

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-1264-25 **Applicant:** Tears of Sutton Bridge Ltd

Proposal: Re-location of 24 Hour vehicle recovery, haulage, parking & storage

Location: Land To The Side & Rear Of 90 Bridge Road Long Sutton Spalding

Terminal Date: 5th June 2026

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
07	Improving South East Lincolnshire's Employment Land Portfolio
08	Prestige Employment Sites
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (NPPF) (December 2024)

Section 2 - Achieving Sustainable Development
Section 4 - Decision Making
Section 6 - Building a Strong, Competitive Economy
Section 9 - Promoting Sustainable Transport
Section 11 - Making Effective Use Of Land
Section 12- Achieving well-designed and beautiful places.
Section 14 - Meeting The Challenge Of Climate Change, Flooding And Coastal Change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	1	0	0	0
SHDC INTERNAL	0	0	2	0
OTHER STATUTORY BODIES	0	0	0	5

CASE OFFICER ASSESSMENT

Proposal

Planning permission is being sought through a full planning application for the re-location of Tears of Sutton Bridge Ltd. The site would be used for 24-hour vehicle recovery, haulage, along with a parking and storage area.

The operation would be 24 hours involving the collection and depositing of broken down vehicles. The use would not involve any breaking, repair or sales of the recovered vehicles. Repairs to vehicles would be undertaken at the applicant's current location in Sutton Bridge. Two secure compounds are proposed, one for the storage of vehicles and the other for the general loading and un-loading of vehicles including a wash down bay. The ground would be laid to hardstanding and the compounds secured by fencing.

Site Description

The site is comprised of 0.5047 ha of flat land. Within the site is a dilapidated brick and timber building. There is some irregularly laid hardcore surfacing to the front of the site. On the western boundary is a ditch.

The site wraps around 90 Bridge Road, a residential property. A brick wall and timber fence surrounds the property.

To the east of the site is LC Packaging which contains a large warehouse. To the west, south and north is open land.

To the north west of the site - across Bridge Road is a linear development of 10 semi-detached houses.

The site itself is not allocated for development and thus is within the Countryside. The land directly to the west is site allocated as LO009 Prestige Employment Site (Policy 8) in the Long Sutton Inset Map 7 of the South East Lincolnshire Local Plan (SELLP). The land directly to the East where LC packaging is, is defined as an Established Employment Site (Policy 7) in the Little Sutton Inset Map 55.

History

None on site.

Other Relevant Applications:

H11-0128-23: Demolition of existing commercial buildings and erection of new office, admin buildings and workshops (B2) to accommodate the relocation of Tears Recovery.

This application was approved on 23 April 2024 and is the application referred to in the Design and Access Statement that Tears no longer want to take up. The planning approval remains extant and is attached to the land. That approval was subject to 14 conditions.

Consultation Responses

Initial Responses Received (Consultation period between 30th December 2025 - 21st January 2026)

The responses received from consultees which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Long Sutton Parish Council

The Council continues to support local businesses and have no objections to this application.

Lincolnshire Police

No objections

LCC Highway and SUDS

The proposal is for Re-location of 24-Hour vehicle recovery, haulage, parking & storage and it does not have an impact on the Public Highway or Surface Water Flood Risk.

The development will require a new vehicular access onto the B1359 Bridge Road, but the access would be at a point where there is suitable visibility for drivers to be able to emerge safely into this 40-mph section of public highway. The vehicle access crossing will need to be the Heavy-Duty type because of the type of vehicles that would be using it. Adequate space is shown on the submitted layout drawing to be provided for on-site parking of vehicles. The existing access will need to be stopped up and reinstated back to a grassed verge and full upstand kerbing within the extent of the adopted highway.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response regarding drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application, and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Historic Environment Officer

Thank you for consulting us on this application. It is noted that 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 development will comprise: 'Re-location of 24 Hour vehicle recovery, haulage, parking & storage.'

Historic mapping information - OS Map 1888-1913 in the LCC Heritage Explorer confirms the presence of an existing brickwork agricultural building, possibly a barn or part of an extant farmstead.

The existing brickwork building to be retained is considered a non-designated heritage asset (NDHA) due to its distinctive construction. Farmsteads from 1880-1940 are referenced in Historic England's Agricultural Buildings: Listing Selection Guide (2011) and the Greater Lincolnshire Farmsteads Project (2015), reflecting their architectural distinctiveness and heritage value. These buildings also feature in the Building the Evidence Base for Historic Farmsteads in Lincolnshire

project, which mapped historic farmsteads predating the early 1900s Ordnance Survey mapping.

