

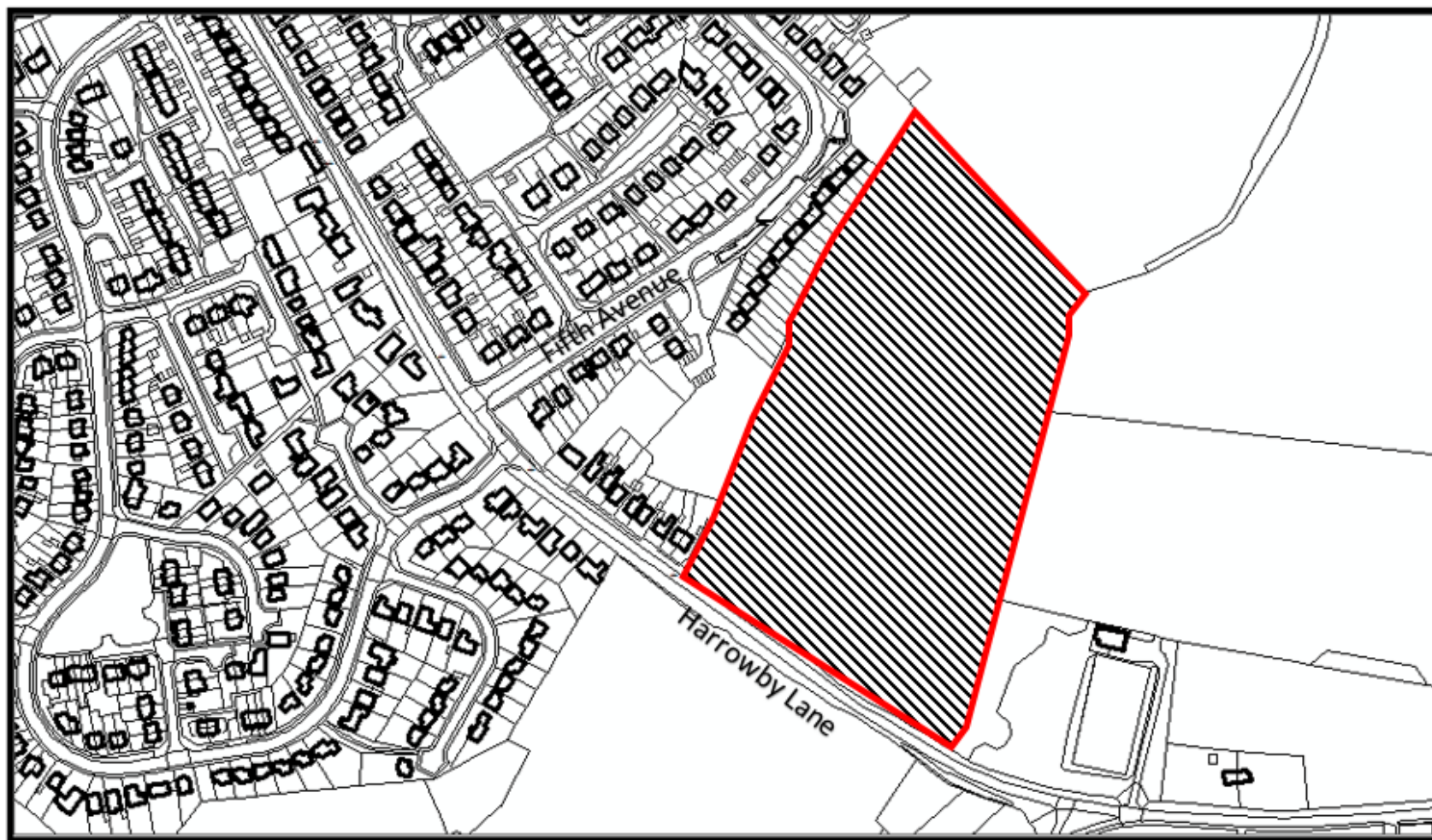
Applicant	Mr Shaz Nawaz Absolute Property Development Ltd C/O Agent
Agent	Mrs Maria Boyce Savills UK Ltd Savills City Point 29 King Street Leeds
Proposal	Outline Planning Application for a residential development comprising up to 100 dwellings (Use Class C3) with associated access, open space, landscaping and infrastructure improvements.
Location	Land At Harrowby Lane NG31 9TT
Application Type	Outline Planning Permission (Major)
Parish(es)	Londonthorpe & Harrowby Without Parish C
Reason for Referral to Committee	Scale and nature of the development
Recommendation	That the application is:- Refused
Report Author	Phil Moore - Principal Planning Officer 01476 406080 Ext: 6461 p.moore@southkesteven.gov.uk
Report Reviewed By	Sylvia Bland – Service Manager – Development Management and Implementation 01476 406080 Ext: 6388 s.bland@southkesteven.gov.uk

Key Issues

- Principle of development - whether this site is fundamentally suitable for development
- Landscape/visual and heritage impacts
- Highway safety/traffic
- Floodrisk and Drainage

Technical Documents Submitted with the Application

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Phase 1 Habitat Survey
- Topographical Survey
- Contamination Report
- Tree Survey
- Statement of Community Involvement
- Landscape and Visual Impact Assessment
- Heritage Impact Assessment
- Transport Assessment
- Interim Travel Plan



Key



Application
Boundary



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1.0 The Proposal

- 1.1 This application seeks outline planning permission for a residential development of up to 100 dwellings. Access has been included as a matter for consideration with this application. Matters of scale, layout, appearance and landscaping are not included for consideration and would be the subject of future reserved matters applications. The development would be served by a single vehicular access from Harrowby Lane as well as a number of pedestrian accesses at various points around the site boundary.
- 1.2 The illustrative site layout plan submitted with the application shows a loop road serving a number of cul-de-sacs with dwellings being either detached or semi detached. Extensive landscaping and open space is shown particularly along the north, south and west boundaries and through the centre of the site.

2.0 The Application Site and its Surroundings

- 2.1 The site is on the north eastern edge of the built up area of Grantham and on part of the steeply sloping escarpment (known as the green rim) which encloses the eastern side of Grantham. The 4.77ha site is roughly rectangular in shape and consists of agricultural pasture land. Harrowby Lane runs along the southern boundary of the site. To the east is the existing residential development of Alma Park including two areas of public open space. There is open countryside on all other sides. The site is also close to the edge of Belton House grade I registered Park and Garden (approximately 1km) and approximately 3km from Grade I Belton House itself. This part of the escarpment forms part of the countryside backdrop of Belton House and park.
- 2.2 There are also a number of public rights of way (PROW) crossing the open countryside of the green rim within 1km of the site. The land directly adjacent to the site to the north is also designated for public open access under the Countryside Rights of Way Act (CROW).

3.0 Relevant History

- 3.1 No relevant planning history

4.0 Policy Considerations

4.1 National planning Policy Framework (NPPF)

Section 10 - Meeting the challenge of climate change
Section 11 - Enhancing the natural environment
Section 12 - Enhancing the historic environment
Section 4 - Promoting sustainable transport
Section 6 - Wide choice of high quality homes
Section 7 - Requiring good design

4.2 South Kesteven Core Strategy

Policy SP1 - Spatial Strategy
Policy SP3 - Sustainable Integrated Transport
Policy SP4 - Developer Contributions
Policy EN1 - Protection and Enhancement
Policy EN2 - Reduce the Risk of Flooding
Policy H3 - Affordable Housing
Policy H1 - Residential Development

4.3 Other Policies

Policy SAP11 - Setting of Belton House & park
Policy SAP10 - Open space provision

5.0 SKDC Corporate Priorities

5.1 Keep SK clean, green and healthy

5.2 Support good housing for all

6.0 Lincolnshire Minerals and Waste Local Plan

6.1 Policy M11 - Safeguarding of Mineral Resources

7.0 Representations Received

LCC Highways	Do not fundamentally object on highway safety or traffic capacity grounds, or state that the proposal would result in a severe impact in NPPF terms. However they have advised that the 30mph speed limit would have to be extended some way beyond its current end by means of a traffic regulation order. Or, alternatively that the applicant would have to demonstrate that the development would be safe in the context of the current speed limit, through speed readings and a greater visibility splay. LCC Highways have also advised that there are some inadequacies in the submitted travel plan.
LCC – Drainage and SuDS	Insufficient information has been provided to demonstrate that the use of sustainable drainage systems for the management of surface water run-off is inappropriate as required by the National Planning Policy Framework.
Anglian Water	Marston Sewage Treatment works and the local sewerage system has sufficient capacity to take the additional flows.
Natural England	No comments to make – refer to their standing advice.
NHS England	No objections but request an appropriate S106 contribution of £44,000 towards enhancements to local Primary Care provision – specifically towards upgrade of the Harrowby Lane Surgery
LCC Education	No objections but request a S106 obligation of £603,648 towards a new primary school on Longcliffe Road and expansion of the existing Priory Ruskin Academy.
LCC Minerals	The proposed development is within a Minerals Safeguarding Area and is subject to Policy M11 (Safeguarding of Mineral Resources) of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) adopted June 2016. M11: Within a minerals resource safeguarding area, except

for the exemptions set out in Policy M11, All applications for non-minerals development should be accompanied by a Minerals Assessment prepared in accordance with the latest guidance from the British Geological Survey (currently set out in Mineral Safeguarding in England: Good Practice Advice, reference OR/11/046).

The proposals should therefore be accompanied by a Minerals Assessment, and the County Council (as Mineral Planning Authority) should be consulted accordingly.

A Minerals Assessment should provide an appropriate assessment of the mineral resource, its potential for use in the forthcoming development and an assessment of whether it is feasible and viable to extract the mineral resource ahead of development to prevent unnecessary sterilisation. Where prior extraction of some or all of the mineral can be undertaken, the assessment should also include an explanation of how this will be carried out as part of the overall scheme. In addition the impacts of proximal sterilisation of minerals resources on adjacent land by the introduction of the development and or more sensitive receptors will need to be addressed as part of the assessment.

Where mineral resources would be sterilised by a proposal, Policy M11 sets out the tests that need to be met in order to enable planning permission to be granted. We would encourage applicants to read the Policy and its supporting text.

LCC Footpaths

No objections

Historic England

Historic England's comments are set out in full in appendix 1 to this report. A summary is provided below:

Consider that any development of this site has the potential to harm the historic environment. They advise that the proposal would result in less than substantial harm to the setting of Grade I St Wulfram's Church through urbanisation of the green rim that forms its historic setting, to Grade I Belton House and Grade I Registered Park and Garden through development in designed views from the roof of Belton House, and Grade II* Harrowby Hall and Arch through diminishment of the countryside character and sense of approach to these assets.

SKDC Principal
Conservation Officer

The Principal Conservation Officer's comments are set out in full in appendix 2 to this report. A summary is provided below:

Considers that the proposal would be yet another harmful step in the incremental erosion of the settings of a number of high grade heritage assets including Belton House (Grade I), Belton Registered Park and Garden (Grade I), Bellmount Tower (Grade II*), Harrowby Hall and Archway (Grade II *), and the settings in which they are experienced. The development would result in less than substantial harm, although at the higher end of the scale and that in his opinion

the public benefits do not outweigh the harm.

National Trust

The Heritage Desk-Based Assessment indicates that part of the development site is visible from the roof of Belton House. This is confirmed in the Visual Impact Assessment Visualisations. There will therefore be an impact on the rural setting of Belton House that needs to be taken account in determining this planning application and will weigh against the development. The visualisations also suggest that the development site will be visible in views of Belton Park taken from Belton Lane, albeit in the context of the built up area of Grantham. Focusing on the landscape setting of the town of Grantham itself, the site in question appears to form part of an attractive belt or rising land to the east of Grantham, with Harrowby Hall to the south and Londonthorpe and Alma Woods to the north. This belt incorporates scattered woodland and pasture, and appears to have strong potential as a strategic green infrastructure link. From both a landscape and green infrastructure perspective there is therefore some question as to the suitability of this site for development.

AECOM (Council's expert consultants)

AECOM's comments are set out in full in appendix 3 to this report. A summary is provided below:

Consider the Landscape and Visual Impact Assessment (LVIA) to be unreliable with deficiencies in the methodology, and that the findings are not supported by the evidence drawn upon. Not all relevant viewpoints have been assessed in the LVIA and the claim to be "landscape led from the outset" inconsistent with local guidance. Comparisons made with the Somerby Hill site without recognising the need to consider each site's sensitivity independently. The Green Rim as a whole, including the application site, is an important element of green infrastructure that makes a strong contribution to the rural landscape setting of Grantham. Development on the application site would permanently and irreversibly break the green rim and mitigation planting could not resolve this.

Consider the Heritage Impact Assessment (HIA) to be lacking in evidence and not produced to recognised standards, and on the basis of the scant evidence in HIA, the proposal would result in less than substantial harm. Furthermore the requirements of SAP policy SAP11 to take account of the Belton House and Park Setting Study are not satisfied. Notwithstanding the applicant's lack of information and proper assessment, there is consensus amongst heritage consultees that the proposed development would be harmful to heritage assets. The Council need to consider whether the harm is outweighed by the benefits in line with para 134 of the NPPF taking into account the statutory duty to give

considerable weight to the preservation of the settings of heritage assets.

SKDC Affordable Housing Officer 35% on site affordable housing required – 60% rented 40% shared ownership

Woodland Trust Confirm that they do not support any plans for development, although they have no reason to object as it does not contravene any of their charitable objectives. If approved, would work with the applicant on pedestrian routes and tree planting

Londonthorpe and Harrowby Without Parish Council

Object on the following grounds:

- Site not in the local plan for building on (SKDC 249)
- Flood risk to Fifth Avenue and Sunningdale Estate residents and Withambrook Way industrial units
- Road safety on Harrowby Lane, site access and traffic increase towards town
- Loss of PC controlled play area
- Loss of wildlife corridor and wildlife habitats in general
- Lack of primary school nearby

Also raise concerns about inaccuracies in the Design and Access Statement, Flood Risk, Landscape and Visual Impact Assessment, Drainage Impact Statement and Travel Plan.

