



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

9 January 2025



S24/1418

Proposal:	Erection of a single dwelling with associated access, landscaping and engineering works
Location:	Fulbeck Heights, Pottergate Road, Fulbeck
Agent	Kevin Kelly Architects
Application Type:	Full planning application
Reason for Referral to Committee:	The application is a departure from the Local Plan and it is Officer's recommendation to approve the application
Key Issues:	<ul style="list-style-type: none"> • Principle of Development • Design Quality and Visual Impact • Biodiversity and Ecology
Technical Documents:	<ul style="list-style-type: none"> • Archaeological Desk Based Assessment • Built Heritage Statement • Design and Access Statement • Design Journey, Consultation and Engagement Statement • Flood Risk Assessment and Drainage Strategy • Minerals Resource Assessment • Ground Condition Study • Sustainability Statement • Biodiversity Net Gain Assessment and Metric • Landscape and Visual Impact Assessment • Ecological Impact Assessment

Report Author

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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Loveden Heath

Reviewed by:

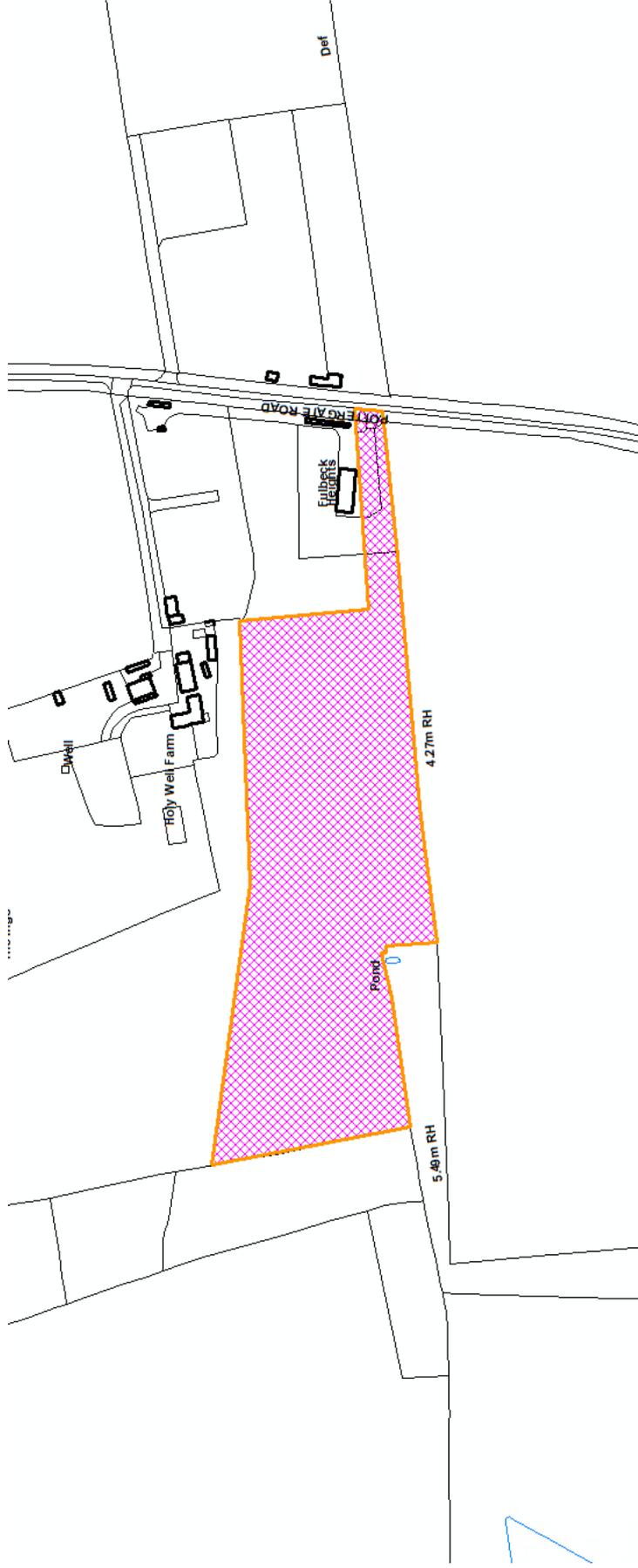
Phil Jordan, Development Management & Enforcement Manager

30 December 2024

Recommendation (s) to the decision maker (s)

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

S24/1418 – Fulbeck Heights, Pottergate Road, Fulbeck



Key



**Application
Boundary**



EXECUTIVE SUMMARY

The current application seeks full planning permission for the erection of an area of undeveloped grassland situated to the west of Pottergate Road; approximately 1.5km to the east of the main built-up area of Fulbeck.

The application site is defined as being located within the Open Countryside, and the proposed development seeks planning permission for a residential dwelling with no essential need to be located within the open countryside. As such, the application proposals are contrary to Policy SP5, and in conflict with the overall principles of the Local Plan spatial strategy. Therefore, the application is contrary to the adopted Development Plan when taken as a whole. In such circumstances, primary legislation directs the Local Planning Authority to refuse planning permission, unless material planning considerations indicate otherwise.

The policies contained within the National Planning Policy Framework (Published December 2024) are a material planning consideration that must be taken into account in the determination of planning applications.

The current application is seeking planning permission for a single dwelling under the provisions of Paragraph 84(e) of the Framework, which supports the development of isolated homes in the countryside where the design is of exceptional design quality in that it:

- i. Is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- ii. Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

The proposed development has been the subject of extensive engagement with the Council's Design PAD service, and an independent Design Midlands Design Review Panel throughout the pre-application period and the application details how the design comments made through these processes have been responded to in the final submitted design.

In the context of the above, it is the Case Officer's assessment and supported by the Council's Principal Urban Design Office and a Design Midlands Review Panel, that the application proposals meet the high bar required to accord with Paragraph 84(e) of the Framework, and therefore, is exceptional design, helping to raise the standards of the design in the local area. As a result, in accordance with Paragraph 139 of the Framework, this is to be attributed significant weight in the overall planning balance.

Taking all of the above into account, the application proposals would be contrary to the adopted Development Plan when taken as a whole. However, it is Officer's assessment that the material considerations in this case, including the exceptional design quality of the scheme required by Paragraph 84 and 139 of the Framework, would outweigh the harm caused by the conflict with the development plan. Therefore, on balance, it is Officer's assessment that the application should be recommended for approval.

