of a new dwelling, it is not considered that these impacts would be any greater than if the existing barn were to be converted as per the existing permission.

7.7 The proposed dwelling would have a maximum ridge height of approximately 6.3m and would be sufficiently separated from the nearest residential property so it would not harm residential amenity through being overbearing or causing an unacceptable loss of light or loss of privacy through overlooking. Any harm to the privacy afforded to neighbouring properties could be satisfactorily mitigated by requiring appropriate screening boundary treatments as a condition attached to any permission granted. Taking into account the concerns regarding light pollution from cars entering and leaving the site via the access road, although there would be some noise, exhaust emissions and light from vehicle headlights, the comings and goings generated by a single dwelling are not considered to be sufficient to justify a refusal of planning permission, especially given the fall back position.

7.8 Taking into account the scale and nature of the proposal, and adequate separation distances, there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 12, and Policy DE1 of the South Kesteven Local Plan.

## 7.9 **Highway Safety/Parking**

7.10 The proposed development would make use of an existing access from Nightingale Lane and drawings show the ability to turn and manoeuvre within the application site.

Lincolnshire County Council as the Local Highway Authority have given due regard to the appropriate local and national planning policy guidance and has concluded that the proposed development is acceptable and accordingly does not wish to object. Taking the above into account, the application proposals would be in accordance with Local Plan Policy ID2 and Section 9 of the National Planning Policy Framework

## 7.11 **Biodiversity and Ecology**

- 7.11.1 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.
- 7.11.2 The benefits of the rewilding scheme, combined with the thermal efficiency of the new dwelling have been taken into consideration and the proposals would, in time, enhance and promote the Districts biodiversity and geological interest.
- 7.11.3 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 104.11% net increase of habitat units and 27.07% increase in hedgerow units across the site. Lincolnshire Wildlife Trust were consulted with the submitted information, and they have not raised any objections. Whilst Lincolnshire Wildlife Trust have express that they would ideally like to see conditions sheets for neutral grassland and more substantial information stating how net gain would be achieved in the long term, it is Officers assessment that these matters would be appropriately addressed through the statutory biodiversity condition. This requires the submission of a Biodiversity Gain Plan prior to the commencement of development, and also includes a requirement for the submission of appropriate Habitat Management and Monitoring arrangements.
- 7.11.4 Consequently, 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 **Drainage**

- 7.12.1 The site is located in Flood Zone 1, so it is not at unusual risk of flooding from fluvial flooding, and the site is also identified by the Environment Agency as being at very low risk from surface water flooding. Lincolnshire County Councils as Lead Flood Authority have also not raised objections to the proposal. The applicant has stated on the application form that surface water is to be disposed of to a soakaway, and it is therefore considered that compliance with the Building Regulations is sufficient to ensure that the proposal does not increase the risk of flooding elsewhere. In this respect the proposal is therefore in accordance with the NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change) and Local Plan policy EN5.

## 7.13 **Climate Change and Sustainability**

- 7.13.1 In the context of the above, as previously stated, Aisby is identified as a smaller village, with an absence of plentiful local services and facilities. As such, the characteristics of the location of the application site means that the scheme would be unlikely to accord with the overarching sustainability objectives of the Local Plan in respect of minimising the need to travel and encouraging low carbon travel.
- 7.13.2 Notwithstanding this, Policy SB1 principally relates to the sustainability credentials of all development proposals, including residential development, and due to the nature of this application being for 1 x new dwellings, details of mitigation against and adaptation to climate change would be required to be provided.
- 7.13.3 It is therefore considered that these matters and details can be appropriately addressed through the use of planning conditions, if the application were to be recommended for

approval; requiring the submission of further details in relation to demonstrating how the proposed dwelling would comply with the requirements of Local Plan Policy SB1, including details of how carbon dioxide emissions would be minimised through the design and construction of the building and details of water efficiency and electric car charging points.

## **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 proposal is for development in the open countryside, and it fails to comply with any of the rural exception criteria contained within Local Plan Policies SP5. However, prior approval has been obtained to carry out the conversion of an existing agricultural building to a residential dwelling via Class Q of the GDPO and therefore a valid Class Q fallback position exists. This current application is for the erection of 1 detached dwelling, hard and soft landscaping and formation of a re-wilding zone. The proposed development would result in the provision of 1 dwelling on the site and would be no less sustainable in terms of its location than the extant Class Q approval. The extant Class Q permission (S22/1235) was approved on the 8 August 2022 and therefore the development is required to be completed by the 22 August 2025. This gives the Applicants less than 7 months to complete the conversion works before the existing permission expires. It is the opinion of the Officer that this time constraint further weakens the argument that there is a realistic prospect of the fall-back position taking place.

10.2 Notwithstanding this, the principle of development for a single dwelling on the site has been established by the class Q fallback. It is the Officers opinion that the planning application, as submitted, would result in an improved design or better outcome for development of the site. The benefits of the rewilding scheme, combined with the thermal efficiency of the new dwelling have been taken into consideration and the proposals would, in time, enhance and promote the Districts biodiversity and geological interest. The alternative proposal in this case meets all 3 of the fallback tests, in particular that the proposed development would result in an overall betterment when compared to the fallback position and therefore the Council can justify a departure from the local plan policies in this instance.

10.3 The proposal would not be harmful to the character of the surrounding area and complies with Local Plan Policies DE1, and has regard to section 12 of the NPPF. The material considerations in this case outweigh the above conflicts with policy and the proposal is therefore recommended for approval subject to conditions.

## **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 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. Drawing No.JDA 202-0755-LOCATION.001 Location Plan
- ii. Drawing No.JDA 2024-0755-SITE.001A Proposed Site Plan
- iii. Drawing No.JDA 2024-755-FLOORS-ELEVS.001A Proposed Floor Plans and Elevations
- iv. Drawing No.JDA 2024-0755-LIGHTING.001 Proposed Lighting

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 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 Policies EN2 and EN4 of the adopted South Kesteven Local Plan and national guidance contained in the NPPF.

### During Building Works

4. During construction of the development hereby permitted, the approved Construction Management Plan October 2024 (Drawing No.JDA/2024/755/CEMP/001) shall be adhered to in full unless otherwise agreed in writing by the Local Planning Authority.

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.

5. Before any of the works on the external elevations for the building(s) hereby permitted are begun, a detailed specification of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces 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. '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.

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.

7. During construction work, 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: In order to minimise noise impacts on the occupiers of adjacent residential dwellings, in accordance with Policy DE1 of the South Kesteven Local Plan.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the proposed development not cause pollution in the interests of the amenities of the future residents and users of the development; and in accordance with Local Plan Policy EN4.

9. 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.

#### Before the Development is Occupied

10. 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.

11. Before any part of the development hereby permitted is occupied, a verification report confirming that remedial works have been completed shall have been submitted to and approved in writing by the Local Planning Authority should any contaminated land be identified by the above condition. The report shall have been submitted by the nominated competent person approved, as required by condition above. The report shall include:

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

The scheme of remediation shall thereafter be 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 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.

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

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.

#### Ongoing

13. 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.

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 of the approved properties, 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 harm to the character of the area, and for this reason would wish to control any future development and in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan.

15. 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 buildings etc. incidental to the enjoyment of the dwellinghouse, shall be constructed without planning permission first having been granted by the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause harm to the character of the area, and for this reason would wish to control any future development and in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan.

#### Informative(s)

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:
  - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Kesteven District Council.

