DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-1073-24**	**Applicant:**	**Executors of the late Mr Riddington**
Proposal:	Erection of 3 No Dwellings		
Location:	The Orchards Broadgate Sutton St James		
Terminal Date:	3rd March 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
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and sufficient supply of homes
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

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission (some matters reserved) for three dwellings on land at The Orchards, Broadgate. Approval is sought for the access only. The proposed layout, scale, appearance and landscaping are therefore reserved matters.

Site Description

The site is located within the settlement boundary of Sutton St James, as identified within the South East Lincolnshire Local Plan (2019). Site comprises an irregularly shaped parcel of land that is located around The Orchards, 4 Broad Gate Road. The site is located on the corner of Broad Gate Road and the B1165.

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 South Holland District Council's website.

Environmental Protection: No comments.

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. 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.

Conservation Officer: I do not wish to raise any objections to this proposal. The site is adjacent to the village centre, grade II listed remains of the St Ives cross. However, I do not consider the extant open nature of this proposal site to be crucial to the character and setting of that important asset. Nevertheless, the site is in adjacent to an extremely important heritage asset and therefore, the final

proposed dwellings bear immense capacity to influence the character of that asset and its setting. The applicant should, therefore, be made aware that the success of the reserved matters stage application shall be heavily dependent upon the provision of high quality and contextually sensitive design and materials.

Historic Environment Officer: the applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207). The proposed site is located in an area of archaeological potential. The HER (Historic Environment Record) includes information about near known Heritage Assets. The proposed development is located within the former extent of the medieval settlement of Sutton St James HER ref MLI20501. The site is directly opposite the Grade II Listed St Ives Cross ref (1010689), which is also a Scheduled Monument and thought to indicate the centre of the former market, which was granted to lord of the manor by Henry III in 1252. Moreover, the site is between no.3 Roman Settlements Monuments ref. MLI22317 Horsemoor Drove, MLI22316 Bird's Drove and MLI22318 Taylor's Drove. The proposed development comprises 'Erection of 3 No Dwellings". 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). I 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 approach of archaeological investigation and mitigation work. This will initially comprise but may not be limited to a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their 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).

Lincolnshire County Council - Highways and SUDS: Visibility is to be demonstrated for both access points, and it shall be in accordance with Manual for Streets. The access that is to be shared between the two plots shall measure a minimum of 4.1m wide - the width shall be detailed on the block plan. Both accesses will need to be constructed to Lincolnshire County Council Specification and a note should be added to the block plan. Note to planner - the level of the individual plot is much lower to the level of the carriageway and there is evidence of standing water to the east of the plot

Ecology Officer: No response received.

Sutton St James Parish Council: No response received.

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 following summarises the response:

-When rain is sustained or heavy there is always significant surface flooding to the left hand side of the existing property facing the front door.
-The flood risk assessment suggests a low risk of surface flooding which in this area is not the case.
-If this is not recognised then appropriate steps will not be made to manage this situation, both in terms of the property planned to be developed there, but also in ensuring the access water does not cause problems for surrounding properties.
-Other than the flood risk and surface water issues, the plans look like a good use of the property.

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 response sets out c

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;
-Visual and Heritage Impact;
-Impact on Amenity
-Archaeological Impact;
-Proposed Access and Highway Safety;
-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 as identified within the South Holland Local Plan (2019). Policy 1 of the Local Plan set outs that within Minor Service Centres such as Sutton St James, that development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill. The site is located between existing development and is therefore considered to be an infill plot. The principle of residential development within the site is therefore acceptable.

Visual and Heritage 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 site comprises a corner plot on the corner of Broad Gate Road and the B1165. The locality is characterised by a mix of dwelling types. The nearest dwellings on the B1165 include single storey

bungalows, featuring gable end roof forms. The dwellings are set within plots which are evenly spaced. On Broad Gate Road, the nearest dwellings include bungalows with a mixture of gable end roof forms and jerkinhead roof forms. The dwellings are also set within evenly spaced plots. Lastly, the dwelling which the site surrounds, 4 Broad Gate Road, comprises a detached single storey dwelling with a gable end roof form.

Policy 29 of the Local Plan sets out that distinctive elements of the historic environment will be conserved and, where appropriate enhanced. Part A relates to listed buildings and Part A.3 sets out that proposals that affect the setting of a listed building will be supported where they preserve or better reveal the significance of the listed building. The site is not within a Conservation Area, however, the site is adjacent to the grade II listed remains of the St Ives cross. The council's conservation officer has not objected to the principle of the proposed development, however, the officer has set out that the detailed design submitted within any subsequent reserved matters application would need to take into account the setting of the listed asset.

As the application is in outline form only, and consent is only sought for the proposed access at this point, it is not possible to fully assess the visual impact of the proposals at this stage. It is only necessary to consider whether the site has the capacity to accommodate a suitable design. An indicative layout has been submitted to demonstrate this. The indicative layout shows two detached dwellings which face towards the B1165 and a detached dwelling within the southern portion of the site which faces Broad Gate. Any reserved matters application would need to carefully consider the setting of the grade II listed St Ives cross in the formation of the layout and appearance of the proposed dwellings. It is however considered that the site has the capacity to accommodate a suitable design.

The indicative layout shows various trees within the site being retained, however, the build development is likely to impact on the root protection areas of the trees. Consideration would need to be taken to reduce the impact of the development on the trees wherever possible at the reserved matters stage.

As such, it is considered that the proposal could have an acceptable visual and heritage impact, in order to accord with Sections 12 and 16 of the NPPF, and Policies 2 and 3 of the Local Plan.