8.0 Representations as a Result of Publicity

8.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 33 Letters of representation have been received. The points raised can be summarised as follows:

8.2 Relating to the Principle of Development

- Area not suitable for housing
- Loss of greenbelt land
- Contrary to Local Plan policies
- Red zone – unsuitable for development (SKLP249)
- Would set a precedent for development along escarpments
- No need for more houses

8.3 Relating to Highways/Traffic Issues

- Dangerous access on to 60mph zone
- Dangerous access onto narrow road
- Additional congestion
- Road is main route for HGVs going to industrial estate

8.4 Relating to Landscape/Visual Impact

- Loss of important open area
- Encroachment onto beautiful escarpment surrounding the town
- Loss of the green rim which is important to setting of Grantham
- The escarpment should be preserved
- The current landscape has aesthetic value
- Visually intrusive

- Out of character
- The area is not “untidy edge of town” as stated by applicant
- Encroaches beyond existing well defined edge of town
- Would spoil the view of open countryside
- The proposed landscaping would take 40-50 years to mature

8.5 Relating to Heritage

- Loss of the green rim which is important to setting of St Wulfram’s church and Belton House

8.6 Relating to Ecology

- Loss of wildlife corridor between Alma Woods and Hall’s Hill
- Site is abundant with wildlife

8.7 Relating to Amenity

- Would create a dominant and oppressive environment
- Loss of tranquillity to a currently quiet area
- Noise/disturbance
- Light pollution
- Overlooking/loss of privacy
- Loss of light/overshadowing
- Disturbance/inconvenience during construction
- Would increase anti social behaviour

8.8 Relating to Drainage/Flooding

- The site has many springs and does not drain well
- Would increase floodrisk on and adjacent to site
- Floodrisk from proposed ponds next to existing dwellings

8.9 Relating to Other Issues

- Loss of view over open countryside
- Loss of property value
- Insufficient infrastructure
- Unstable ground and potential subsidence

8.10 A representation has also been received from the Local Ward Member Cllr George Chivers who has objected on the following grounds:

- Conflict with the Local Plan (SKLP249) which “red lights” any development on this land
- Numerous underground springs in the area leading to flooding of Harrowby Hill
- Potential for land movement and slippage from extra weight of buildings
- Impact on highway safety
- Lack of local infrastructure
- Potential increase in anti social behaviour

9.0 **Evaluation**

9.1 Main Issues

- Principle of development - whether this site is fundamentally suitable for development
- Landscape/visual and heritage impacts

- Highway safety/traffic
- Floodrisk and Drainage

9.2 Principle of Development

- 9.2.1 Section 38(6) of The Planning and Compulsory Purchase Act 2004 states that planning decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. This is repeated in the NPPF at para 196. NPPF para 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework and that the closer the development plan policies to the framework, the greater the weight that they may be given. NPPF para 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development (PFSD) and that relevant policies of the Local Plan should not be considered up to date in the absence of a 5 year land supply.
- 9.2.2 The Context for the Council's consideration of this application is that the Council can currently demonstrate a full five year housing land supply with the required 5% buffer. The Development Plan which consists of the Core Strategy (2010) and The Site allocations and Policies DPD (2014) and the Lincolnshire Minerals and Waste Core Strategy (2016) is considered to be up to date and all relevant policies relating to this application are in conformity with the NPPF. Taking the above into account, it is considered that full weight can be given the development plan.
- 9.2.3 The thrust of national and local policy is that proposed new development should be in sustainable locations wherever possible. The Core Strategy (CS) has a clear spatial strategy for the location of new development based on these principles. Core Strategy policies SP1 and H1 allow for development in Grantham to support its role as a sub-regional centre - notably but not confined to the North Western and Southern "Quadrants". Policy SP1 is clear that proposed new development should be located on brownfield and appropriate greenfield sites. Policy H1 is also clear that housing growth should be focused on Grantham and expressly allows for the majority of the District's housing (approximately 56%) to be delivered there. Although policy SP1 gives priority to the redevelopment of brownfield sites, it specifically recognises the need to consider development proposals on appropriate greenfield sites, if housing targets are to be met.
- 9.2.4 When the CS was published in 2010, it was envisaged that detailed policies including allocated sites for housing would be set out in two further development plan documents –The Site Allocations and Policies DPD (SAP) covering the whole district (with the exception of Grantham) and The Grantham Area Action Plan (GAAP) covering the town of Grantham only. Whilst the SAP was adopted in 2014, the GAAP did not progress beyond the draft stage due to concerns regarding its soundness. At examination, the Inspector's three main concerns related to: housing flexibility and delivery; delivery of the sustainable urban extensions and other allocated sites; and the site selection process. The Inspector raised concerns that if the delivery of housing were to stall in respect of the two sustainable urban extensions, the GAAP did not provide the mechanisms to provide suitably scaled alternative sites in the short term to make good any shortfall. Work has now ceased on the GAAP and future allocations in Grantham will be considered as part of an entirely new District wide Local Plan, expected to be adopted in 2018.
- 9.2.5 The discontinuance of the GAAP means that other than the broad designation of the Southern Quadrant and North West Quadrant sustainable urban extensions (SUEs) which are covered by CS policies H2a and H2b, there are currently no specifically allocated sites in or adjacent to Grantham. Whilst CS policy SP1 supports the general principle of the outward growth of Grantham on greenfield sites, this does not automatically mean that all greenfield land adjacent to the town is appropriate for development and this policy makes this expressly clear by stating that all proposals will be assessed against other development plan policies. The policy test of SP1, in so far as it relates to Grantham, is consistent with the sustainability aims of the NPPF as expressed in para. 14: Presumption in Favour of Sustainable Development. Therefore in deciding whether greenfield sites for any new proposals for housing in Grantham are

appropriate, sustainable and deliverable for the purposes of CS policies SP1 and H1, they must be considered on their own merits, in the light of other relevant CS policies, in particular CS policy EN1(Protection and Enhancement of the Character of the District), using the latest evidence base.

- 9.2.6 In order to inform allocations in the future local plan, the Council commissioned The Grantham Capacity and Limits to Growth Study 2015 (GCSLG). Whilst the broad principle of residential development in Grantham is in accordance with the policy framework (CS policies SP1 and H1), in the absence of yet to be made specific allocations, and in advance of adoption of the next local plan, the GCLGS represents the most up to date and comprehensive technical evidence base to guide the future expansion of Grantham and to aid assessment against CS policy EN1 and any other relevant policies, and it is therefore a very important material planning consideration that now carries significant weight.
- 9.2.7 In addition to the GCLGS, the Belton House and Park Setting Study 2010 is a key piece of technical evidence which was commissioned by the Council and the National Trust to identify the extent of the setting of Belton, contribution to its historic significance and sensitivity to development. The setting of Belton House and Park & Gardens and associated heritage assets includes key designed views that would be potentially affected including the southward view along South Avenue from the roof of Belton. This view was designed to allow Belton House to be seen within its designed parkland setting, which itself was designed to be a feature within the wider “borrowed” landscape. The Belton House and Park Setting Study confirms the high significance of this view to the setting of Belton House and Park and its sensitivity to significant new development.
- 9.2.8 The GCLGS takes account of the Belton House and Park Setting Study and expands on other previous technical studies and concludes that the site is fundamentally not suitable for development as it would be an unacceptable encroachment onto the “green rim” of undeveloped hillsides that surround the town. The green rim provides a relatively unspoilt landscape setting to the town as well as the settings of various high grade heritage assets within and around it, including Grade I St Wulfram’s Church and Grade I Belton House and its Grade I registered Park and Garden.
- 9.2.9 Furthermore, the Council has recently undertaken a series of public consultations on proposed sites which have been put forward by landowners for allocation in the emerging local plan. It is noted that the landowner put this site, (both the site as a whole and a reduced area of the site) forward for potential inclusion in the local plan. Based on the conclusions on the GCLGS, the site (ref: SKLP 249) was deemed to be “more constrained” and therefore unsuitable for development in the Sites and Settlements Consultation in 2016. It was also rejected as unsuitable for development in the 2016 and 2017 Strategic Housing Land Availability Assessment (SHLAA). As a result the site has not been included in the draft local plan consultation document which went out to public consultation in 2017.
- 9.2.10 Notwithstanding the above the applicant has submitted their own Landscape/Visual Impact Assessment (LVIA) and Heritage Impact Assessment (HIA) which they claim demonstrates the site is fundamentally suitable for development and that the impacts are very limited. They also argue that the conclusions of the Somerby Hill appeal support their case. These assessments have been analysed by the Council’s officers, statutory consultees, and expert consultants and been found to be fundamentally flawed.
- 9.2.11 The overall conclusion is that whilst the general principle of the outward growth of Grantham on suitable greenfield sites is supported by policy, this particular site is fundamentally unsuitable. Therefore the principle of residential development of this site is unacceptable and contrary to CS policies SP1 and EN1. Specific landscape and heritage issues, which support this conclusion, as well as comparison with the Somerby Hill site and the overall conclusion are discussed in detail in the following sections below.

9.3 Landscape and Visual Impact

- 9.3.1 CS Policy EN1: Protection and Enhancement of the Character of the District – requires that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration. This policy is consistent with NPPF Section 11 (Conserving and enhancing the natural environment) which among other things requires that valued landscapes should be protected and enhanced.
- 9.3.2 The site is currently steeply sloping open countryside, with part of its eastern boundary adjoining the edge of the built up area of Grantham. On all other sides the site is bounded by open countryside . The site is very prominent and forms part of the prominent green rim of hills and escarpments which surround Grantham. It is visible from many parts of Grantham, including numerous public footpaths and land open to public access on and around the green rim. It is noted that the current edge of the built up area of Grantham adjacent to this part of the green rim is fairly consistent and does not extend beyond the 100m contour onto the steeper parts of the slope.
- 9.3.3 A number of technical studies have been carried out to ascertain the landscape sensitivity and capacity of land around the edge of Grantham to development. These are summarised below:
- 9.3.4 In the 1995 Local Plan, the site was covered by Policy EN4 (Prominent Areas for Special Protection). Policy EN4 described this area as the “Hills and Ridges Surrounding the Town” roughly consistent with what is now known as the green rim. This policy ruled out development that would destroy or adversely affect the open character of these prominent areas. Although this policy is no longer applicable, it did help to inform later technical studies and assessments.
- 9.3.5 The 2007 South Kesteven Landscape Character Assessment (LCA) includes the site within the Grantham Scarps and Valleys Character Area. The character area is subdivided into areas of different levels of sensitivity. The area in which the application site is located classifies the site as being of “high sensitivity” (the highest category) for residential development. The LCA also advises that built development encroaching on the higher scarp slopes should be avoided.
- 9.3.6 The Belton House and Park Setting Study 2010 (BHPSS) was commissioned jointly by the Council and the National Trust to identify the extent of the setting of Belton, the contribution to its historic significance and sensitivity to development. The site is identified in the BHPSS as being within various elements of the setting, including both the designed view from the roof of Belton House views across the park from the higher ground to the west.
- 9.3.7 Two separate Landscape Sensitivity and Capacity Studies were carried out for the Council in 2011 and 2013 to help to inform future development in Grantham. Both were based on the 2007 LCA and BHPSS and due to the already identified high sensitivity of the surrounding area, the site was not considered as a potential site requiring further analysis.
- 9.3.8 The Council commissioned the Grantham Townscape Assessment in 2011 to guide detailed location and design of new development in Grantham. It noted that
- “The edges of the character area [adjacent to the application site] particularly to the east are particularly sensitive to change as part of the defining wider townscape character of this area are the views out of urban settlement to open green and often tree-lined ridges. Where development would maintain these views, limited expansion could be possible, but where proposals would enclose these views and urbanise the steeper slopes of the ridge they should be resisted”*
- 9.3.9 The most recent and extensive technical evidence which takes account of all the above is the Grantham Capacity and Limits to Growth Study 2015 (GCLGS). The GCLGS clearly indicates that the site is an important and open part of the Grantham’s “green rim” which forms the landscape setting of the town, and that due to its inherent characteristics, is fundamentally

unsuitable for development in landscape and heritage terms. On that basis the landscape can reasonably be described as a “valued” landscape, for the purposes of CS policy EN1 and NPPF Section 11.

- 9.3.10 As is clearly evident from the above, the application site has consistently been found to be very sensitive in all relevant technical studies and previous local plan policies and therefore unsuitable for development.
- 9.3.11 Notwithstanding the above, the applicant has submitted a landscape and visual impact assessment (LVIA) which they claim demonstrates that the site can be developed without adverse landscape/visual impacts. They argue that through a high quality landscape led design with substantial new planting, the development would in time appear from a distance as semi-wooded countryside similar in appearance to Alma Woods to the north.
- 9.3.12 Officers have sought the advice of the Council’s expert advisors (AECOM) on the methodology and conclusions of the LVIA. Their comments are set out in full in appendix 3. In summary, AECOM consider the LVIA to be unreliable with deficiencies in the methodology, and that the findings are not supported by the evidence drawn upon.
- 9.3.13 In addition, Historic England advise that *“The proposed development would also have a negative impact on the town of Grantham and its landscape setting”*
- 9.3.14 The Council’s Principal Conservation Officer echoes this, stating
- “It would also result in the unwarranted encroachment of development onto the upper slopes of the escarpment that serves as an important green backdrop to the town as a whole, land considered unsuitable for urban extension development in AECOM’s Grantham Capacity and Limits to Growth study (2015).”*
- 9.3.15 Officers agree with these assessments and that the LVIA fundamentally fails to address the landscape character (including its historic dimension) or visual impact, and significantly understates the impact and therefore does not present any robust new evidence which contradicts the GCLGS or the conclusions of previous studies.
- 9.3.16 From most angles the proposed development would appear as a highly prominent and incongruous encroachment in to the undeveloped open countryside of the green rim. The applicant’s illustrative landscape led design is noted, and appears to be an attempt to address the constraints of the site and provide mitigation. However, the proposed landscaping would take many years to mature and would not be sufficient to mitigate the fundamental harmful effect on the character of the landscape and visual impact in the long term.
- 9.3.17 Taking the above into account, in this respect the development is inappropriate and would result in a significant harmful landscape and visual impact, including the landscape setting of Grantham, contrary to CS policy EN1 and the NPPF (Core Planning Principles, Section 7: Requiring good design, Section 11: Conserving and enhancing the natural environment).

9.4 Heritage and Archaeology

- 9.4.1 Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possesses as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.
- 9.4.2 As was made very clear in the judgement of the Court of Appeal in the Barnwell Manor case, the abovementioned legislation requires that considerable importance and weight must be

attached by the decision maker to the desirability of preserving the setting of heritage assets when balancing harm against public benefits.