1 Description of the site

- 1.1 The application site comprises an area of approximately 2.52 hectares (6.22 acres) of irregular shaped land situated to the west of Pottergate Road; approximately 1.5km to the east of the main built-up area of Fulbeck.
- 1.2 The site comprises of an area of undeveloped grassland, which falls away from Pottergate Road to the east, towards Fulbeck village in the west, and also falls from south to north. The total topographical variation between the entrance to the proposed development site on Pottergate Road, and the Beck positioned on the western boundary of the site is approximately 30 metres.
- 1.3 The application site is known locally as Fulbeck Heights and is accessed via an unmade gravel track and car park from Pottergate Road to the east, which is shared with the existing offices of the same name, which are also within the ownership of the Applicant.
- 1.4 The site is bound to the south by a small copse of woodland, and to all other sides by undeveloped agricultural land which is in arable use and / or unmaintained grassland. The proposed development site boundaries are not clearly defined on the ground. To the north-east of the application site is an existing agricultural dwelling (Holywell Farm), which is a two-storey L-shaped building with a red clay pantile roof.
- 1.5 The proposed development site benefits from extensive views from the high position on Pottergate Road down the escarpment towards Fulbeck village to the west. The site is also visible from South Heath Lane, which is a main route out of the village towards Pottergate Road and runs approximately 1km to the north of the application site.
- 1.6 As referenced above, the site is located outside of the main built-up area of an existing settlement within the District – the nearest settlement is Fulbeck which is located approximately 1.5km to the west of the site – and therefore, the site falls to be defined as being located within the Open Countryside. In addition, it is noted that there is a Public Right of Way (PRoW) which runs along the northern boundary of the application site and connects Fulbeck village to Pottergate Road and runs through the adjoining agricultural land. The site is located within a Minerals Safeguarding Area for Limestone as designated in the Lincolnshire Minerals and Waste Local Plan.

2 Description of the proposal

- 2.1 The current application seeks full planning permission for the erection of a single dwelling with associated access, landscaping and engineering works.
- 2.2 The application scheme is the result of extensive pre-application engagement between the Applicant, the Local Planning Authority and statutory consultees. This has included attendance at multiple Design PAD meetings and a further independent review of the proposals by a Design Midlands Panel. Full details of the evolution of the proposals as a response to the pre-application engagement is set out within the Design Journey, Consultation and Engagement Report (Kevin Kelly Architects) (August 2024), submitted as part of the application.
- 2.3 The application proposals have been accompanied by a range of technical reports including:
 - Archaeological Desk Based Assessment
 - Built Heritage Statement
 - Design and Access Statement
 - Design Journey, Consultation and Engagement Statement

- Flood Risk Assessment and Drainage Strategy
- Minerals Resource Assessment
- Ground Condition Study
- Sustainability Statement
- Biodiversity Net Gain Assessment and Metric
- Landscape and Visual Impact Assessment
- Ecological Impact Assessment

2.4 The application has also been accompanied by a Proposed Site Layout, Proposed Elevation Plans, Proposed Floor Plans, Proposed Roof Plans, and Proposed Site Sections, which indicate that the development would comprise of the following:

2.5 The application proposals seek planning permission for the erection of a single dwelling. The Proposed Site Layout demonstrates that the proposed dwelling would be positioned centrally within the site, broadly aligned with the ridge line running north-south through the site, which allows the proposed dwelling to be “built into” the site. Access to the site is to be taken via an extension of the existing access from Pottergate Road, which would be a gated access marked by steel gates with stone flank walls. The proposed access would comprise a gravel drive with central grass strip and there would be a secondary set of steel gates positioned approximately 2/3rd along the access drive, which would mark the entry into the residential curtilage. The dwelling would be served by a gravel forecourt with an integrated triple garage on the northern side of the dwelling. The primary garden space for the dwelling would be situated to the south of the property on an area forming a plateau in the land shielded by the tree lined southern boundary, and this area is also proposed to feature a wildflower meadow. Three new ponds are proposed to be developed on land to the north and west of the proposed dwelling, and two x ground mounted solar arrays are proposed to the east of the dwelling in an extended area of meadow long grass.

2.6 The proposed dwelling would be U-shape form and would be a contemporary interpretation of the traditional use of stone in the local architecture. The proposed dwelling would be a two-storey dwelling which steps off the edge of the topography of the land to include an Upper Ground Floor and Lower Ground Floor. The proposed dwelling has been designed to be outward facing over the escarpment with a roofscape which results in the impression of a cluster of small farm buildings, with a central oculus window marking the centre point of the dwelling.

2.7 The proposed dwelling would be constructed primarily with local limestone, with Ancaster Stone textures used on the gable ends of the dwelling, and wet cast limestone used for the door and window surrounds. The roof is to comprise of clay pantiles, and natural timber doors and windows are proposed.

2.8 The proposed dwelling is also designed to be underpinned by the principles of high sustainability performance and includes the following measures, which have been integrated into the proposals:

- The buildings embodied carbon is to be reduced through the specification of low carbon materials with a focus on locally sourced natural materials.
- Energy demand will be reduced by achieving a well-insulated envelop which is both airtight and thermal bridge free. High performance glazing provides a positive energy balance whilst mechanical ventilation with heat recovery will maintain good air quality.

- Heating and hot water will be met by electrically driven air source heat pumps. Photovoltaics will generate zero carbon energy. Hot water will be pre-heated using solar thermal panels.
- Water efficient fixtures and fittings will be specified to reduce water consumption below the levels required by national building regulations.
- Rainwater harvesting will be used as a means of reducing water consumption.
- External lighting will be designed to minimise the impact of light pollution. All light fittings will be specified with a reduced light spill and controlled using photocells and timelocks.
- EV charging points are to be included.

3 Relevant History

3.1 No relevant previous application history

4 Policy Considerations

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

Policy SD1 – The Principles of Sustainable Development in South Kesteven

Policy SP1 – Spatial Strategy

Policy SP2 – Settlement Hierarchy

Policy SP5 – Development in the Open Countryside

Policy EN1 – Landscape Character

Policy EN2 – Protecting Biodiversity and Geodiversity

Policy EN3 – Green Infrastructure

Policy EN4 – Green Infrastructure

Policy EN4 – Pollution Control

Policy EN5 – Water Environment and Flood Risk Management

Policy EN6 – The Historic Environment

Policy DE1 – Promoting Good Quality Design

Policy SB1 – Sustainable Building

Policy ID2 – Transport and Strategic Transport Infrastructure

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

Policy M11 – Safeguarding of Minerals Resources

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

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

Section 2 – Achieving sustainable development.

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes.

Section 9 – Promoting sustainable transport.

Section 12 – Achieving well-designed and beautiful places.

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

Section 15 – Conserving and enhancing the natural environment.

Section 16 – Conserving and enhancing the historic environment.

Section 17 – Facilitating the sustainable use of minerals.