The building is within the red boundary and, although it is proposed to be fenced and excluded from the development, it remains within the works area and is therefore subject to potential direct and indirect (setting) impacts on its original fabric. Recommendation:

I recommend that, if permission is granted, a condition be attached requiring a mitigation strategy to effectively address this site.

This will comprise a programme of pre-development mitigation work including, but not limited to, a Level 3 historic building recording of the brickwork building, in accordance with Historic England's document Understanding Historic Buildings: A Guide to Good Recording Practice (2016). In addition, an AMP (Archaeological Management Plan) is required to ensure the protection of the building during the works and its appropriate fencing.

No below-ground archaeological works are necessary.

This will enable the brickwork building to be recorded prior to any development works taking place.

Lincolnshire Wildlife Trust

No substantive comments

Environmental Protection Officer SHDC

I broadly support the findings of the E2 consultants BS41412 assessment of 4.11.25. In this they observe that use of an appropriate 2.4m boundary fence together with a buffer zone will reduce noise levels to an acceptable level to the nearest noise sensitive residence. please provide a schematic of proposed measures prior to commencement to Environmental Protection.

No comments regarding land contamination.

South Holland Drainage Board

The proposed works are unlikely to be acceptable to the Board (in accordance with the policies outlined within the WMA's Development and Consent pages on our website). Resultantly, the Board currently objects to this planning application. The reason for the Board's objection is to avoid likely conflict between the planning process and the Board's regulatory regime (as outlined below) and to prevent increased flood risk in accordance with National Planning Policy Framework.

Responses Received within Re-consultation (Consultation period between 28th January 2026 - 11th February 2026)

Anglian Water

Section 1- Assets Affected. Please include following note on any decision notice. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Section 2 Water Supply - We have reviewed the submitted Application Form, Planning and Design and Access statement, Flood Risk Assessment and Vehicle Wash Drainage Added - Amendment 1. From the documents submitted the applicant does not provide details of the non- domestic water demand for the proposed development site. The proposed development is for Re-location of 24 Hour vehicle recovery, haulage, parking and storage which includes a vehicle washdown facilities area. The proposed development has the potential to require non-domestic /non-welfare water supply for the site operations and activities. The applicant is required to clarify the water demand predicted m3 per day for domestic/welfare and non-domestic/non welfare water supply required for the proposed development.

Non-domestic demand refers to water use of industrial processes (e.g. agri-food production or car washes), and there is no legal requirement for us to supply for this type of water usage where it might put at risk our ability to supply water for domestic purposes. Although Anglian Water does not have a statutory obligation to supply for non-domestic purposes, in these circumstances we factor into our Water Resources Management Plan and we do everything we can to support business in the region, with the help of the water retail market. Any application for non-domestic proposals requiring heavy water usage will need to demonstrate that sufficient water capacity is available through a Water Resources Strategy in consultation with us. Anglian Water currently have a restriction for non-domestic water supply of 20m³ per day. As the development is to be occupied by a single occupant, we must advise that when a development site is occupied by single occupant, Anglian Water's non-domestic water supply limitation of 20m³ per day limit is per day. We therefore need to ensure the approved development does not exceed this and require a water resources statement which confirms demand will not exceed this.

Section 3 - Anglian Water objects to this application at this stage.

We have reviewed the submitted Application Form, Planning and Design and Access statement, Flood Risk Assessment and Vehicle Wash Drainage Added - Amendment 1. From the documents submitted it is not clear if the applicant intends to connect to Anglian Water designated foul network. To overcome our objection and if the applicant requires a connection into the Anglian Water network, the applicant is required to submit a clear foul drainage strategy with this application which indicates clearly where in the Anglian Water network the proposed connection will be. We would wish to be re-consulted once a clear drainage strategy is submitted with this application. We will then review and respond accordingly.