- 9.4.3 Equally the NPPF is very clear that great weight should be given to the conservation of heritage assets and the more important the asset, the greater the weight should be. If harm is identified, there are two policy tests in the NPPF: Proposals which would result in substantial harm should be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh the harm. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Although substantial and less than substantial harm are a matter of judgement the PPG advises that substantial harm is a high test and is most likely to be applicable where a fundamental element of a heritage asset's special interest is seriously compromised.
- 9.4.4 CS policy EN1 applies equally to the setting of heritage assets as it does to landscape character and visual amenity.
- 9.4.5 Policy SAP11 of the SAP – Protecting and Enhancing the Setting of Belton House and Park, requires proposals
- “to demonstrate what, if any, impact there will be on the setting of Belton House and Park through the preparation of a Heritage Impact Statement, and how through their location, scale, design, landscaping and materials they have taken account of the setting of Belton, and that any adverse impacts have been removed and/or mitigated.”*
- 9.4.6 The site forms part of the setting of a number of high grade heritage assets including include Belton House (Grade I), including the registered Park and Garden (Grade I), Bellmount Tower (Grade II*), St Wulfram's Church (Grade I) and Harrowby Hall and Arch (Grade II*).
- 9.4.7 The setting of Belton House and Park & Gardens and associated heritage assets includes key designed views that would be potentially affected including the panoramic view from the roof of Belton House with South Avenue at the centre. This view was designed to allow occupiers and visitors to Belton House, to appreciate the setting of the house within its designed parkland setting, which itself was designed to be a feature within the wider “borrowed” landscape. The view, particularly to the south east remains relatively unspoilt and devoid of development when compared to other designed views at Belton. The Belton House and Park Setting Study confirms the high significance of this view to the setting of Belton House and Park and its sensitivity to significant new development. Other views potentially affected include those across the park towards Bellmount Tower from the western part of the green rim around Great Gonerby and Manthorpe.
- 9.4.8 St Wulfram's Church is very prominent and visible from most parts of the town and the surrounding green rim. Its setting includes the townscape within the valley or bowl in which Grantham sits and the mostly undeveloped rural green rim beyond. Development on this land clearly has the potential to result in loss of significance.
- 9.4.9 Harrowby Hall and Archway are to some extent screened from the site by intervening vegetation and buildings. However their setting extends beyond the immediate area to the surrounding undeveloped countryside including the slopes of the green rim.
- 9.4.10 The weight of technical evidence including the GCLGS which is the most extensive and recent, clearly indicates that the site is an important part of the Grantham's “green rim” which forms the setting of various heritage assets within the town itself including those mentioned above.
- 9.4.11 Notwithstanding the above, the applicant has submitted a heritage impact assessment (HIA) which they claim demonstrates that the site can be developed without harm to the setting of heritage assets.

- 9.4.12 Officers have sought the advice of the Council's expert advisors (AECOM) on the methodology and conclusions of the HIA. Their comments are set out in full in appendix 3. In summary, AECOM consider the HIA to be lacking in evidence and not produced to recognised standards, and on the basis of the scant evidence in HIA, the proposal would in any case result in less than substantial harm. Furthermore the requirements of SAP policy SAP11 are not satisfied.
- 9.4.13 Historic England's comments are set out in full in appendix 1. In summary, HE consider that any development of this site has the potential to harm the historic environment. They advise that the proposal would result in less than substantial harm to the setting of Grade I St Wulfram's Church through urbanisation of the green rim that forms its historic setting, to Grade I Belton House and Grade I Registered Park and Garden through development in designed views from the roof of Belton House, and Grade II* Harrowby Hall and Arch through diminishment of the countryside character and sense of approach to these assets.
- 9.4.14 The Council's Principal Conservation Officer expands on the nature and extent of the impact with more specific comments which are set out in full in appendix 2. In summary the Principal Conservation Officer considers that the proposal would be yet another harmful step in the incremental erosion of the settings of the heritage assets identified above and the settings in which they are experienced. The development would result in less than substantial harm at the higher end of the scale and that in his opinion the public benefits do not outweigh the harm.
- 9.4.15 Officers agree with the assessments above and that the HIA either fails to properly assess or significantly understates the impact and therefore does not present any robust new evidence which contradicts the GCLGS or the conclusions of previous studies.
- 9.4.16 From most angles the proposed development would appear as a highly prominent and incongruous encroachment in to the undeveloped open countryside of the green rim and the settings of the abovementioned high grade heritage assets. The applicant's illustrative landscape led design is noted, and appears to be an attempt to address the constraints of the site and provide mitigation. However, the proposed landscaping would take many years to mature and would not be sufficient to mitigate the fundamental harmful effect on the settings of these heritage assets in the long term.
- 9.4.17 In applying the NPPF tests on harm to heritage assets, the statutory duty to ensure that considerable importance and weight is given to the avoidance of harm to the setting of identified heritage assets must be taken into account. In this case the public benefits, in the form of new housing to meet local demand, whilst significant do not outweigh the less than substantial harm to the setting of heritage assets.
- 9.4.18 In terms of archaeology, the site has a low probability of archaeological remains being present. As such, in the event that the proposal was granted permission, a suitable condition could be added to ensure adequate opportunities to record any evidence.
- 9.4.19 Taking the above into account, it is considered that the proposal would result in less than substantial harm to the settings of St Wulfram's Church (Grade I), Belton House (Grade I) and Belton House Registered Park and Gardens (Grade I), Bellmount Tower (Grade II*) and Harrowby Hall and Archway (Grade II*) which would not be outweighed by the public benefits. In this respect the proposal is Contrary to the NPPF (Core Planning Principles and Section 12: Conserving and enhancing the historic environment) and CS policy EN1.

9.5 Comparison with Somerby Hill

- 9.5.1 The applicant has sought to compare the landscape/visual and heritage impacts of this development with those of the previously proposed development of 250 dwellings at Somerby Hill Grantham. The Somerby Hill proposal (S16/0824) was refused by the Council in 2016 on the grounds of unacceptable landscape/visual, and heritage grounds as well as unacceptable impact on future residents' living conditions from noise from an existing adjacent factory. It was

subsequently dismissed at appeal although only on noise grounds. The inspector considered the landscape/visual and heritage impacts of that development, on balance, to be acceptable.

9.5.2 The applicant has argued that the current proposal has similar landscape/visual and heritage impacts and is therefore acceptable.

9.5.3 It is acknowledged that there are some similarities between the proposals, in that both sites extend onto the slopes of the green rim and both are residential developments of similar density on the edge of the built up area of Grantham.

9.5.4 However there are some very important and significant differences between the sites, meaning that it is not possible to make a direct comparison, or to infer from the inspector's comments that the current scheme would be acceptable. These differences include:

- The application site has consistently been found to be very sensitive in all relevant technical studies, previous local plan policies, the SHLAA and the emerging local plan and therefore unsuitable for development. Whereas contradictory conclusions have been reached on the Somerby Hill site, with some studies considering it less sensitive in landscape terms or suitable for development, the inspector notably concurring with this view.
- There are significant differences in the physical characteristics and contexts of the two sites. The Somerby Hill site already has built development on two sides and will in time be directly adjacent to the built development of the Southern Quadrant. It will therefore be a "gap" site, enclosed by development on 3 sides. The current application site on the other hand has development on only one side and its development would be an obvious encroachment beyond the existing built up area of Grantham into open countryside. Furthermore the application site is more steeply sloping and more obviously part of an unspoilt section of the "green rim" whilst Somerby Hill is in a partially developed transition zone between the green rim and Witham Valley.
- In heritage terms, whilst the Somerby Hill proposal was found by the inspector to affect the setting of St Wulfram's to a minor degree, the current application site is also within the setting of Belton House as identified in the Belton House and Park Setting Study (including designed views of high significance), as well as other high grade heritage assets.
- The application site is more prominent and visible from many more locations than Somerby Hill, including PROWs and the public access CROW land to the north.

9.6 Residential Amenity

9.6.1 The NPPF (Section 7 – Requiring good design and Core Principles para 17) and CS policy EN1 seek to ensure a good standard of amenity for existing and future occupiers of developments.

9.6.2 The detailed layout, scale and appearance would be determined at reserved matters stage where detailed issues of neighbours' amenities would be assessed.

9.6.3 Concerns have been raised about potential overlooking, loss of light and overbearing impact due to the steep slope, as well as noise/disturbance during construction and increase in anti social behaviour. These concerns are noted. However, notwithstanding the slope it is considered that the site is sufficiently large to accommodate up to 100 appropriately designed and sited dwellings, without compromising the residential amenities of future occupiers or occupiers of neighbouring dwellings.

9.6.4 It is considered that adequate separation distances from adjacent dwellings can be achieved in order to maintain current levels of privacy and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of the occupiers of adjacent properties.

9.6.5 Taking the above into account, It is considered that the proposal would not lead to unacceptable living conditions for occupiers of existing properties or future occupiers of the proposed

development in accordance with the NPPF (Core Planning Principles and Sections 7 and 11) and CS policy EN1.

9.7 Highways Matters

9.7.1 The position of the access from Harrowby Lane has been included as a matter for consideration as part of this planning application as have a number of pedestrian accesses around the site. Currently the position of the proposed access lies beyond the 30mph speed limit.

9.7.2 The NPPF is very clear that when assessing developments that generate significant amounts of traffic, decision makers should apply the following tests and take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

9.7.3 These requirements are broadly reflected in CS policy SP3, which requires the sustainable location of new development and also that it meets the objectives of the local transport plan for Lincolnshire.

9.7.4 The current development is relatively small in traffic terms. However the access is proposed onto a fairly narrow stretch of road where the national speed limit applies.

9.7.5 LCC Highways have not specifically objected on highway safety or traffic capacity grounds, or stated that the proposal would result in a severe impact in NPPF terms. However they have advised that the 30mph speed limit would have to be extended some way beyond its current end by means of a traffic regulation order. Or, alternatively that the applicant would have to demonstrate that the development would be safe in the context of the current speed limit. Existing speed readings are included in the Transport Assessment but the required visibility splays have not been demonstrated and the applicant is also proposing that the speed limit is changed. LCC Highways have also advised that there are some inadequacies in the submitted travel plan.

9.7.6 Notwithstanding the lack of information, taking into account the “severity” test in the NPPF mentioned above, and the lack of a specific objection from LCC, it is considered that the necessary measures could be taken to secure a safe and satisfactory access and that the development in this respect complies with the NPPF (Core Planning Principles, and Section 4: Promoting sustainable transport) and CS policies SP3 and SP4, the Lincolnshire Transport Plan and the South Kesteven Planning Obligations SPD.

9.8 Drainage

9.8.1 The NPPF (Section 11) and CS (policy EN2) seek to direct residential development to areas with the least probability of flooding and implementation of SuDS drainage where possible to minimise surface water runoff. The site is not in a high flood risk zone. However there are localised surface water flooding issues and numerous springs on and around the site, indicating that the site does not drain well.

9.8.2 The applicant has submitted a flood risk assessment and indicative drainage strategy. However, the Local Lead Flood Authority (LCC) have recommended refusal and advised that the strategy does not include a full SuDS drainage solution and that insufficient information has been submitted to demonstrate why such a solution would not be possible or appropriate. The proposal involves conveying all surface water in pipes to attenuation ponds, then releasing it at an agreed discharge rate into the existing surface water sewers. In accordance with the NPPF, a SuDS hierarchy should be followed and drainage into sewers should only be considered as a

last resort if all other options have been ruled out. As it stands, no evidence has been submitted to justify ruling out such options, and other components of SuDS designs such as swales have not been considered.

- 9.8.2 Taking the above into account, in this respect the proposal is contrary to the NPPF (Core Planning Principles and Section 10: Meeting the challenge of climate change, flooding and coastal change) and CS policy EN2.

9.9 Ecology and Trees

- 9.9.1 CS policy EN1 requires assessment of biodiversity and ecological networks within the landscape. NPPF Section 11 requires planning decisions to aim to conserve or enhance wildlife and biodiversity.

- 9.9.2 The submitted phase 1 habitat survey shows that overall, the site has a high ecological value and that development would impact on this value. The survey confirms that the development, particularly through loss of the grassland would result in an overall reduction in ecologically valuable habitats. However, it goes on to say that to some extent this could be mitigated through retention of trees and hedges as well as additional landscaping and water features. If implemented with care this would have the potential to increase the ecological value of the site over time.

- 9.9.3 The applicant has argued that the landscape led design will lead to an enhancement to ecology and biodiversity and that this should be considered a benefit of the scheme. However, based on the submitted phase 1 survey, it is not certain that this would be the case and it would appear that careful new planting/landscaping would serve to mitigate the adverse impacts rather than provide a significant additional benefit over and above the existing situation.

- 9.9.4 In this respect the proposal is acceptable in accordance with Section 11: Conserving and enhancing the natural environment) and CS policy EN1 and the NPPF (Core Planning Principles.

9.10 Minerals Safeguarding

- 9.10.1 The Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) adopted June 2016, forms part of the statutory development plan

- 9.10.2 Policy M11 (Safeguarding of Mineral Resources) of the plan requires applications for development on sites identified as being located within a Minerals Safeguarding Area (except for certain exemptions) to be accompanied by a Minerals Assessment prepared in accordance with the latest guidance from the British Geological Survey (currently set out in Mineral Safeguarding in England: Good Practice Advice, reference OR/11/046). The site is within the limestone minerals safeguarding area set out in policy M11.

- 9.10.3 LCC (Minerals and Waste) have been consulted and have confirmed that a minerals assessment should provide an appropriate assessment of the mineral resource, its potential for use in the forthcoming development and an assessment of whether it is feasible and viable to extract the mineral resource ahead of development to prevent unnecessary sterilisation. Where prior extraction of some or all of the mineral can be undertaken, the assessment should also include an explanation of how this will be carried out as part of the overall scheme. In addition the impacts of proximal sterilisation of minerals resources on adjacent land by the introduction of the development and or more sensitive receptors will need to be addressed as part of the assessment.

- 9.10.4 The proposed development does not fall within any of the exemptions identified in policy M11 (such as allocated sites) and no minerals assessment has been submitted with this application. As it stands it has therefore not been demonstrated that the relevant tests of the policy have been met and that mineral resources would not be unduly sterilised by the proposal, contrary to

Policy M11 of the Lincolnshire Minerals and Waste Local Plan and NPPF Section 33 (Facilitating the sustainable use of minerals).

