



## Planning Committee

31 July 2025

# S25/0992

Proposal:	Section 73 application to vary Condition 2 (Approved Plans) of planning permission S22/2308 (Erection of 21 affordable dwellings with associated access, landscaping, parking and cycle storage provision)
Location:	Land rear of Larch Close and Shaw Road, Grantham
Applicant	South Kesteven District Council
Application Type:	Section 73 application to vary existing full planning permission
Reason for Referral to Committee:	South Kesteven District Council are Applicant and Owner
Key Issues:	<ul style="list-style-type: none"><li>Impact on the character and appearance of the area</li></ul>
Technical Documents:	

### Report Author

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Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Grantham Earlesfield

Reviewed by:

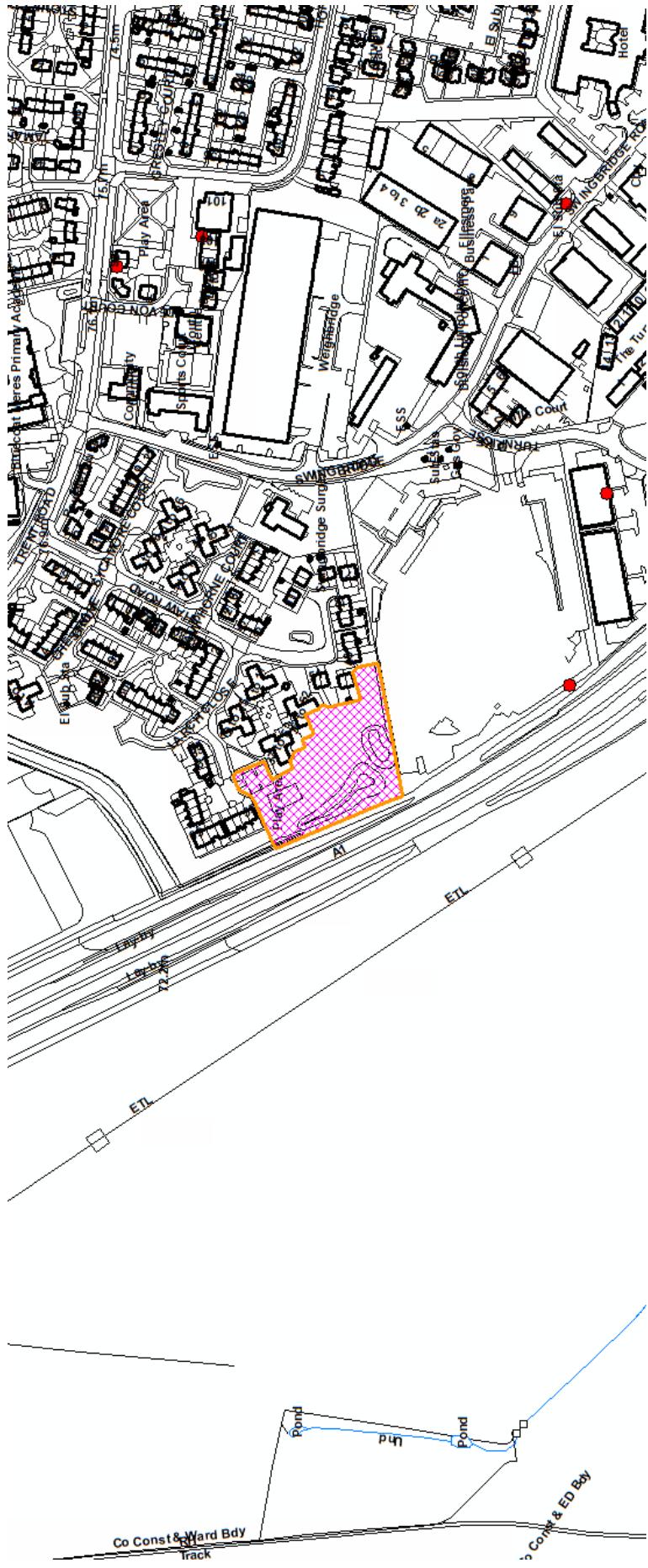
Phil Jordan, Development Management & Enforcement Manager

22 July 2025

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

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

S25/0992 – Larch Close, Grantham



## Application Boundary



## Key



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## 1 Description of the site

- 1.1 The proposed development site comprises an area of approximately 0.82 hectares (2.02 acres) of irregular shaped land situated to the rear of Larch Close and Shaw Road, positioned to the south-west of Grantham.
- 1.2 The site currently forms an area of informal open space serving the local residents of the nearby residential properties. The site is broadly flat with a gentle fall from north to south.
- 1.3 The application site is bound to the north by existing residential properties which front onto Larch Close, with an informal parking area situated immediately adjacent to the north-east corner of the site; to the east are residential properties fronting onto Shaw Road; to the south by the former Fenland Foods processing site which is currently being redeveloped for the erection of a new Waste Depot; and the site is bound to the west by the A1 trunk road.
- 1.4 The application site benefits from clearly defined boundaries to all sides; to the north and east, the site is bound by close boarded fencing marking the rear gardens of the existing residential properties on Larch Close and Shaw Road; to the south, the site is defined by a low level landscaped bund with palisade fencing beyond. Similarly, to the west, the site boundary is marked by a landscaped bund with mature boundary trees and hedgerow beyond.

