

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H20-0463-25 **Applicant:** Mr L Kennally
Proposal: Erection of Pair of Semi-Detached Dwellings
Location: Land Between 96-100 Chapelgate Sutton St James Spalding
Terminal Date: 18th July 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development
- 04 Approach to Flood Risk
- 10 Meeting Assessed Housing Requirements
- 11 Distribution of New Housing
- 17 Providing a Mix of Housing
- 28 The Natural Environment
- 29 The Historic Environment
- 33 Delivering a More Sustainable Transport Network
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering and 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
- Section 16 - Conserving and enhancing the historic environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for the erection of a pair of semi-detached dwellings. The dwellings would each feature two storeys and three bedrooms. The dwellings are proposed to feature a gable end roof form and two chimney breasts on the side elevations.

Site Description

The site comprises land between 96 to 100 Chapelgate, Sutton St James. The site currently features a vacant parcel of land that slopes downwards from Chapel Gate. There is a boundary hedge to the west of the site, between the site and 100 Chapelgate, which comprises a semi-detached two storey dwelling. There is a close boarded timber fence to the east of the site, between the site and 96 Chapelgate, which comprises a two storey detached dwelling and an outbuilding.

The site is located within the settlement boundary of Sutton St James, as identified by Policy 1 in the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

No planning applications have previously been submitted within the site.

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

Sutton St James Parish Council: The parish council supports the application.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Environmental Protection: No comments regarding land contamination or environmental protection.

Lincolnshire County Council - Highways and SUDS: . Sufficient parking and turning can be provided within the site boundary to allow vehicles to enter and leave in a forward gear and therefore, it does not have an impact on the Public Highway or Surface Water Flood Risk. Highway informatives 03 and 08 are recommended.

Lincolnshire County Council - Historic Environment: The applicant has not provided an assessment of the historic environment potential of the site, as outlined in the NPPF (paragraph 207). The Historic Environment Record (HER) confirms that this site lies within a fenland area extensively settled during the later prehistoric and Roman periods. Cropmarks indicate the presence of prehistoric or Roman settlements both to the north and south of the present village (MLI22317 - RB Settlement, Horsemoor Drove; MLI22316 - RB Settlement, Bird's Drove; MLI22318 - RB Settlement, Taylor's Drove). It is therefore likely that archaeology of a similar nature could survive within the site, although no site-specific evidence is currently available. The HER also confirms that the site falls within the extent of MLI20501 - Sutton St James Settlement, which developed during the medieval period in a linear form along both sides of Church Gate, between the parish church (Chancel to Church of St James, NHLE 1064541) and the village cross. The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of archaeological mitigation work including, but not limited to a continuous archaeological monitoring (watching brief) to enable any remaining archaeology which currently survives on this site to be properly recorded prior to its alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

Ecology Officer: Errors in the current SSM assessment must be amended to achieve an accurate and rigorous BNG assessment for the development. The proposed amendments indicate that 10% BNG will not be achieved on site, and due to the limitations on biodiversity provision faced by small-sites such as this, the development will likely be required to purchase off-site units to discharge the biodiversity gain condition. We require that the applicants submit an amended metric for the authority to approve to finalize the number of off-site units required. At this point, the applicants can present the metric to an off-site unit provider to purchase the appropriate number of units and submit evidence of this transaction along with a finalized gain plan to the authority pre-commencement to discharge the biodiversity gain condition.

Cllr L J Eldridge: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received. The representation is summarised below:

-The current sewage system is failing on a regular basis due to the new estate on the old pig farm on Chapelgate. Recently cameras have been placed down the drains to find the problem. The current sewage system cannot cope. This should be resolved before any more new builds go up.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Impact on Trees;
- Heritage Assets and Archaeology;
- Biodiversity; and
- Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement boundary of Sutton St James, which is identified as a Minor Service Centre. Policy 1 of the Local Plan sets out that development will be permitted within these types of settlements that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to committed sites and infill.

Therefore, the proposed development accords with Policy 1 of the Local Plan. The principle of development on this site is considered acceptable subject to the assessment of other material considerations.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

The proposed dwellings would be semi-detached, featuring a gable end roof form with two chimney breasts on either end of the dwellings. The ridgeline of the proposed dwellings would measure 8.6m in height from the ground level. The dwellings are proposed to feature symmetrical facades, including two identical front porches. The appearance of the dwellings would be similar to the appearance 100 to 102 Chapelgate which are located to the west of the site. The proposed dwellings are also set back from the road frontage at a similar distance as 100-102 Chapelgate. The site slopes downwards from Chapelgate by approximately 1m and as such, the dwellings would be positioned on land that is lower down than land along the road frontage. It is considered that the visual impact of the proposed development on the street scene would be acceptable as the dwellings would be of a suitable scale, appearance and siting.

There is an existing boundary hedge to the west of the site, between the site and 100 Chapelgate. There is a close boarded timber fence to the east of the site, between the site and 96 Chapelgate. Within the site, the boundary hedge along the western and northern boundaries of the site and the trees within the site are proposed to be retained. Additional planting is proposed along the site frontage. Fencing is proposed to divide the dwellings. It is considered that the proposed landscaping and boundary treatments are acceptable.