9.11 Affordable Housing

9.11.1 CS Policy H3 (read in conjunction with WMS and the NPPG Guidance) requires developments of 11 or more dwellings to provide 35% affordable housing which on a development of this size and type would be expected to be provided on site. As this is an outline application, the exact locations and design of the affordable housing would be the subject of a future reserved matters application. However, they would be expected to be sited throughout the site rather than grouped together in a single location. The applicant has not committed to the full 35% stating in their planning statement that the amount would be subject to viability advice and further negotiations with the Council. No viability assessment has been submitted with this application to demonstrate that the full 35% would make the development unviable and to justify a lower level. In this respect the proposal conflicts with the NPPF (Core Planning Principles and Section 6: Delivering a wide choice of high quality homes) CS Policies SP4 and H3 and the South Kesteven Planning Obligations SPD.

9.12 Other Section 106 Obligations

9.12.1 The applicant has noted in their planning statement that other S106 requirements would be necessary, including financial contributions towards education – towards new primary school on Longcliffe Road and expansion of the existing Priory Ruskin Academy (£603,648), NHS – towards an extension to Harrowby Lane Surgery (£44,400), as well as on site public open space provision. In the event that the development was found to be acceptable in all other respects it is considered that these requirements would be compliant with the statutory tests of the CIL regulations.

9.12.2 Notwithstanding the above, in the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not convinced that the infrastructure directly required for the proposed development will be provided and as such the proposal would be contrary to South Kesteven Core Strategy Policies SP1, SP4, H1, and H3 and the South Kesteven Planning Obligations SPD and the NPPF (paras 203 – 206).

10.0 Crime and Disorder

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

11.0 Human Rights Implications

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

12.0 Conclusion

12.1 Planning law requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

12.2 The applicant's principal justification for this proposal is that in their opinion the site is in a highly sustainable location, and in landscape/heritage terms is similar to the Somerby Hill site. In addition they claim that there is a pressing need for more housing in Grantham and that the Council does not have a 5 year land supply, although no evidence has been submitted to substantiate this claim. They also argue that the scheme is of a high quality landscape led

design with new green infrastructure, open space and SuDS drainage and in their opinion therefore has significant benefits that weigh in its favour.

- 12.3 They claim that the submitted LVIA and HIA demonstrate that landscape/visual and heritage impacts would be acceptable. Somewhat contradictorily they argue that development anywhere around Grantham would have an adverse heritage impact, whilst at the same time arguing that this proposal has no adverse heritage impact.
- 12.4 However, the weight of technical evidence including the GCLGS and BHPSS which is the most comprehensive and up to date, clearly indicates that the site is an important part of the Grantham's "green rim" and fundamentally unsuitable for development in landscape and heritage terms. Furthermore, the applicant's assessments are considered to be fundamentally flawed and to significantly understate the impact and therefore do not present any robust new evidence which contradicts the GCLGS or BHPSS.
- 12.5 In addition, the failure to commit to 35% affordable housing provision has not been justified and the provision of a satisfactory SuDS drainage strategy and the potential impacts on future minerals resources has not been properly explored.
- 12.6 Some of the environmental effects of the proposal are within acceptable limits including ecology and highways. However, in respect of landscape character, visual impacts, the setting of heritage assets, drainage, minerals and affordable housing, it is contended that the proposal would have a significant harmful impact, as identified in the most up to date technical evidence (GCLGS and BHPSS) and would therefore be contrary to CS policies SP1, SP4, H1, H3 and EN1. Furthermore in the absence of a signed section 106 agreement, it is not clear whether the other necessary infrastructure needed to support this development would be provided.
- 12.7 National policy is clearly focussed on significantly boosting the supply of housing through the plan making process, and whilst the CS, in accordance with this aim, supports in principle, the growth of Grantham on appropriate, sustainable and deliverable greenfield sites, not all sites can be considered sustainable or appropriate. In this case whilst the landscape led illustrative design concept is noted, many of the supposed benefits argued by the applicant are attempts at mitigation rather than additional benefits. Whilst due weight can be given to the social and economic benefits of the proposal, from new housing to meet local demand, this is not a finely balanced case and any benefits are insufficient to outweigh the fundamental conflict with the development plan (read as a whole) and the NPPF.
- 12.8 Taking the above into account, there are considered to be no material considerations that outweigh the provisions of the development plan. Accordingly, for the reasons set out above, this application is recommended for refusal.

13.0 RECOMMENDATION: Refuse for the following reasons

- 1 The application site is considered to be an important part of the "green rim" of hills and escarpments which forms the landscape setting of Grantham and has been identified as unsuitable for development for this reason in the Grantham Capacity and Limits to Growth Study 2015. The development of this part of the green rim, by way of its nature, scale and location would result in harmful visual impact and harm to the landscape character of the Grantham Scarps and Valleys Character Area contrary to South Kesteven Core Strategy policies SP1, H1 and EN1 (read in conjunction with the Grantham Capacity and Limits to Growth Study 2015) and the NPPF (Core Planning Principles, Section 7: Requiring good design, Section 11: Conserving and enhancing the natural environment).
- 2 The development would result in less than substantial harm to the settings of Belton House (Grade I), Bellmount Tower (Grade II*), Belton House Registered Park and Garden (Grade I) Harrowby Hall and Archway (Grade II*), and St Wulfram's Church (Grade I). The harm is not outweighed by the

public benefits contrary to South Kesteven Core Strategy policies SP1, H1 and EN1 and the NPPF (Core Planning Principles and Section 12: Conserving and enhancing the historic environment).

- 3 The proposed drainage strategy does not include an appropriate comprehensive sustainable drainage system (SuDS) in accordance with the SuDS hierarchy required by the NPPF. Insufficient information has been provided to justify why this approach to the management of surface water runoff could not be implemented or would be inappropriate contrary to South Kesteven Core Strategy Policy EN2 and Section 10 of the NPPF.
- 4 The site is within the limestone minerals safeguarding area set out in policy M11 of the Lincolnshire Minerals and Waste Local Plan. The proposed development does not fall within any of the exemptions identified in policy M11 (such as allocated sites) and no minerals assessment has been submitted with this application. It has therefore not been demonstrated that the relevant tests of the policy have been met and that mineral resources would not be unduly sterilised by the proposal, contrary to Policy M11 of the Lincolnshire Minerals and Waste Local Plan and NPPF Section 33 (Facilitating the sustainable use of minerals).
- 5 In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, it has not been demonstrated that the infrastructure directly required for the proposed development would be provided and as such the proposal would be contrary to South Kesteven Core Strategy Policies SP1, H1, SP3 and H3 and the South Kesteven Planning Obligations SPD and the NPPF (paras 203 - 206).

Note(s) to Applicant:

- 1 There is a fundamental objection to the proposal and it is considered that this cannot be overcome. Consideration has not been delayed by discussions which cannot resolve the reasons for refusal. The decision therefore accords with paragraphs 186 - 187 of the National Planning Policy Framework.

APPENDIX 1 – Full comments of Historic England

Dear Mr Moore

T&CP (Development Management Procedure) (England) Order 2015 & Planning (Listed Buildings & Conservation Areas) Regulations 1990 LAND AT HARROWBY LANE, NG31 9TT
Application No. S17/0566

We have now received the additional information document in a larger format and a digital version that we have been able to zoom in on to enable a better assessment of the proposals. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Summary

The application seeks permission for outline planning permission for residential development comprising of up to 100 dwellings with associated access, open space, landscaping and infrastructure improvements.

Any development on this site would have the potential to impact on the historic environment and its surrounding landscape. In particular several highly graded assets including grade I St Wulfram's Church, grade I listed Belton House, its associated structures and the grade I Registered Park and Garden along with the grade II* Harrowby Hall and Archway.

With Regards to Harrowby Hall and Archway, while there may not be a visual impact the proposed development would diminish the countryside character and alter the sense of approach of both the hall and archway.

In views south from the roof of Belton House the proposals would be visible. The introduction of development in these views would cause harm to the significance that Belton House derives from its setting.

The proposals would break the existing line of building and introduce modern development on the open green space above the settlement. This forms part of the historic setting of St Wulfram's, consequently these proposals would cause harm to the significance that the church derives from its setting.

The proposed development would also have a negative impact on the town of Grantham and its landscape setting and could establish a negative precedent for future development.

Your authority should consider whether the harm caused to these heritage assets would be justified outweighed by public benefits arising from the proposals as outline in paragraphs 132 and 134 of the NPPF.

Historic England Advice

The site is located to the east of Grantham on an area of steeply sloping land which is recognised as providing an important landscape setting to Grantham. Development hasn't extended up the hillside and this open rural character contributes to the historic character of Grantham. The site area has been identified within the South Kesteven Landscape Character Assessment as having a high sensitivity to employment and residential development. Any development on this site would have the potential to impact on the historic environment and its surrounding landscape. In particular several highly graded assets including grade I St Wulfram's Church, grade I listed Belton House, its associated structures, the grade I Registered Park and Garden and the grade II* Harrowby Hall and Archway.

Impact of the Proposals

The additional information demonstrates that the proposals will not be visible from or in context with the grade II* Harrowby Hall and Archway. This does not mean that the proposals will not have an impact on the setting of these assets. The glossary of the NPPF defines the setting of a heritage asset as “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” The historic setting of Harrowby Hall and its archway is in the countryside; while there may not be a visual impact the proposed development would diminish the countryside character and alter the sense of approach of both the hall and archway.

The images show that the proposals would be visible in views south from the roof of Belton House, while they are in the distance they would introduce development in a landscape which is currently perceived as undeveloped and unspoilt by modern development. The introduction of development in these views would cause harm to the significance that Belton House derives from its setting.

St Wulfram’s Church is located within the ‘bowl’ of Grantham. Development has been maintained within the valley and the settlement is appreciated in its context with the surrounding open landscape on higher land. St Wulfram’s spire acts as a landmark within the surrounding landscape and is visible in views in, out and across the valley in which Grantham sits. The church and its spire have been appreciated within this landscape for hundreds of years. Figure 1 in the Additional information document shows that the spire will be visible from the application site and Figure 17 in the Landscape Visual Impact Assessment (LVIA) shows that the development would be seen behind the church spire in views looking back from the west towards the proposed development. The proposals would break the existing line of building and introduce modern development on the open green space above the settlement. This forms part of the historic setting of St Wulfram’s, consequently these proposals would cause harm to the significance that the church derives from its setting. Your authority should also consider the negative precedent that this could establish.

We have also previously expressed concerns with the principle of developing in this location and the impact it would have on the town of Grantham and its landscape setting. Grantham is currently contained within the valley this development would go beyond the natural and historic constraints.

The Grantham Capacity and Limits to Growth was commissioned in 2015, the application site is located in area C of the document. With regard to development of this area the study states “Heritage and landscape are among the most important factors in considering suitable land here. The high visibility of heritage assets at Londonthorpe across much of the north of the plateau, and to a lesser extent views from Belton House and Harrowby Hall, mean that the only potentially suitable land in the Harrowby Lane transport corridor is to the east of Newgate Lane. Development should extend no further north than the Heath Farm on Newgate Lane”. Developing the proposed site would therefore be contrary to this document.

It is for your authority to assess the impact of the proposed development on the significance of individually listed Grade II buildings and non-designated heritage assets including The Church of St John the Evangelist, Manthorpe.

With regard to the potential for impact on buried archaeology we refer you to the local planning authority’s specialist archaeological advisor at Heritage Lincolnshire.

National Legislation and Policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. In pursuit of this it requires economic, social and environmental gains to be pursued together, an exercise which entails seeking positive improvements in the quality of the built, natural and historic environment as outlined in paragraphs 7-9.

In respect of the historic environment, the NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and new development making a positive contribution to local character and distinctiveness

(NPPF, 131). It also states that great weight should be given to the conservation of heritage assets and their significance (NPPF, 132). Harm to such assets and their significance should require clear and convincing justification (NPPF, 132). Should proposals give rise to harm, planning authorities should weigh that harm against such public benefits as would also arise, including securing its optimum viable use (NPPF, 134).

Historic England's Position

Historic England has considered the proposals in line with this government policy. The proposals would result in harm to the significance that Grade I Belton House and St Wulfram's Church along with Grade II* Harrowby Hall and its archway derive from their setting. The proposed development would also have a negative impact on the town of Grantham and its landscape setting and could establish a negative precedent for future development. Your authority should consider whether the harm caused to these heritage assets would be outweighed by public benefits arising from the proposals as outline in paragraphs 132 and 134 of the NPPF.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 7-9, 131, 132 and 134 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

APPENDIX 2 – Full comments of the Principal Conservation Officer

The application seeks Outline approval for or the development of up to 100 residential dwellings (Use Class C3) on 4.77 hectares (ha) of land off the northern side of Harrowby Lane, Grantham. All matters are reserved, except for means of access, appearance, landscaping, layout and scale, are reserved for future determination.

Historic England's guidance on the Setting of Heritage Assets is contained in GPA Note 3. It explains that although 'setting' is not a designation it can contribute to the significance of a heritage asset.

It advises on a staged approach to decision making on applications affecting heritage assets. The implications of development have to be considered on case-by-case basis and assessments of significance undertaken as a series of steps:

- identify which heritage assets and their settings are affected
- assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s)
- assess the effects of the proposed development, whether beneficial or harmful, on that significance
- explore the way to maximise enhancement and avoid or minimise harm
- make and document the decision and monitor outcomes

The proposed development will potentially impact on the setting of the following designated Heritage Assets:

- Belton House, its Historic Park and Garden and the numerous heritage assets therein
- Belmont Tower
- Harrowby Hall and its separately listed entrance archway
- St Wulfram's Church

Belton House and its Registered Park and Garden

Belton House lies approximately 2.0km north of Grantham, in the parishes of Belton and Manthorpe and Londonthorpe and Harrowby Without. The house itself is approximately 2.5 km from the application site and the boundary of the Historic Park and Garden, at its nearest point, is 1.0km.

Belton is Listed Grade 1 and was erected in 1685 – 88 by Sir John Brownlow. It is one of the most important Carolean houses in England. It is of exceptional interest and only 2.5% of all Listed Buildings are designated Grade 1.

Belton House is included on The Register of Parks and Gardens of Special Historic Importance at Grade 1. It was first registered in 1985. The summary description records "A late C17 park and the remains of late C17 gardens and early, mid and late C19 gardens forming the setting for an early C18 country house", which conveys its rarity and high historic value. The Grade 1 registration places Belton House within the top 9% of historic designed landscapes in England and one of three Grade 1 sites in Lincolnshire.

