



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee

30 September 2020



### S20/0383

**Proposal:** Demolition of existing agricultural/storage structures and construction of new Estate Yard comprising sheds for storage of plant equipment, agricultural/estate vehicles, machinery and materials, with workshops and welfare facilities.

**Location:** The Piggery, Grimsthorpe Castle Estate, Swinstead

**Applicant:** Coups, The Grimsthorpe & Drummond Castle Trust Estate Office, Grimsthorpe Castle, Bourne

**Agent:** Ross Thain, Ross Thain Architects, 20 Belton Street, Stamford, PE9 2EF

**Application Type:** Full Planning Permission

**Reason for Referral to Committee:**

**Key Issues:** Principle of development  
Impact on heritage assets  
Ecology and biodiversity

**Technical Documents:** Design and Access Statement  
Ecological and Protected Species Survey

#### Report Author

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**Corporate Priority:**

**Growth**

**Decision type:**

**Regulatory**

**Wards:**

**Castle**

**Reviewed by:**

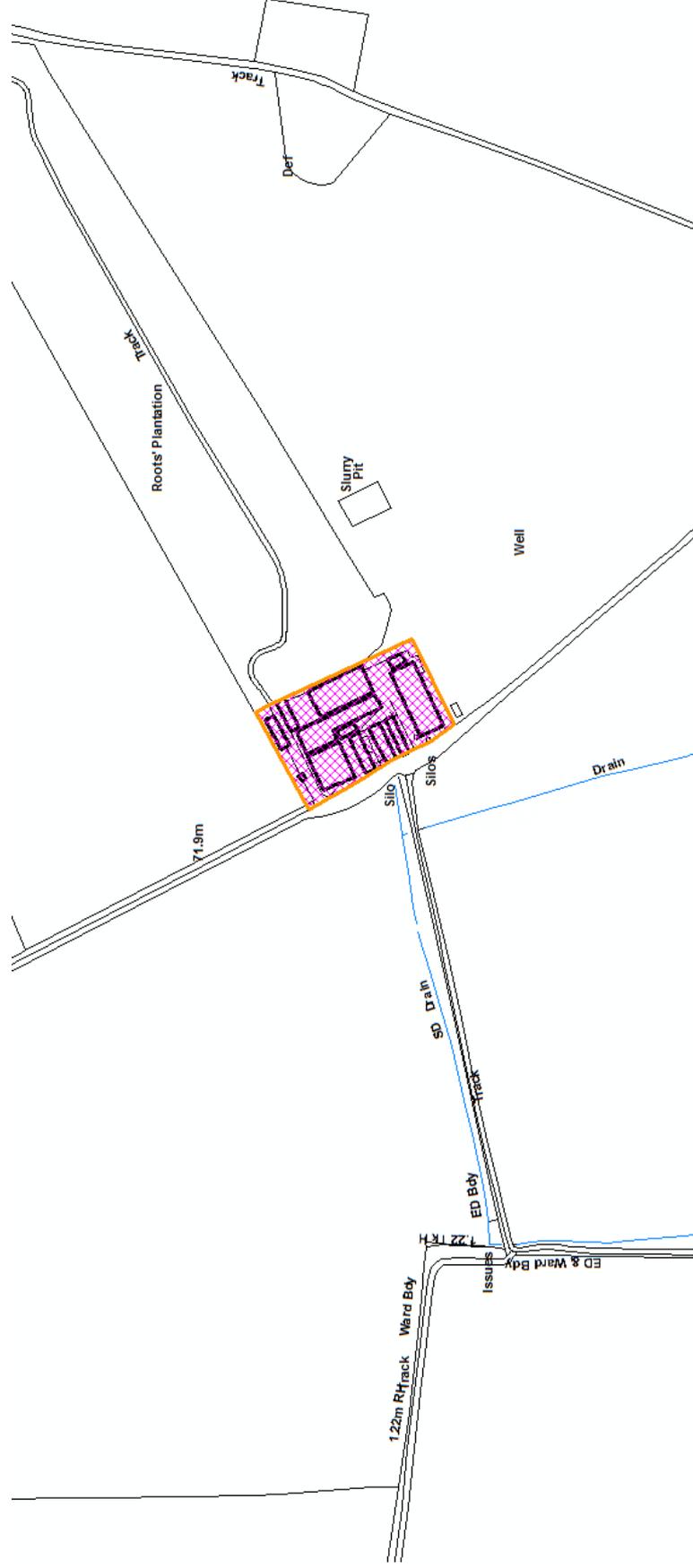
Will Richards, Head of Development Management