## 2 Description of the proposal

- 2.1 The current application is a Section 73 planning application seeking to vary Condition 2 (Approved Plans) of planning permission S22/2308.
- 2.2 The application form identifies that a further drainage investigation has identified that an existing drain runs along the southern part of the site. As such, the site has been redesigned to accommodate the necessary drainage easements. For completeness, this would consist of the following amendments to the recent Section 73 planning permission (LPA Ref: S24/2037).
  - The apartments have been consolidated into a single 2-3 storey building in the southern part of the site, but have been positioned forward from the southern boundary to allow for the drainage easement.
  - The apartments cycle storage has been relocated from the front of the building to the rear.
  - A new landscaped bund is to be provided along the southern boundary, which replaces the existing mound, which was previously proposed to be reprofiled.
  - Plot 7 & 8 have been altered to have a stepped ridge line to the roof and the location of the parking for Plot 8 has been moved further back and altered to a tandem parking arrangement.
  - Plot 1 & 2, which are the bungalows, have been altered from a stepped roof to a hipped roof design
- 2.3 The overall mix and quantum of housing remains unchanged.

## 3 Relevant History

Application Ref	Description of Development	Decision
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S22/2308	Erection of 21 dwellings with associated access, landscaping, parking and cycle storage provision	Approved Conditionally 02.08.2024
S24/2037	Section 73 application to vary Condition 2 (Approved Plans) of S22/2308	Approved Conditionally 18.03.2025
S25/0019	Submission of details reserved by Condition 3 (Archaeology), 5 (Noise Impact Assessment) and 7 (Remediation Strategy)	Details Approved 18.03.2025

## 4 Policy Considerations

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

Policy SD1 – The Principles of Sustainable Development in South Kesteven

Policy DE1 – Promoting Good Quality Design

Policy SB1 – Sustainable Building

Policy ID2 – Transport and Strategic Transport Infrastructure

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

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

Section 2 – Achieving sustainable development.

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

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

Section 15 – Conserving and enhancing the natural environment

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

## 5 Representations received

### 5.1 Anglian Water

5.1.1 The proposed change showing the easement of the sewers is acceptable to Anglian Water.

### 5.2 Cadent Gas

5.2.1 No comments to make.

### 5.3 Gardens Trust

5.3.1 No comments to make.

### 5.4 Grantham Town Council

5.4.1 No objections.

### 5.5 Historic England

5.5.1 No comments to make.

### 5.6 Lincolnshire County Council (Education)

5.6.1 No comments to make.

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

5.7.1 No objections.

5.7.2 It is noted within the application that it is now intended to keep the development private. However, whilst this avoids the need for a Section 38 agreement, the development will meet the requirements for an Advanced Payments Code (APC) agreement.

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

5.8.1 No objections.

5.9 **National Highways**

5.9.1 No objections.

5.10 **NHS Lincolnshire Integrated Care Board**

5.10.1 No comments received.

5.11 **SKDC Environmental Protection**

5.11.1 No comments to make.

## **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 one letter of representation has been received. The representation has requested the provision of swift nesting bricks as part of the development.

## **7 Evaluation**

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

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

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

7.4 It is also appreciated that the Local Planning Authority are also in the process of conducting a Local Plan Review. The initial Regulation 18 consultation on the draft Plan was carried out between February and April 2024 and a further Regulation 18 consultation on proposed housing and mixed-use allocations is currently ongoing. At this stage, the allocations and policies contained in the Local Plan Review can be attributed very little weight in the determination of planning applications. However, the updated evidence base which accompanies the Local Plan Review is a material consideration and must be taken into account.

7.5 **Principle of Development**

7.5.1 An application can be made under Section 73 of the Town and Country Planning Act 1990 to remove or vary conditions associated with a planning permission. This is the case with the current application, which seeks to vary Condition 2 (Approved Plans) of planning permission S22/2308.

7.5.2 Planning permission granted under a Section 73 application takes effect as a new, independent planning permission to carry out the same development as previously approved, subject to new or amended conditions, showing the amendment together with any other relevant conditions from the original permission. The new permission would sit alongside the original permission which remains intact and unamended. It is then for the Applicant to determine which permission to implement.

7.5.3 The Act is very clear that “On such an application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and –

- (a) If they decide planning permission should be granted subject to conditions different from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly; and
- (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application”.

7.5.4 In other words, the Local Planning Authority cannot revisit the principle of development, or any other issues, which are not relevant to the conditions of the permission which are subject to variation/removal as part of the current application.

**7.6 Effect on the character and appearance of the area**

7.6.1 As stated above, the current application seeks to vary Condition 2, which is the approved plans condition, of the host planning permission. It is noted that this condition has previously been amended to allow for a revision to the type of dwellings provided on site, and the location of the apartment blocks within the site.

7.6.2 The current application seeks to further redesign the scheme to account for the location of an underground sewer, which has been identified as part of further drainage investigations; and to account for the required easement from the identified sewer location. This results in the consolidation of the apartments into a single block, which are moved further into the site, and minor revisions to the roof design of the proposed bungalows and houses.