The registered park and garden covers an area of approximately 505 Ha, which includes an area of historic park of 260 Ha. The house sits in the northwest part of the registered park and garden, with the formal gardens and pleasure grounds extending to the north, west and east.

As was fashionable at the time, the roof of Belton House was designed to serve as a belvedere, a viewing platform for the owner and his guests to survey the parkland and landscape beyond. Viewing from the roof allowed guests to appreciate designed views of the South Avenue and that eastwards to Belmont Tower. It also afforded views of the grounds in their wider context.

The application site is at a distance of some 2.5 -3.0km.

The significance of a place embraces all the diverse cultural and natural heritage values that people associate with it, or which prompt them to respond to it. These values tend to grow in strength and complexity over time, as understanding deepens and people's perceptions of a place evolve (Conservation Principles Policies and Guidance). The historic and cultural significance of Belton House is founded in the outstanding quality of the surviving substantial buildings, associated ensemble of historic structures and its designed landscape. Assessment by the National Trust has also revealed very high ecological significance, archaeological significance and a growing awareness of the social and communal significance of the site both for those with historic connections with Belton but also those who now visit and enjoy the site. It is also a major economic generator for the local area with nearby businesses sharing the benefits of its significant visitor numbers. Its special environment is also potentially a draw for inward investment into the locality and its attraction as a place to live.

The setting of Belton House has been subject over time to the incremental erosion of its historic setting. Belton golf course encroaches onto land that was once part of its parkland to the south-east. Belton Woods hotel and golf course abuts the western boundary to the designated parkland. To some extent these modern designed landscapes of these uses have, to an extent, helped to preserve the setting of the surviving historic parkland from more harmful developments, although some of the buildings (and car parking) associated with them have had an adverse impact on the setting. The twentieth century expansion of Grantham has had an adverse impact on the setting of the Park with housing and industrial development on Belton Lane and Alma Park coming virtually right up to the southern boundary of the designated area and the factories of Vale Garden Houses and Parker's are within the historic boundary of the parkland.

Belton House and its historic parkland is a major economic generator for the Grantham area. For example, in 2016, the latest year for which figures are available, Belton was the second most visited attraction in the East Midlands (Chatsworth House was ranked first) for which an entrance fee was payable with in excess of 452,000 visitors (Source: Visit Britain). Any harm arising from development within its setting could, therefore, have an adverse impact on the attractiveness of Belton to visitors, with adverse implications for the local economy. Belton's value as a heritage asset and as a visitor attraction has been further enhanced in recent years with the increase in research into the use of an extensive area of its parkland during the Great War as a training camp for the Machine Gun Corps. Although it is acknowledged that the number of persons visiting an asset are not necessarily an indicator of significance.

The grounds of Belton House are also an important amenity asset for residents of the town and surrounding settlements, being open to the public via the southern entrance off Belton Lane.

The concept of 'borrowed landscape' has been accepted at recent public inquiries into development proposals within the setting of Belton House and Park. Borrowed landscape refers to land beyond the designated Park boundaries that may or may not have once been in the same ownership as the asset and contributes to its setting. The undeveloped escarpment can be considered landscape beyond the defined Park boundaries that contribute to the setting of the Belton House and its Historic Garden.

The proposal would result in less than substantial harm to the setting of Belton House and its Historic Park and Garden and the harm is towards the upper end of the scale.

The National Planning Policy Framework (NPPF 2012) and GPA Note 3 make it clear that the setting of a heritage asset is the surroundings in which it is experienced and is not confined to visual aspects and nor is confined to the hours of daylight.

The change of character of the application land, from rural to urban, would adversely affect the on the surroundings to Belton House and its grounds.

Bellmount Tower

Bellmount tower was erected in the mid eighteenth century and was designed to serve as both a viewing platform and 'eyecatcher' in the landscape.

It is prominently located at the top of the escarpment directly to the east of Belton House. It can be seen in distant, panoramic views of the application site but given the degree of separation and intervening curves in the escarpment and tree planting the impact on the setting of this building would be less than substantial. Again, it is the change in character of the land that would result from its development that would have an impact on the surroundings in which the asset is experienced.

St. Wulfram's Church

St. Wulfram's Church, specifically its tower and spire, dominate the skyline of Grantham from whatever direction one approaches the town. It is Grade 1 Listed and therefore a heritage asset of the exceptional interest. It is widely acknowledged as being one of the most impressive parish churches in England. Its importance to the setting of the town cannot be over emphasised. The undeveloped escarpment is not only important to the setting of the town as a whole but the Church itself.

The spire of the Church is visible from some parts of the application site and the site is visible from the base of the spire (occasionally open to the public).

The encroachment of development onto the upper slopes of the escarpment as proposed would represent the beginning of the incremental erosion of the green backdrop to views of the Church where the application land is seen in the same views as the Church.

There would be less than substantial harm to the setting of St Wulfram's Church.

Harrowby Hall

Harrowby Hall is located approximately 600m west of the application site, atop of the ridge line to the Lincolnshire Cliff escarpment. Built in 1628 it pre-dates Belton House. It is Listed Grade II* and so is more than special interest. Only 5.8% of all listed buildings are categorised Grade II*. Within the grounds of the Hall is an early seventeenth century stone archway that is individually listed Grade II*.

Harrowby Hall originally occupied an isolated position on the north eastern side of Grantham, it associated parkland extending south westwards across the top of the limestone plateau. The parkland has long since been changed to mainly arable farmland and the once undeveloped land to the north and north-east that it overlooked was the subject of much post WWII development. As with Belton, its isolated setting has been gradually eroded by the expansion of the Grantham into the Parish of Londonthorpe and Harrowby Without. Nonetheless, despite encroachment onto the lower slopes of the escarpment, the Hall maintains a degree of isolation due to its elevation and general absence of modern estate development in its immediate surroundings. There would be harm to the setting of the Hall and its archway from the development of the application site would in my opinion be less than substantial.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting.

The proposed development cannot be considered to preserve setting of the identified heritage assets, nor can it be considered to have a neutral impact.

GPA Note 3 explains that the contribution of setting to the significance of a heritage asset is often expressed by reference to views, which can be dynamic or static, including views across or including the asset, views from the surroundings, from or through the asset and may intersect with and incorporate the setting of numerous heritage assets. Night time views are also a relevant consideration. Setting can also be affected by other, non-visual factors such as noise, dust and vibration.

The National Planning Policy Framework (NPPF 2012) and GPA Note 3 make it clear that the setting of a heritage asset is the surroundings in which it is experienced and is not confined to visual aspects.

Paragraph 7 of the NPPF explains that New sustainable development should protect and enhance the historic environment (paragraph 7). Pursuing sustainable development involves seeking improvements in

the quality of the historic environment, replacing poor design with better design (paragraph 9). Local planning authorities are required to take into account the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 131). Local planning authorities should look for opportunities to enhance or better reveal the significance of heritage assets when considering development in their setting or with conservation areas or World Heritage Sites (paragraph 137).

At paragraphs 132 -139 the NPPF sets out specific policies on designated heritage assets that need to be taken into account when determining development proposals:

- Great weight is to be given to their conservation in all decisions (emphasis added);
- Clear and convincing justification is required for any harm to significance however slight and whether through direct physical impact or by change to the setting (emphasis added);
- Substantial harm (direct or by change in the setting) to or total loss of Grade II listed buildings and registered parks and gardens is expected to be 'exceptional'; and
- substantial harm to or total loss of Grade I or II* listed buildings and registered parks and gardens, protected wreck sites, battlefields, World Heritage Sites, scheduled monuments and undesignated sites of equivalent importance to scheduled monuments is expected to be 'wholly exceptional'.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy EN1 of the Core Strategy to the South Kesteven local Development Framework requires all applications for new development to be considered against a set of criteria:

- Statutory, national and local designations of landscape features, including natural and historic assets.
- Local distinctiveness and sense of place.
- Historic character, patterns and attributes of the landscape.
- The layout and scale of buildings and designed places.
- The quality and character of the built fabric and their settings.
- The condition of the landscape.
- Biodiversity and ecological networks within the landscape.
- Public access to and community value of the landscape.
- Remoteness and tranquillity.
- Visual intrusion.
- Noise and light pollution.
- Conservation Area Appraisals and Village Design Statements, where these have been adopted by the Council.
- Impact on controlled waters
- Protection of existing open space (including allotments and public open space and spaces important to the character, setting and separation of built-up areas).

In recognition of the threat to Belton House and its historic park from proposals for the further expansion of Grantham the District Council and National Trust jointly commissioned the Belton House and Park Setting Study and Policy Development (2010) document to inform both decision making and policy formulation. The Setting Study states that

Element 1 – comprises ground visible from Belton House roof, Bellmount Tower and viewpoints D,H, and L. “Within the ground beyond the park boundaries which is visible within these key views (i.e. from Belton House roof, Bellmount Tower and viewpoints D,H and L), the main aspect of their contribution to the significance of the views is their rural open nature.”

And: “The views towards the park along the approach routes to the site (i.e. Belton House and park) are sensitive to medium scaled development.”

Grantham Townscape Character Study (GTCS) is a background document that informs policy formulation and development management decision making. The GTCS identifies the land that includes

the application site as being within Character Area 17a, and describes it as “open, mixed farmed landscape, with strong sense of a rural setting and surrounded by planned landscapes (Belton House and golf courses to the east and north respectively)”. And states that “where proposals would enclose these views and urbanise the steeper slopes of the ridge they should be resisted.”

On the basis of the photographs from Viewpoint B, submitted by the applicant in support of the application demonstrate, the setting of the town of Grantham would also be harmed by the proposed development of the application site. A prominent area of the green ‘backdrop’ to the town will be transformed in a negative manner and irreversible manner with a change of the site from its agricultural character to urban.

The applicants identify several public benefits arising from the proposed development, including the following:

- public access to the site and the panoramic views afforded from it, access to the land to Woodland Trust land to the north-east;
- an improved edge to the built-up limit of Grantham on this side of Harrowby Lane; (this boundary is not readily exposed to general view at present, so is not particular problem)

The application is accompanied by a Heritage Desk-Based Assessment which correctly identifies that there are no designated heritage assets within the site.

It also concludes that there are none within its surroundings but then goes on to state that:

“development of the site has the theoretical potential to impact upon the settings and significance of two Grade II* Listed Buildings (Harrowby Hall and Archway to Harrowby Hall) located c. 500 m to the south-west. Views from both these listed buildings towards the site are blocked by woodland which lies immediately to the north, north-east and east. There will be no intervisibility between the buildings and the site. Therefore, no impact upon their settings or significance is anticipated as a result of the development proposals.”

And, in the Conclusions:

“The proposed development is not considered to impact upon the settings and significance of any Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks and Gardens, and Historic Battlefields.”

Whilst I can agree that there is no direct impact on any heritage asset, there is less than substantial harm to the setting and therefore the significance of several designated assets.

The applicants acknowledge that approximately one-third of the study site, toward its higher south-eastern boundary, is visible from the roof of Belton House. They assert that binoculars or telephoto camera lens are required to see this land but that is not the case. It is visible with the naked eye as part of the wider escarpment of which it forms part. Equally, both Belton House and its park and garden house can be appreciated from the proposed development and therefore form a part of their setting. These views are, of course, subject to seasonal variations

The applicants argument is contradictory because if the site is not part of the heritage assets setting why would be a need to provide the proposed mitigation? but mitigation forms part of the scheme:

“So as to prevent an adverse impact on the contribution to the significance of the house’s setting provides, the proposed development layout has been carefully designed to ensure that when mature, the extensive tree planting within the site will serve to screen the development and retain the integrity of the house’s visual envelope.” (I note that AECOM have also picked up on this point)

However, no amount of mitigation alters that fact that the application site would irrevocably change character from its present open, rural state and become urban.

CONCLUSION:

Belton House and its historic parkland is are an ensemble of complex significances all of which contribute to an overall value that merits special protection. It has evidential value, historic value, aesthetic significance and communal value, all of which are appreciated by local residents and ever increasing number of visitors.

Over time, particularly in the latter half of the twentieth century, the expansion of Grantham has progressively encroached further onto the surroundings of Belton's parkland, to the point where now, particularly on its southern perimeter, the only separation is afforded by Londonthorpe Lane, although even this barrier has been leap-frogged by some mid-twentieth century industrial development.

The proposed development will cause less than substantial harm to the significance of Belton House, its historic park and garden, the numerous associated heritage assets, Harrowby Hall and its entrance arch and St Wulfram's Church through the incremental erosion of their setting through further urbanisation of land that is prominently exposed to views of these heritage assets.

Even where harm is concluded to be less than substantial, it is still harm which the NPPF requires be given great weight when balanced against any potential public benefits arising from the development. In my opinion any benefits identified from the proposed development do not outweigh the harm to heritage assets of the highest significance. However, it is ultimately for the decision maker to come to a conclusion as to whether these benefits do outweigh the harm.

The proposed development would be yet another harmful step in the incremental erosion of the setting of several heritage assets identified above and the surroundings in which they are experienced.

It would also result in the unwarranted encroachment of development onto the upper slopes of the escarpment that serves as an important green backdrop to the town as a whole, land considered unsuitable for urban extension development in AECOM's Grantham Capacity and Limits to Growth study (2015).

The proposal is contrary therefore to both National and local planning policies on conservation of the historic environment and should resisted.

APPENDIX 3 – Full comments of AECOM

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Executive Summary

As part of the current (November 2017) application by Savills on behalf of Absolute Property Development on land at Harrowby Lane, Grantham, a planning application has been submitted to South Kesteven District Council (SKDC). The application aims for development on land deemed unsuitable for strategic-scale urban extension in AECOM's Grantham Capacity and Limits to Growth study (2015).

As part of the process for determining this application, SKDC has asked AECOM to review:

- the applicant's submitted Landscape and Visual Impact Assessment;
- further landscape information submitted subsequently by the applicant;
- the applicant's Heritage Desk-Based Assessment; and
- the collected comments of heritage consultees.

Our reviews of the landscape and heritage aspects of the application are set out in Chapters 2 and 3 of this report respectively.

Review of landscape matters

Landscape and Visual Impact Assessment (LVIA)

Overall, AECOM considers the LVIA to be unreliable because no proper, consistent assessment of effects on landscape character and views has been carried out and the findings are not supported by the evidence drawn upon. Where this has been done, the assessment suggests that there is landscape sensitivity across the site and that development in this location would be contrary to local guidance.

