

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H20-0845-25 **Applicant:** Mr L Kennally

Proposal: Details of a schedule of external materials, written scheme of archaeological investigation, biodiversity gain plan, existing & proposed site levels and details of soakaway system (Conditions 3, 4, 7, 9 and 10 of H20-0463-25)

Location: Land Between 96-100 Chapelgate Sutton St James Spalding

Terminal Date: 21st November 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- 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

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 3, 4, 7, 9 and 10 of permission H20-0463-25, which granted consent for two dwellings.

Initially, the application was not accompanied by key information such as drainage details, Biodiversity Net Gain details or a written scheme of investigation for archaeology. This was queried with the applicant's agent as the local planning authority has not been provided with most of the required information. The agent subsequently provided the relevant information, and relevant consultees were re-consulted as necessary.

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 Chapelgate. 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

H20-0463-25: (Full Application) Erection of Pair of Semi-Detached Dwellings - approved 18 July 2025

Consultation Responses

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. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC) as outlined within our Development Control Charges and Fees.

Lincolnshire County Council - Highways and SUDS: The details of a schedule of external materials, written scheme of archaeological investigation, biodiversity gain plan, existing & proposed site levels and details of soakaway system (Conditions 3, 4, 7, 9 and 10 of H20-0463-25) are acceptable in accordance with approved drawings and details submitted with this application.

Lincolnshire County Council - Historic Environment Officer: The archaeological contractor sent me the WSI some time ago, and it was approved in principle by our office. I can therefore confirm that it is compliant with all required standards, and I am happy to recommend discharge of the related planning condition.

Ecology Officer: No response received.

Key Planning Considerations

Condition 3 reads as follows:

"Before the commencement of the development hereby permitted beyond oversight a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024."

The submitted external materials for the approved dwellings are set out within the submitted plan 4376-25 01 B, and include the following:

- Wienerberger Cassandra red multi brickwork;
- Sandtoft Calderdale Slate (dark grey);
- Black uPVC rainwater goods;
- Cream UPVC doors and windows; and
- Compositive black front door.

The nearest dwellings mostly feature red brickwork and as such, the proposed brickwork is in keeping with the character and appearance of the area. The other proposed materials are also similar to the materials that feature on the nearest dwellings.

The materials for the hard surfaced areas are set out within submitted plan 4376-25 02C including slabbed footpaths and patios and a gravel driveway. The nearest driveways to the site also feature gravel surfacing and as such, this is considered to be in keeping with the character of the street scene. The area of the accesses next to Chapelgate is proposed to be constructed to Lincolnshire County Council's specification.

The proposed external materials and hard surfaced areas are considered to be acceptable and as such, condition 3 can be discharged.

Condition 4 reads as follows:

"No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Section 16 of the National Planning Policy Framework, December 2024. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019."

Lincolnshire County Council's Historic Environment Team have confirmed that the submitted document (Specification for Archaeological Monitoring and Recording) meets their requirements and as such, condition 4 can be discharged.

Condition 7 reads as follows:

"The development hereby permitted shall not commence until a biodiversity gain plan has been submitted to and approved in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the details as approved.

Reason: To comply with Schedule 7A of the Town and Country Planning Act (1990, as amended). This Condition is imposed in accordance with Schedule 7A of the Town and Country Planning Act (1990, as amended) and Policy 28 of the South East Lincolnshire Local Plan, 2019."

The application is accompanied by a Biodiversity Gain Plan and a revised Biodiversity Net Gain (BNG) metric calculation. The calculation has been updated as South Holland Council's ecology officer set out during the determination of application H20-0463-25 that the metric would need to be revised to exclude some of the proposed trees as these were deemed to be infeasible.

During the determination of application H20-0463-25, the metric calculation set out that 0.182 habitat units were likely to be required whereas under the current submission, it is proposed to deliver 0.1689 habitat units. A Sale and Purchase Agreement has been submitted to show that the proposed units will be purchased. Although a consultation response has not been received from the council's ecology officer, it is considered that the submitted information is acceptable for the discharge of condition 7.

Condition 9 reads as follows:

"Before the commencement of the development above slab level, full details of the existing and proposed site levels and the proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019."

The proposed site levels are set out within the submitted plan 4376-25 02C. The proposed levels would be similar to the existing levels, sloping downwards from the road frontage on Chapelgate, towards the rear of the site where there is lower ground. The finished floor levels of the dwellings would allow for compliance with the previously approved Flood Risk Assessment. As such, the proposed levels are acceptable and condition 9 can be discharged.

Condition 10 reads as follows:

"Before any development beyond oversite is commenced, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority.

This shall include the calculations undertaken to determine the volume of storage required. Should the percolation test results be considered unacceptable by the Local Planning Authority, details of an alternative means of providing for surface water drainage shall be submitted for consideration and approved by the Local Planning Authority.

The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024."

Soakaways are proposed within the rear gardens of the dwellings and within the front driveways. The application is accompanied by infiltration testing results which sets out that the require storage volume is 2.05 cubic metres and the proposed storage volume is 2.55 cubic metres. It is considered that the proposed soakaways should be able to accommodate the surface water from the site and as such, condition 10 can be discharged.

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

The details address the requirements of conditions 3, 4, 7, 9 and 10 of permission H20-0463-25.

Recommendation

Discharge conditions 3, 4, 7, 9 and 10.