7.6.3 It is Officer’s assessment that the proposed consolidation of the apartments into a single building, whilst appearing to be a substantive change to the scheme, would not fundamentally alter the overall character and appearance of the development. As approved, the apartments were distributed amongst two blocks, which were 2-storey and 3-storey in scale. Therefore, consolidation of these apartments into a single building of split 2- and 3-storey scale would not substantially change the nature of the development from the approved planning permission.

7.6.4 Similarly, whilst the apartment building has been positioned further into the site, when viewed against the approved position, the overall principles of the site layout remain the same. Whilst this does mean that the access road will remain privately maintained rather than publicly adopted, the design and materiality of the access remains unchanged, and so this alteration, does not impact on the design quality of the scheme. In addition, it is noted

that the proposed cycle parking has been relocated to the rear of the apartment building. However, it is Officer's assessment that this remains conveniently located to encourage use by residents, and similarly, would assist in ensuring that the street scene does not appear cluttered.

- 7.6.5 The proposed architectural style remains the same as the previously approved scheme, which would complement the character and appearance of the existing built form within the area.
- 7.6.6 Similarly, the scheme would include the provision of a new landscaped bund to the southern boundary of the site, which would replace the existing bund that was previously proposed to be reprofiled. In this respect, it is Officer's assessment that the provision of a new bund along the southern boundary would assist in softening the appearance of the development and would also help to visually screening the rear amenity space for the apartment building from the neighbouring Waste Depot construction.
- 7.6.7 Taking the above into account, it is Officer's assessment that the application proposals would provide an acceptable appearance, layout, landscaping and scale, which ensures that the development scheme integrates with the character and appearance of the surrounding residential estate. Therefore, it is Officer's position that the application scheme would accord with Policy DE1 of the adopted Local Plan, the adopted Design Guidelines SPD and Section 12 of the National Planning Policy Framework.

## 7.7 **Effect of the development on residential amenity**

- 7.7.1 In respect of the effect of the development on residential amenity, it is appreciated that no public representations have been received raising any concerns in relation to the impact on existing properties.
- 7.7.2 Nonetheless, in assessing the application proposals against the standards set out within the adopted Design Guidelines SPD, it is Officer's assessment that the proposed built form is sufficiently separated from the existing dwellings to ensure that there would not be any unacceptable adverse impacts in respect of loss of privacy, overshadowing or outlook.
- 7.7.3 Furthermore, whilst the application does include a number of material changes to the proposed layout for the development, all properties would continue to benefit from appropriate private amenity space.
- 7.7.4 Taking the above into account, it is Officer's assessment that the application proposals would not have any unacceptable adverse impacts on neighbouring properties, and would provide an appropriate level of amenity for all existing and future occupiers. As such, the application would accord with Policy DE1 of the adopted Local Plan, and Section 12 of the National Planning Policy Framework in respect of residential amenity considerations.

## 7.8 **Other Matters**

- 7.8.1 It is noted that public representations received on the application have requested the use of nesting bird swift bricks within the development. Whilst this is not a matter which is relevant to the conditions of the current application, it is noted that the host planning permission does include a condition requiring the implementation of a scheme of mitigation, which include a requirement for the installation of bat and bird roosting boxes. As such, the proposed development would make adequate provision for the protection of birds.
- 7.8.2 Furthermore, it is appreciated that as part of the current application it is proposed that the internal access road serving the site will remain to be privately maintained rather than

publicly adopted as previously indicated. This change will only alter the maintenance responsibilities for the road, and as identified in the comments received from Lincolnshire County Council (as Local Highways Authority) the scheme will be subject to the Advanced Payments Code, which will require the road to be built to an adoptable standard, albeit it will not subsequently be publicly maintained by the County Council.

7.8.3 It is also acknowledged that the previous planning permission was subject to a Unilateral Undertaking, which secured financial contributions towards the improvement of healthcare capacity in the local area. This financial contribution has since been paid, and therefore, the obligations set out within the original legal agreement have been discharged. As a result, the current application, if approved, would not require the completion of a new legal agreement.

## **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 proposes to vary Condition 2 (Approved Plans) of planning permission S22/2308 to allow for the redesign of the scheme following identification of an underground mains sewer at the southern end of the site. This has resulted in the consolidation of the apartments into a single building, and repositioning of the built form further into the site.

10.3 Notwithstanding the material nature of the changes, it is Officer's assessment that the scheme will retain the overall ethos and design quality of the original planning permission. The proposed development remains of an appropriate appearance, layout and scale to ensure that it will assimilate with the existing residential estate, and the proposed landscaping plans further assist in softening the development form.

10.4 The proposals would not have any unacceptable adverse impacts on residential amenity and would continue to provide an appropriate level of private amenity space for future occupants of the site.

10.5 Taking the above into account, it is Officers assessment that the application would accord with the adopted Development Plan when taken as a whole, and there are no material considerations to indicate that planning permission should be withheld, although updated conditions are proposed.

## **11 Recommendation**

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

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

### **Time Limit for Commencement**

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of planning permission S22/2308.