It is important to note that a connection to our local rising main sewer is not permitted

However if the applicant intends to discharge the proposed foul sewerage and the trade effluent from the development site into a private sewerage system, we would then recommend that the Applicant and the Local Planning Authority seeks advice from the Environment Agency

Section 5 Surface Water Disposal. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

If planning permission is granted, the strategy should be listed within the decision notice with any approved plans. Anglian Water has no designated surface water sewers in the area and we will object to a surface water connection into our designated foul sewer. The connection of surface water flow to a designated foul sewer will impose a high risk of flooding and pollution from the receiving network and compromise the ability of assets to operate within statutory enforced permitted limits. It should be noted that statutory operating permits of the receiving water recycling centre reflect volumetric loading, which cannot be mitigated solely by attenuating the discharge rate. Therefore should the proposed method of surface water management change, Anglian Water is unable to provide a sustainable surface water solution for the site at any stage of the development

Section 6 Trade Effluent. The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

BNG Ecology

There has been sufficient evidence provided to determine this application, as long as the mandatory 10% net gain is achieved through securing on site units pre-commencement.

Support all mitigation and enhancement recommendations provided in the PEA and request they be set as a condition at discharge.

Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain cannot be achieved on-site, and therefore the proposals require 0.69 area-habitat units off-site. These will need to be secured pre-commencement and can be achieved via 2 routes: Bespoke habitat creation/enhancement could be undertaken by the applicants on land they own elsewhere or in agreement with another landowner. To discharge the biodiversity gain condition the applicants would have to secure the appropriate habitat creation/enhancement by either entering a section 106 agreement with the local authority or through undertaking a conservation covenant with a responsible body pre-commencement. The applicants could purchase the appropriate number of units from an off-site habitat bank and evidence this to the authority pre-commencement. This can be achieved through the applicants contacting an off-site unit provider, aka a habitat bank, (which has biodiversity units registered on the national gain-site registry) to arrange a contract for the applicant to purchase the necessary units from the habitat bank. The habitat bank then notifies the national gain-site register to allocate the specifically referenced units to the applicant. To discharge the general biodiversity gain condition, the applicant provides us with this reference information and evidence of the purchase (e.g. a receipt or copy of the contract with the habitat bank) along with the biodiversity gain plan that they must submit to us pre-commencement. These details are also recorded within a finalized version of the metric submitted with the gain plan. The authority can then independently confirm the unit transfer by checking the unit references against the national gain-site register and then approve the gain plan to discharge the Biodiversity Gain condition. We require a Biodiversity Gain Plan and HMMP to be provided pre-commencement due to the complexity of creating some of the habitats on site.

SHDC Environmental Protection

No comments on amendment

Environment Agency

The application proposes the use of non-mains drainage for the vehicle wash-down area, via a 3 stage vehicle wash separator. However, the site is directly adjacent to the public foul sewer that runs along Bridge Road. The development therefore appears within a reasonable distance to connect to the public foul sewer.

Private treatment facilities should only be used where it is not feasible for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private systems compared to public sewerage systems.

This is supported by the Planning Practice Guidance for Water Supply, Wastewater and Water Quality (ref ID: 34-020-20140306) which advises that the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where, having taken into account the cost and/or practicability, it can be shown to the satisfaction of the Local Planning Authority (LPA) that connection to a public sewer is not feasible, should non-mains foul disposal solutions be considered.

The applicant should thoroughly investigate the possibility of connecting to the public foul sewer, and either revise their application to propose a mains connection or submit evidence that demonstrates that this is not feasible. We would support that connecting to the public foul sewer is considered prior to the determination of this application, and that further information is provided to propose a connection to mains or justify why connection to mains is not feasible.

However, in this instance, if you consider that this work can be dealt with through a pre-commencement condition, and the applicant would prefer to defer to condition, we would have no objection to this. Should this issue be managed by condition.

Note to LPA- flood risk assessment We are satisfied that the submitted flood risk assessment is appropriate to the nature, scale and location of the proposed development. We advise that a flood warning and evacuation plan should be submitted to and approved to your LPA, to manage the risk

of flooding.

South Holland Drainage Board

After meeting the agent on site, the proposal has been discussed, and distances of the proposed fencing and washdown area have been clarified, as well as further information regarding vehicle access. We are awaiting a Land Drainage Consent application subject to planning approval.

I agree that within the initial email sent from Jennifer/Karl responding to our comments that point (E) satisfies our concerns, and we remove our objection subject to a land drainage consent application being made.

Anglian Water

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Section 2 - Wastewater Treatment

From the details submitted to support the planning application the proposed method of foul water disposal does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the proposals.

The Local Planning Authority should seek the advice of the Environment Agency if the drainage system directly or indirectly involves the discharge of treated water into a watercourse.