The proposed materials are not yet confirmed. Most of the nearest dwellings feature red brickwork facades. Similar red brickwork would therefore be suitable for the proposed dwellings. It is considered appropriate to include a condition requiring further details of the proposed external materials to be submitted and approved.

The proposed development is acceptable in terms of its design and visual impact. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed dwellings include approximately 104sqm of internal floorspace each. This accords with the nationally described space standard for a two-storey 3-bedroom dwelling. The proposed development would therefore provide sufficient internal living space for future occupants. The dwellings would also feature rear gardens with sufficient outdoor amenity space for future occupants.

The only windows on the side elevations of the dwellings are proposed on the ground floor. These windows would connect to utility rooms which are not habitable rooms. As such, the positioning of these windows on the side elevations of the dwellings would not result in an unacceptable degree of overlooking with neighbouring properties.

Due to the scale and positioning of the dwellings, the development would not result in an unacceptable degree of overshadowing of neighbouring properties.

Therefore, the proposed development would not result in significant detrimental impact on the amenity of future occupants or neighbouring properties. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Two accesses are proposed from Chapel Gate for the proposed dwellings. Front driveways are proposed with sufficient space for parking and turning. Lincolnshire County Council's highways team have raised no objections to the proposals.

Therefore, the proposed development would have an acceptable impact in terms of highway safety. As such, the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Heritage Assets and Archaeology

Section 16 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which could affect designated and non-designated heritage assets.

Paragraph 207 of the NPPF sets out that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy 29 of the Local Plan sets out that the historic environment within South East Lincolnshire will be conserved and where appropriate enhanced. Part C of the policy relates to archaeology and scheduled monuments.

Lincolnshire County Council's Historic Environment Team have set out that the site is within an area fenland area extensively settled during the later prehistoric and Roman periods. Cropmarks indicate the presence of prehistoric or Roman settlements both to the north and south of the present village.

The proposed development and any temporary works associated with the development could have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. The Historic Environment Team have therefore recommended conditions to secure a mitigation strategy for investigating and recording any assets that might be present within the site. This would enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction. With the inclusion of such conditions, it is considered that the development would accord with the requirements of the NPPF and the Local Plan in terms of recording archaeological assets and mitigating against any loss of such assets.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized

biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

Unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

The application is accompanied by a Biodiversity Net Gain (BNG) Plan and associated BNG calculations. The information has been updated during the determination of the application in order to address feedback received from the council's ecology officer. The proposed development would result in a net loss of BNG on the site. As such, it is necessary to deliver habitat units off-site. In this case, it is proposed to deliver such units by purchasing habitat unit credits. Due to the small size of the site and the limited scope for maximising BNG within the site, it is considered that the delivery of BNG off-site is acceptable in this case. A pre-commencement condition to secure BNG has been agreed with the applicant's agent. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns. Paragraph 170, for instance, sets out that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flooding elsewhere.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites.

Policy 4 of the Local Plan sets out that development within Flood Zone 3 will be permitted in instances where specific criteria is met.

The site is located within Flood Zone 3 as identified by the Environment Agency's maps.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests.

The application is accompanied by a Flood Risk Assessment (FRA). Section 3 of the FRA contains information relating to how the applicant considers that the proposed development passes the sequential and exception tests.

Large parts of the district of South Holland lie within Flood Zone 3. It is, therefore, necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the

sequential test.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. It is not considered that there are any site-specific reasons as to why the proposed residential development needs to be located within Tongue End as opposed to another settlement. The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. It is therefore considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

In terms of part a, the proposed dwellings could help sustain the village of Sutton St James as future occupants might use local services and facilities.. National Planning Guidance sets out that examples of wider sustainability benefits can include the re-use of brownfield land and the provision of sustainable drainage systems (Paragraph: 036 Reference ID: 7-036-20220825).

In terms of part b, the SFRA sets out at Paragraph 9.1.5, that there are a range of factors to be considered when determining whether or not a development is 'safe'. However, the minimum measures required for each flood hazard zone are found within the standing advice matrix at Appendix C of the SFRA. Within the SFRA, areas of South Holland are categorised according to a hazard rating. In this case, the site is not within a hazard area. As such, no specific flood risk mitigation is recommended by the SFRA for the proposal. Notwithstanding this, the submitted FA recommends that the floor level of the dwellings is set 0.3m above the surrounding ground level and that there is 0.3m of flood resilient construction incorporated above the finished floor level. A condition is recommended to ensure compliance with the submitted FRA. The application form indicates that the proposed means of surface water drainage is via soakaways, which is a sustainable form of drainage. It is considered appropriate to secure further details of the proposed soakaways through a planning condition to ensure the soakaways are suitably designed. The use of soakaways should help to ensure that a suitable drainage strategy is in place, minimising the potential for increasing flood risk elsewhere. As such, it is considered that the proposed development would meet the requirements of Paragraph 178, part b.

It is therefore considered that the proposed development would not cause a significant increase in flood risk, as a suitable level of mitigation is the proposed development accords with Policy 4 of the Local Plan and the Paragraph 178 of the NPPF.

Planning Balance

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

The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety, flood risk, biodiversity and overall the proposed development accords with the Local Plan and the NPPF.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 11, 17, 28, 29, 30 and 36 of the Local Plan, as well as Sections 9 and 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under delegated authority.