14 September 2020

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

That the application is approved conditionally

# S20/0383 The Piggery, Grimsthorpe Castle Estate, Swinstead



## Key



Application  
Boundary



## 1 Description of Site

- 1.1 The site is located in the open countryside approximately 1.2km south-east of the village of Swinstead, and approximately 2.5km south-west of the stately home of Grimsthorpe Castle. It lies immediately outside the boundary of the Registered Historic Park and Garden of the Grimsthorpe Castle Estate. Parts of this estate are also a Site of Special Scientific Interest (SSSI). The SSSI also contains the disused Elsea Pit Quarry, which has been designated a Special Area of Conservation (SAC).
- 1.2 The site comprises a large area of concrete hard standing, formerly occupied by farm buildings, and with silos still standing on the site. There is a group of trees to the north-east of the site, and a tarmacked vehicle access passes to the immediate south-west.

## 2 Description of proposal

- 2.1 This application proposes the construction of new estate yard, comprising new buildings for storage of equipment, vehicles and materials plus workshops and a fuel store. These would have a modern, industrial/agricultural portal frame structure, with the walls a mixture of unpainted concrete panels, dark-green trapezoidal metal cladding and natural timber weatherboard cladding. The roofs would be of light grey metal trapezoidal cladding.
- 2.2 Including the concrete hardstanding, the new estate yard would have an overall footprint of approximately 70m by 65m, while the tallest of the new buildings would be 9m high.

## 3 Relevant history

Reference	Proposal	Decision	Date
SK.0093/85(10276)	Pig fattening house	Approved Conditionally	02/04/1985

## 4 Policy Considerations

- 4.1 **SKDC Local Plan 2011 - 2036**  
Policy SP5 - Development in the Open Countryside  
Policy DE1 - Promoting Good Quality Design  
Policy E5 - Expansion of Existing Businesses  
Policy EN1 - Landscape Character  
Policy EN2 - Protecting Biodiversity and Geodiversity  
Policy EN6 - The Historic Environment
- 4.2 **National Planning Policy Framework (NPPF)**  
Section 6 - Building a strong, competitive economy  
Section 9 - Promoting sustainable transport  
Section 15 - Conserving and enhancing the natural environment  
Section 16 - Conserving and enhancing the historic environment

## **5 Representations received**

### **5.1 Historic England**

5.1.1 No comments to make - suggest that seeking the views of specialist conservation and archaeological advisers, as relevant.

### **5.2 Natural England**

5.2.1 Based on the submitted plans and additional information, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

### **5.3 Arboricultural consultant (SKDC)**

5.3.1 Suggest that a tree survey, impact assessment and method statement be submitted to consider the impact of the proposal on the trees and vice versa. The survey and statement should have regard to BS5837:2012 Trees in Relation to Design, Demolition and Construction and should include: a schedule of trees, a plan identifying which trees are to be felled and which are to be retained, a tree protection scheme for the retained trees (including protection plan)-taking into account the impacts from construction work, foundations, hard surfaces, drainage systems, and utilities.

### **5.4 Environment Agency**

5.4.1 The Environment Agency has reviewed this application and does not wish to make any comments.

### **5.5 Welland & Deeping Internal Drainage Board**

5.5.1 No comments to make.

### **5.6 Consultant Historic Building Advisor (SKDC)**

5.6.1 The location of the site of the existing and proposed buildings is prominent within attractive open countryside and immediately adjacent to Grade I Listed Parkland. The existing buildings to be demolished are generally small in scale and bulk (maximum heights in the order of 3 metres) whereas the large proposed replacement building is shown to be approximately 9 metres to ridge height. The visual impact on the scene will therefore, in my opinion, be substantial and significant.

5.6.2 I would advise that the impact of the proposals on the surroundings requires a more detailed assessment with further information and analysis to be requested of the Applicants as well as site inspection.

### **5.7 Environmental Protection Services (SKDC)**

5.7.1 No objections, but requested the addition of conditions relating to the safe disposal of any asbestos found on the site, and to the potential discovery of any contamination that might be found on the site.

### **5.8 Lincolnshire Gardens Trust**

5.8.1 Express concern and object to visual impact of proposal, for reasons as follows:

- 1) detrimental impact on rural, unspoilt views, both from the B1176 road and also, from within the park, out to peaceful, unspoilt, country vistas.
- 2) its damaging impact on the view from the nearby farmhouse to the south east,
- 3) the harmful impact of a 9 metres high, large modern structure in modern materials on the original, largely unchanged, major approaches, to Grimsthorpe Castle from London through the Grade I Park.
- 4) the likely degradation of the view from the Grade I 'Summer House' near Swinstead, overlooking Grimsthorpe Park on the north-western edge.
- 5) the visual impact for visitors on arranged, specialist park tours, including for heritage and wild-life experts/ enthusiasts, during the open summer months, and sometimes out of season.