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

5 Representations received

5.1 **Fulbeck Parish Council**

Consolidated comments

5.2 Fulbeck Parish Council has voted as a majority to ensure the application.

5.3 Concerns were expressed surrounding potential damage, such as ground contamination to the existing ecology. The Parish Council seek assurances that appropriate surveys have been carried out and appropriate management plans will be put in place for at least 30 years.

5.4 The Parish Council seeks assurances that robust construction and traffic management plans have been drawn up.

5.5 Also of concern was the visibility and visual aspect (from the village) of the proposed dwelling during daylight hours and at night.

5.6 There are some fundamental unanswered questions and a lack of guidance from Lincolnshire Wildlife Trust on the matter. Clarification is required on the following:

- How any weight is to be placed on the desk-based ecological assessment?
- How any judgement can be made about the achievement of a 10% net gain without clarity on the baseline?
- How 10% net gain will be measured?
- What measures will be put in place to deal with any failure to deliver the relevant Net Gain?
- What commitment is there to ensure 10% net gain is achieved on site rather than elsewhere in the District, County or Country?

5.7 **Heritage Lincolnshire**

5.7.1 No objection subject to conditions.

5.7.2 The site for the proposed development lies in an area of archaeological interest. Cropmarks recorded within the landscape to the south of the proposed development may represent the remains of prehistoric boundaries or enclosures. An archaeological desk-based assessment submitted in support of the application has highlighted the topographic setting of the site as being potentially archaeological significant.

5.7.3 Therefore, it is recommended that the Developer should be required to commission a scheme of investigation.

5.8 **Historic England**

5.8.1 No comments to make.

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

5.9.1 No objections.

5.9.2 The vehicular access meets the visibility guidelines set out in Manual for Streets. The car parking provided is in line with the guidance set out in Lincolnshire County Council's Design Approach and turning space is provided within the limits of the site to allow vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result

in an unacceptable impact upon highway safety. The alteration to the access will be subject to a Section 184 Agreement.

5.10 **Lincolnshire County Council (Minerals)**

5.10.1 No comments received.

5.11 **Lincolnshire Wildlife Trust**

5.11.1 No objections.

5.11.2 Section 4.2 of the EIA outlines potential impacts to Fulbeck Heath Road Verges Local Wildlife Site (LWS). This site is composed of calcareous plant species along the roadside forming the main access for the proposed development. There should be no vehicle parking along this road and the losses incurred through the creation of the access should be incorporated into the planting and enhancement of the grassland in the development boundary.

5.11.3 The habitat enhancement will be created through the formation of a mosaic of different habitats that include broadleaved woodland, mixed scrub, higher quality grasslands and ponds. These are appropriate for the locality and will likely generate an uplift in habitat quality supporting a greater diversity of plants and invertebrates, which in turn support a greater diversity of reptiles, birds and mammals.

5.11.4 We expect to see a full BNG management and monitoring plan as required under the Environment Act 2021. We note previous communications with the Trust and can see evidence of some of those comments being incorporated into the illustrative plan.

5.12 **Ministry of Defence (Defence Infrastructure Organisation)**

5.12.1 No objections.

5.13 **SKDC Conservation Officer**

5.13.1 No objections.

5.13.2 The site benefits from long views across the wider landscape, with its elevated position and sloping landscape. Its rural position, as well as natural visual barriers, such as small copse of wood and field boundaries, reduces the potential visual impacts of the proposed development. The substantial distance to Fulbeck Conservation Area also reduces the potential impact upon the setting of the Conservation Area.

5.13.3 Although a substantial structure, the design and materials chosen for the proposed dwelling are reflective of the wider surrounding architecture. The incorporation of the slope and trees within the design provides good screening of the building from most vista points. The proposed solar panels are well hidden within the landscape, set at the upper level, surrounded by shrub and trees, which screens them from the nearby heritage assets.

5.13.4 Due to the close proximity to Holywell Farm to the north of the site, there would be a minor change to the setting of the farm. Historically, the farm would have been a remote individual dwelling, with Gallipot Hall and Bleak House the closest neighbours. The proposed dwelling will infill the space between Holywell Farm and Bleak House. However, with this comprising of a single dwelling, the proposal maintains the nucleated character of the wider landscape. It is therefore not considered to cause harm to the setting of the heritage assets.

5.14 **SKDC Environmental Protection Officer**

5.14.1 No objection subject to conditions.

5.15 **SKDC Principal Urban Design Officer**

5.15.1 Support

5.15.2 The submitted documents entitled “Design Journey, Consultation and Engagement” and “House Design Journey and Stakeholder Consultation” record the various comments made at pre-application through consultation with SKDC, a Design Midlands Review Panel and then further SKDC engagement through Design PAD. These submitted documents are helpful in setting out how the various stages of design comments have been responded to.

5.15.3 The proposal came to use as a high quality design, using stone creatively. Following our initial comments about how it would be seen within the landscape, it was softened and splayed out. Following requests for further studies and refinements, we now have a scheme that is very well researched and evidenced with a strong response to context and narrative, adhering to the design process in the Design Guidelines for Rutland and South Kesteven.

5.15.4 The application falls under Paragraph 84 of the NPPF, being isolated and, having been through a robust set of assessment processes, is deemed to have met, and robustly evidenced, the high bar required for this test.

5.15.5 The application information evidences a building that is truly outstanding, having the highest standards in architecture, and helping to raise the standards of design more generally in rural areas, in addition to significantly enhancing its immediate setting and being sensitive to the defining characteristics of the local area.

5.16 **The Gardens Trust**

5.16.1 No comments to make.

5.17 **The Ramblers Association**

5.17.1 No comments received.

6 Representations as a Result of Publicity

6.1 The application has been advertised in accordance with the Council’s Statement of Community Involvement and letters of representation have been received from 9 interested parties, of which 8 have raised formal objections and 1 has remained neutral. The material considerations raised within the representations can be summarised as follows:

(1) Principle of Development

a. The application is contrary to Policy SP5 of the Local Plan.

(2) Design Quality and Visual Impact

a. The proposed development is completely out of context with the surrounding countryside.

b. The application proposals would not improve the design of Fulbeck.

c. The proposed dwelling is impressive from an architectural perspective.

d. The proposed development would harm the landscape due to light pollution.

(3) Impact on heritage assets

- a. The proposed development would be visible from several view points which would result in harm to the setting of Listed Buildings, including Fulbeck Hall and Fulbeck Church, as well as Fulbeck Conservation Area.

(4) Flood Risk and Drainage

- a. Impact of the development on natural springs.

(5) Biodiversity and Ecology

- a. The proposed development will harm local habitats on the site.
- b. The reports make no reference to local wildlife on the site and would result in harm to protected species.
- c. The proposed development would damage the road verges which are designated as a Local Wildlife Site.