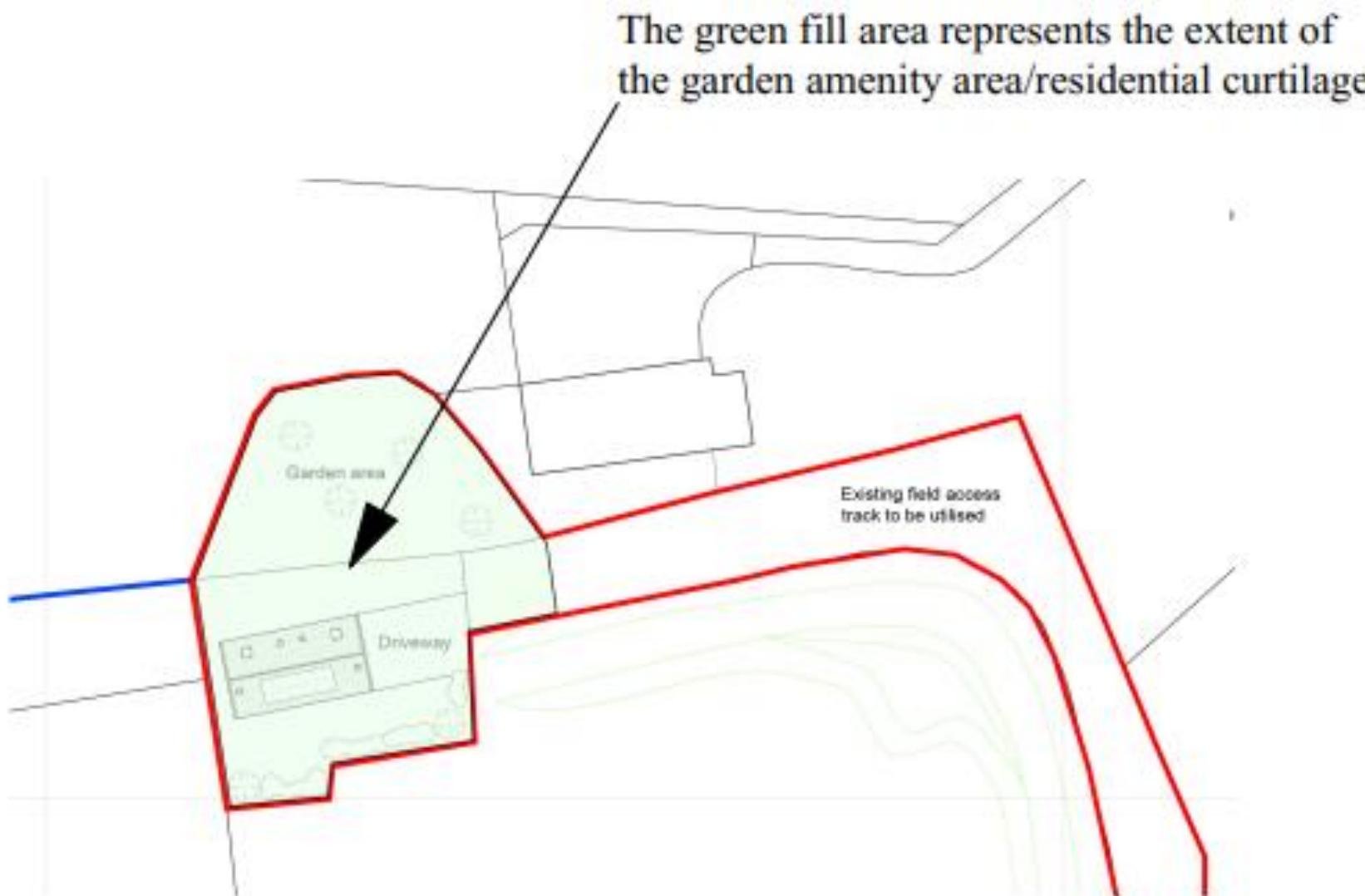
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

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 are considered to apply.

2. 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](http://www.lincolnshire.gov.uk/highwaysplanning/works-existing-highway)

#### Highway Informative 08

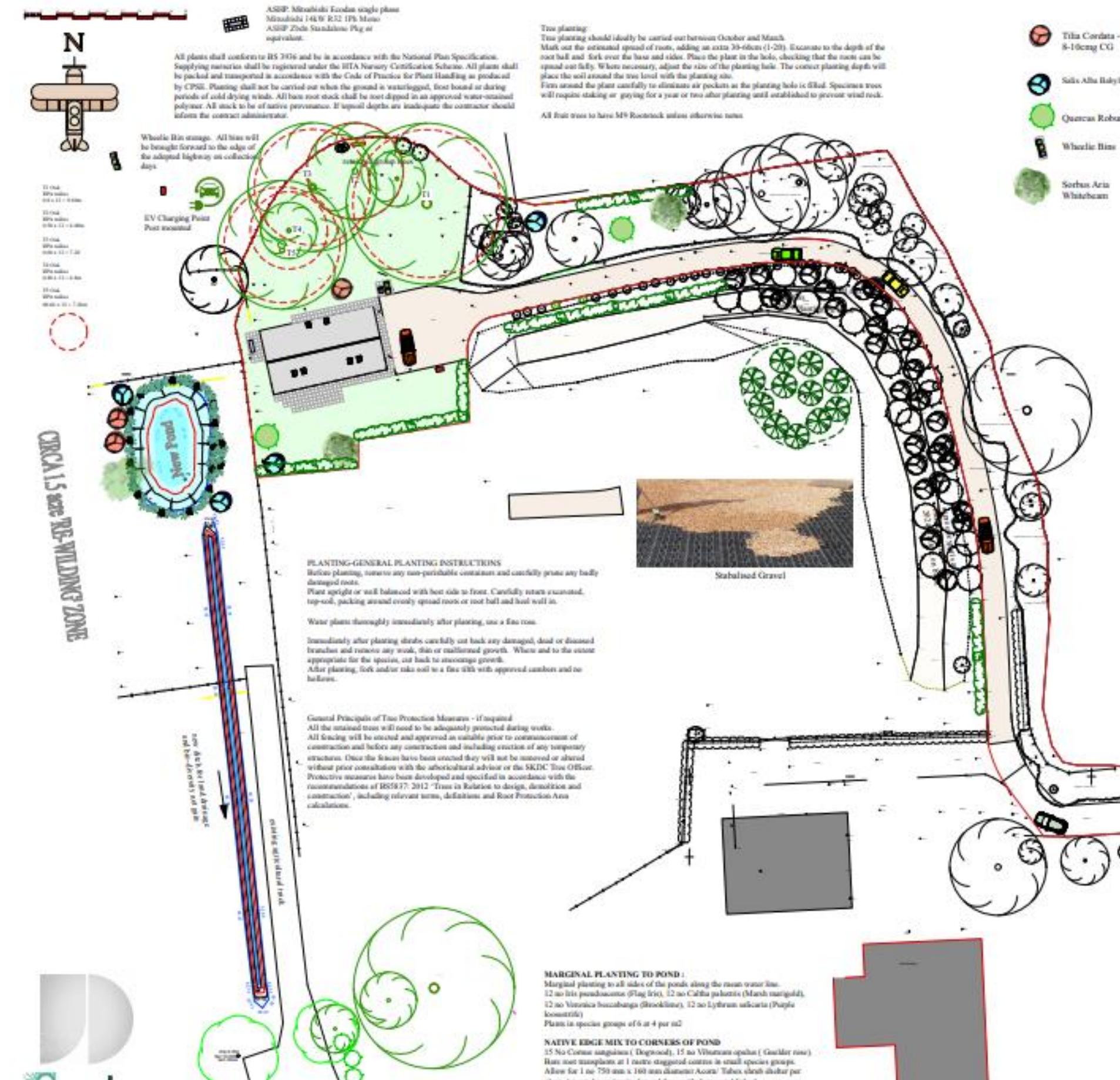
Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. 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>



SNAPSHOT FROM THE CONSENTED  
CLASS Q SCHEME S22/1235 (NTS)

**AMENITY SPACE (SHOWN WITH A  
GREEN FILL)**

Residential Curtilage New Build  
1100 sq m  
Class Q Residential Curtilage  
1100 sq m