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

### **Approved Plans**

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

- a. Proposed Site Plan (Ref: 2860/P101/Rev H)
- b. Bungalow – Plots 1 and 2 (Ref: 2860/P200/Rev E)
- c. House – Plots 3-6 (Ref: 2860/P201/Rev C)
- d. House – Plots 7-8 (Ref: 2860/P204/Rev A)
- e. Apartments – Plots 9-21 (Ref: 2860/P202/Rev C)

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**

#### Archaeological Investigation

- 3) Before the development hereby permitted is commenced, the archaeological investigations shall be completed in accordance with the Written Scheme of Archaeological Investigation approved under S25/0019, unless otherwise agreed in writing by the Local Planning Authority.

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

#### Construction Management Plan

- 4) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall include measures to mitigate against any adverse impacts during the construction stages of the permitted development and shall include:

- a. The phasing of the development, including access construction
- b. The on-site parking of all vehicles of site operatives and visitors
- c. The on-site loading and unloading of all plant and materials
- d. The on-site storage of all plant and materials used in constructing the development
- e. Dust suppression measures
- f. Wheel washing facilities
- g. A strategy stating how surface water runoff on and from the development will be managed during construction, and protection measures for any sustainable drainage

features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during all construction works.

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

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

#### Drainage Strategy

- 5) Before the development hereby permitted is commenced, a scheme for the treatment of surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Proposed Drainage Strategy (Ref: B24598-JNP-92-XX-DR-C-2002-P01) and the details must:
  - a. Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development
  - b. Provide flood exceedance routing for storm events greater than the 1 in 100 year event.
  - c. Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the runoff rate for the undeveloped site.
  - d. Provide attenuation details and discharge rates which shall be restricted to 2 litres per second.
  - e. Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
  - f. Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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

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

#### During Building Works

##### Materials details

- 6) No development above damp proof course of each building hereby permitted shall begin until a detailed specification of the materials (including the colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority.

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

## Sustainable Building

- 7) No development above damp-proof course shall take place until details demonstrating how the proposed dwellings would comply with the requirements of Local Plan Policy SB1 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how carbon dioxide emissions would be minimised through the design and construction of the development, details of water efficiency; and the provision of electric car charging infrastructure.

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

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

## Construction Hours

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

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

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

## Ecological Mitigation

- 9) All works on site, including construction works, shall be carried out in accordance with the recommendations contained within the Preliminary Ecology Report (Andrew Chick) (Dated June 2021), including the installation of bat and bird roosting boxes.

The scheme of roosting boxes are to be installed on site prior to the first occupation of the development, and shall be retained for the lifetime of the development.

Reason: In the interests of best ecological practice and in accordance with Policy EN2 of the adopted South Kesteven Local Plan 2011-2036.

## Previously Unidentified Contamination

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

Thereafter, the approved remediation scheme shall be implemented in accordance with the approved details. Following the completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval

in writing by the Local Planning Authority, prior to first occupation of the dwellings hereby permitted.

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

### **Before the Development is Occupied**

#### Noise Mitigation Implementation and Validation Testing

11) Before each dwelling hereby permitted is occupied, the noise mitigation measures identified for that dwelling in the Noise Impact Assessment (PEAK Acoustics) (Ref: 1110243NR) (Dated December 2024) shall be implemented in accordance with the approved details.

Thereafter, before each dwelling is occupied, a verification report that scientifically and technically demonstrates the effectiveness of the noise mitigation, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the residential amenity of future occupiers of the development.

#### Shaw Road Pedestrian Crossing

12) No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of an uncontrolled pedestrian crossing connecting people from Shaw Road over Trent Road) has been certified complete by the Local Planning Authority.

Reason: To ensure safe means of connectivity to the permitted development.

#### Estate Road Surface Levels

13) Before any dwelling hereby permitted is occupied, all of that part of the estate road and associated footways that form the junction with Shaw Road, and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period of time at dissimilar, interim construction levels.

#### Materials Implementation

14) Before any dwelling hereby permitted is occupied, the external materials for that building must have been completed in accordance with the approved external materials details.

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

#### Hard Landscaping Implementation

15) Before any part of the development hereby permitted is occupied, all hard landscaping works shall have been completed in accordance with the approved details.

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

#### Contamination Verification

16) The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall include, unless otherwise agreed in writing:

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

Thereafter, the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

Reason: Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause pollution in the interests of future residents and users of the development, and in accordance with Policy EN4 of the adopted South Kesteven Local Plan.

#### Ongoing

##### Soft Landscaping Implementation

17) 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 approved soft landscaping scheme.

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

##### Soft Landscaping Protection

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

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

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

- 1) In reaching the decision, the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with Paragraph 38 of the National Planning Policy Framework (2024).
- 2) The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

- Section 73 to vary planning permission granted prior to mandatory BNG.