(6) Other Matters

- a. The proposals would set a precedent for further development
- b. Loss of view

7 Evaluation

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this case, the Council adopted the South Kesteven Local Plan 2011-2036 on 30 January 2020, and this forms the Development Plan for the purposes of the current application.
- 7.2 The Lincolnshire Minerals and Waste Local Plan also forms part of the adopted Development Plan in relation to minerals planning.
- 7.3 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021), and this document is a material consideration in the determination of planning applications.
- 7.4 The policies and provisions set out in the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2024) are also a relevant material consideration in the determination of planning applications.
- 7.5 It is also appreciated that the Local Planning Authority are also in the process of conducting a Local Plan Review. The Regulation 18 consultation on the draft Plan was carried out between February and April 2024. At this stage, the policies contained within the draft Plan Review can be attributed very little weight in the determination of planning applications. However, the updated evidence base which accompanies the ongoing Plan Review is a material consideration and must be taken into account in the determination of planning applications.
- 7.6 **Principle of Development**
- 7.6.1 It is noted that public representations received on the application have raised formal objections to the principle of residential development on the site, citing that the proposed development would be contrary to Policy SP5 of the adopted Local Plan.

- 7.6.2 As stated above, the application site is located outside of the main built-up area of any of the defined settlements within the District; the nearest settlement is Fulbeck, which is located approximately 1.5km to the west of the site. As such, the site is defined as being within the Open Countryside.
- 7.6.3 Policy SP5 (Development in the Open Countryside) is the principal spatial policy of the development plan in respect of development in such locations. It identifies that development within the Open Countryside will be strictly limited to that which has an essential need to be located outside of the existing built form of a settlement; and identifies a series of examples of the types of development that would be considered acceptable in principle.
- 7.6.4 The proposed development scheme would involve the erection of a new build dwelling on land situated outside of the main built-up area of Fulbeck on land defined as being Open Countryside. The proposed dwelling would not be a replacement dwelling, or the result of any conversion of buildings, and does not have a demonstrable need to be located within the Open Countryside. As such, the proposed development would be contrary to Policy SP5 of the adopted Local Plan. Furthermore, as a result of this conflict, the proposed development would be contrary to the principles of the overall spatial strategy for the District, which seeks to direct development towards sustainable locations, and therefore, would be in conflict with the Development Plan when taken as a whole. In such circumstances, the Local Planning Authority are directed to refuse planning permission, unless material planning considerations indicate otherwise.
- 7.6.5 The policies and provisions of the National Planning Policy Framework are a relevant material planning consideration. Paragraph 84 of the Framework sets out further guidance in relation to the development of dwellings within the countryside. It states that “planning policies and decisions should avoid the development of isolated homes in the countryside unless one of more of the following circumstances apply:
- (a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
 - (b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets
 - (c) The development would re-use redundant or disused buildings and enhance its immediate setting
 - (d) The development would involve the subdivision of an existing residential building; or
 - (e) The design is of exceptional quality in that it:
 - (i) Is truly outstanding, reflecting the highest standards in architecture, and would help to raise the standards of design more generally in rural areas; and
 - (ii) Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”
- 7.6.6 In assessing whether the application proposals would accord with Paragraph 84 of the Framework, the starting point is to determine whether the scheme would be considered “the development of an isolated dwelling in the open countryside”. In this regard, Case Law has established that whether a dwelling is isolated and therefore assessed under Paragraph 84 is determined by its proximity to a settlement. In view of this, the proposed development is located approximately 1.5km to the west of Fulbeck, and therefore, the proposed development scheme would reasonably be defined as being an isolated dwelling within the

Open Countryside. As such, the application proposals would fall to be assessed against Paragraph 84 of the Framework.

7.6.7 Taking the above into account, the application proposals are contrary to Policy SP5 of the adopted Local Plan, and the overall principles of the Local Plan spatial strategy. As such, the application would be contrary to the adopted Development Plan when taken as a whole. In such circumstances, primary legislation directs the Local Planning Authority to refuse planning permission, unless material considerations indicate otherwise. These matters are discussed in further detail below.

7.7 Design Quality and Visual Impact

7.7.1 The current application is seeking planning permission for a single dwelling under the provisions of Paragraph 84(e) of the NPPF, which requires the Applicant to demonstrate that the proposal is of exceptional design quality, reflecting the highest standards in architecture and would help to raise the standards of design more generally, and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

7.7.2 It is noted that public representations have raised objections on the basis that the proposed development would not be in keeping with the surrounding countryside and would not improve the design quality of Fulbeck. On the other hand, public representations have also commented on the architectural merits of the proposed dwelling.

7.7.3 The application has been accompanied by a Design and Access Statement, as well as a Design Journey, Consultation and Engagement document, which details the evolution of the proposed development through pre-application engagement with the Council's Design PAD service, a Design Midlands Review panel, as well as other stakeholders and consultees.

7.7.4 These documents comprehensively set out how the proposals respond to their local context and have a clear narrative that responds to the evidence and research undertaken throughout the design process. In short, the submitted documents suggest that the proposed development should be deemed to be exceptional design for the following reasons:

“The project’s focus on “Studies in Stone” represents a deep engagement with traditional materials, particularly limestone, in innovative ways. By combining traditional craftsmanship with modern design techniques and technologies, the project pushes the boundaries of how local materials can be utilized in contemporary architecture. This not only celebrates the local vernacular but also reinterprets it for the 21st century, meeting the criterion for innovation and exceptional quality”

7.7.5 As stated above, the proposed development has been the subject of extensive engagement with the Council's Design PAD service and an independent Design Midlands Design Review Panel; these reviews were undertaken at pre-application stage and design comments made have been responded to in the final submitted design.

7.7.6 A full copy of the Design Midlands Review Panel report is enclosed at **Appendix 1**. To summarise, the Design Panel confirmed that they considered there to be enormous potential in the site; and the brief, site analysis, design approach and design work undertaken were critical in demonstrating that the high bar of Paragraph 84 had been achieved. Nonetheless, they identified a number of areas of further consideration, which related to refining the brief / narrative of the development; undertaking further landscape assessment; embedding

sustainability as a design driver; and designing the house and landscape with a more coherent language.