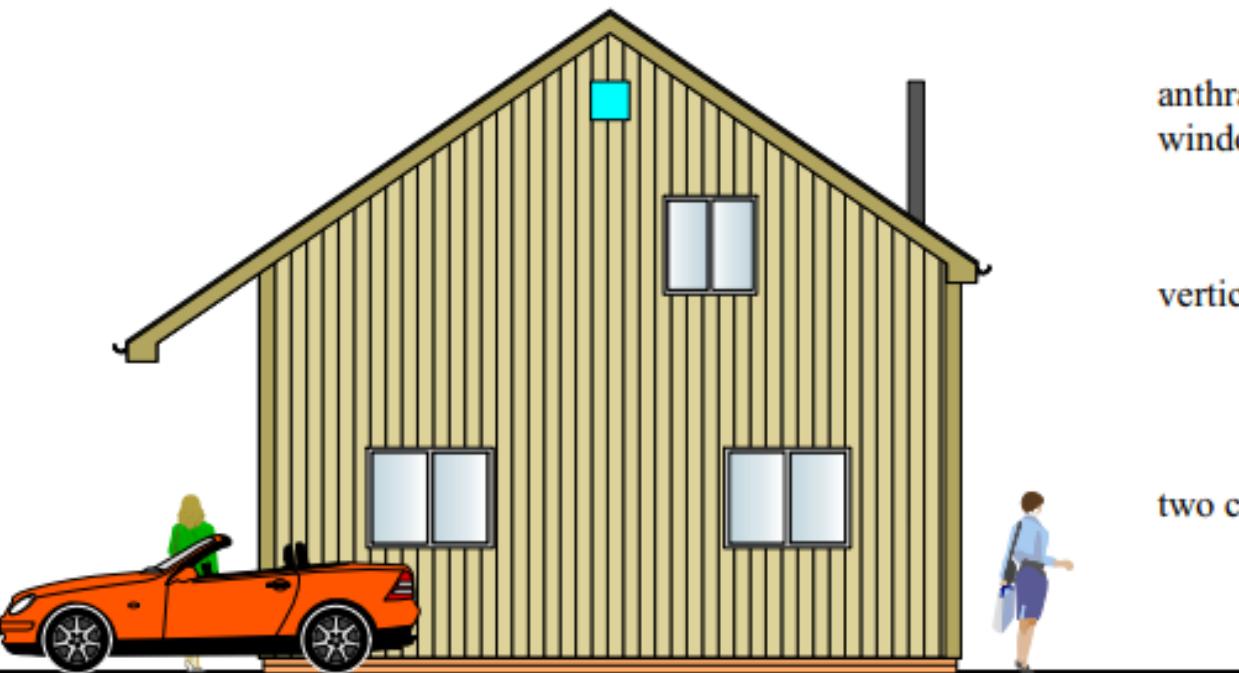




PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

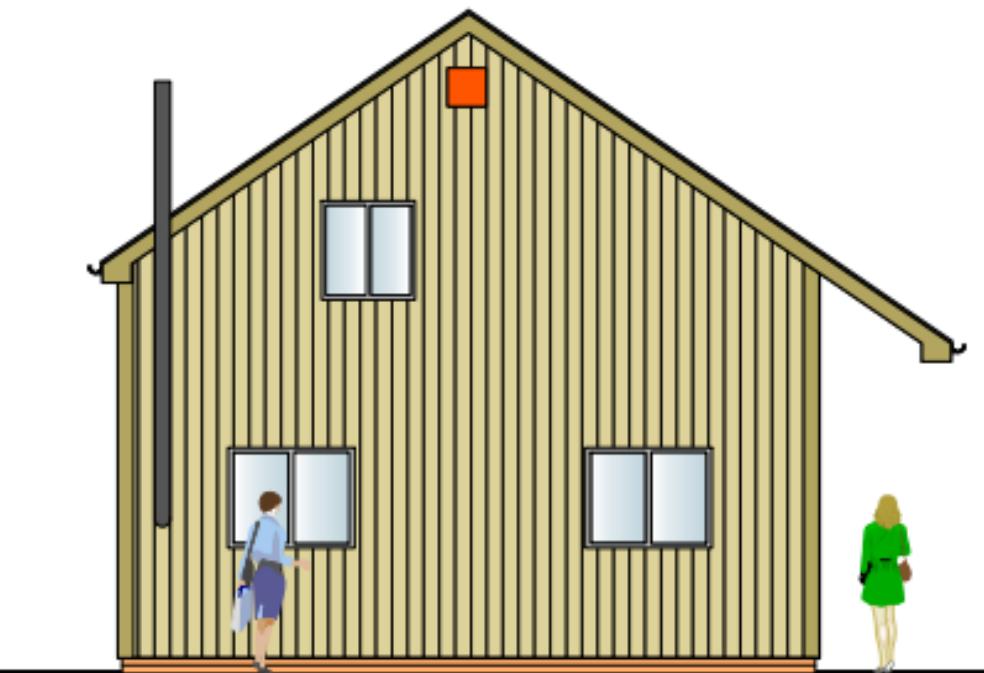


PROPOSED SIDE ELEVATION

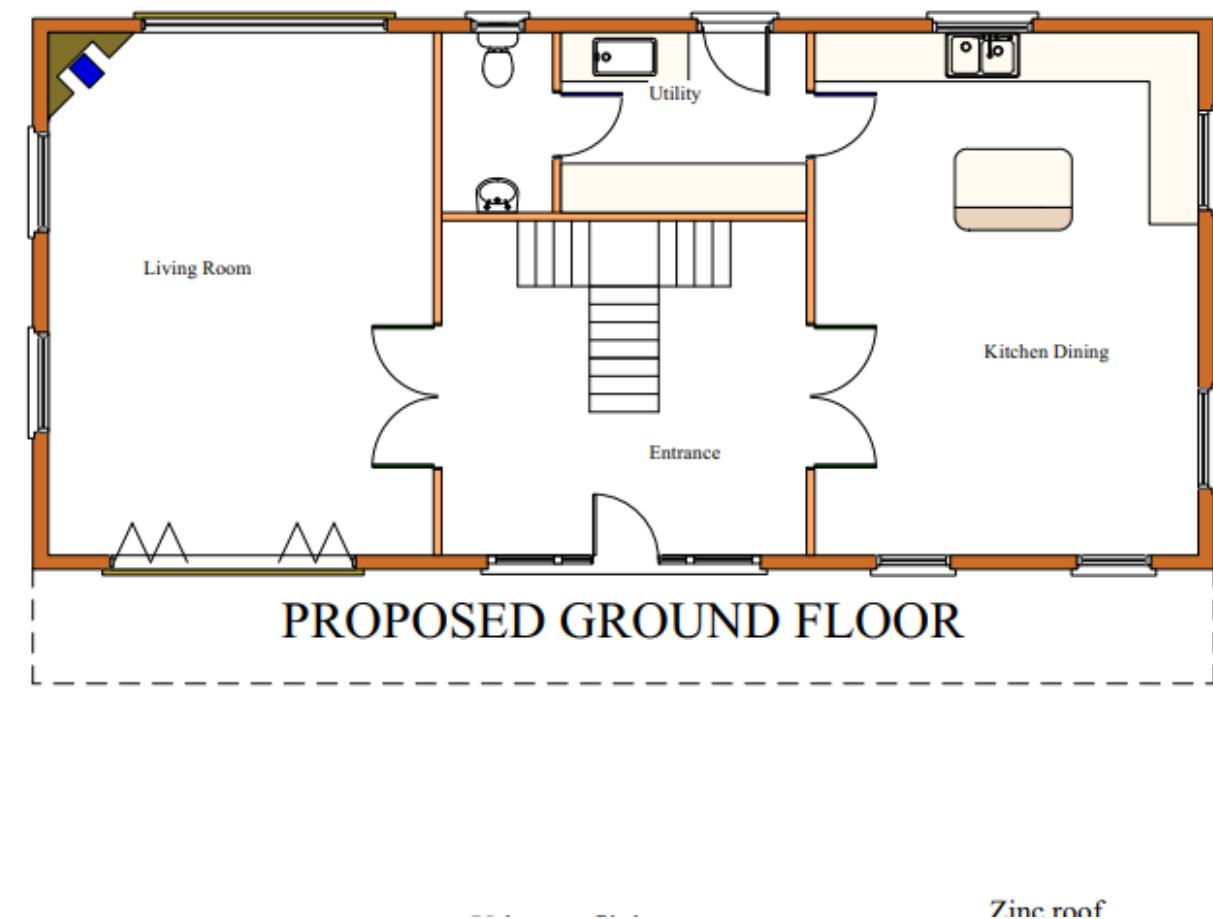
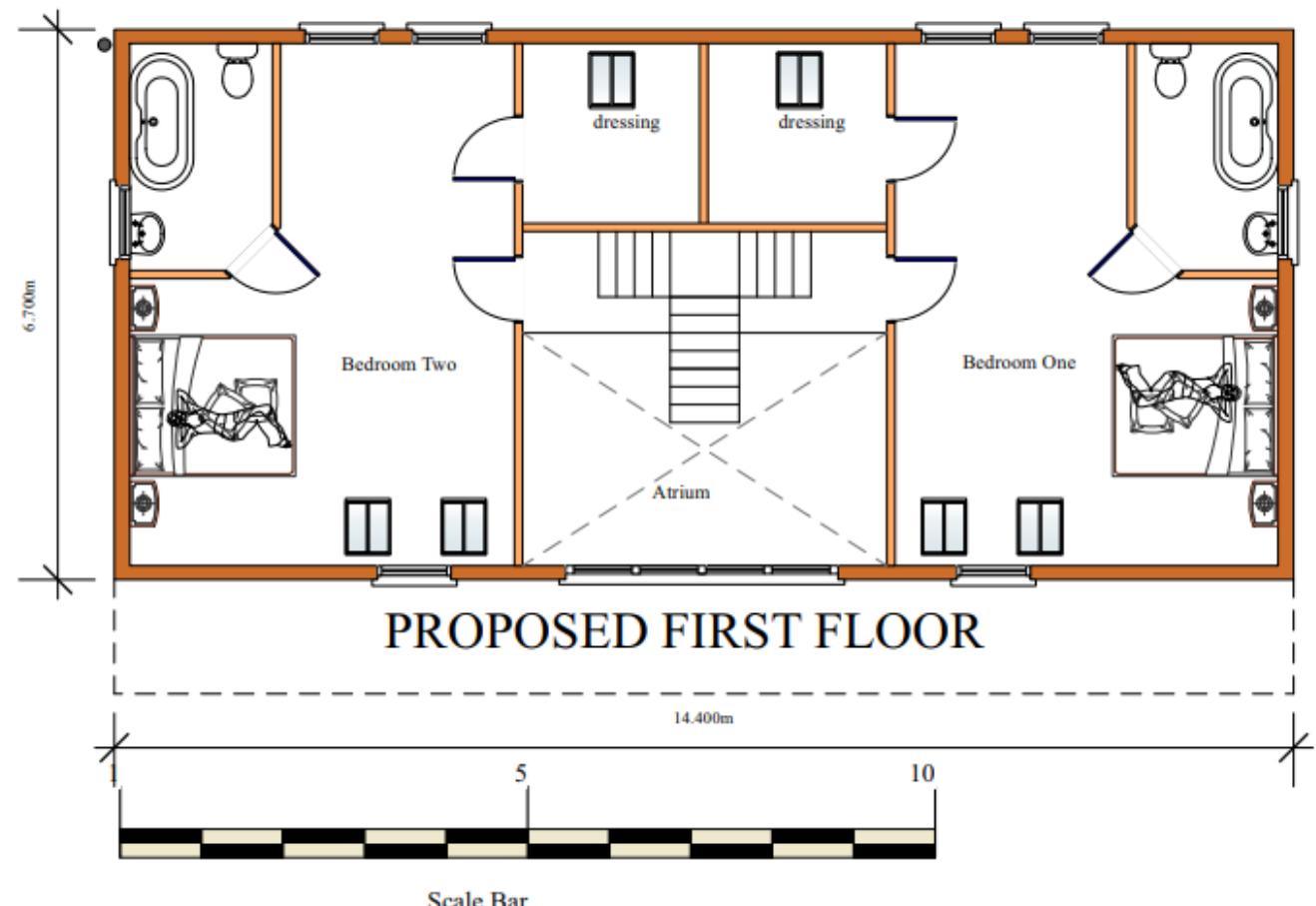
anthracite grey aluminium  
windows and doors