- 3) Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before the development can commence.
- 4) Notification of intention to connect to the public sewer under Section 106 of the Water Industry Act approval and consent will be required by Anglian Water under the Water Industry Act 1991.
- 5) No building will be permitted within the statutory easement width of 3m from the pipeline without agreement from Anglian Water.
- 6) In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highways Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.
- 7) All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways

Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance, please refer to <https://www.lincolnshire.gov.uk>

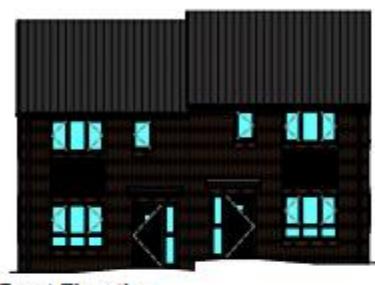
- 8) The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

## Proposed Site Layout

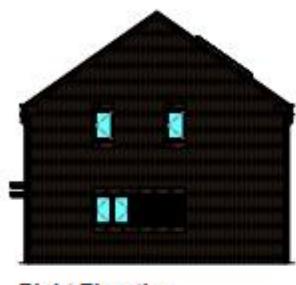


Proposed Elevations





**Front Elevation**  
1 : 100



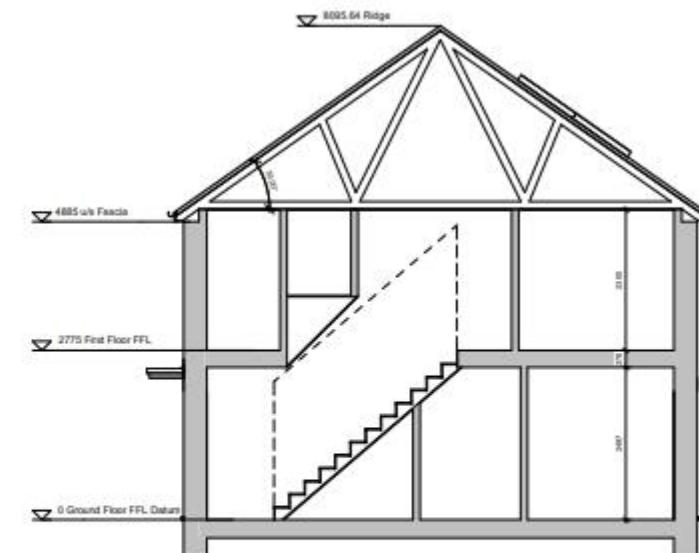
**Right Elevation**  
1 : 100



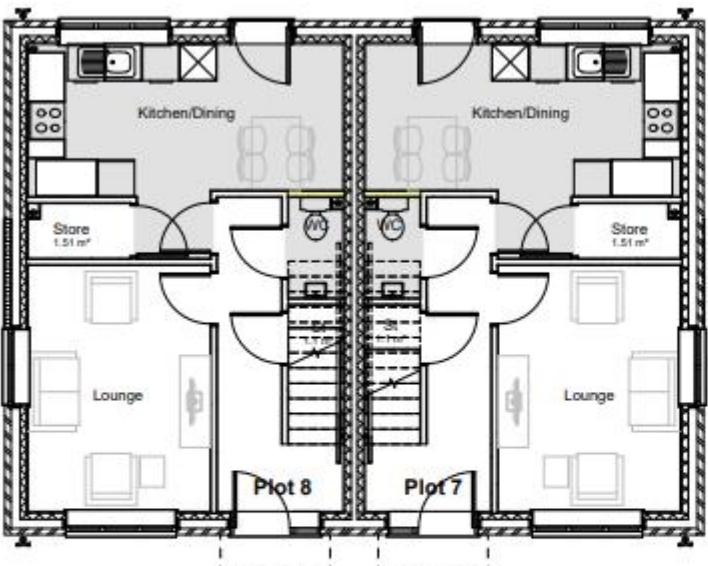
**Rear Elevation**  
1 : 100



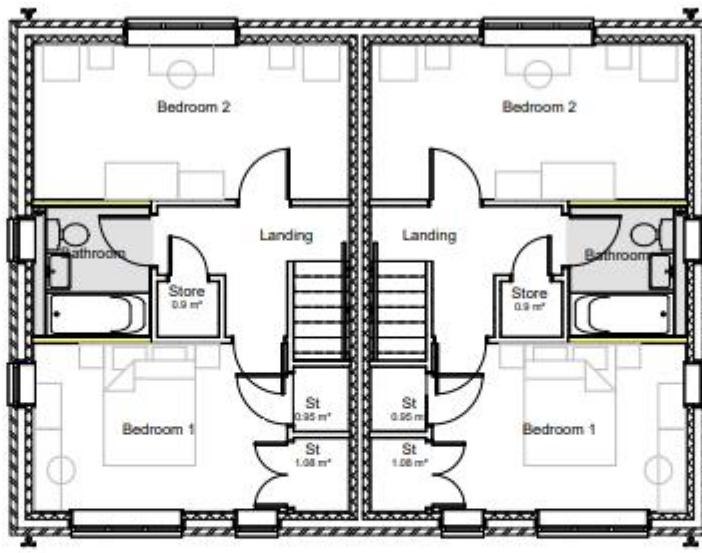
**Left Elevation**  
1 : 100



**Section**  
1 : 50



**Ground Floor**  
1 : 50



**First Floor**  
1 : 50

**Areas - Plots 7 & 8**

**Plot 7**  
GF 39.62 m<sup>2</sup>  
FF 39.62 m<sup>2</sup>  
**79.23 m<sup>2</sup>**

**Plot 8**  
GF 39.62 m<sup>2</sup>  
FF 39.62 m<sup>2</sup>  
**79.23 m<sup>2</sup>**





**Front Elevation**

1 : 100



**Right Elevation**

1 : 100



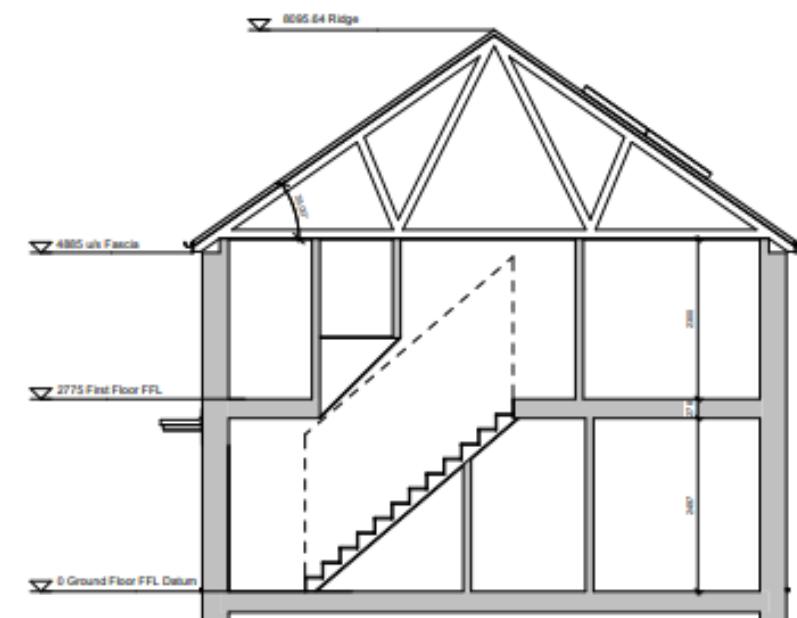
**Rear Elevation**

1 : 100



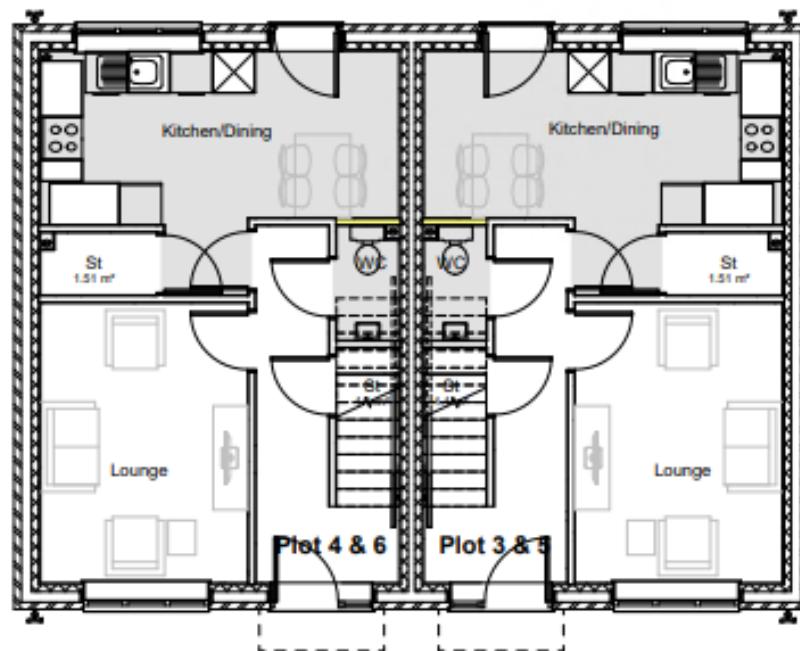
**Left Elevation**

1 : 100



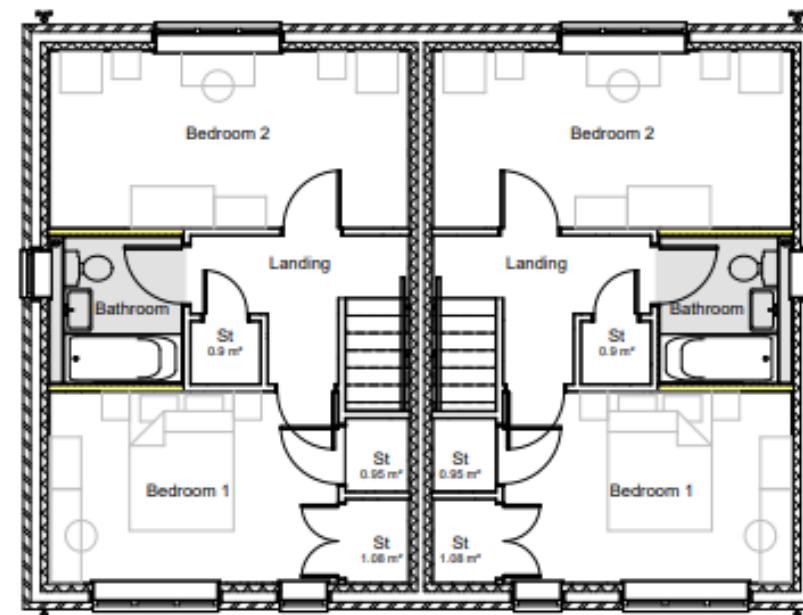
**Section**

1 : 50



**Ground Floor**

1 : 50



**First Floor**

1 : 50