5.8.2 It is however hoped that further consideration will be given to amend these proposals. We recommend for instance extending the proposed belt of woodland to include one or better still both corners of adjacent fields west, across the road and opposite the new Estate Yard. This would help to minimize any detrimental effects of the new estate yard upon the setting and views of this Grade I ancient park, the premier seat and most significant historic estate in Lincolnshire.

#### 5.9 **Edenham Parish Council**

- Wish to visit site to assess visual impact;
- Request details of floor areas of existing buildings;
- Was planning permission granted for the partially demolished buildings that are currently on the development site?

#### 5.10 **Swinstead Parish Council**

5.10.1 The Parish Council do not propose to enter any representations regarding the application.

#### 5.11 **LCC Highways & SuDS Support**

5.11.1 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development will not impact upon highway safety, traffic capacity or surface water flood risk. The development is therefore acceptable and the Authority does not wish to object to this planning application.

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

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

## **7 Evaluation**

### **7.1 Principle of development**

- 7.1.1 Local Plan policy SP5 is the relevant policy for development in the open countryside, limiting it to that which has an essential need to be located outside of settlements, including for agriculture, forestry or equine development.
- 7.1.2 Local Plan policy E5 supports the expansion of existing businesses, providing a number of criteria are met:
- 1) existing buildings are re-used where possible;
  - 2) vacant land on existing employment sites is first considered;
  - 3) the expansion does not conflict with neighbouring land uses;
  - 4) the expansion will not impact unacceptably on the local and/or strategic highway network;  
and
  - 5) the proposal will not have an adverse impact on the character and appearance of the area and/or the amenities of neighbouring occupiers.
- 7.1.3 This is consistent with section 6 of the NPPF, which seeks to support a prosperous rural economy.
- 7.1.4 The applicant has stated that the proposed structures will be used for workshop facilities and the storage of materials and equipment/vehicles used on the Grimsthorpe Castle Estate. They are to replace existing agricultural buildings at the estate yard approximately 220m north of Grimsthorpe Castle itself.
- 7.1.5 Although the proposal would involve development in the open countryside for purposes that appear to be not exclusively agricultural; the justification, in terms of there being an essential need for them to be located outside of a settlement is persuasive, given that they are to be used on the Grimsthorpe Castle Estate itself. It is noted that the site was previously occupied by modern agricultural buildings and that there are still silos and a concrete pad in place. Furthermore, the works could reasonably be understood to be for the expansion of an existing business.
- 7.1.6 Taking the above into account, the principle of development of this site is acceptable and in accordance with Local Plan Policies SP5, E5 and the NPPF (section 6), subject to them satisfying other technical and environmental concerns, which are discussed below.

### **7.2 Impact on heritage assets, and on the character of the area**

- 7.2.1 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 possess 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.

- 7.3 Case law has established 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.
- 7.4 Local Plan Policy EN6 seeks to protect and enhance heritage assets and their settings in keeping with the policies in the National Planning Policy Framework.
- 7.5 The NPPF is very clear that great weight should be given to the conservation of designated 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:
- 1) 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.
  - 2) 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 NPPG 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.
- 7.5.1 Local Plan Policy DE1 requires development to make a positive contribution to the character of the area, avoiding harm to the streetscene. This is consistent with NPPF Section 12 (Achieving well-designed places) which amongst other things states that developments should be visually attractive as a result of good architecture, layout and effective landscaping.
- 7.5.2 The proposed new estate yard would be located approximately 2.5km away from the Grade I listed stately home of Grimsthorpe Castle itself, and would be fully screened from view by the intervening topography and trees, so it would not harm its setting.
- 7.5.3 The site would be located outside of, but immediately adjacent to, the Grade I Registered Historic Park and Garden of the Grimsthorpe Castle estate itself. Although existing trees and topography currently provide some visual screening from parts of the estate to the north, the site can clearly be seen from parts of the estate to the east and to the south, and clearly forms part of its setting. These parts of the estate form a landscape which is both aesthetically of a high quality, and also historically significant, including the original approach to the Castle from the south. A public footpath crosses the estate approximately 800m to the south of the site, and a construction on the scale of the proposed estate yard would be visible from parts of this if no measures are introduced to provide visual screening.
- 7.5.4 The applicant has provided information showing that it is already planning to extend the existing wooded area to the north-east of the site further to the south-west, including along part of the southern boundary of the site. If introduced, this would screen the site from most vantage points to the south-east, but it would still be visible from parts of the historic estate to the south and south-west. As such, it is considered necessary for the proposed planting of trees to be extended slightly further to the south and south-west of the site. This would almost completely screen the site from areas of the landscape lying within the protected historic estate, with only a small gap remaining to allow for the access road from Swinstead

to the north-west. Appropriate planting could be achieved by attachment of a condition requiring the agreement of a planting scheme prior to commencement of the development.