vertical oak boarding

two courses of red facings



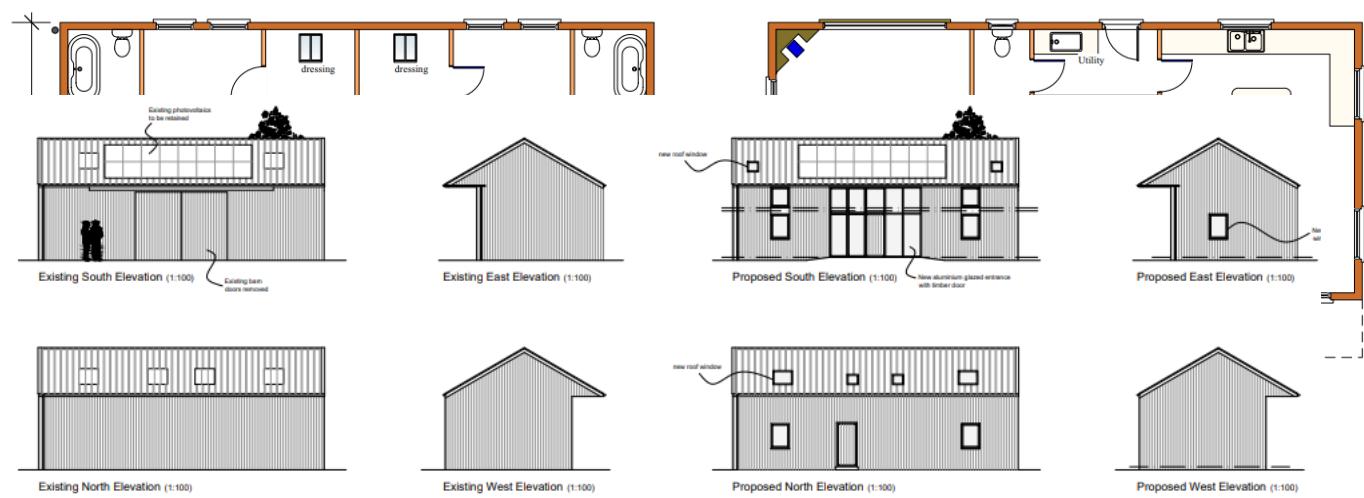
PROPOSED SIDE ELEVATION



## Proposed Elevations and Floor Plans



## Approved Design Under Class Q S22/1822



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SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Planning Committee

6 February 2025

### S24/1719

Proposal: Change of use of outbuilding to single dwelling

Location: 1 Albert Road  
Stamford  
Lincolnshire  
PE9 2EA

Applicant: Mrs Heather Heath

Agent: James Turley

Application Type: Full Planning Permission

Reason for Referral to Councillor Call-in

Committee:

Key Issues: Impact on the character and appearance of the area

Impact on neighbours' residential amenities

Highway Safety

Impact on heritage assets

Technical Documents:

#### Report Author

Hannah Noutch Development Management Planner

01476 406080

[H.Noutch@southkesteven.gov.uk](mailto:H.Noutch@southkesteven.gov.uk)

Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Viking

Reviewed by:

Phil Jordan, Development Management & Enforcement Manager

28 January 2025

Recommendation (s) to the decision maker (s)

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



Key

Application  
Boundary



## **1 Description of Site**

1.1 The application site is located adjacent to the River Welland, to the southern end of Albert Road in Stamford. No.1 Albert Road is an end terrace property that hosts a single storey outbuilding within the rear amenity space. The outbuilding was deemed lawful development under application S18/1988. This outbuilding is the subject of this planning application. The outbuilding was the subject of a householder planning application under S21/1235, where it was permitted to allow the construction of a balcony to the south of the outbuilding.

## **2 Description of Proposal**

2.1 The proposal relates to changing the use of the outbuilding into a dwellinghouse. The access for the dwelling would be via an existing passageway between No.1 and No.2 Albert Road. The resulting access and amenity space for No.1 Albert Road would be the existing side access and garden space to the south of No.1 Albert Road.

## **3 Relevant History**

- S21/2225 - Change of use of outbuilding to single dwelling - Withdrawn
- S21/1235 – Householder planning application - Construction of balcony to south elevation of outbuilding – Approved Conditionally
- S19/0543 – Full planning application - Erection of a single storey dwelling - Withdrawn
- S18/1988 – Lawful Development Certificate - Erection of single storey outbuilding – Lawful Development
- S17/2217 - Lawful Development Certificate - Lawful Development Certificate for the erection of an outbuilding to be utilised for purposes incidental to the enjoyment of the dwelling house – Unlawful Development – Appeal dismissed
- S16/2381 – Lawful Development Certificate - Lawful Development Certificate relating to the proposed erection of ancillary outbuilding within curtilage of a dwelling house – Unlawful Development – Appeal dismissed
- S16/1895 – Lawful Development Certificate – Lawful Development Certificate relating to the proposed erection of ancillary outbuilding within curtilage of a dwelling house - Unlawful Development
- S15/3399 – Lawful Development Certificate – Lawful development certificate proposed for the erection of a building within the curtilage of No. 1 Albert Road for a purpose incidental to the enjoyment of the dwellinghouse – Unlawful development
- S14/1935 – Full Planning Permission - Erection of bungalow – Refused – Appeal dismissed
- S13/3396 – Full Planning Permission - New dwelling – Refused – Appeal dismissed

## **4 Relevant Planning Policies & Documents**

### **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

Policy EN2 - Protecting Biodiversity and Geodiversity

Policy EN5 - Water Environment and Flood Risk Management

Policy SB1 - Sustainable Building

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

Section 12 - Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

Section 9 - Promoting sustainable transport

Section 5 - Delivering a sufficient supply of homes

### **Neighbourhood Plan**

Stamford Neighbourhood Plan

## **5 Representation Received**

### **5.1 Parish Council**

5.2 No comment

### **5.3 LCC Highways and SuDS Support**

5.4 No objections

### **5.5 Ward Councillors**

5.6 No comments received

### **5.7 Conservation Officer**

5.8 S24/1719 1 Albert Road, Stamford, PE9 2EA

Change of use of outbuilding to single dwelling.