Neither the landscape impact assessment nor the visual impact assessment follow the methodology set out previously in Section 2 and do not provide a clear rationale or conclusion on effects. Furthermore, deficiencies in the methodology compound this failing, including a lack of clear criteria for determining value, susceptibility to change and magnitude of change. As a consequence, some effects are contrary to the evidence drawn upon in the early part of the report and overstated or understated accordingly, which brings into question the findings of the assessment as a whole.

Paragraph 9.1 suggests that the development masterplan safeguards '*the sense of containment, creating a strong sense of place and improving the wooded character of the eastern edge of Grantham*'. This is wholly incorrect and is not supported by the evidence. The South Kesteven Landscape Character Assessment 2007, notes, that "*in general terms, new development should avoid the higher valley slopes, and should not establish new built development on the skyline.*" The higher valley slopes referred to here, which comprise part of the Green Rim, are defined by steep topography, openness, and aspect towards the town. This is an important element of the Green Infrastructure network of Grantham.

The Grantham Townscape Character Assessment (2001) reinforces this, explaining that development proposals in this location (both built form and planting) would '*enclose these views and urbanise the steeper slopes of the ridge*' and therefore '*should be resisted*'.

Paragraph 9.1 further notes that mitigation and the masterplan approach has been '*landscape-led from the outset*' and that the '*sensitivity of the landscape setting and views towards the escarpment are well understood*'. However, this is inconsistent with the local guidance documents for this area and noted above. At Paragraph 9.10 the use of woodland as a 'green layer' would still contrast with and be uncharacteristic of the open slopes of the 'Green Rim' forming the setting for Grantham in this location.

Additional information submitted by the applicant

The additionally submitted information states that "*mitigation is not normally recommended by the Landscape Institute for visual impacts less than moderate*". There is no such statement within the Guidelines for Landscape and Visual Assessment, 3rd Edition.

Additionally, in its references to the separate Somerby Hill appeal south of Grantham, it does not recognise that each site needs to be assessed independently in terms of its value and susceptibility to change of the type proposed and the impacts and effects that would arise from the development.

The additional information contends that the LVIA “*outlines the impact of the development from all key views*”. However, the Council has identified at least five additional views, which have not been assessed by the applicant, and which relate to sensitive visual receptors whose visual amenity could be affected by development on the application site:

Finally the additional information seeks to differentiate the application site from other elements of the Green Rim. AECOM’s view is that the Green Rim as a whole, including the application site, is an important element of green infrastructure that makes a strong contribution to the rural landscape setting of Grantham. Development on the application site would permanently and irreversibly break the green rim and mitigation planting could not resolve this.

Review of heritage matters

Heritage Desk-Based Assessment text

The DBA does not present a methodology, aims or objectives, making it difficult to review the finished document against what it sets out to do. It confuses terminology from EIA assessment and does not focus on the tests in NPPF chapter 12. Although the Historic England guidance for management of change within the setting of heritage assets (GPA 3) is referenced in Section 2, the process recommended by that guidance is not used in the assessment.

The significance, setting and contribution made by setting to the significance of the assets discussed is not assessed and statements such as ‘*no impact upon their settings or significance is anticipated as a result of the development proposals*’ (Paragraph 4.7) and ‘*the study site is not visible and is considered not to be within their setting*’ (Paragraph 4.8) are made without supporting evidence.

Even after the submission of additional information by the applicant, the DBA makes no detailed assessment of the *Belton House and Park Setting Study and Policy Development* (January 2010). This is a major flaw. Detailed reference should be made to this document, and how it informs any assessment of sensitivity of the setting of Belton House in relation to the proposed development.

While there are non-designated built heritage assets within the 1km study area which have settings including the proposed development site, these are not discussed in the assessment.

The terminology used in the assessment is that of ‘negligible impact’, a phrase more usually associated with the EIA process. The impact assessment should instead have assessed substantial or less than substantial harm in accordance with NPPF Paragraphs 132-134.

On the basis of the scant evidence presented by the DBA, it is likely that the proposed development would result in less than substantial harm to the settings of designated and non-designated built heritage assets within the 1km study area. However, as the document has not been produced under recognised standards and guidelines for desk-based assessments and, in AECOM’s view, does not prove its case, it is suggested that a more thorough assessment is required which would fall in line with the terminology and tests of harm in chapter 12 of the NPPF.

In addition, the requirements of Site Allocations and Policies Policy SAP11 need to be addressed. This will require an assessment of impact being undertaken that analyses the *Belton House and Park Setting Study and Policy Development* (January 2010) study and GPA 3 in detail; without these, the assessment is insufficient at present to inform planning decision-making.

Heritage consultees' advice

From a review of the consultee comments and the information from the applicant, both as originally submitted and provided subsequently, questions remain as to its quality and extent.

There is, in heritage terms, an over reliance on visualisations and information submitted within the LVIA and a lack of proper assessment of the significance and the setting of heritage assets affected as per GPA 3. It is clear that there are gaps in the applicants' understanding and appreciation of significance and setting of heritage assets. Further assessment could be undertaken; however, even if it were, there is already consensus amongst heritage consultees that the proposed development would be harmful to heritage assets.

The prevailing advice is that the authority should consider whether the harm caused to these heritage assets would be justified and outweighed by public benefits arising from the proposals as outline in paragraphs 132 and 134 of the NPPF.

In determining this application, the District Council should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Introduction

1. As part of the current (November 2017) application by Savills on behalf of Absolute Property Development on land at Harrowby Lane, Grantham, a planning application has been submitted to South Kesteven District Council (SKDC). The application aims for development on land deemed unsuitable for strategic-scale urban extension in AECOM's Grantham Capacity and Limits to Growth study (2015).
2. As part of the process for determining this application, SKDC has asked AECOM to review:
 - the applicant's submitted Landscape and Visual Impact Assessment;
 - further landscape information submitted subsequently by the applicant;
 - the applicant's Heritage Desk-Based Assessment; and
 - the collected comments of heritage consultees.
3. Our reviews of the landscape and heritage aspects of the application are set out in Chapters 2 and 3 of this report respectively.

2 Review of Landscape and Visual Impact Assessment

4. This chapter comprises a review of the submitted Landscape and Visual Impact Assessment for Residential Proposals, Harrowby Lane (Urban Wilderness, March 2017). It is divided into the following sections:
 - Introduction and Methodology;
 - Policy;
 - Baseline;
 - Assessment; and
 - Conclusion.
5. Paragraph numbers given in the following text refer to the LVIA unless stated otherwise.

2.1 Introduction and Methodology

6. The report is referred to as a Landscape and Visual Impact Assessment in 1.1, but a Landscape and Visual Impact Appraisal in 1.4. The term Landscape and Visual Assessment is usually used in the context of EIA and the terms assessment and appraisal are used interchangeably throughout the report. Although it is not considered that this would materially affect the formulation of an appropriate methodology, it is still worth noting to give a picture of the report's lack of attention to detail. No consultation has been referenced in the report, meaning it is not clear whether the approach used has been agreed with South Kesteven District Council.
7. Figure 1 is provided on page 5, but is not referred to in the text.
8. The methodology is described in Section 2. The steps shown in Figure 2 on page 7 are broadly consistent with the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3) (Landscape Institute and Institute for Environmental Assessment and Management, 2013). However, as explained below, key steps in the approach presented in the methodology have not been followed in the assessment.
9. Paragraph 2.2 defines the purpose of the report, which is to study *'the effects of a given development on (i) the landscape character and landscape resources of the site and its environs, and (ii) the visual amenity experienced by people in, through and surrounding the proposed development'*.
10. Paragraphs 2.3 and 2.6 use the term 'capacity', which is not used in GLVIA3. This is taken to mean susceptibility to change as defined in GLVIA3 paragraph 5.40.
11. Paragraph 2.8 and Table 1 explain how sensitivity of landscape and visual resources has been determined, but the criteria applied to determine value and susceptibility to change are not provided. Furthermore, this approach has not been followed through in the rest of the assessment.
12. Table 2 at Paragraph 2.15 provides a scale for determining magnitude of change, but it does not provide any criteria or descriptors for how these categories are determined and therefore no clear, consistent or transparent application of that scale can be made in the subsequent assessment.
13. Paragraphs 2.16 to 2.18 set out an approach to defining significance, although Table 3.1 of GLVIA3 makes it clear that an assessment of significance of effects is not required for landscape and visual appraisal. Paragraph 2.17 notes that significance of effects have been *'evaluated by correlating the results of a receptor's sensitivity to change against the development's predicted magnitude of change'*. There are no clear criteria for determining the relationship between sensitivity and magnitude of change within the methodology. Paragraph 2.18 states that *'ultimately the significance*

of predicted effects on a landscape or visual receptor is determined by the professional judgement of the individual undertaking the LVIA.'

14. Table 3 on page 10 of the LVIA does not provide sufficient detail regarding the levels of effect defined and it is therefore difficult to understand how judgements based on it have been informed.
15. Paragraph 2.19 provides some explanation of the approach to developing mitigation but the report provides no clear rationale for what types or categories these mitigation measures are, which is needed if the approach is to be in line with GLVIA3 4.21. The subsequent assessment implies that they have been considered within the design evolution, but the scale, layout and massing of development on the site suggests otherwise when considering the constraints noted in this report. These are discussed further below.

2.2 Policy

16. Paragraphs 3.1 to 3.4 describe the location of the site, its present use and its immediate context. The remainder of section 3 deals with the planning context.
17. Paragraph 3.3 discusses residential properties that lie directly adjacent to the site along Fifth Avenue. However, there are further properties along Fifth Avenue and Harrowby Lane that are set back from the proposed site and separated from it by a small open space on the southwest boundary of the site. This is also the case for further properties along Fifth Avenue to the northwest of the site, where they lie to the south side of the industrial units on Isaac Newton Way. These should also be mentioned here.
18. Paragraph 3.13 describes relevant parts of the National Planning Practice Guidance (NPPG), but does not note that *'one of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside.'* Importantly, the NPPG goes on to state that *"this includes designated landscapes but also the wider countryside."* This is an important consideration in assessing landscape value.
19. Paragraph 3.25 suggests that some sites identified within the South Kesteven Landscape Sensitivity and Capacity Study Report (2013) as being of high sensitivity and low capacity are identified as suitable for development within the 2015 SHLAA. The SHLAA was, however, not prepared in line with relevant landscape character assessment guidance, and should not override an objective assessment of landscape and visual impacts in line with GLVIA3.
20. Paragraph 3.26 makes reference to a neighbouring area identified as having high landscape capacity within the South Kesteven Landscape Sensitivity and Capacity Study Report (2013), inferring that some similar characteristics, such as being of a similar scale, provides a rationale for development on the application site. This is not supported by the detailed evidence base.
21. Paragraph 3.34 makes reference to the constraint of the "Green Rim", which is referred to in the Grantham Capacity and Limits to Growth Study (2015). It notes that *'the resulting land considered suitable in terms of strategic constraints is shown in Figure 15'*. However, the report fails to note that the area shown in Figure 15 lies to the east of the application site as the Capacity and Limits to Growth Study notes *'Area 2 comprises an area of generally level ground to the east of Grantham. The site [in this context, referring to Area 2] lies to the east of the scarp slope, which is the defining characteristic of the eastern edge of Grantham and forms a distinctive feature. The scarp slope is visible within many views from Grantham itself.'*
22. In Paragraph 3.35 the report is therefore correct to conclude that the application site is part of the Green Rim, which is therefore *'a landscape and heritage constraint to development'*.

2.3 Landscape baseline

23. The landscape and visual baseline assessment is set out in various sections including Section 4, 6 and 7.

24. Whilst the landscape baseline appears to be reasonably comprehensive, identifying key sources of information, it does not clearly establish the landscape receptors on which the later assessment of effects is based. Furthermore, whilst landscape value is mentioned in the methodology as stated above, this has not been defined within the baseline. The assessment of landscape sensitivity appears to rely on the conclusions of the South Kesteven Landscape Character Assessment (2007), rather than an independent assessment having been carried out as recommended by paragraph 5.39 of GLVIA3.
25. Paragraph 4.2 refers to Figure 3 while defining ‘the ridgeline’, which is referred to above as the ‘Green Rim’. The dashed line depicting this is rather arbitrary as it does not follow the underlying contours and appears to expand and contract without reference to the full extent of the scarp slopes that run up the ridgeline. This is ambiguous and should be clarified. Figure 3 illustrates that the application site is located above the 90m contour, which is largely free of existing development, up to around 120m AOD.
26. Paragraph 6.25 identifies that the application site falls within the Grantham Scarps and Valleys Landscape Character Area (LCA), which is defined in the South Kesteven Landscape Character Assessment (2007). This area is not shown on any figure within the LVIA, but covers the whole of Grantham and the surrounding scarps, and is unlikely therefore to be of an appropriate scale on which to base an assessment of the development’s landscape effects. A more detailed assessment of landscape character is likely to be required, as explained in paragraph 3.16 of GLVIA3.
27. Paragraphs 6.28 to 6.31 describe the landscape sensitivity of the Grantham Scarps and Valleys LCA, quoting its conclusion that “*in general terms, new development should avoid the higher valley slopes, and should not establish new built development on the skyline.*” The higher valley slopes referred to here include the Green Rim, which forms the eastern setting of Grantham, including the application site.
28. The Grantham Townscape Assessment Report 2011 is referenced at Paragraphs 6.45 – 6.51. Paragraph 6.45 makes reference to the notable characteristics of the area. This area should be clarified as CA07: Residential Suburbs (north-east). It should also use the full description of the notable characteristics, namely that ‘*a key notable characteristic throughout are the views to open and often tree-lined ridge to both the east and to the west (across the River Witham valley to CA17a and CA17b)*’. Importantly, the LVIA has excluded reference to the open aspects of the ridge.
29. The same is true for Paragraph 6.50 which notes sensitivity to change in this area. At this point the report fails to include the full reference to sensitivity for this area. This is misleading as the Townscape assessment stresses greater sensitivity across the site, which is that ‘*the edges of the character area particularly to the east (below the industrial estate – CA16a) are particularly sensitive to change as part of the defining wider townscape character of this area, [as] are the views out of urban settlement to open green and often tree-lined ridges. Where development would maintain these views, limited expansion could be possible, but where proposals would enclose these views and urbanise the steeper slopes of the ridge they should be resisted.*’
30. Paragraph 6.54 notes the Belton House historic landscape. It explains that the designed landscape was contrived to block out the town. ‘*unencumbered by any urban visual interference*’. The subsequent visual assessment for Viewpoint 12 notes that there would be intervisibility between Belton Park and the proposed development.