Impact on Amenity

Paragraph 135 also 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 also set out that the impact of proposals on residential amenity is a main consideration when making planning decisions.

The site is located between residential dwellings and as such the scale and siting of the dwellings will need to be considered when the detailed design is progressed as part of any subsequent reserved matters application. The positioning of windows on the dwellings will also need to be carefully considered to ensure the proposal does not result in an unacceptable degree of overlooking. For example, the southern side elevation of 4 Broad Gate Road could face onto the side elevation of the one of the proposed dwellings, as shown on the indicative layout. As there is a window on the side elevation, the placement of windows on the proposed dwelling would need to be carefully considered to reduce the potential for an unacceptable degree of overlooking. Suitable boundary treatments will also need to be considered.

It is however considered that the site has the capacity to accommodate a design that would have no significant detrimental amenity impacts in order to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Archaeological Impact

Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 207 sets out that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 207 further 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.

Part C.1 of Policy 29 sets out that proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.

Lincolnshire County Council's historic environment team have set out that the site is located in an area of archaeological potential. The HER (Historic Environment Record) identifies that the site is located within the former extent of the medieval settlement of Sutton St James HER (ref MLI20501). The grade II listed St Ives Cross which is located opposite the site is also a Scheduled Monument. The site is between three Roman Settlement Monuments.

The proposed development 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 the proposed development could have an impact on buried remains, these potential assets need to be recorded prior to their destruction. This is required by Paragraph 218 of the NPPF and Part C.4 of Policy 29 also requires assets to be recorded appropriately.

The historic environment team have therefore recommended conditions to secure the investigation and recording of any potential archaeological remains within the site. The applicant's agent has agreed to these conditions. Therefore, with the inclusion of these conditions the proposed development accords with the aims of Policy 29 of the Local Plan and section 16 of the NPPF.

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.

Consent is sought for the proposed access to the site. A vehicular access is proposed on the northern boundary of the site, from the B1165. Within the indicative layout, this access could serve two dwellings. A vehicular access is also proposed on the eastern boundary, from Broad Gate Road. This access could serve the third dwelling.

Lincolnshire County Council's highways team asked for visibility to be demonstrated for both access points. This has been demonstrated within the submitted 'Access & Visibility Plans'. The proposed shared access would measure 5m in width. This exceeds the recommended width of 4.1m as set out by the highways team. A note has also been added to the plans to clarify that the access will be constructed to the county council's specification.

The parking arrangements for the proposed dwellings would be set out within any subsequent reserved matters application as the current application does not seek consent for the proposed layout.

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

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) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Section 8 of the Regulations outlines the following:

"The biodiversity gain planning condition does not apply in relation to planning permission for development which:
(a) consists of no more than 9 dwellings;
(b) is carried out on a site which has an area no larger than 0.5 hectares; and
(c) consists exclusively of dwellings which are self-build or custom housebuilding"

Initially, the application was accompanied by a Biodiversity Net Gain Exemption Statement, setting out that the applicant considered that the proposed development was exempt as the dwellings were proposed as self / custom building dwellings. The applicant has subsequently changed this and instead, a biodiversity net gain report and the associated calculations based on the indicative layout have been provided. The biodiversity information has been submitted to demonstrate that the site has the capacity to accommodate as least a 10% net gain in biodiversity. The submitted information sets out that the indicative layout can accommodate a net gain of 10.32%. This would therefore be policy compliant. This will however be subject to the detailed design that is progressed through any subsequent reserved matters application. Conditions are therefore recommended to secure biodiversity net gain to accord with local and national policies and with the Environment Act. These conditions have been agreed with the applicant's agent. With the inclusion of these conditions, the proposed development will therefore accord with Policy 28 of the Local Plan and Section 15 of the NPPF.

Flood Risk

The site is within Flood Zones 2 and 3, as identified within the Environment Agency's flood risk map. The south-western corner of the site is within Flood Zone 2. The site is not however within an area of hazard, as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA) (2017).

The SFRA provides an overview as to 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 is Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

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), and section 3.3 of the FRA sets out how the applicant considers that the development passes the sequential and exception tests.

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. 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."

As the site is not within a hazard area as identified by the SFRA, the SFRA does not require any specific mitigation. The submitted FRA however sets out that the finished floor levels of the dwellings should be set at 0.3m above the existing ground levels, and that 0.3m of flood resilient construction should be incorporated above the finished floor level. It is therefore considered appropriate to include a condition requiring compliance with the submitted FRA.

The submitted application form sets out that the intended surface water drainage strategy is via soakaways. The application is in outline form only, and therefore it is not necessary at this stage to consider a detailed drainage strategy for the site. It is considered feasible for soakaways to be incorporated, however, this would need to be subject to feasibility testing. It is noted that concerns have been raised relating to surface water drainage issues in and around the site within the public representation that has been received. Lincolnshire County Council's highways team have also set out that 'the level of the individual plot is much lower to the level of the carriageway and there is evidence of standing water to the east of the plot'. A drainage condition is therefore considered to be appropriate in this case.

It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and Section 14 of the NPPF in terms of flood risk.

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 application is in outline form, except for the proposed access. It is considered that the site has the capacity to accommodate three dwellings whilst having an acceptable impact on the character or appearance of the locality, the amenity of nearby residents, and the setting of the grade II listed St Ives Cross. Any subsequent reserved matters application would however need to include a suitable design and layout for the site that considers the context and characteristics of the site. The proposed accesses are considered to be suitable. Appropriate conditions are proposed to secure further details such as the proposed drainage strategy for the site and for the archaeological investigation of the site. Therefore, 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, 17, 28, 29 and 36 of the Local Plan, as well as Sections 4, 5, 9, 12, 14, 15 and 16 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.