- 7.5.5 With the condition described above in place, the proposal would not cause harm to any designated heritage asset, in accordance with the Local Plan Policy EN6 and the NPPF (sections 12). The proposal would also be in keeping with the surrounding context in accordance with Policy DE1 and NPPF (section 12).

## 7.6 Highway issues

- 7.6.1 Local Plan Policy ID2 deals with transport issues, requiring that new developments should not severely impact on the safety and movement of traffic on the highway network. This policy is consistent with NPPF section 9 (Promoting Sustainable Transport) which amongst other things states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.6.2 The proposal would be set well back from any public highway, and it is noted that the Local Highway Authority have not raised any objection.

- 7.6.3 In summary, the proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan policy ID2 and the NPPF Section 9.

## 7.7 Ecology

- 7.7.1 Local Plan policy EN2 together with NPPF (section 15) require developments to contribute towards conservation and enhancement of biodiversity and avoid and/or mitigate any adverse impacts.

- 7.7.2 The site is located approximately 900m to the north-west of the edge of a SSSI consisting of part of the wooded parkland of the Grimsthorpe Castle Estate. The SSSI also contains the disused Elsea Pit Quarry, which has been designated a Special Area of Conservation (SAC). At least some of the land around the site drains to the south and east, and any surface water discharged in this direction would run through the very northern edge of the SSSI, and close to the northern edge of the SAC. Following submission of additional information from the applicant (including clarification of the fact that no water abstraction will take place), Natural England have confirmed that they have no objection to the proposal, subject to the attachment of conditions requiring approval of the details of foul and surface water drainage schemes.

- 7.7.3 The ecology survey accompanying the application identifies all of the buildings on the site as having negligible potential for use by bats, with the exception of building 7 (which contains bat boxes, is located just outside the site, and is to be retained). Similarly, this building contains a barn owl nest box and shows evidence of past use by barn owls, but given that it is to be retained, there would be no harm to this protected species either.

7.7.4 In view of the above, the designated features of the SSSI and the SAC are unlikely to be impacted by the water quality of the nearby watercourse. The site is currently in favourable condition. The proposal will also not have a harmful impact upon protected species. The proposal is therefore acceptable and in accordance with the NPPF (Section 15: Conserving and enhancing the natural environment) and Local Plan policy EN2.

## 7.8 **Drainage**

7.8.1 Local Plan policy EN5 together with NPPF (section 14) seeks to direct development to areas with the least probability of flooding, together with implementation of SuDS drainage where possible, in order to minimise surface water runoff.

7.8.2 The site is located in flood zone 1 (at low risk of flooding). Neither the County Council as Local Lead Flood Authority, nor the Local Drainage Board have raised any objection to the proposed use of soakaways for surface water drainage. Foul water would drain to a package treatment plant.

7.8.3 In this respect the proposal is in accordance with the NPPF (section 14) and Local Plan policy EN5.

## 7.9 **Other matters**

7.9.1 The comments from the Council's environmental protection service regarding the safe removal of asbestos are noted and an informative note has been added reminding the developer of their responsibility in this respect. A condition is not considered necessary, as these requirements are covered by other legislation.

## 8 **Crime and Disorder**

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

## 9 **Human Rights Implications**

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

## 10 **Conclusion and Planning Balance**

10.1 The proposed new Estate Yard and associated buildings is considered acceptable and in accordance with Local Plan policies SP5, DE1, E5, EN1, EN2, EN6 and the NPPF (sections 6,9,15,16) and there are no material considerations that indicate otherwise. The proposal is therefore recommended for approval, subject to conditions.

10.2 **RECOMMENDATION: that the development is Approved subject to the following conditions**

### **Time Limit for Commencement**

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

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

### **Approved Plans**

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

- i. Drawing nos. 1394-03, 1394-04, 1394-05, 1394-06 received on 5th March 2020

Unless otherwise required by another condition of this permission.