**Areas - Plots 3-6**

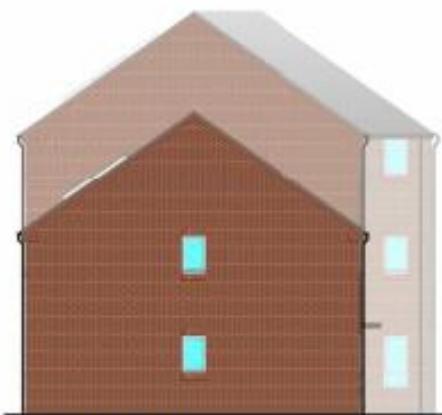
**Plot 3 & 5**

GF 39.62 m<sup>2</sup>  
FF 39.62 m<sup>2</sup>  
**79.23 m<sup>2</sup>**

**Plot 4 & 6**

GF 39.62 m<sup>2</sup>  
FF 39.62 m<sup>2</sup>  
**79.23 m<sup>2</sup>**

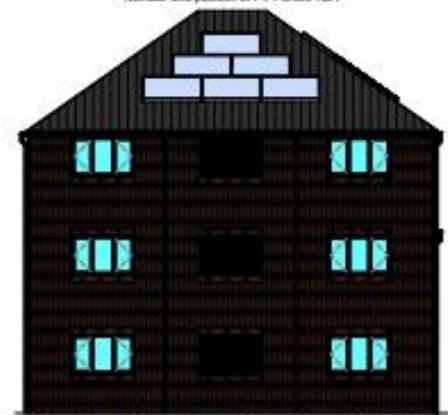
C	16/03/23	Double course added to rear door. Roof pitch and ridge height added to drawing.
B	02/12/23	Plot 7 & 8 references removed.
A	06/10/23	Drawing updated following internal review.
		Plot 3 & 5 Plot 4 & 6
		<b>Pelham</b>
		<small>Coffee Place, 37 Farham Brook Drive, Gillingham, Kent, ME7 1PY 01634 811222   <a href="mailto:info@pelham.co.uk">info@pelham.co.uk</a></small>
		<small>Plot 3 &amp; 5 Plot 4 &amp; 6</small>
		<small>Planning Larch Close Gillingham</small>
		<small>House - Plots 3-6 2860/P 201 C</small>
		<small>As indicated @ A1 04/03/24 DWP MP</small>
		<small>Plot 3 &amp; 5 Plot 4 &amp; 6</small>



