

## SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 19 December 2018

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H20-1052-18

Application Number: H20-1052-18

Date Received: 16 October 2018

Application Type: FULL

Description: Residential development - Erection of 4 dwellings

Location: Off Chapel Gate Sutton St James Spalding

Applicant: Mr & Mrs P Stublely

Agent: G R Merchant Ltd

Ward: The Saints

Ward Councillors: Cllr M D Seymour

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H20-1052-18>

### 1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicants are related to a SHDC employee.

### 2.0 PROPOSAL

2.1 Full planning permission is sought for 4 dwellings, consisting of 2 no. 3 bed bungalows and 2 no. 4 bed houses.

2.2 The site currently has outline planning permission for residential development (3 plots), with all matters reserved for subsequent approval (ref H20-1148-17).

### 3.0 SITE DESCRIPTION

3.1 The site (some 0.35ha) is a farm yard associated with No. 132 Chapelgate (house). It is currently occupied by a number of agricultural buildings, including a former farm shop. A number of trees are situated within the frontage.

3.2 A bungalow is situated to the south-east fronting Chapel Gate and an agricultural packing and distribution business (Cor Du Marketing Ltd) to the east. A house is located to the west (no. 136) and agricultural land to the north.

### 4.0 RELEVANT PLANNING POLICIES

#### 4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

Policy SG1 - General Sustainable Development  
Policy SG2 - Distribution of Development  
Policy SG3 - Settlement Hierarchy  
Policy SG4 - Development in the Countryside  
Policy SG11 - Sustainable Urban Drainage (SUDS)  
Policy SG12 - Sewerage and Development  
Policy SG13 - Pollution and Contamination  
Policy SG14 - Design and Layout of New Development  
Policy SG15 - New Development; Facilities for Road Users, Pedestrians and Cyclists  
Policy SG16 - Parking Standards in New Development  
Policy SG17 - Protection of Residential Amenity  
Policy SG18 - Landscaping of New Development  
Policy HS6 - New Housing in the Group Centres  
Policy HS7 -- New Housing in the Open Countryside including Other Rural Settlements

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

#### 4.2 National Guidance

National Planning Policy Framework (NPPF), 2018

Sections 2, 4, 5, 9, 11, 12, 14 and 15.

Planning Practice Guidance (PPG), 2014

#### 5.0 **RELEVANT PLANNING HISTORY**

5.1 H20-0095-02 - Change of use of garage/shed to farm shop - Granted.

H20-0904-10 - Proposed machinery storage shed - Approved.

H20-1148-17 - Outline - Residential development (3 plots) - Granted 26 February 2018.

#### 6.0 **REPRESENTATIONS**

6.1 Parish Council

No comments

6.2 Highways/SUDS

Does not wish to restrict the grant of permission.

6.3 South Holland Internal Drainage Board

Request surface water drainage strategy.

6.4 SHDC Environmental Protection

Request contaminated land note.

6.5 LCC Archaeology

Recommend that the developer should be required to commission a Scheme of Archaeological Works

6.6 Public

No comments received.

7.0 **MATERIAL CONSIDERATIONS**

7.1 The main issues in this case are:

- Whether the development is sustainable having regard to economic, social and environmental factors;
- The likely impact upon the amenity of nearby residents;
- Highway issues;
- Other material considerations such as flooding, drainage, contamination and archaeology.

7.2 Housing Policy/Sustainability

7.3 As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.4 The northernmost part of the site is located outside Sutton St James Development Boundary as defined in the South Holland Local Plan, 2006. Policy HS7 indicates that new residential development is normally only allowed in such locations if it is proven essential to meet the needs of rural workers, or the proposal is for small scale rural exception affordable housing that complies with Local Plan Policy HS9. Neither is applicable in this case.

7.5 However, housing policies within the South Holland Local Plan are out of date and the Authority does not currently have a 5 year supply of deliverable housing land. In accordance with advice within paragraphs 10 and 11 of the Framework, where policies for determining an application are out-of-date, there is a presumption in favour of sustainable development and planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The three mutually dependent dimensions to sustainable development are social, economic and environmental.

7.6 An Economic Role - The proposal would contribute towards housing supply and future occupants may work locally, support local services and make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

7.7 A Social Role - The proposal would make a contribution to the supply of housing required to meet the needs of present and future generations. Also, the site is accessible to existing services and facilities within the settlement. There is a public transport route that runs through the village.

7.8 An Environmental Role - The rear section of the northernmost plot is outside the defined settlement limit within the South East Lincolnshire Local Plan 2011-2036 (Publication Version March 2017). However, the Plan has not yet been adopted. The issue therefore is whether the development would harm the character or appearance of the locality.

7.9 Addressing the above, the site is within the existing farm yard and already contains a number of buildings of brick, metal and asbestos construction. There is other depth development within the vicinity, including commercial buildings to the east and others further to the west. The dwelling at the rear would not be readily open to view. The frontage house is on a staggered building line

between nos. 132 and 136. Taking these matters into consideration it is considered that the proposed development would not materially harm the character or appearance of this part of the village.

7.10 Some of the existing trees along the frontage would be removed to accommodate the development. However, they are not considered to be worthy of preservation.