2.4 Landscape Assessment

31. The landscape assessment is set out in Section 8. Sub-sections 8.2 – 8.3 set out short term effects during construction. They do not apply the methodology set out in Section 2 of the LVIA in identifying impacts and assessing effects on landscape receptors, other than noting the stripping of topsoil and loss of arable land.

32. Paragraph 8.5 of the LVIA reports the development's effects on National Character Area Profile 48: Trent & Belvoir Vales. This is an extensive area and, as such, is too broad to use as a basis for an assessment of the proposed development's landscape effects.
33. At Paragraph 8.6, the assessment describes the ridgeline being 20m to the east. However, the assessment needs to consider the Green Rim, where the application site is located, as a whole. This should include the scarp slopes west of the ridgeline itself as noted in the key characteristics section at 6.25 of the report and as noted above for the townscape character assessment at 6.50, discussed at paragraph 30 in this report. It notes that, in the short term, effects are likely to be adverse, with the character of open pasture changed to residential. The effects described here are permanent changes to the landscape and cannot therefore be considered short-term.
34. Paragraph 8.7 suggests that, with planting maturity, the escarpment's landscape character will be *'beneficial in the long term, serving to continue the wooded sense of containment afforded by Alma Park to the north of the site, with the ridgeline character enhanced by the proposed tree planting.'* This is misleading as it does not consider the open nature of the application site and its contribution to the continuous, unbroken nature of the Green Rim escarpment that forms the key setting for Grantham in views from the west. The open and green aspects of the higher valley scarp slopes would be substantially urbanised. As a result, there would be an extensive loss of key characteristics though the addition of incongruous and intrusive development, resulting in adverse effects on landscape character.
35. The mitigation proposed includes substantial areas of tree planting, particularly on the eastern boundary. This would further extenuate the change from open escarpment, altering the skyline.
36. There is no summary of landscape effects within the LVIA, making it difficult to understand the level of effect in accordance with the methodology. The narrative suggests that the applicant has understated adverse landscape effects, such as changes to the open scarp slopes, and overstated the contribution of new planting in assimilating the scheme into the landscape.

2.5 Visual baseline

37. Section 7 of the LVIA sets out the visual baseline. No Zone of Theoretical Visibility (ZTV) is provided or explained for the Proposed Development to support the identification of visual receptors and viewpoints as recommended by GLVIA3 at paragraph 6.13.
38. Visual receptors are described in broad terms in paragraphs 7.2 to 7.5, but the value of views has not been assessed in line with the methodology set out in Section 2.
39. Seventeen viewpoints are identified on Figure 11 on page 37, which are largely distributed to the west, north and east of Grantham. A short description of the baseline view is given on the viewpoint images on the subsequent pages (Figures 13 to 29), which also include the visual assessment. Grid co-ordinates and camera details, such as focal length, are not provided, as is recommended by Landscape Institute Advice Note 1/11: Photography and Photomontage. The elevations, distance, bearing to the site and receptor type are, however, all defined.

2.6 Visual Assessment

40. Contrary to the methodology in section 2, susceptibility to change is not defined and neither has any rationale been given for how the sensitivity of visual receptors is defined.
41. Whilst paragraph 2.17 of the LVIA states that *'the assessment considers the significance of effects during construction, at year 0 on completion of construction and at year 15'*, no such assessment appears to have been carried out. Paragraphs 8.1 to 8.4 explain some broad types of visual impact that might be anticipated, but do not assess the impact on specific visual receptors. It is assumed that the magnitude of change set out in the viewpoint descriptions relates to year 0 (worst-case in operation). Paragraphs 9.12 to 9.14, which describe *'anticipated residual effects'*, do not provide an assessment of visual effects at year 15 of operation.

42. The visual assessment substantially underplays the magnitude of change from many viewpoints. For example, Viewpoint 1, which is used to illustrate effects on observers travelling along the footpath adjacent to Harrowby Lane, concludes a medium adverse magnitude of change. However, the description explains that approximately two thirds of the proposed development would be visible immediately in the foreground and therefore a high magnitude of change should be anticipated.
43. The judgements of sensitivity and magnitude of change are often confused in the text. The assessment of Viewpoint 2 is one such example. The viewpoint description explains that the view is experienced by residents but then applies a 'Medium' sensitivity 'due to the existing urban context', which is located in the opposite direction, to the west. Such a departure from the methodology previously set out in Section 2 undermines the credibility of the impact assessment findings.

2.7 Review of additionally submitted information

44. Further information was provided to SKDC by the applicant in a letter dated 02 November 2017. This was supported by a document entitled "Harrowby Lane: Additional Information", dated November 2017, which provides photographs, visualisations and maps to illustrate points made in the LVIA.
45. There is reference to visual impacts in the sixth paragraph of the letter, which states that "*mitigation is not normally recommended by the Landscape Institute for visual impacts less than moderate*". There is no such statement within the Guidelines for Landscape and Visual Assessment, 3rd Edition.
46. The "principle of development and landscape impact" is addressed on page 3 of the letter. The third paragraph in this section quotes the Somerby Hill appeal decision, which refers to Policy EN1. It acknowledges that both sites are located on the sensitive "Green Rim", which defines the rural landscape setting of Grantham to the east. However, it does not recognise that each site needs to be assessed independently in terms of its value and susceptibility to change of the type proposed and the impacts and effects that would arise from the development. As set out above, the LVIA does not adequately assess the effects on the landscape as a resource in its own right and the negative impacts on the uninterrupted Green Rim.
47. The first paragraph at the top of page 4 explains that the LVIA submitted with the planning application "*outlines the impact of the development from all key views*". The Council has identified the following additional views, which have not been assessed by the applicant, and which relate to sensitive visual receptors whose visual amenity could be affected by development on the application site:
- From the top of Hall's Hill down to Alma Park;
 - From Harrowby Hall down to Alma Park;
 - From Alma Park to Londonthorpe crossing Alma Woods;
 - Various footpaths along and over the ridges from Gt. Gonerby to Syston, Belton and Manthorpe; and
 - The Countryside and Rights of Way (CROW) Act land to the north of the application site.
48. The second paragraph on page 4 of the letter states that the applicant considers that "*there is enough to differentiate our site from the likes of the landscape fringes of Hall's Hill*" and that "*Hall's Hill is more visible from a number of vantage points within the town centre*". The application site and Hall's Hill are both integral parts of the Green Rim. Whilst Hall's Hill is in closer proximity to the town centre, this does not diminish the contribution that the application site makes to the rural landscape setting of Grantham and this important element of green infrastructure. Development on the application site would permanently and irreversibly break the green rim and mitigation planting could not resolve this.

2.8 Conclusion

Landscape and Visual Impact Assessment

49. Overall, AECOM considers the LVIA to be unreliable because no proper, consistent assessment of effects on landscape character and views has been carried out and the findings are not supported by the evidence drawn upon. Where this has been done, the assessment suggests that there is landscape sensitivity across the site and that development in this location would be contrary to local guidance.
50. Neither the landscape impact assessment nor the visual impact assessment follow the methodology set out previously in Section 2 and do not provide a clear rationale or conclusion on effects. Furthermore, deficiencies in the methodology compound this failing, including a lack of clear criteria for determining value, susceptibility to change and magnitude of change. As a consequence, some effects are contrary to the evidence drawn upon in the early part of the report and overstated or understated accordingly, which brings into question the findings of the assessment as a whole.
51. Paragraph 9.1 suggests that the development masterplan safeguards *'the sense of containment, creating a strong sense of place and improving the wooded character of the eastern edge of Grantham'*. This is wholly incorrect and is not supported by the evidence. The South Kesteven Landscape Character Assessment 2007, notes, that *"in general terms, new development should avoid the higher valley slopes, and should not establish new built development on the skyline."* The higher valley slopes referred to here, which comprise part of the Green Rim, are defined by steep topography, openness, and aspect towards the town. This is an important element of the Green Infrastructure network of Grantham.
52. The Grantham Townscape Character Assessment (2001) reinforces this, explaining that development proposals in this location (both built form and planting) would *'enclose these views and urbanise the steeper slopes of the ridge'* and therefore *'should be resisted'*.
53. Paragraph 9.1 further notes that mitigation and the masterplan approach has been *'landscape-led from the outset'* and that the *'sensitivity of the landscape setting and views towards the escarpment are well understood'*. However, this is inconsistent with the local guidance documents for this area and noted above. At Paragraph 9.10 the use of woodland as a 'green layer' would still contrast with and be uncharacteristic of the open slopes of the 'Green Rim' forming the setting for Grantham in this location.

Additionally submitted information

54. The additionally submitted information states that *"mitigation is not normally recommended by the Landscape Institute for visual impacts less than moderate"*. There is no such statement within the Guidelines for Landscape and Visual Assessment, 3rd Edition.
55. Additionally, in its references to the separate Somerby Hill appeal south of Grantham, it does not recognise that each site needs to be assessed independently in terms of its value and susceptibility to change of the type proposed and the impacts and effects that would arise from the development.
56. The additional information contends that the LVIA *"outlines the impact of the development from all key views"*. However, the Council has identified at least five additional views, which have not been assessed by the applicant, and which relate to sensitive visual receptors whose visual amenity could be affected by development on the application site:
57. Finally the additional information seeks to differentiate the application site from other elements of the Green Rim. AECOM's view is that the Green Rim as a whole, including the application site, is an important element of green infrastructure that makes a strong contribution to the rural landscape setting of Grantham. Development on the application site would permanently and irreversibly break the green rim and mitigation planting could not resolve this.

3 Review of Heritage Appraisal and Comments

3.1 Introduction

58. This chapter reviews the Heritage Desk-Based Assessment (DBA) accompanying the application and then subsequently reviews the advice of heritage consultees in respect of the application.

3.2 Review of Heritage Desk-Based Assessment text

59. The DBA was produced by Orion Heritage Ltd. on behalf of Absolute Property Development Limited and dated October 2015. The document was submitted as part of an application for outline planning permission with some matters reserved for a residential development of up to 100 dwellings on land on the north side of Harrowby Lane, Grantham ('the site').

60. The Heritage Desk-Based Assessment comprises an assessment of the legislative and planning policy framework followed by an appraisal of the historic development of Grantham and identification and analysis of the significance of the assets that could be affected by the proposed development. A final section presents the proposals and assesses the impact.

3.3 Section 1: Introduction

61. The DBA does not have a dedicated section for methodology but the introduction sets the study area at a 1km radius from the centre of the site. As methodology is not discussed, it is not clear under what regulations, standards and guidelines, if any, the assessment has been carried out. No reference is made in the text to a search of the Lincolnshire Historic Environment Record but the data plot on Figure 2 and the reference to Mark Bennet, Senior Historic Environment Officer, Lincolnshire County Council, indicates that one was made.

3.4 Section 2: Planning Background and Development Plan Framework

62. The Legislation and Policy Section is fairly comprehensive and sets out the ways in which an assessment of the impact of a development on heritage assets and their settings should be carried out. There are, however, omissions. The evidence base documents most relevant to the scheme, the Grantham Capacity and Limits to Growth Study (AECOM, 2015) and the Belton House and Park Setting Study and Policy Development (Atkins, 2010) are similarly not discussed although they are mentioned in the Design and Access Statement and Planning Statement. This is an important omission, as both documents include policy relating to Belton House, and refer to Policy SAP11 of the Site Allocation and Policies Development Plan (2014), part of the South Kesteven Local Plan which states, in relation to the heritage assets at Belton, that:

'protecting and enhancing their setting, using the Belton House and Park Setting study to inform the assessment of the impacts, is important to maintaining their significance as heritage assets.'

63. Historic England's *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (GPA 3, Historic England 2015), which gives guidance on the management of change within the setting of heritage assets, is referenced together with its five-stage process for assessing the implications of proposed developments on setting. However, despite this document being referred to, the report is not structured in the staged process it recommends.

3.5 Section 3: Archaeological and historical background

64. The analysis of historic development, though brief, is correct in its assessment that the application site has been agricultural land for as long as historic maps can show.

65. The two designated built heritage assets within the 1km study area are discussed in this section together with Belton House (Grade I listed building), Belton House (Grade I Registered Park and Garden) and various designated assets within the park. The park is approximately 1km distant from

the northwest corner of the RPG at its closest point. The document does not assess non-designated built heritage assets within the study area.

66. Paragraph 3.28 discusses Harrowby Hall (Grade II*, NHLE No. 1261915¹) and Arch (Grade II*, NHLE No. 1253210) but does not assess their significance, setting or the contribution their setting makes to that significance.
67. The assessment considers that the application site is *'beyond the setting if the hall and its archway'* (sic) due to the screening provided by *'The Farmstead and mature vegetation which run parallel with the road and ridgeline'*. However, a line drawn between the assets and any point within the application site does not run through any part of The Farmstead which, therefore, cannot be claimed to provide screening.
68. While it is the case that trees provide screening between the assets and the application site, these are mainly around the hall and arch with three hedge lines further away. The assessment does not establish whether the vegetation is deciduous or coniferous and consequently whether there will be less of a screen in the winter months. GPA 3 established that there does not need to be intervisibility between a development site and a heritage asset for there to be a potential impact on setting.
69. Regarding Belton House (grade I, NHLE No. 1235523) and Belton Park (in fact Belton House, grade I Registered Park and Garden, NHLE No. 1000460), the assessment (at paragraph 3.29) fails to assess the significance of the assets, their setting or the contribution their setting makes to that significance.
70. Despite this, the assessment maintains that as the proposed development site cannot be seen from within the RPG or the house at ground level, consequently it *'will have no effect on the setting or its contribution to the significance of the group of designated heritage assets'*. The assessment goes on to say that part of the proposed development site is visible from the roof of Belton House through binoculars of a telephoto lens with *'dense intervening woodland'* *'entirely screening the lower section of the site'*.
71. Whether the intervening woodland could be described as dense is a moot point. The woods in question surround Villa Pond, now part of the Belton Park Golf Club course and within the Belton House RPG. A line between Belton House and the application site also passes through trees in the southeast corner of the park but planting is sparse in this location. The 'dense' effect of the intervening trees therefore is more probably brought about by the angle of view than the actual denseness of the woodland.
72. The paragraph ends by stating that *'the study site is therefore partially within the wider landscape setting of Belton House'*. This is a misinterpretation of the definition of setting within the NPPF (and repeated in Paragraph 2.12 of the DBA) which is *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve'*. An asset does not therefore have a *'wider landscape setting'*, merely a setting. The proposed development site is part of the surroundings in which Belton House is experienced and is therefore, without doubt, part of its setting as a heritage asset.
73. The Belton House and Park Setting Study and Policy Development report was jointly commissioned by South Kesteven District Council and the National Trust to define and describe the setting boundary of Belton House and Park. The DBA fails to analyse in any detail at the contents of this study despite being directed to do so by the Site Allocations and Policies DPD Policy SAP11: *Protecting and Enhancing the Setting of Belton House and Park* (as quoted above). The Setting Study provides information relating to the setting of Belton House. Even a cursory glance at the Belton House study shows that views from the House and its setting contribute to its significance.
74. The assessment does not discuss non-designated built heritage assets but there are several with settings which include the development site. The Farmstead (National Grid Reference 493693,

¹ The NHLE number is the asset's unique identifier on the National Heritage List for England.