- 7.7.7 The submitted Design Journey, Consultation and Engagement document (August 2024) outlines how the points raised by the Review Panel were addressed in the submission version of the application scheme. This notes that the review process prompted a refinement of the architectural language, focusing on the notion of “studies in stone” and reducing the visual clutter of the development. This has resulted in the final submitted version of the scheme having a clear narrative of exceptional design quality through its use of traditional material in modern and innovative ways.
- 7.7.8 A further review was then undertaken by the Council’s Design PAD service in advance of the application submission. Subsequently, the Council’s Principal Urban Design Officer has been consulted on the application scheme and has confirmed that, in their professional assessment, the proposals have met and robustly evidenced that they meet the requirements of Paragraph 84(e) of the NPPF.
- 7.7.9 In view of the site’s location within the open countryside, together with the high threshold of design quality required to enable the proposed application scheme to be deemed acceptable, conditions are proposed to remove permitted development rights relating to extensions and alterations to the dwelling, which will ensure that the development scheme operates as assessed. Similarly, conditions are proposed to remove permitted development rights relating to outbuildings and boundary treatments within the residential curtilage; this will ensure that domestic paraphernalia does not adversely affect the site’s rural context. Furthermore, conditions are proposed to require a detailed sample of the materials to be used in the construction of the development, which must be in broad accordance with the details contained within the Design and Access Statement. This will ensure that the “study in stone” uses the high quality materials necessary to realise this key narrative.
- 7.7.10 In respect of the potential landscape and visual impacts of the development, the proposed development would invariably result in a visual impact as a result of the change from undeveloped grassland to a residential dwelling. It is appreciated that the proposed development would be visible to users of the public right of way that runs along the northern boundary of the site, and due to its location on the ridge of the escarpment, it would be visible from Fulbeck village.
- 7.7.11 The application has been accompanied by a Landscape and Visual Impact Assessment (Ibbotson Studios) (October 2023), which identifies the following:
- The site is well contained by existing vegetation and the landform, although the site is partially visible from Pottergate Road and South Heath Lane, and occasionally glimpsed from the vicinity of the recreation ground in the village, it has been designed as a contemporary interpretation of the local characteristics to enhance views rather than detract.
 - From the footpath network, the adjacent path Fulb/12/1 has visual impacts with significant effects, especially from the section of the path adjacent to the site passing through the field. Whether these will be regarded as positive or negative by path users will be dependent on the quality of the execution of the design, and the correct establishment and management of the proposed landscaping.
 - There will be visual impacts: overall these are considered as being neutral or as positive and beneficial. As the landscape proposals mature, the proposals would fit

the scale, landform and would create new beneficial landscape features. The proposed house would be sympathetic to the pattern of houses and farmsteads located along the Cliff.

- 7.7.12 The visual impact of the proposed development has been subject to significant discussions through the Design PAD and Design Review Panel process. This has resulted in the evolution of the design proposals, which has sought to soften this visual impact through splaying the building (separating the individual elements to allow the landscape to permeate through) and the development of a well-designed landscape strategy. As a result, whilst there would be some visual impact from the development, it is Officer's assessment that, subject to conditions ensuring the delivery of a high quality development as intended, this would not be a harmful visual impact. Conditions are proposed to require the implementation of the identified soft landscaping proposals, together with conditions requiring protection and establishment of this landscaping over a 5 year period.
- 7.7.13 It is noted that public representations have raised objections on the basis that the proposed development would result in an unacceptable landscape impact due to light pollution interrupting dark skies.
- 7.7.14 The submitted Design and Access Statement outlines how the siting, layout and orientation of the proposed dwelling has been driven by the intention to harness the best use of natural daylight and sunlight, as well as utilising energy efficient lighting to reduce the embodied carbon footprint of the development. Nonetheless, it is appreciated that a detailed Lighting Assessment has not been submitted as part of the application scheme, and therefore, conditions are proposed to require the submission and compliance with a detailed lighting strategy.
- 7.7.15 Taking the above into account, it is Officer's assessment that the application proposals represent exceptional design, which would help to raise the standard of design in the local area and would be appropriate for the site's context. As such, the application would accord with Policy DE1 of the adopted South Kesteven Local Plan, as well as the provisions of Paragraph 84(e) and Paragraph 139 of the National Planning Policy Framework. Officers consider that significant weight should be attributed to the exceptional quality of the design in the overall planning balance. This planning balance is discussed in the conclusions below.

7.8 **Impact on Biodiversity and Ecology**

- 7.8.1 Public representations have raised objections on the basis that the proposed development would result in harm to local wildlife on the site and would damage local habitats, including the roadside verges on Pottergate Road, which are a designated Local Wildlife Site. In addition, it is noted that representations received from Fulbeck Parish Council and members of the public have raised objections to the adequacy of the ecological assessments undertaken as part of the application.
- 7.8.2 The application has been accompanied by an Ecological Impact Assessment (BWB) (October 2023), which sets out the results of an extended Phase 1 Habitat Survey, which included a search for evidence of any protected species and the potential of the site to support any protected species. The Assessment identifies the following key conclusions:
- Access for the construction and future operation of the site will be taken from Pottergate Road and there is likely to be some damage to the LWS whilst access is created and from regular passage of construction vehicles. Given the location of this potential impact, there is likely to be some temporary disruption of the overall function

of the LWS. This would be a minor impact, temporary in nature, which could be mitigated through the submission of a Construction Environmental Management Plan.

- There is the potential for amphibians to be present within ponds close to the site and therefore within the site itself. Potential options for mitigation would likely require fencing and trapping to remove newt from the construction area if they were found to be present, as well as the enhancement of the habitats to provide additional features, such as additional ponds or opportunities for hibernation.
- Impacts on mammals are considered unlikely due to the lack of evidence of these species and the lack of permanent features for them to reside within the site.
- Direct impacts to roosting bats are considered unlikely.

7.8.3 In addition, the application has also been accompanied by a Biodiversity Net Gain Assessment (BWB) (October 2023), which includes the results of the statutory biodiversity metric. This confirms that the proposed development would deliver a 3.85 net gain in habitat units (23.78%) and an increase in 2.02 hedgerow units (132.62%).

7.8.4 Lincolnshire Wildlife Trust have been consulted on the application, and initially imposed a holding objection pending the submission of the Ecological Impact Assessment. Following receipt of this document, the Trust were re-consulted, and they have subsequently removed their holding objection, and confirmed that they have no objection subject to conditions. The requested conditions relate to the submission of a BNG Management and Monitoring Plan covering the full 30-year period required under the Environment Act 2021. These matters are covered by the statutory biodiversity gain condition which is attached to any planning permission granted and therefore, would be required to be submitted prior to commencement of the development.

7.8.5 Nonetheless, conditions are also proposed to require the compliance with the mitigation and enhancement measures contained within the Ecological Impact Assessment, which includes the completion of any further survey works where necessary, as well as the submission of a Construction Environmental Management Plan, to mitigate the potential impacts on the designated Local Wildlife Site.

7.8.6 Taking the above into account, subject to the imposition of conditions, the proposals would satisfy the requirement of Policy EN2 of the adopted Local Plan, and Section 15 of the National Planning Policy Framework.