7.11 Residential Amenity

7.12 Proposed vehicular access to the site is between No. 132, which is currently within the applicants' control, and No. 136. The proposed house along the frontage (plot 1) has 2 bedroom and 1 bathroom window on its rear elevation at first floor level and ensuite windows on its side (western) elevation. The dwelling on plot 2 is a bungalow. 1.8 metre high fencing is proposed along the western boundary. It is considered that the scheme would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

7.13 Commercial premises are situated to the east, currently occupied by Cor Du Marketing Ltd, who grow, pack and distribute flowers and bulbs. Given this fact, 1.8 metre high closeboarded fencing is recommended along the eastern boundary to protect the amenity of future occupiers.

7.14 Highway Issues

7.15 The development would be served by a private drive. A refuse collection point is therefore recommended at the site's entrance. Concern has previously been expressed over visibility given the site's location on a bend. However, the County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

7.16 Other Material Considerations

7.17 Flood Risk

7.18 The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The latter have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

7.19 The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The site is therefore sequentially preferable. In terms of the exceptions test, finished floor levels would be set at 2.70m aOD.

7.20 Drainage

7.21 Foul water would be disposed of via the mains drain.

7.22 The applicant is proposing soakaways for surface water disposal. The South Holland Internal Drainage Board has requested that percolation tests be carried out to define if a soakaway system is suitable. If the results prove that the ground is insufficient for a soakaway, then the applicant will need to confirm an alternative method for the proposed development. This matter can be addressed by means of a condition.

7.23 Contamination

7.24 The GeoEnvironmental Desk Study Report accompanying the application indicates that there are no readily identifiable sources of contamination. Consequently, the need for a Phase 2

intrusive investigation is considered unwarranted.

## 7.25 Archaeology

7.26 The proposed development is located within the former extent of the medieval settlement of Sutton St James. The site is directly opposite the Grade II Listed St Ives Cross, 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.

7.27 LCC Archaeology has indicated that whilst modern agricultural buildings on the site may have had some ground disturbance, such structures are usually relatively low impact. The groundworks for the proposed houses and associated services are also likely to disturb undeveloped areas so there is the possibility that surviving archaeological remains associated with the medieval market will be destroyed.

7.28 A Scheme of Archaeological Works is therefore recommended.

## 7.29 Conclusion

7.30 The site is considered to be suitable for the proposed housing scheme with particular regards to the principles of sustainable development and the protection of the rural character of the area. Moreover, the development would not have a material effect upon the amenity of nearby residents, subject to boundary screening. The County Highways Authority has not objected on highway safety grounds. Flood risk, drainage and archaeology can be addressed by means of conditions.

## 8.0 RECOMMENDATIONS

8.1 **Grant permission subject those conditions listed in Section 9.0 of this report.**

## 9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

2962-16-20G;

2962-16-21F;

2962-16-22A;

2962-16-23;

2962-16-24

2962-16-25;

Flood Risk Assessment by Geoff Beel Consultancy (ref. GCB/Merchant) dated November 2017;  
Geo-Environmental Desk Study by Goldfinch Environmental Ltd (Report ref. 0526/1) dated April 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The scheme of landscaping and tree planting shown on dwg. no. 2962-16-21F shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

4. The approved scheme of boundary screening shown on dwg. no. 2962-16-21F shall be implemented in full before the development is first brought into use and shall thereafter be retained.

Note: The scheme of screening should include acoustic fencing along the eastern boundary to protect future occupiers of the properties from possible noise and disturbance created on the neighbouring commercial premises.

Reason: In the interests of the character and appearance of the development and the amenities of the locality.

This Condition is imposed in accordance with Policies SG13, SG14 and SG17 of the South Holland Local Plan, 2006.

5. No dwelling hereby permitted shall be commenced beyond oversight until details of a refuse storage point at the site's entrance have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. 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 SG13 and SG17 of the South Holland Local Plan, 2006.

6. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application. In particular the following measures shall be fully implemented before the property is first occupied:
- Finished floor levels shall be set 300mm above existing ground level or in accordance with details shown on dwg. no. 2962-16-21F accompanying the application;
  - Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

Note: Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with national guidance contained in Section 14 of the National Planning Policy Framework, 2018.

7. Before the commencement of the development beyond oversight, 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. 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. 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 SG11 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 14 of the National Planning Policy Framework, 2012

8. Foul water from the development hereby permitted shall be disposed of via a mains drain.

Reason: To ensure that the site is adequately drained and to avoid pollution.  
This Condition is imposed in accordance with Policies SG12 and SG13 of the South Holland Local Plan 2006.

9. Before any dwelling is commenced details of surfacing of the private drive shall be submitted to and approved in writing by the Local Planning Authority. The private drive shall thereafter be completed in accordance with the approved details prior to occupancy of any dwelling to which it relates.

Reason: To ensure a satisfactory development in the interest of the amenity of future occupants and also highway safety.  
This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan 2006.

10. 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 national guidance contained in Section 16 of the National Planning Policy Framework, 2018. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

11. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 10 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2018.

12. A copy of the final report required in connection with Condition 10 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2018.

13. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

14. Note 1 - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in by Environmental Health.
15. Note 2 - The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.
16. Note 3 - Where a scheme requires the formation of a new/amended vehicular access applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e-mail [developmentmanagement@lincolnshire.gov.uk](mailto:developmentmanagement@lincolnshire.gov.uk).
17. Note 4 - Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

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Background papers:- Planning Application Working File

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**Lead Contact Officer**

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**Appendices attached to this report:**

Appendix A Plan A

# MapThat Scale Print Title