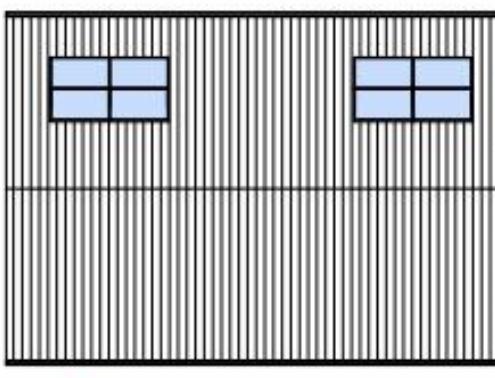
**Left Elevation**  
1 : 100



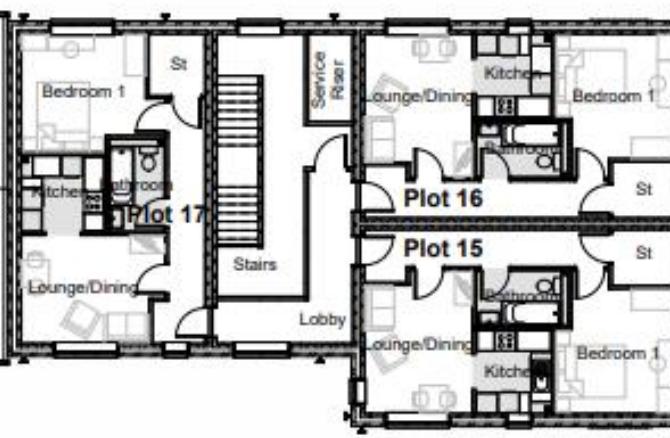
**Front Elevation**  
1 : 100



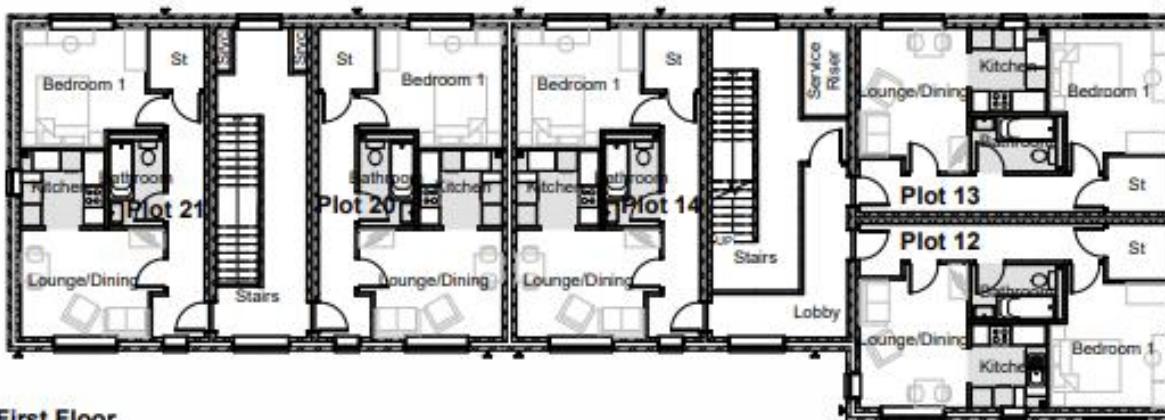
**Right Elevation**  
1 : 100



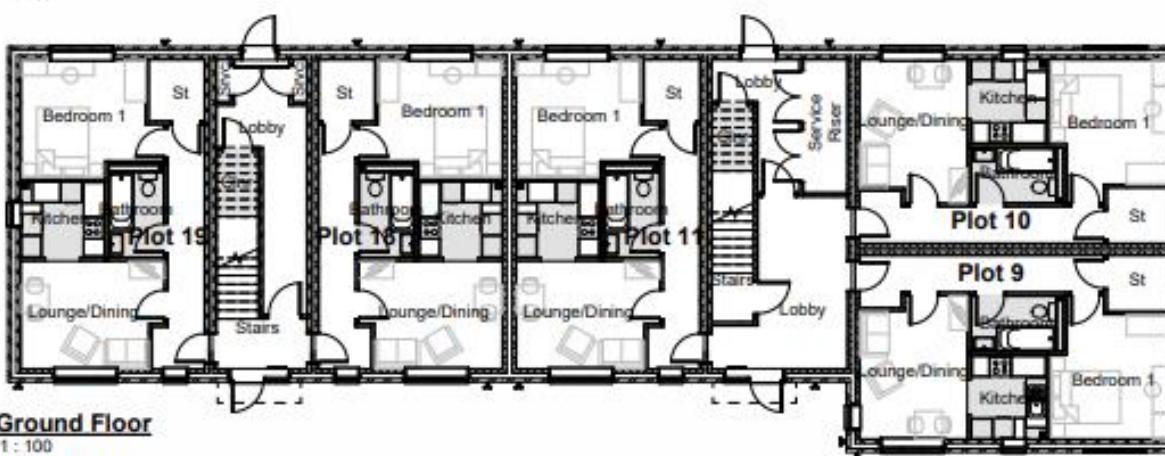
**Second Floor**  
1 : 100



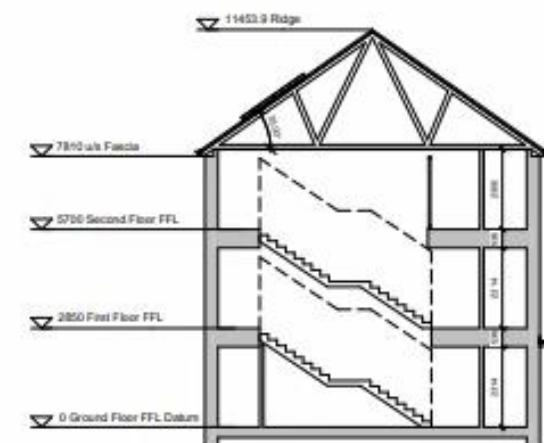
**Rear Elevation**  
1 : 100



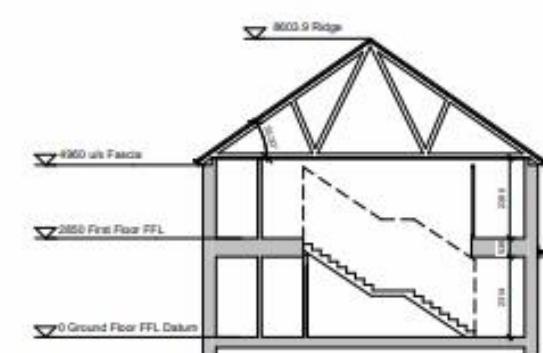
**First Floor**  
1 : 100



**Ground Floor**  
1 : 100



**Section - Plot 9-17**  
1 : 100



**Section - Plot 18-21**  
1 : 100

**Areas - Plots 9-21**  
All Flats  
All Flats 47.01 m<sup>2</sup>  
47.01 m<sup>2</sup>

C	2010/2020	Contract areas updated to allow for better fire escape. Depth added to elevations
B	2010/2020	Walls reimagined
A	2010/2020	Changes updated following internal review
Beta	Date	Description
<b>Pelham</b>		
Urban House & Residential Estate, Larch Close, Horncastle, Lincolnshire, LN9 9PT		
Plot	Planning	
Area	Area	
Larch Close	Ground	
Plot 9-21	Apartments - Plots 9-21	
2860/P 202		C
1 : 100 @ A1	04/10/24	
DWP	MP	