7.9 **Impact on Heritage Assets**

7.9.1 Public representations have raised objections on the basis that the proposed development would be visible from viewpoints which contribute to the setting of Listed Buildings, including Fulbeck Hall and Fulbeck Church, as well as the Fulbeck Conservation Area.

7.9.2 The application has been accompanied by a Built Heritage Impact Assessment (Squire Heritage Consulting) (October 2023), which confirms that whilst the site may be seen in views to / from Listed Buildings, due to the distance, topography and good landscape screening, the proposed development would not have any adverse impacts on these assets. Similarly, it is concluded that the proposed development would be no adverse impacts on the Conservation Area.

- 7.9.3 The Council's Conservation Officer has been consulted on the application and has confirmed that they have no objections. They have confirmed that there would be no harm to the setting or significance of any designated heritage assets.
- 7.9.4 Similarly, Historic England and the Gardens Trust have been consulted and neither party has raised any objections.
- 7.9.5 With regards to the impact of the development on archaeology, Heritage Lincolnshire (as Local Archaeological Advisors) have been consulted on the application and have confirmed that the site offers the potential for archaeological remains to be present. Therefore, further investigation is required. These works are proposed to be secured via pre-commencement conditions.
- 7.9.6 Therefore, subject to the imposition of conditions, the application proposals would not have any unacceptable adverse impacts on any below ground archaeological assets, or any designated heritage assets. As such, the proposals would be in accordance with Policy EN6 of the Local Plan, Section 16 of the Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.10 **Access and Highways Impacts**

- 7.10.1 As outlined above, access to the site is to be taken via an extension of the existing access from Pottergate Road, which would be a gated access marked by steel gates with stone flank walls.
- 7.10.2 Lincolnshire County Council (as Local Highways Authority) have been consulted on the application proposals and have confirmed that they have no objections
- 7.10.3 Consequently, it is concluded that the application proposals would not give rise to any unacceptable adverse impacts on highways safety and / or capacity. As such, the application proposals are assessed as being in accordance with Policy ID2 of the adopted South Kesteven Local Plan and Section 9 of the Framework.

7.11 **Flood Risk and Drainage**

- 7.11.1 Public representations received on the application have raised concerns that the proposed development would result in an adverse impact on the natural springs that occur on the site and feed the watercourses in the surrounding area.
- 7.11.2 The application site is located within Flood Zone 1 of the Flood Map for Planning, and is also identified as being at very low risk of surface water flooding. As such, the proposed development is considered to present an overall low risk of surface water flooding.
- 7.11.3 The application has been accompanied by a Flood Risk Assessment and Drainage Strategy (Cundall) (October 2023), which identifies the following:
- The drainage design has been developed so that surface water collected from roof areas of the proposed development is discharged via rainwater downpipes to a below ground network. This network will convey surface water runoff to a proposed soakaway for infiltration located in the northwest of the site.
 - Buff gravel is proposed to be used for the driveway leading up to the proposed development, and this permeable material will allow for infiltration, mimicking the existing drainage patterns of the site.

- The lower landscaped terrace will be drained separately to the wetland pond located to the front of the property. In the event that the pond overtops, the excess water will flow down the hill towards the watercourse in the west, as is the existing situation, and will not pose any flooding risk.

7.11.4 Lincolnshire County Council (as Lead Local Flood Authority) have been consulted on the application proposals; however, they are not required to provide comments on minor applications and, therefore, have declined to comment.

7.11.5 Notwithstanding this, as detailed above, the proposed surface water drainage strategy seeks to mimic existing drainage patterns and does follow SuDS principles. The site is located in an area which is not deemed to be at risk of flooding, and therefore, it is Officer's assessment that the proposed development would not give rise to unacceptable risks of flooding and would not adversely affect existing drainage regimes. Nonetheless, further details of surface and foul water drainage would be addressed through Building Regulations, which requires development to be carried out in accordance with Approved Document H.

7.11.6 Taking the above into account, it is Officer's assessment that the application proposals would not give rise to unacceptable risks of flooding and, therefore, accord with Policy EN5 of the adopted Local Plan and Section 14 of the Framework.

7.12 **Climate Change**

7.12.1 The application proposals would involve the development of a single dwelling within the Open Countryside, contrary to the adopted spatial strategy for the District and, therefore, the scheme would be inconsistent with the locational principles of Policy SD1.

7.12.2 Notwithstanding this, the application has been accompanied by a Sustainability Statement (Cundall) (October 2023), which outlines the sustainable design measures and principles that are to be implemented as part of the scheme. This includes the following measures:

- The buildings embodied carbon is to be reduced through the specification of low carbon materials with a focus on locally sourced natural materials.
- Energy demand will be reduced by achieving a well-insulated envelope which is both airtight and thermal bridge free. High performance glazing provides a positive energy balance whilst mechanical ventilation with heat recovery will maintain good air quality.
- Heating and hot water will be met by electrically driven air source heat pumps. Photovoltaics will generate zero carbon energy. Hot water will be pre-heated using solar thermal panels.
- Water efficient fixtures and fittings will be specified to reduce water consumption below the levels required by national building regulations.
- Rainwater harvesting will be used as a means of reducing water consumption.
- External lighting will be designed to minimise the impact of light pollution. All light fittings will be specified with a reduced light spill and controlled using photocells and timelocks.
- EV charging points are to be included.

7.12.3 The above measures would reflect the requirements of sustainable construction set out in Policy SB1 of the adopted Local Plan, and conditions are proposed to require compliance with the submitted statement.

7.12.4 Therefore, subject to the imposition of conditions, the proposal would meet the requirements of Policy SB1 of the adopted Local Plan.

7.13 **Effect of the development on residential amenity**

7.13.1 In respect of the impact of the development on residential amenity, it is noted that no public representations have been raised on these matters.

7.13.2 Notwithstanding this, in assessing the proposed development against the amenity guidelines contained in the Design Guidelines SPD, it is Officer's assessment that the proposed scheme would accord with all relevant standards in relation to privacy, light and outlook due to its adequate separation distances to the nearest residential property.

7.13.3 Taking the above into account, it is concluded that the application proposals would not give rise to any unacceptable adverse impacts on privacy, light or outlook. As such, the application proposals would accord with Policy DE1 of the adopted Local Plan, the Design Guidelines SPD, and Section 12 of the Framework in respect of residential amenity considerations.

7.14 **Other Matters**

Public Representations

7.14.1 Public representations have raised objections on the basis that the proposed development would set a precedent for additional residential development within the Open Countryside.

7.14.2 Planning applications are required to be determined on their own merits, and whilst the Local Planning Authority have a duty to be consistent with decision-making, the determination of a planning application does not establish bound the decision for any other planning application.