335840²) has expanded over time and now has its own farmhouse and a number of modern agricultural buildings. Historic mapping, however, shows it to have been an adjunct to the Hall with a number of its buildings dating to at least the late 19th century.

75. The two sets of semi-detached farm workers' cottages on the south side of Hall Lane to the east of the farm (493783, 335847 and 493803, 335867) are associated with it and also appear to be of late 19th century date as do two buildings, now both dwellings, to the west of them (493746, 335812 and 493767, 335835). Harrowby Cottages, approximately 120m from the southeast corner of the site (493982, 336097) appear to be present on the tithe map of Harrowby of 1839.

3.6 Section 4: Proposed Development and Predicted Impact on Heritage Assets

76. Section 4 discusses the proposed development and its predicted impact on heritage assets. Regarding Harrowby Hall and Arch, the assessment maintains that as the views from the assets to the proposed development site are blocked by 'woodland' there will be no intervisibility between the assets and the site and therefore no impact on their setting or significance. However, as their setting, their significance, the contribution of the former to the latter, and the nature of that screening, are not established by the document, this is a largely unsupported statement.
77. Paragraph 4.8 states of Belton House, Belton Park (Belton House RPG) and their associated designated assets that 'the study site is not visible and is considered not to be within their setting'. Again, the assessment has not previously considered the setting, the significance, or the contribution of the former to the latter in the significance of these assets.
78. It has, however, established that 'approximately one-third of the study site, toward its higher south-eastern boundary, is visible from the roof of Belton House when viewed with binoculars or telephoto camera lens' and that both house and RPG can be appreciated from the proposed development site, which must therefore form a part of their setting. If the site were not part of the assets' setting there would be no need to apply mitigation, but mitigation is offered as part of the scheme.
79. Paragraph 4.8 attempts to explain the reasoning behind this:

'So as to prevent an adverse impact on the contribution to the significance of the house's setting provides (sic), the proposed development layout has been carefully designed to ensure that when mature, the extensive tree planting within the site will serve to screen the development and retain the integrity of the house's visual envelope.'

80. The assessment concludes, therefore, that the proposed development site is not within the setting of the assets, and then offers mitigation to ensure that the significance that setting bestows on the assets is not adversely impacted. Visuals of the screening from the roof of Belton House are included in the Additional Information document. The photo montages show the effects of the proposed screening after 0, 15 and 30 years but are not clear enough to inform decision making.
81. Paragraph 4.8's final conclusion is that 'Consequently, there will be a negligible impact to the significance of Belton House and Park'. Although it is one of the objectives of a desk-based assessment to assess the impact of a proposed development on heritage assets, this appears to be a statement of residual impact as used in Environmental Impact Assessment (EIA). The assessment should, rather, have recognised that the proposed development site is part of the setting of the assets and recommended mitigation as a way of conserving that setting and the significance of those assets.

3.7 Section 5: Summary and Conclusions

82. The conclusion on paragraph 5.5 contradicts the findings of section 4 when it states that:

² National Grid References, searchable at www.streetmap.co.uk

'The proposed development is not considered to impact upon the settings and significance of any Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks and Gardens, and Historic Battlefields'.

3.8 Review of Heritage Consultees' Advice

83. This section of the heritage appraisal reviews the advice provided by heritage consultees in the following order:

- Kim Miller, Planning Adviser, National Trust – 1st December 2017
- Janine Dykes, Inspector of Historic Buildings and Areas, Historic England.– 27th April 2017
- Ian Wright, Principal Conservation Officer, South Kesteven Council – 15th January 2018.

National Trust Comments

84. The National Trust states that there will be an impact on the rural setting of Belton House and that the setting of Belton House needs to be taken into account in determining this planning application. Their response discusses particular visualisations and that these suggest that the development site will be visible from Belton Park.
85. The National Trust focuses on the landscape setting of Grantham and notes that the development site forms part of the attractive belt of rising land in the east of Grantham. For these reasons, the National Trust questions the suitability of the site for development.
86. This is in agreement with AECOM's Capacity and Limits to Growth study, within which the Green Rim is a central element.

Historic England Comments

87. Historic England provides a relatively detailed response to the planning application. They helpfully provide a succinct précis of their comments under the 'summary' section. It states:

'The application seeks permission for outline planning permission for residential development comprising of up to 100 dwellings with associated access, open space, landscaping and infrastructure improvements. The supporting documentation does not include the information required to be able to assess the proposals impact on grade I St Wulfram's Church in Grantham, grade I listed Belton House, its grade I registered Park and Garden, associated listed structures, grade II Harrowby Hall and Archway, particularly before 30 years.*

It therefore fails to meet the requirements of paragraph 128 of the National Planning Policy Framework (NPPF). Notwithstanding the additional information it is clear that the developing in this location would impact on the historic town of Grantham and its landscape setting. Your authority should consider whether the principle of development upon the hillside would be acceptable and if so you need further information to determine this application. You should also seek to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 129 of the NPPF).'

88. In response to the Historic England requirements set out above the applicant provided further information in the form of text and visuals on 2nd November 2017.
89. This additional information reiterated the applicant's view that as there was no intervisibility between the site and the grade II* Harrowby Hall and Archway the conclusion that there would be no impact on their setting or significance stands.
90. However, Historic England had in fact stated that while the proposed scheme will not be visible from Harrowby Hall and Archway this 'does not mean that the proposals will not have an impact on the setting of these assets' and that the proposed scheme 'would diminish the countryside character and alter the sense of approach of both the hall and archway.' AECOM concur with this as setting is not

only a consideration of visual aspects but how an asset is experienced, as per GPA 3. In this context, part of the asset's experience is its countryside location.

91. Regarding St Wulfram's Church, the additional information states that the asset was not assessed in the LVIA 'on the basis that the buildings and their immediate settings were not visible from the site.' The additional visuals show (in Figure 1) the spire of St Wulfram's as seen from the northeast corner of the site. The text concludes that the site 'cannot be considered to form a significant part of the setting or backdrop to the Church.'
92. The additional information also refers to the LVIA's conclusion that 'the magnitude of change is minor, with the visual interference of the overhead electricity infrastructure creating a more significant visual intrusion.'
93. Historic England's Inspector takes issue with the conclusion of the LVIA, arguing that 'the proposals would break the existing line of building and introduce modern development on the open green space above the settlement. This forms part of the historic setting of St Wulfram's, consequently these proposals would cause harm to the significance that the church derives from its setting.' Regarding this viewpoint, Historic England's previous concerns about development in the location going beyond the town's 'natural and historic constraints' are reiterated.
94. The new information provided by the application continues to rely on the DBA's finding that as the site cannot be seen from Belton Park or from Belton House at ground level there will be no effect on setting or significance. The additional text reiterates the DBA's finding that there would be an effect from the roof and that mitigation in the form of planting has been taken up as part of the scheme.
95. In neither the DBA nor the additional information has the applicant assessed the significance of the roof as a location from which the park would be surveyed, a point underlined by South Kesteven's Conservation Officer. Although the new visuals show that there would be an impact before mitigation the text concludes that with the planting there will be a negligible impact on the significance of Belton House and Park.
96. Historic England concludes (while conceding that the site is at a distance from the assets) that 'development in these views would cause harm to the significance that Belton House derives from its setting.'
97. It is the opinion of Historic England that the proposed development would also cause harm to the settings of Harrowby Hall and Archway, St Wulfram's Church, and Belton House and its park.

South Kesteven District Council Comments

98. South Kesteven's Principal Conservation Officer reiterates Historic England's guidance on the Setting of Heritage Assets as contained in GPA Note 3 and is of the view that the proposed development has the potential to impact upon the setting of Belton House, its Historic Park and Garden and the numerous heritage assets therein, Bellmount Tower, Harrowby Hall and its separately listed entrance archway and St Wulfram's Church.
99. The incremental erosion to the setting of Belton House is noted, particularly the encroachment of 20th century development up to the southern boundary of the RPG. The importance of Belton House and its park to residents of and visitors to Grantham is underlined, as is the fact that the roof of Belton House was designed as a belvedere from which the park and surrounding countryside would be surveyed.
100. The conservation officer considers the undeveloped escarpment to the south of the park and the north of the application site to contribute to the setting of the house and park. It is his opinion that the proposal would result in less than substantial harm to the setting of Belton House and the RPG but stresses that this harm would be at the upper end of the scale.
101. The conservation officer concludes that although Bellmount Tower 'can be seen in distant, panoramic views of the application site' the distance, topography and tree cover would mean that any

harm to the setting of the asset would be less than substantial. His conclusion is the same for St Wulfram's Church but he stresses that development on the site as proposed 'would represent the beginning of the incremental erosion of the green backdrop to views of the Church where the application land is seen in the same views as the Church.'

102. The gradual erosion of Harrowby Hall's isolated setting is noted although the conservation officer accepts that the asset has maintained a degree of isolation due to the fact that there has been no development in its immediate surroundings. He therefore assesses the harm as less than substantial.
103. It is the conservation officer's assessment that contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 'the proposed development cannot be considered to preserve setting of the identified heritage assets, nor can it be considered to have a neutral impact.'
104. The conservation officer quotes national and local policy and guidance including the National Planning Policy Framework (NPPF 2012); GPA Note 3 (Historic England, updated December 2017); Policy EN1 of the Core Strategy to the South Kesteven Local Development Framework (2010); the Belton House and Park Setting Study and Policy Development (2010); and the Grantham Townscape Character Study (GTCS).
105. The conservation officer also notes the anomalies in the Heritage Desk-based assessment previously referred to, i.e. that the assessment concludes that there are no designated heritage assets within the site's surroundings, but then proceeds to talk about potential impact to Harrowby Hall and its Archway.
106. He disagrees with the assessment's conclusion that 'the proposed development is not considered to impact upon the settings and significance of any Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks and Gardens, and Historic Battlefields' and is of the opinion that there would be an impact comprising 'less than substantial harm to the setting and therefore the significance of several designated assets.'
107. The applicant's assertion that binoculars or telephoto camera lens are required to see the application site from the roof of Belton House is disputed and the conservation officer maintains that both Belton House and its park and garden can be appreciated from the application site, which therefore forms part of their setting.
108. The previously-noted contradiction in the applicant's assertion of no impact on setting and the proposal of mitigation is noted in the conservation officer's advice.
109. In summary, it is the conservation officer's opinion that the proposed development has the potential to impact upon the setting of Belton House, its Historic Park and Garden and associated heritage assets; Bellmount Tower; Harrowby Hall and its separately listed entrance archway and St Wulfram's Church.
110. The conservation officer concludes that the proposal is contrary to both National and local planning policies on conservation of the historic environment for the reasons given and should be resisted.

3.9 Conclusions

Heritage Desk-Based Assessment text

111. The DBA does not present a methodology, aims or objectives, making it difficult to review the finished document against what it sets out to do. It confuses terminology from EIA assessment and does not focus on the tests in NPPF chapter 12. Although the Historic England guidance for management of change within the setting of heritage assets (GPA 3) is referenced in Section 2, the process recommended by that guidance is not used in the assessment.
112. The significance, setting and contribution made by setting to the significance of the assets discussed is not assessed and statements such as '*no impact upon their settings or significance is*

anticipated as a result of the development proposals' (Paragraph 4.7) and *'the study site is not visible and is considered not to be within their setting'* (Paragraph 4.8) are made without supporting evidence.

113. Even after the submission of additional information by the applicant, the DBA makes no detailed assessment of the *Belton House and Park Setting Study and Policy Development* (January 2010). This is a major flaw. Detailed reference should be made to this document, and how it informs any assessment of sensitivity of the setting of Belton House in relation to the proposed development.
114. While there are non-designated built heritage assets within the 1km study area which have settings including the proposed development site, these are not discussed in the assessment.
115. The terminology used in the assessment is that of 'negligible impact', a phase more usually associated with the EIA process. The impact assessment should instead have assessed substantial or less than substantial harm in accordance with NPPF Paragraphs 132-134.
116. On the basis of the scant evidence presented by the DBA, it is likely that the proposed development would result in less than substantial harm to the settings of designated and non-designated built heritage assets within the 1km study area. However, as the document has not been produced under recognised standards and guidelines for desk-based assessments and, in AECOM's view, does not prove its case, it is suggested that a more thorough assessment is required which would fall in line with the terminology and tests of harm in chapter 12 of the NPPF.
117. In addition, the requirements of Site Allocations and Policies Policy SAP11 need to be addressed. This will require an assessment of impact being undertaken that analyses the *Belton House and Park Setting Study and Policy Development* (January 2010) study and GPA 3 in detail; without these, the assessment is insufficient at present to inform planning decision-making.

Heritage consultees' advice

118. From a review of the consultee comments and the information from the applicant, both as originally submitted and provided subsequently, questions remain as to its quality and extent.
119. There is, in heritage terms, an over reliance on visualisations and information submitted within the LVIA and a lack of proper assessment of the significance and the setting of heritage assets affected as per GPA 3. It is clear that there are gaps in the applicants' understanding and appreciation of significance and setting of heritage assets. Further assessment could be undertaken; however, even if it were, there is already consensus amongst heritage consultees that the proposed development would be harmful to heritage assets.
120. The prevailing advice is that the authority should consider whether the harm caused to these heritage assets would be justified and outweighed by public benefits arising from the proposals as outline in paragraphs 132 and 134 of the NPPF.
121. In determining this application, the District Council should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Site location Plan



Proposed Illustrative Layout