No 1 Albert Road is set within the Medieval Core Character Area of the Stamford Conservation Area, which is also under an Article 4 Directive. The site is set adjacent to the Albert Bridge, a grade II listed building (NHLE 1359564). As the site is located within the Stamford Conservation Area consideration needs to be given to the contribution of this site to the significance of this conservation area. Under the Planning (Listed Buildings and Conservation Areas) Act, 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. It is proposed to change the use of a single storey outbuilding, set to the rear of No 1 Albert Road, into a separate dwelling. The structure subject to this application was built as an outbuilding in 2019, taking up the greater part of the garden of No 1 Albert Road. The building is a single storey structure, sitting along the riverbank, clearly visible from the bridge and opposite riverbank. The proposal does not expand the structure, so there would be no additional impact upon the setting of the bridge and conservation area, beyond the existing impact. As the structure is already present, a change in use would not cause harm.

5.9 There therefore would be no heritage impact by the proposed change of use.

5.10 **Environment Agency**

5.11 The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

5.12 **Peterborough City Council**

5.13 Having reviewed the pending planning application (reference: S24/1719) Peterborough City Council, as the neighbouring Local Planning Authority, has no comments to make on this application.

5.14 **Environmental Protection Services**

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

## **6 Representation 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. The points raised can be summarised as follows:

1. Previous application was refused on the lack of amenity grounds and flood issues. The reasons for the refusal have not been overcome by this proposal.
2. The site is located at the end of a narrow cul de sac. Access for vehicles for residents and carers is already difficult, and an additional dwelling would exacerbate this and increase risk of incidents.
3. The proposed access often blocks by parked cars, and access for emergency vehicles would be difficult
4. The scale of the proposed residence would be out of proportion to the site and leaves very limited amenity space
5. Windows on the proposed dwelling would directly overlook No.2 Albert Road
6. If approved, the application would set a precedent for developments to bypass normal planning regulations in a conservation area
7. The lawful use of the building as an outbuilding does not mean that the building would be acceptable as a dwelling

6.2 **Evaluation**

6.3 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:

- South Kesteven Local Plan 2011-2036 (Adopted January 2020)
- Stamford Neighbourhood Plan (Made 25 July 2022)

6.4 The Lincolnshire Minerals and Waste Local Plan forms part of the development plan in relation to minerals planning.

6.5 The policies and provisions set out in the National Planning Policy Framework are also a material consideration in the determination of planning applications, alongside the adopted Design Guidelines for Rutland and South Kesteven.

## 6.6 Principle of Development

6.7 Policy SD1 (The Principles of Sustainable Development in South Kesteven) sets out the overarching obligation for development proposals to minimise its impact on climate and contribute toward a strong, stable and more diverse economy. The policy requires consideration of a number of matters including the impact of development of climate change, minimising the need to travel, avoiding development of areas of flood risk and development proposals giving rise to pollution, encouraging the use of previously developed or underutilised land, providing a supply of housing to meet the needs of present and future generations, and enhancing the character, natural environment and cultural and historic environment of the District.

6.8 The South Kesteven Local Plan (SKLP) sets out the principles for the location of development within Policies SP1 and SP2. Policy SP1 (Spatial Strategy) outlines the strategy for the District during the plan period. It identifies that the overall strategy of the Local Plan is to deliver sustainable growth, including new housing and job creation, in order to facilitate growth in the local economy and support local residents.

6.9 Decisions about the location and scale of new development will be taken on the basis of the settlement hierarchy set out in Policy SP2. Policy SP2 (Settlement Hierarchy), alongside Policy SP1, seeks to focus the majority of new development to Grantham to support and strengthen its role as a Sub-Regional Centre, followed by the three other market towns being Stamford, Bourne and The Deepings, then in the hierarchy comes the larger villages, followed by smaller villages. SP2 states that development in Smaller Villages, development will be supported in accordance with Policy SP3, SP4 and all other relevant policies, where development will not compromise the village's nature and character.

6.10 The application site in this instance lies within Stamford, and as such, comprises a one of the Market Towns as defined by policy SP2.

6.11 SP3 (Infill Development) states that in all settlements defined in Policy SP2, infill development, which is in accordance with all other relevant Local Plan policies, will be supported provided that:

- 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.

6.12 The proposal relates to the change of use of a residential outbuilding into a dwellinghouse. Given the location of the outbuilding within a substantially built-up area within the main part of the settlement, the development would be considered to comply with the locational principles of Policy SP3 of the SKDC Local Plan and therefore be acceptable in principle. Discussion is given to whether the proposal would comply with criteria c and the latter part of d below along with any site-specific criteria.

6.13 **Character and appearance of the area**

6.14 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 streetscene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area. 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.

6.15 The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.

6.16 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.

6.17 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.

6.18 The proposal would not result in external alterations to the existing appearance of the outbuilding. Nevertheless, the proposed change of use of the building would alter the character of the use of the building. The use as a residential dwelling in a built-up residential area would not be out of character with the surrounding building uses and would not introduce any visual disturbance.

6.19 SKDC's Conservation Officer was consulted on the scheme and advised that given that the proposal would not expand the structure, there would be no additional impact upon the setting of the bridge and conservation area, beyond the existing impact. As the structure is already present, a change in use would not cause harm, therefore would be no heritage impact by the proposed change of use.

6.20 It is considered that any further alterations, enlargements, outbuildings, windows, works to roof and means of enclosure to the building could result in harm to the character and appearance of the area due to the scale of the plot and the heritage constraints. Taking this into account, it is deemed appropriate to remove the permitted development rights for these types of development via condition.

6.21 By virtue of the proposal comprising solely of a change of use of an existing building, the proposal would remain in keeping with the existing streetscene and surrounding context

and would not harm the character of the Stamford Conservation in accordance with the Stamford Neighbourhood Plan Policy 8, NPPF Sections 12 and 16, and Policies DE1, EN6 and SP3 of the Local Plan.

6.22 **Neighbours residential amenities**

6.23 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and provide sufficient private amenity space, suitable to the type and amount of development proposed. Paragraph 135 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.24 The subdivision of the plot and relationship between the proposed dwelling and No.1 Albert Road would result in a reduction in the level of amenity space afforded to each property. This was a concern raised within the representations received. Whilst the level of amenity space would be relatively small, it would not be uncharacteristic for properties along Albert Road and the adjacent streets to host small amenity spaces. Furthermore, the resulting amenity space for each property would be enhanced by the adjacent riverside location, making the amenity space higher quality amenity space. Within the appeal decisions for both applications S13/0491 (APP/E2530/ A/13/2201597) and S14/1935 (APP/E2530/W/15/3007955), where there were comparable resulting levels of amenity space, the inspector deemed this amenity space to be adequate. It is acknowledged that since these decisions that the SKDC Local Plan has been adopted, the Stamford Neighbourhood Plan has been made and the Rutland and South Kesteven Design Guidelines have been produced, however there is no specific guidance on levels of amenity space.

6.25 The reason for dismissal of the single storey dwelling largely reflecting this current proposal at appeal under S14/1935 (APP/E2530/W/15/3007955) was on the basis that the introduction of the built form to the rear of No.1 Albert Road would result in harm to the amenity of the occupiers of No.2 Albert Road particularly on the basis of their outlook. By outlook, it was meant that the inclusion of the built structure within the rear garden of No.1 Albert Road in addition to the existing built form would be overly dominant and enclosing to the amenity level available to the rear windows of No.2 Albert Road. This level of built form has however already been provided on site with confirmation that this was lawful provided by the lawful development certificate S18/1988. This previous refusal reason is therefore now ineffectual due to the anticipated harmful impact of the building already being experienced by the neighbours as a result of the existing structure. The change of use application would not increase any harm to No.2's outlook as there would be no increase in no built form.