7.14.3 In addition, public representations have also raised objections to the impact of the development on private views of the open countryside. The impact of development on a private view is not a material planning consideration and, therefore, would not be a justified reason to refuse planning permission.

Minerals Safeguarding

7.14.4 As stated above, the site is located within a Minerals Safeguarding Area.

7.14.5 Lincolnshire County Council (as Minerals Planning Authority) have been consulted on the application and have raised no objections. As such, the application is deemed to be in accordance with Policy M11 of the Lincolnshire Minerals and Waste Local Plan.

Environmental Protection

7.14.6 The Council's Environmental Protection Team have been consulted and have raised no objections subject to conditions requiring a Construction Management Plan and control over working hours. As detailed above, a condition is proposed to be included for a CEMP to ensure that the scheme does not result in any unacceptable impacts on the designated Local Wildlife Site. However, in respect of conditions restricting working hours, it is Officer's assessment that these are adequately addressed through statutory noise nuisance

regulations, and therefore, it is not necessary to impose further control through planning conditions.

8 Crime and Disorder

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

9 Human Rights Implications

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

10 Planning Balance and Conclusions

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

10.2 The current application seeks full planning permission for the erection of a single dwelling with associated access, landscaping and infrastructure on land to the west of Pottergate Road, approximately 1.5km outside of Fulbeck. In this respect, the application site is located within the Open Countryside, where development is restricted to that which has an essential need to be located within such a location. Policy SP5 identifies a number of examples of development that is likely to be considered acceptable in principle, however, the current application does not fall within any of the identified examples and there is no essential need for the proposals to be located within the open countryside.

10.3 In view of the above, the proposed development would be contrary to Policy SP5 of the adopted Local Plan and would be inconsistent with the overall spatial strategy for the District. As such, it is Officer's assessment that the application scheme would be contrary to the overall Development Plan. In such circumstances, primary legislation directs the Local Planning Authority to refuse planning permission unless material considerations indicate otherwise. Therefore, it is Officer's assessment that the identified conflict with the development plan should be given significant weight in the planning balance.

10.4 In respect of material considerations, the application proposals are being promoted under Paragraph 84(e) of the National Planning Policy Framework, which permits the development of isolated homes in the countryside where they are exceptional design quality and would help to raise the standards of design generally within the local area. It is the Case Officer's assessment and supported by the Council's Principal Urban Design Officer and a Design Midlands Review Panel, that the application proposals would meet the high bar required to adhere to Paragraph 84(e) of the Framework and therefore would be exceptional design, helping to raise the standards of design in the local area. In accordance with Paragraph 139 of the Framework, this is to be attributed significant weight in the overall planning balance.

10.5 It is appreciated that the application proposals would result in the provision of a single dwelling, which would provide a windfall contribution to the Council's housing land supply, and this is significant public benefit, which Officer's would attribute minor weight given the modest contribution it would make to the housing land supply.

10.6 Furthermore, the proposals would also deliver environmental benefits through the provision of a biodiversity net gain which substantially exceeds the mandatory 10% net gain required

by the Environment Act 2021. It is the Case Officer's assessment that this is to be attributed significant weight in the planning balance.

- 10.7 Taking all of the above into account, the application proposals would be contrary to the adopted Development Plan when taken as a whole. However, it is Officer's assessment that the material considerations in this case, including the exceptional design quality of the scheme required by Paragraph 84 and 139 of the Framework, would outweigh the harm caused by the conflict with the development plan. Therefore, on balance, it is Officer's assessment that the application should be recommended for approval.

11 Recommendation

- 11.1 To authorise the Assistant Director – Planning and Growth to GRANT planning permission, subject to conditions

Schedule of Condition(s)

Time Limit for Commencement

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

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

Approved Plans

Approved Plans

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

- Proposed Elevation GG-HH (Ref: 00/AE110/Rev A)
- Proposed Elevation FF-AA (Ref: 00/AE120/Rev A)
- Proposed Lower Ground Floor Plan (Ref: 00/AP110/Rev A)
- Proposed Upper Ground Floor Plan (Ref: 00/AP120/Rev A)
- Proposed Roof Plan (Ref: 00/AP130/Rev A)
- Proposed Section BB-CC (Ref: 00/AS110/Rev A)
- Proposed Site Layout (ref: 103/01C)
- Proposed Site Layout – Whole Site (Ref: 102/02A)

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

Biodiversity and Ecology

Construction Environmental Management Plan

- 3) Before any part of the development hereby permitted is commenced, a detailed Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include measures to mitigate against the adverse effects of vehicular movements, noise, dust and vibration and means to manage the drainage and ecological impacts of the construction stages of the development. The submitted CEMP shall include:

- i. Access construction
- ii. The routing of all construction vehicles
- iii. The parking of all vehicles of site operatives and visitors
- iv. The loading and unloading of all plant and materials
- v. The storage of all plant and materials used in construction the development
- vi. Wheel washing facilities
- vii. A strategy stating how surface water will be managed during the construction stage and protection measures for any sustainable drainage features. This should include drawing(s) showing how drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction

- viii. Ecological Management Plan, including appointment of an Ecological Clerk of Works, and the implementation of Natural England licences as required.

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

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

Heritage and Archaeology

Written Scheme of Investigation

- 4) Before the development hereby permitted is commenced, a Written Scheme (WSI) of Archaeological Investigation shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

During Building Works

Design Quality and Visual Impact

Materials Specification

- 5) No development above damp-proof course shall take place until a detail specification of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The submitted specification shall be in broad accordance with the details contained within the submitted Design and Access Statement (KKA) (October 2023).

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan, and to ensure that the development achieves the high standards of design required by Paragraph 84 of the National Planning Policy Framework.

Light Spillage Assessment and Strategy

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan, and to ensure that the development achieves the high standards of design required by Paragraph 84 of the National Planning Policy Framework.

Biodiversity and Ecology

Ecological Mitigation

- 7) All works on site, including construction works, shall be carried out in accordance with the recommendation contained within Section 4 and 5 of the Ecological Impact Assessment (BWB) (October 2023) including, where necessary, further survey works to identify the presence / absence of protected species, in advance of any site clearance works.

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

Before the Development is Occupied

Design Quality and Visual Impact

Materials Implementation

- 8) Before the dwelling hereby permitted is first occupied, all external materials must have been completed in accordance with the approved external material details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan, and to ensure that the development achieves the high standards of design required by Paragraph 84 of the National Planning Policy Framework.

Hard Landscaping and Boundary Treatments Implementation

- 9) Before any part of the development hereby permitted is occupied, all hard landscaping and boundary treatments shall have been completed in accordance with the details shown on the approved Site Layout Plan (Ref: 103-02A).