If planning permission is granted the strategy should be listed within the decision notice with any approved plans . Should the proposed method of foul water management change to include interaction with Anglian Water operated assets, we would wish to be re- consulted to ensure that an effective foul water drainage strategy is prepared and implemented.

Section 3 - Used Water Network

From the details submitted to support the planning application the proposed method of foul water disposal does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the proposals.

The Local Planning Authority should seek the advice of the Environment Agency if the drainage system directly or

indirectly involves the discharge of treated water into a watercourse.

If planning permission is granted the strategy should be listed within the decision notice with any approved plans .

Should the proposed method of foul water management change to include interaction with Anglian Water operated assets, we would wish to be re- consulted to ensure that an effective foul water drainage strategy is prepared and implemented.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application (4431-25 OIF SITE PLAN) the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

If planning permission is granted, the strategy should be listed within the decision notice with any approved plans. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

LCC Highway and Lead Local Flood Authority

Lincolnshire County Council as a Highway and Lead Local Flood Authority have no objection to Amendment 1 - Amendment to show Widened Access Road & Vehicle Wash Drainage details regarding this application.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are:

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity

Evaluation

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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 located outside the defined settlement of Long Sutton. For the purposes of the SELLP, the site therefore lies within the countryside.

SELLP Policy 1 states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 7 of the SELLP indicates that new employment development outside allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map.

It stresses that planning policies and decisions should place weight on the need to support economic growth, taking into account local business needs. Section 6 goes on to express that planning policies and decisions should promote the sustainable growth and expansion of all types of

business in rural areas, both through the conversion of existing buildings and well-designed new buildings.

Paragraph 89 goes on to stress that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. The use of previously developed land should be encouraged where suitable opportunities exist.

Addressing the above, the site is outside an allocated employment site and is located outside of the settlement boundary; as such, proposals of this nature may typically be resisted.

However, the site sits between two allocated business sites and is somewhat of an anomaly, perhaps not being included in the industrial allocation because of the presence of the dwelling. Whilst it could be left as open land its narrowness means that it does not perform the functions of a green gap between settlements rather it appears as an infill plot.

The proposal also supports economic growth and involves the re-use of previously developed land; albeit incorporating new and additional built form. The business serves the needs of the local area and contributes to the local economy, as well as creating jobs; albeit relocating from an alternative site.

It is considered that a development of this scale would not have a significant adverse impact upon the viability of delivering any allocated employment site. Given the aforementioned and advice within Section 6 of the Framework, there are no objections in locational terms.

In terms of its relationship to neighbouring land uses, the use of land does not conflict with neighbouring land uses which is a requirement of Policy 7, the immediate neighbouring land uses are a mix of residential, agricultural and commercial businesses. The proposed recovery business is therefore considered not to be out of character with the area and can on balance be accepted.

It is also noted that the proposal would likely result in the relocation of a 24 hour commercial operation away from its existing location, in a wholly residential area, to a site that is adjacent to other commercial operations.

Overall, whilst not strictly in accordance with all policies of the South East Lincolnshire Local Plan, the merits of the proposal and the characteristics as expressed above, means that the proposal is considered to be appropriate for the site and is considered, when viewed as a whole, to be acceptable in principle.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135 of the NPPF states that development should function well and add to the overall quality of the area, be visually attractive as a result of good architecture and appropriate landscaping, be sympathetic to local character and history, establish a strong sense of place, optimise the potential of the site to accommodate, create places that are safe, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it 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.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for

improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposed development is located within an area that is mixed in character, primarily commercial but with some residential uses and with some of the land remaining agricultural.

The proposed compounds comprising of permeable hardstanding would be set back from the main road, to allow for access and manoeuvring before reaching locked gates and fencing. To the front of the site an area would be retained for BNG thereby limiting the impact of the storage of cars from the streetscene. The proposed use would not be out of keeping or unnatural for the application site and surrounding area given the variety of its neighbouring uses.

Boundary treatments have not been submitted within the application, so a condition would be added to request the boundary treatments prior to commencement.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/Land Users

Paragraph 198 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Adverse impacts such as noise and light should be mitigated and minimised.

Paragraph 135 (f) of the National Planning Policy Framework (December 2024) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 of the South East Lincolnshire Local Plan, which relates to 'Pollution', details that "Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts" upon matters that include noise (including vibration).

This policy goes on to express that "Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided".