6.26 The proposed dwelling would be utilising the buildings existing openings. There are no windows to the eastern elevation of the building which would face onto No.1 Albert Road's private amenity space. The window facing onto No.2 Albert Road is already in situ and would face the rearmost section of this neighbour's outdoor amenity space. It is satisfied that the proposal would not result in any significant overlooking that would result in an

unacceptable level of impact by way of loss of privacy to any of the neighbouring properties.

6.27 It is considered that any further alterations, enlargements, outbuildings, windows, works to roof and means of enclosure to the building could result in neighbours residential amenities. Taking this into account, it is deemed appropriate to remove the permitted development rights for these types of development via condition.

6.28 Taking into account the nature of the proposal, small scale, and adequate separation distances, 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 Stamford Neighbourhood Plan, NPPF Section 12, and Policy DE1 of the Local Plan.

### **Highways Impacts**

6.30 Paragraph 116 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.31 The concerns raised in representation are noted in regard to congestion and use of the adjacent public walkway associated with the intensification of residential use on the existing site, however there is no parking provisions provided within the scheme for the proposed dwelling. However, the application site is within the Stamford Town Centre, and adjacent a car park which offers parking season tickets. There are also public transport options such as the train station and bus services in walking distance. In addition, it is considered that the main facilities considered to be essential for a residential property such as schools, transport, food premises etc would all be within walking or cycling distance of the building and largely available in and around the Town Centre. With overarching promotion of sustainable development within the SKDC Local Plan, it is considered that the application site would be a sustainable location for residential development that allows for sustainable transport options. It is also worth noting that as the proposal would be for market housing, any future occupiers would be aware of there being no private parking provisions.

6.32 The Highways Authority have raised no objections, noting due to the central urban location, private parking provisions are not required in this instance.

6.33 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.

### **Flood Risk and Drainage**

6.35 The application site is located within Flood Zones 2 and 3, due to its location directly adjacent the River Welland. Consideration must be given to that whilst the building is existing, the existing use of the building being one for purposes incidental to the enjoyment of the existing dwelling and how this would differ to the use as a permanent residential dwelling.

6.36 The Environment Agency advised that the proposed development would only meet the National Planning Policy Framework's requirements in relation to flood risk if a planning condition is included that requires the development to be undertaken in accordance with the mitigation measures set out in the Flood Risk Assessment (dated October 2024).

6.37 **Climate Change**

6.38 As previously identified, the application site is located within the main part of the settlement of Stamford which is a settlement identified within the Local Plan as being an appropriate location for residential development of the scale proposed. As such, the application would accord with the locational principles of Policy SD1.

6.39 It is acknowledged that the application submission does not specifically provide details about how the proposed dwelling would accord with the policy obligations of Local Plan Policy SB1, the re-use of an existing building through change of use is a sustainable building practice.

6.40 The above partnered with the historic context of the site, it is considered that additional sustainable building measures would not be required in this instance for the scheme to comply with Policy SB1 of the SKDC Local Plan.

6.41 **Ecology and Biodiversity**

6.42 Local Plan Policy EN2 seeks to ensure the conservation and enhancement of ecological networks and deliver a net gain in biodiversity for all development proposals.

6.43 Additionally, Biodiversity Net Gain (BNG) became mandatory on all small sites on 2 April 2024. This application is exempt from the requirement for BNG given that it relates to a change of use.

6.44 Nevertheless, taking into account that the built structure is already in place on site, the change of use and any works to facilitate this would not significantly impact on any existing onsite biodiversity. Therefore, the proposal is considered to comply in accordance with Local Plan Policy EN2.

6.45 **Other Matters**

6.46 The comment received in relation to the acceptance of the outbuilding as lawful does not therefore mean that the building would be acceptable as a dwelling is noted. This statement is true, and it has been the role of this planning application to consider the merits of the change of use.

6.47 The issue of setting a precedent was also raised in representation, in that approving this scheme would promote bypassing the normal planning application system. The outbuilding was deemed lawful under S18/1988 and the acceptability of the proposal therefore has to be considered with this in mind. Each application is considered on its own merits taking into account all relevant planning considerations, and the Local Planning Authority is not able to alter what is lawful under permitted development regulations.

6.48 **Crime and Disorder**

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

6.50 **Human Rights Implications**

6.51 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.

6.52 **Conclusion**

6.53 The change of use from an outbuilding to a dwelling would provide a single housing unit, which is a benefit, although officers only attribute this moderate weight in the context of the overall housing needs of the district.

6.54 There would be no additional harm in terms of the appearance and character of the area. The subdivision of the plot and relationship between the proposed dwelling and No.1 Albert Road would result in a reduction in the level of amenity space afforded to each property. However, this has previously been found to be acceptable and there are no material changes in policy of circumstance to justify a different conclusion.

6.55 The previous application and appeal decisions are material planning considerations, and it is considered the previous reasons for the dismissal of the application for a similar scheme have either been overcome or are now no longer relevant due to the subsequent lawful development certificate application in which it was confirmed that the erection of the outbuilding was lawful. Therefore, there are no new material planning considerations that would warrant refusal of this application, and the proposal is therefore considered to be appropriate for its context and is in accordance with the Stamford Neighbourhood Plan, NPPF (Sections 9, 12 and 16) and Policies EN6 and DE1 of the South Kesteven Local Plan.

6.56 **Recommendation**

**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. OS Location Plan as shown on Site Plan, Block Plan and OS Location Plan as Existing re. Drawing No.5 received 4 October 2024
- ii. Site Plan, Block Plan and OS Location Plan as Proposed re. Drawing No.7 received 4 October 2024
- iii. Proposed Elevations re. Drawing No.8 received 4 October 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 Prior to the occupation of the development hereby permitted, the finished floor levels shall have been completed in accordance with the submitted flood risk assessment in section 6.6 of the Planning Statement, undertaken by James Turley Planning Ltd (dated October 2024) and the following mitigation measures it details:

- Finished floor level for the bedroom to be set no lower than 23.335 mAOD
- Finished floor level for the living area to be set no lower than 22.36 mAOD

These mitigation measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason To reduce the risk of flooding to the proposed development and future occupants in line with Policy EN5 of the South Kesteven Local Plan

## **Ongoing conditions**

4. 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 the character and appearance of the area.

6.57 Notwithstanding the provisions of Schedule 2, Part 1, Classes B & C 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 window, dormer window, rooflight or other development consisting of an alteration to the roof of the property other than those expressly authorised by this permission shall be constructed without Planning Permission first having been granted by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and the character and appearance of the area.

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.

6.58 Notwithstanding the provisions of Schedule 2, Part 2, 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 gate, fence, wall or other means

of enclosure shall be constructed within or on the boundary of the curtilage of the site 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.

**Financial Implications reviewed by: Not applicable**

**Legal Implications reviewed by: Not applicable**



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Planning Committee

6 February 2025

## S23/0299

Proposal:	Erection of 67 dwellings with associated vehicular access from Reedings Road and Owen Way, and associated public open space and infrastructure
Location:	Land at Reedings Road, Barrowby
Applicant	Persimmon Homes East Midlands
Application Type:	Full Planning Permission (Major Development)
Reason for Referral to Committee:	Major development which requires a Section 106 Agreement to secure financial contributions.
Key Issues:	<ul style="list-style-type: none"><li>Section 106 Heads of Terms</li></ul>