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan, and to ensure that the development achieves the high standards of design required by Paragraph 84 of the National Planning Policy Framework.

Site Levels Implementation

- 10) Before any part of the development hereby permitted is occupied, the development shall be carried out in accordance with the approved site levels as detailed on the approved Site Layout Plan (Ref: 103-02A).

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan, and to ensure that the development achieves the high standards of design required by Paragraph 84 of the National Planning Policy Framework.

Climate Change

Sustainable Construction

- 11) Before any part of the development hereby permitted is occupied, the sustainable building measures detailed in the approved Sustainability Statement (Cundall) (October 2023) shall have been implemented in full.

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

Ongoing Conditions

Design Quality and Visual Impact

Soft Landscaping Implementation

- 12) Before the end of the first planting / seeding season following the first occupation of the development hereby permitted, all soft landscaping works shall have been carried out in accordance with the Site Layout Plan (Ref: 103-02A), unless required by another condition of this permission.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DE1 (Promoting Good Quality Design) of the adopted South Kesteven Local Plan, and to ensure that the development achieves the high standards of design required by Paragraph 84 of the National Planning Policy Framework.

Soft Landscaping Protection

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

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping, in accordance with the approved designs and in accordance with Policy DE1 (Promoting Good Quality Design) and Policy EN2 (Protecting Biodiversity and Geodiversity) of the adopted South Kesteven Local Plan.

PD Rights – Extensions or alterations

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

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

PD Rights – Roofs

15) Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, or re-enacting that Order, with or without modification), no additions to the roof of the approved property, shall be carried out without planning permission first having been granted by the Local Planning Authority.

Reason: The Local Planning Authority considers that additions to the roof of the approved dwellings could cause detriment to the amenities of the occupiers of the neighbouring properties, or the character of the area, and for this reason would wish to control any future development and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

PD Rights – Outbuildings

16) Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, or re-enacting that Order, with or without modification), no buildings etc. incidental to the enjoyment of the dwellinghouse, shall be constructed without planning permission first having been granted by the Local Planning Authority.

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

PD Rights – Boundary Treatments

17) Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, or re-enacting that Order, with or without modification), no gate, fence, wall or other means of enclosure shall be erected without planning permission first having been granted by the Local Planning Authority.

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

Standard Note(s) to Applicant

- 1) In reaching this decision, the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such, it is considered that the decision is in accordance with Paragraph 39 of the National Planning Policy Framework (2024).
- 2) The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

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

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

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

- 3) In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.
- 4) The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.
- 5) Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the

Highway Authority's website via the following link: Traffic Management -
<https://www.lincolnshire.gov.uk/traffic-management>

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Proposed Site Layout



Fulbeck Heights
Lincolnshire

Site Layout - whole site

103-02A
1:500@A1
October 2023

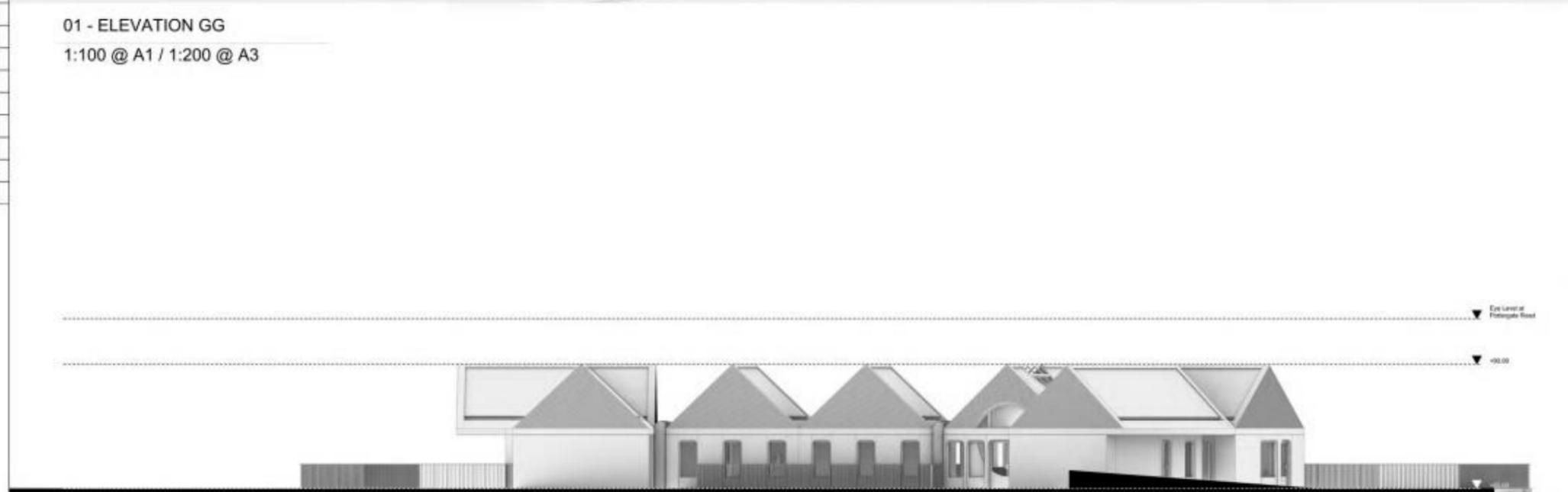




Proposed Elevations



01 - ELEVATION GG
1:100 @ A1 / 1:200 @ A3



02 - ELEVATION HH
1:100 @ A1 / 1:200 @ A3

NOTES

A	2nd Planning Issue	KK	18.09.23
-	Final Planning Issue	KK	06.04.22

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PROJECT TITLE
FULBECK HEIGHTS

PROJECT NUMBER
22002

WORKING TITLE GENERAL ARRANGEMENT ELEVATION GG ELEVATION HH	SCALE 1:100 @ A1
DATE 11.11.2022	REVISION A

Drawn by
(00)AE110



01 - ELEVATION FF
1:100 @ A1 / 1:200 @ A3



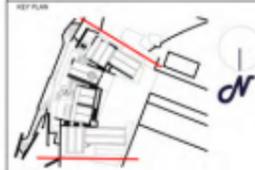
02 - ELEVATION AA
1:100 @ A1 / 1:200 @ A3

NOTES

A 2nd Planning Issue KK 18.09.23

- First Planning Issue KK 06.04.22

REVISION	DESCRIPTION	CHECKED BY	ISSUE DATE	
8000		4000	2000	0



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PROJECT TITLE
FULBECK HEIGHTS

PROJECT NUMBER
22002

DRAWING TITLE
GENERAL ARRANGEMENT
ELEVATION FF
ELEVATION AA

SCALE
1:100 @ A1

DATE
11.11.2022

DRAWING NO.
(00)AE120

REVISION
A