The nature of the proposal is likely to cause a level of noise/disturbance to the immediate neighbour to the east (No.90 Bridge Road). The proposed operation of the site would be 24 hours involving the collection and depositing of broken-down vehicles. The use would not however, involve any breaking, repair or sales of the recovered vehicles. Repairs to vehicles would be undertaken at the applicant's current location in Sutton Bridge. The two secure compounds comprise, one for the storage of vehicles and the other for the general loading and un-loading of vehicles including a wash down bay, which would be located approximately 27 meters from the closest elevation of No.90. A condition has been attached to secure the use of the vehicle washing facilities, to be used solely for the vehicle recovery and storage use permitted, and for no other purpose and shall not be open to, or used by, any customer or member of the public, reducing the impact to the neighbouring property.

The proposed 24-hour vehicle recovery operation is not considered to cause an unacceptable impact on No.90 Bridge Road. The nature of the business is such that activity is demand-led and responsive to breakdowns and vehicle recovery requests, rather than involving continuous or intensive operations throughout the day and night. Consequently, vehicle movements are typically

intermittent and limited in duration, with extended periods during which no activity could occur.

A noise survey has been submitted to support the application, which concluded that the specific noise level of the HGV yard, vehicle movement and the service buildings are below the required levels, in accordance with BS4142:2014, for there to be anything more than a low chance of adverse impact on the nearest NSR. Confirming that there is a low chance of adverse impact.

To minimise the impact to the neighbouring dwelling a 25 meter acoustic buffer is proposed within the site which would be secured with security fencing, to prevent vehicles entering this area. A 2.4m boundary fence has also been erected along the boundaries of No.90 Bridge Road; this further reduces the impact to the future occupiers.

Environmental Protection were consulted at the start of the application and raised no objections, confirming they support the findings within the submitted noise survey, stating that the use of an appropriate 2.4m boundary fence together with a buffer zone will reduce noise levels to an acceptable level to the nearest noise sensitive residence.

There are also neighbouring properties to the north west, however, the impact on those opposite would be minimised by the distance and the road that sits between.

In an industrial/commercial area such as this some noise/disturbance is expected, including traffic noise. Taking this matter into consideration it is considered that there is not sufficient reason to refuse the current application on grounds that it would harm the amenity of neighbouring residents to a significantly greater degree than at present in terms of noise and disturbance, lack of privacy, etc.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of Section 12 of the National Planning Policy Framework (December 2024), and Policies 2, 3 and 30 of the South East Lincolnshire Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the NPPF advises 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".

In respect of highway matters, Policy 2 details 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.

The proposed development would be a suitable form of development on this site in highway terms. It would relocate a 24 hour commercial operation away from its existing location, in a wholly residential area, to a site that is adjacent to other commercial operations.

The development will require a new vehicular access onto the B1359 Bridge Road, but the access would be at a point where there is suitable visibility for drivers to be able to emerge safely into this 40-mph section of public highway. The vehicle access crossing will need to be the Heavy-Duty type because of the type of vehicles that would be using it. Adequate space is shown on the submitted layout drawing to be provided for on-site parking of vehicles. The existing access will need to be stopped up and reinstated back to a grassed verge and full upstand kerbing within the extent of the adopted highway.

The Local Highway Authority have not raised any objections to the proposal, subject to certain conditions. It is therefore considered that the proposals would not result in any unacceptable impact on highway safety.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These 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.

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 South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that 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 South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The application site is within Flood Zone 3 on the Environment Agency Maps and in an area identified as "danger for most" within the South East Lincolnshire Strategic Flood Risk Assessment. The risk of flooding at the site is low and it is only the risk of tidal breach during the 0.5% annual probability (1 in 200 chance each year) even with climate change that could lead to flooding. However, the proposal constitutes commercial less vulnerable development and there are no specific recommendations associated with the change of use to reduce the risk of flooding to the development.

The Environment Agency were satisfied with the flood risk assessment and advise that a flood warning and evacuation plan should be submitted for approval.

Overall, when considering the nature of the proposed development in the context of the surrounding area that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework in this regard.

Foul and Surface Water Drainage

Policy 4 of the South East Lincolnshire Local Plan (2019), in addition to its considerations of flood risk, also concerns site drainage. This would be both foul and surface water drainage.