### Report Author

Adam Murray – Principal Development Management Planner



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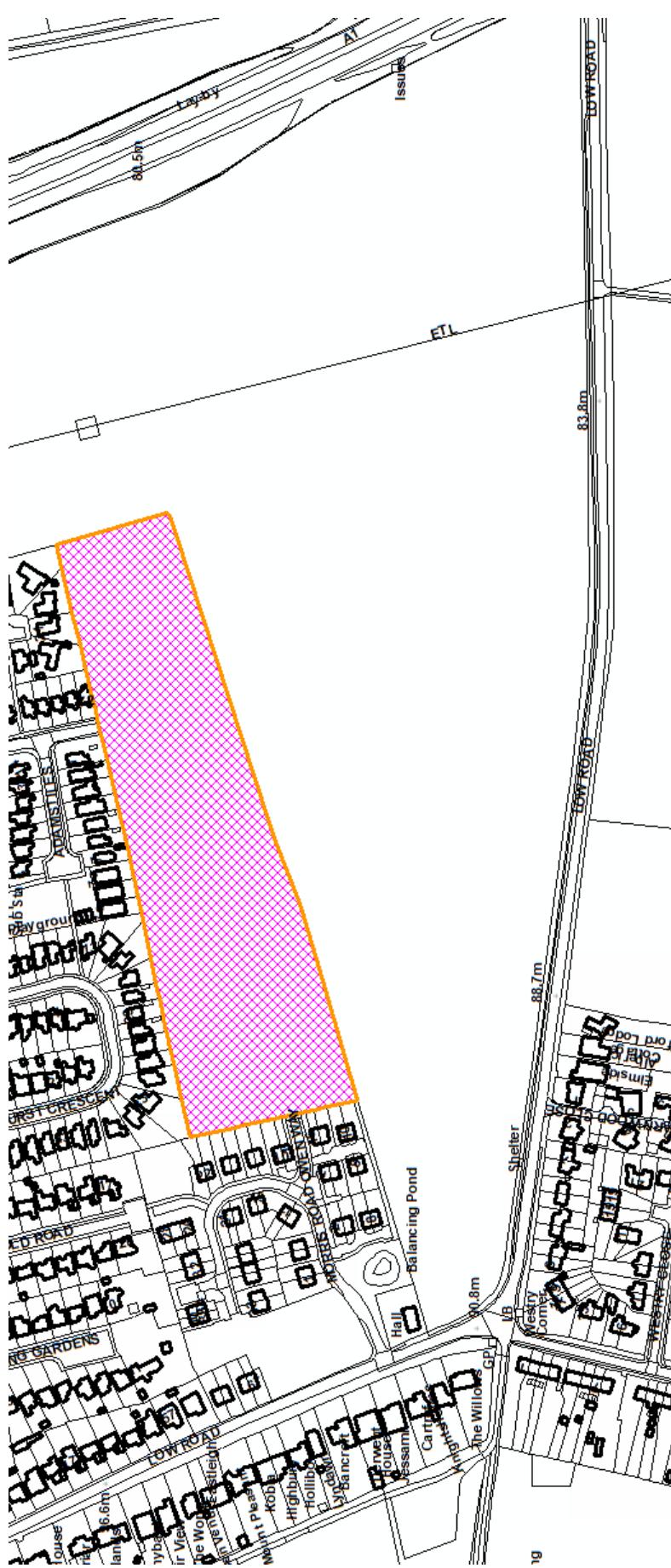


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Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Belvoir
Reviewed by:	Phil Jordan, Development Management & Enforcement Manager	28 January 2025

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

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



Application  
Boundary



### Key

## Addendum to Committee Report – S23/0299 – Reedings Road, Barrowby

### 1 Introduction

1.1 Members will recall that this application was previously discussed at Planning Committee on 13 June 2024 (Report at Appendix 1 and Additional Items Paper at Appendix 2). At that meeting, the Committee resolved that it was minded to grant planning permission for the reasons set out within the officer report, and subject to the recommended schedule of conditions and the completion of a Section 106 Agreement.

1.2 The relevant minutes of that meeting stated:

*\*During questions to Officers and debate, Members commented on:*

- *Whether the ongoing maintenance of soft landscaping would be enforced.*

*The Planning Officer confirmed that the ongoing maintenance of soft landscaping would be an enforcement matter. The Enforcement Team would engage with Applicant's in order to rectify any issues that may arise.*

- *Whether any money had been set aside for monitoring as part of the legal agreement.*

*The legal agreement included a monitoring fee, which looked at the Council's time and expense enforcing the Section 106 Agreement and approved conditions.*

- *Whether there was a substation included within the proposed plan of the site.*

*The Planning Officer clarified that the proposed substation was within the eastern part of the site, which was not within the children's play area.*

- *Clarification was sought around Policy SB1 and whether any EV charging points or climate change mitigation would be conditioned.*

*Condition 9 required the details of the EV charging points. Policy SB1 related to sustainable buildings and taking decarbonisation of the energy grid into account. The current Local Plan did not require communal / visitor EV charging points.*

*It was proposed, seconded and **AGREED** to authorise the Assistant Director of Planning to **GRANT** planning permission subject to the completion of a Section 106 Agreement to secure the planning obligations detailed below, and subject to the schedule of conditions set out within the main report (with the removal of Condition 19).*

### Updated Heads of Terms

- **Open Space** – on site provision as per the approved plans, and £45,862.60 towards improving existing sports facilities within Barrowby.
- **Affordable Housing** – 30% of all dwellings provided on site, consisting of:
  - Affordable Home Ownership (First Homes) (5 dwellings)
    - 5 x 2-bed
  - Affordable Home Ownership (Shared Ownership) (4 dwellings)
    - 2 x 3-bed
    - 2 x 4-bed
  - Affordable Homes (Affordable Rent) (11 dwellings)

- 4 x 1-bed
- 5 x 2 bed
- 2 x 3 bed

*Dwellings are to be provided in accordance with the distribution demonstrated on the Proposed Planning Layout, which indicates clusters of 2-4 dwellings. 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** - £44,220.00 towards expanding healthcare capacity in the Grantham and Rural K2 Primary Care Network.
- **Highways (Low Road cycleway / footway)** - £100,000 towards the cost of delivering a dedicated footway / cycleway along Low Road to link the site to Grantham.
- **Highways (Off-site pedestrian improvements)** - £50,000 towards the cost of providing uncontrolled tactile dropped kerbs between the site and village centre.
- **Highways (Bus Services)** - £67,000 to cover the cost of providing free year-long bus passes to each dwelling of the new development.
- **Community Facility** - £68,514.25 towards the cost of delivering a new community hall.
- **Monitoring Fee** - £15,000.00

## 2 Updates since June 2024

2.1 Subsequent to the application being discussed at the June 2024 Committee meeting, progress has been made on the drafting of the Section 106 Agreement. During the course of negotiations, Lincolnshire County Council (as Local Highways Authority) have confirmed that they do not wish to collect the financial contribution towards the provision of bus passes for the new dwelling and would prefer the Developer to engage directly with the future occupiers and the bus operators.

2.2 As a result, it is necessary for the heads of terms for the Section 106 Agreement to be amended to exclude the financial contributions towards bus passes, and for this to be secured through planning conditions instead. To be clear, the proposed amendments do not change the infrastructure improvements to be provided, but simply alters the mechanism through which they are provided.

2.3 Taking the above into account, it is proposed that the Heads of Terms for the Section 106 Agreement are updated as follows:

### Updated Heads of Terms

- **Open Space** – on site provision as per the approved plans, and £45,862.60 towards improving existing sports facilities within Barrowby.
- **Affordable Housing** – 30% of all dwellings provided on site, consisting of:
  - Affordable Home Ownership (First Homes) (5 dwellings)
    - 5 x 2-bed
  - Affordable Home Ownership (Shared Ownership) (4 dwellings)
    - 2 x 3-bed

- 2 x 4-bed
- Affordable Homes (Affordable Rent) (11 dwellings)
  - 4 x 1-bed
  - 5 x 2 bed
  - 2 x 3 bed

Dwellings are to be provided in accordance with the distribution demonstrated on the Proposed Planning Layout, which indicates clusters of 2-4 dwellings. 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** - £44,220.00 towards expanding healthcare capacity in the Grantham and Rural K2 Primary Care Network.
- **Highways (Low Road cycleway / footway)** - £100,000 towards the cost of delivering a dedicated footway / cycleway along Low Road to link the site to Grantham.
- **Highways (Off-site pedestrian improvements)** - £50,000 towards the cost of providing uncontrolled tactile dropped kerbs between the site and village centre.
- **Community Facility** - £68,514.25 towards the cost of delivering a new community hall.
- **Monitoring Fee** - £15,000.00

2.4 In addition, a new planning condition (Condition 14) is proposed to require the submission of a revised Travel Plan, which will include details of a scheme making available 2 free annual travel passes per dwelling for the first year of their occupation. This is consistent with the arrangements that would have been secured as part of the financial contributions requested by Lincolnshire County Council.

2.5 Condition 19 would be subsequently revised to ensure that the revised Travel Plan is subject to compliance rather than the travel plan currently submitted as part of the application.

2.6 It is the Case Officers assessment that the above revisions to the Heads of Terms of the Section 106 Agreement together with the revised schedule of conditions would ensure that the Section 106 Agreement would meet the necessary legal requirements set out within the CIL Regulations, as well as within national and local planning policy. The revised schedule of conditions would also ensure that the proposed development makes appropriate arrangements for securing sustainable modes of travel. As such, the revisions would be in accordance with Policy ID1 and ID2 of the adopted South Kesteven Local Plan and Section 9 of the Framework.