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

### **During Building Works**

- 3 Before any construction work above ground is commenced, details of a tree planting scheme shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- i. planting plans;
  - ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
  - iii. schedules of trees, noting species, plant sizes and proposed numbers/densities where appropriate;

Reason: To provide visual screening of the proposed development from the Registered Historic Park and Garden to the east and south of the site, and in accordance with Policies DE1 and EN6 of the adopted South Kesteven Local Plan.

- 4 If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with local planning policy

### **Ongoing Conditions**

- 5 Within a period of five years from the first occupation of the final unit of the development hereby permitted, any trees provided as part of the tree planting scheme, that die or become, in the opinion of the Local Planning Authority, seriously damaged

or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved in condition above unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policies DE1, EN6 of the adopted South Kesteven Local Plan.

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

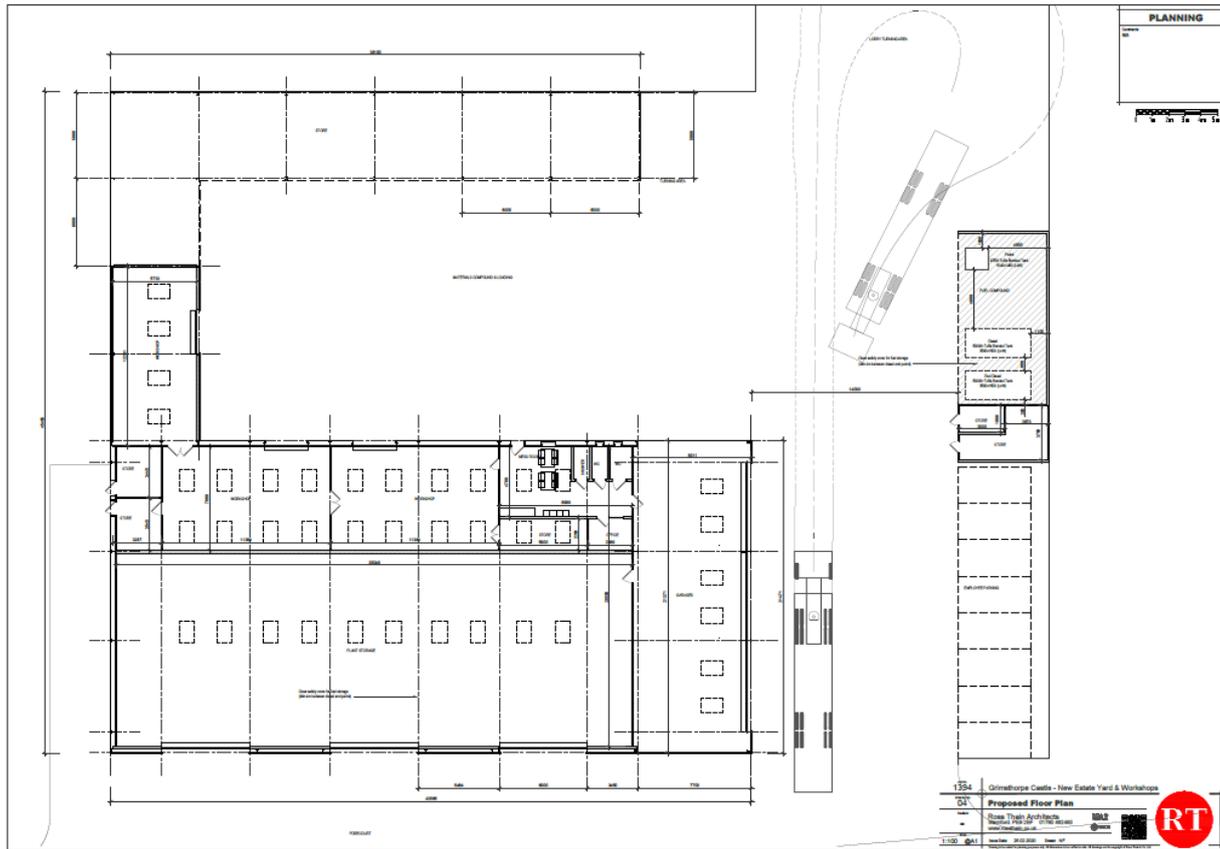
Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings and in accordance with Policies DE1, EN6 of the adopted South Kesteven Local Plan.

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

- 1 In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with paras 38 of the National Planning Policy Framework.
- 2 During demolition works you are reminded of your responsibilities under The Control of Asbestos Regulations 2012.



# Proposed Floor Plan



# Proposed Elevations