At the start of the application, during the initial consultation, comments were received from The

Environment Agency, with South Holland Drainage Board and Anglian Water raising objections and requesting further information. These concerns were raised with the applicant and the relevant information was submitted and site meetings took place. The further information submitted regarding Anglian Water concerns, confirmed that the proposed method of foul water disposal does not relate to Anglian Water operated assets, therefore removing their objection.

In respect of drainage, the application proposes the use of non-mains drainage for the vehicle wash-down area, via a 3 stage vehicle wash separator. However, the Environment Agency (EA) has confirmed that the site is directly adjacent to the public foul sewer that runs along Bridge Road, and therefore the development appears within a reasonable distance to connect to the public foul sewer. This was raised with the applicant during the application who confirmed their agreement to condition this as part of the permission. This would be the best outcome as a drainage strategy could take a significant amount of time to obtain. The EA confirmed they were satisfied with this approach.

With regards to the comments raised by South Holland Drainage Board (IDB), the distances of the proposed fencing and washdown area have been clarified by the applicant, satisfying the Board's concerns, removing their objections, subject to a land drainage consent application being made. In relation to surface water, the applicant has indicated that they intend to dispose of surface water via infiltration, however the IDB cannot see that the viability of this proposal has been evidenced. They therefore recommended 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. This has been secured by a condition.

As such, the application site can be considered to accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019), in this regard. In light of this, it is considered that an appropriately worded condition to require the submission of foul drainage details and surface water prior to development commencing is considered acceptable in this instance.

Taking into account the above matters, it is considered that the proposal would comply with Policy 4 of the South East Lincolnshire Local Plan (2019) and the relevant provisions of the National Planning Policy Framework (December 2024), subject to compliance with the recommended drainage conditions.

Heritage Impact

The National Planning Policy Framework (NPPF) (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Paragraph 216 of the National Planning Policy Framework (December 2024) relates to non-designated heritage assets and details that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

Policy 29 (The Historic Environment) of the South East Lincolnshire Local Plan (SELLP) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework (December 2024). Development proposals will be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

Within the application site is an agricultural building. This building is considered to be a non-designated heritage asset due to its distinctive construction. The building is within the red boundary and, although it is proposed to be fenced and excluded from the development, it remains within the works area and is therefore subject to potential direct and indirect (setting) impacts on its original fabric.

Following the above, it is evident that the application site lies within an area of importance and sensitivity. In this regard, it is evident that the proposed development works, with regards to the groundworks and any temporary works associated with the development, will have the potential to impact on the building. Therefore, conditions for a mitigation strategy to effectively deal with this site has been recommended to be added to any subsequent permission. This will include a programme of pre-development mitigation work including, but not limited to, a Level 3 historic building recording of the brickwork building, as well as the submission of an Archaeological Management Plan, this is required to ensure the protection of the building during the works and to make sure the appropriate fencing is proposed.

Overall, subject to the conditions recommended, the proposal would not cause harm to any designated or non-designated heritage asset, including the archaeological importance of the site, and the proposal is considered to be in accordance with Policy 29 of the South East Lincolnshire Local Plan (2019) and Section 16 of the National Planning Policy Framework (December 2024).

Biodiversity Net Gain

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.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

The Local Planning Authority is satisfied that sufficient evidence has been provided to determine this application, as long as the mandatory 10% net gain is achieved through securing on site units pre-commencement. They support all mitigation and enhancement recommendations provided in the PEA and request they be set as a condition at discharge.

It is noted that 10% mandatory net gain cannot be achieved on-site, and therefore the proposals require 0.69 area-habitat units off-site. Two routes are suggested - provision elsewhere on land the applicant owns or in agreement with another landowner which would need to be secured by a S106.

Alternatively the applicants could purchase the appropriate number of units from an off-site habitat bank and evidence this to the authority pre-commencement which can be secured by condition. The applicants have agreed to proceed with offsite habitat banks and ask that this is a pre-commencement condition of the application.

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 development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents to an unacceptable extent, whilst predominantly conforming with the South East Lincolnshire Local Plan when viewed as a whole, albeit not being strictly in accordance with Policy 1, and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

In this instance, the benefits of the proposal are apparent and as such there are no material considerations that weigh against the proposal to warrant refusal in this instance and as such, the planning balance is in favour of the development.

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 into consideration these factors, the proposal is considered to comply with Policies 2, 3, 4, 7, and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). Notwithstanding the fact that the site is not allocated for development, the benefits of the proposal outweigh this in terms of its economic benefits; therefore, in considering all

the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

Recommendation

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