### 3 Other Matters

3.1 A revised National Planning Policy Framework was published on 12 December 2024. Whilst the revised National Planning Policy Framework contains a number of significant policy updates, these policy updates would result in further weight being given to the public benefits associated with the delivery of housing as part of this scheme. As such, it is Officer's assessment that these material planning policy updates do not justify a revised assessment of any other material considerations relating to the application.

## **4 Crime and Disorder**

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

## **5 Human Rights Implications**

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

## **6 Planning Balance and Conclusions**

6.1 To summarise, during the course of negotiations on the Section 106 Agreement, Lincolnshire County Council (as Local Highways Authority) have confirmed that they do not wish to collect financial contributions towards the provision of bus passes for new dwellings and would prefer the Developer engages directly with the future occupiers and the bus operators.

6.2 As a result, it is necessary for the heads of terms for the Section 106 Agreement to be amended to delete the financial contributions towards bus passes, which is to be secured through planning conditions instead. To be clear, the proposed amendments do not change the infrastructure requirements, but simply changes the mechanism through which they are to be delivered. The application proposals remain unchanged in all other respects.

6.3 Taking the above into account, it is the Officer's assessment that the application proposals would accord with the adopted Development Plan when taken as a whole, and the material considerations in this case, also indicate that planning permission should be granted.

## **7 Recommendation**

### **Recommendation – Part 1**

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

### **Recommendation – Part 2**

7.2 Where the Section 106 Agreement has not been concluded prior to the Committee, a period not exceeding twelve weeks after the date of the Committee shall be set for the completion of the obligation.

7.3 In the event that the agreement has not been concluded within the twelve week period, and where, in the opinion of the Assistant Director – Planning & Growth, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused for the following reason(s):

1. The applicant has failed to enter into a planning obligation to secure the required level of affordable housing, as well as necessary financial contributions towards healthcare, open space and community facilities as required by Policy ID1, H2 and OS1 of the adopted South Kesteven Local Plan 2011-2036.

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

### **Time Limit for Commencement**

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

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

### **Approved Plans**

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - a) Planning Submission Schedule (Dated 4 June 2024)

Unless otherwise required by another condition of this permission.

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

### **Before Development is Commenced**

#### Archaeological Investigation

- 3) Before the development hereby permitted is commenced, the programme of archaeological investigations shall have been completed in accordance with the approved Written Scheme of Investigation for Archaeological Evaluation Trenching (Lanpro) (June 2022), and a report 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.

#### Construction Management 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 and build routes.
  - 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 to be used in constructing the development.
  - e. Dust suppression measures.
  - f. Wheel washing facilities.
  - g. A strategy stating how surface water runoff on and from the development will be managed during the construction, and protection measures for any sustainable

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 Statement shall be strictly adhered to throughout the construction period.

Reason: In the interests of residential amenity, and to prevent flooding upstream or downstream of the application site.

#### Part M4(2) Dwellings

- 5) Before any part of the development hereby permitted is commenced, a plan indicating the provision of 10% of the dwellings as being Accessible and Adaptable in line with the standards set out in Part M4(2) of the Building Regulations, shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be completed in accordance with the approved details and the dwellings shall be retained as such for the lifetime of the development.

Reason: To ensure that the development meets the needs of all future residents as required by Policy H4 of the adopted Local Plan.

#### Surface Water Drainage Strategy

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

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

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

### Tree Protection Measures

- 7) Before the development hereby permitted is commenced, including bringing any plant or materials on to the site, the tree protection measures indicated on the Tree Protection Plan (Ref: RSE\_6038 TPP/Rev V3) shall have been implemented in full.

Thereafter, the protection measures shall be retained on site until all works have been completed.

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

### Estate Road Phasing Plan

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

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

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

### **During Building Works**

#### EV Charging Points Plan

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

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

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

#### Construction Hours

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

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

Reason: To minimise noise impacts on nearby residential dwellings.

#### Delivery Hours

11) Deliveries of construction materials shall only take place between the hours of 0800 and 1700 Monday to Friday, and 0900 and 1700 on Saturdays. Deliveries shall not take place on Sundays or public holidays.

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

#### Ecological Mitigation

12) All works on site, including construction and delivery works, shall be carried out in accordance with the recommendations contained within Section 6 of the Ecological Appraisal (BSG Ecology) (December 2022), 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.

#### Previously Unidentified Contamination

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

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

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

#### Revised Travel Plan

14) Notwithstanding the submitted details, before any development above damp-proof course, a revised Travel Plan, including specific modal share targets for active travel modes which seek to achieve the Government's objectives for 50% of all trips to be made by active travel methods, shall have been submitted to and approved in writing by the Local Planning

Authority. This shall include a scheme making available 2 free annual travel passes per dwelling for the first year of their occupation.

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

## **Before the Development is Occupied**

### Sustainable Building

15) Prior to the occupation of each dwelling hereby permitted, works shall be undertaken to conform with the sustainable building measures detailed in the approved Sustainability Statement (JSP Sustainability) (October 2022).

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

### Materials Compliance

16) Before each dwelling hereby permitted is first occupied, the external materials must have been completed in accordance with the approved Proposed Charter Plan (Ref: BA/CP/01/Rev A) and the corresponding approved housetypes pack detailed in the Drawing Schedule (4 June 2024).

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

### Hard Landscaping

17) Before any part of the development hereby permitted is occupied, all hard landscaping works, including the proposed children's play area, and street surfacing, shall have been completed in accordance with the approved Proposed Charter Plan (Ref: BA/CP/01/Rev A).

Reason: Hard landscaping makes 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.

### Boundary Treatments

18) Before each dwelling hereby permitted is occupied, the works to provide the boundary treatments relating to that part of the development shall have been completed in accordance with the approved Proposed Charter Plan (Ref: BA/CP/01/Rev A) and the approved Landscaping Plan (Ref: 10821-FPCR-XX-XX-DR-L-003 P13, 10821-FPCR-XX-XX-DR-L-004 P13 and 10821-FPCR-XX-XX-DR-L-005 P13).

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.

### Travel Plan Compliance

19) Before any dwelling hereby permitted is occupied, the measures contained with the approved Travel Plan shall be implemented in accordance with the approved details and shall continue to be implemented for as long as any part of the development is occupied.

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

### Reedings Road / Owen Way junction

20) Before any part of the development is occupied, all of that part of the estate road and associated footways that forms the junctions with Reedings Road and Owen Way, and which will be constructed within the limits of the public highway, shall be laid out and constructed to finished levels in accordance with details to be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interest 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 of time at dissimilar, interim construction levels.

### **Ongoing Conditions**

#### Soft Landscaping

21) Before the end of the first planting / seeding season following the first occupation of the development hereby permitted, all soft landscaping works shall have been completed in accordance with the approved planting plans:

- FPCR, Detailed POS Planting Sheet 1 of 5, drawing number 10821-FPCR-XX-XX-DR-L-0001 P14
- FPCR, Detailed POS Planting Plan Sheet 2 of 5, drawing number 10821-FPCR-XX-XX-DR-L-0002 P14
- FPCR, Detailed On-Plot Planting Pan, drawing number 10821-FPCR-XX-XX-DR-L-003 P13
- FPCR, Detailed On-Plot Planting Pan, drawing number 10821-FPCR-XX-XX-DR-L-004 P13
- FPCR, Detailed On-Plot Planting Pan, drawing number 10821-FPCR-XX-XX-DR-L-005 P13

Reason: Soft landscaping makes 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.

#### Soft Landscaping Protection

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

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

#### Landscape Ecology Management Plan

23) Following first occupation of the final dwelling hereby permitted, the approved Landscape Ecology Management Plan (BSG Ecology) (October 2022) 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.

## Note(s) to Applicant

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

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>

- 4) Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development hereby permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.  
For further guidance, please visit our website via the following links:  
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>  
Licences and Permits – <https://www.lincolnshire.gov.uk/licences/permits>.
- 5) 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.
- 6) The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.
- 7) Notification of intention to connect to the public sewer under Section 106 of the Water Industry Act approval and consent will be required by Anglian Water under the Water Industry Act 1991. Contact Development Services on 0345 606 6087.
- 8) No building will be permitted within the statutory easement width of 3m from the pipeline without agreement from Anglian Water.

- 9) The Developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Section 104 of the Water Industry Act 1991), they should contact the Development Services Team at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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