

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H18-0603-25      **Applicant:** Mr & Mrs J Cooper  
**Proposal:** Residential Development of 2 Dwellings  
**Location:** Adj. Rylton House Mill Lane Sutton Bridge  
**Terminal Date:** 21st August 2025

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

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

### National Guidance

#### National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering and sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

### Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	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	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

## CASE OFFICER ASSESSMENT

### Description of Proposal

The application seeks full planning permission for the erection of two dwellings. The dwellings are proposed to feature matching layouts, spread over two storeys. The dwellings are proposed to feature gable end roof forms with relatively shallow roof pitches. The proposed external materials are not yet confirmed.

### Site Description

The site comprises land located to the south of Rylton House, Mill Lane, Sutton Bridge. The area comprises mowed lawn and is enclosed by trees and hedgerows along the site boundaries. Mill Lane features a range of house types set within various plot layouts.

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

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

### Relevant Planning History

H18-1222-18: (Outline Application) Residential development - approved 16 May 2019

H18-0241-22: (Outline Application) Residential Development - approved 26 April 2022

H18-0367-25: (Reserved Matters) Residential Development of 2 dwellings - Outline Approval H18-0241-22 - refused 05 June 2025

### Consultation Responses

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

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. I note that the applicant intends to dispose of foul water to a main sewer. Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Environment Agency: The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the planning conditions are included (two compliance conditions and a conditions restricting permitted development rights for extensions for habitable accommodation).

Lincolnshire County Council - Highways and SUDS: Clarification is required that they intend to utilise the existing access for the northern plot.

Environmental Protection: No comments regarding land contamination.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Sutton Bridge Parish Council: No response received.

Ecology Officer: No response received.

Cllr C J T H Brewis: No response received.

Cllr M D Booth: 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 have been received.

## **Key Planning Considerations**

### Development Plan

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

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

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

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

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

-Principle of Development;

- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity Net Gain; 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 Bridge, which is identified as a Main Service Centre. Policy 1 of the Local Plan sets out that development will be permitted within these types of settlements that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. The principle of residential development within the site has previously been accepted through the approval of outline permissions H18-1222-18 and H18-0241-22. Previous planning decisions form a material consideration in the determination of planning applications. The principle of residential development on the site is, therefore, considered to be acceptable subject to the assessment of other material considerations.

### Design and Visual Impact

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

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

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

The proposed dwellings would feature the same layout and appearance. Each of the dwellings is proposed to feature two storeys in an L-shaped layout. The dwellings are proposed to feature gable end roof forms with relatively shallow roof pitches.

The street scene on Mill Lane features a range of housing types and styles, set within various plot sizes and arrangements. Therefore, this is no strict uniformity within the existing street scene.

The dwellings are proposed to be set back from the road frontage by approximately 15m. This is further back than the nearest dwellings to the north and south of the site. Positioning the dwellings further back into the site allows for space towards the front of the site for driveways and some landscaping. Space is left at the rear of the site for rear gardens which would be suitably sized. It is considered that the proposed siting and layout of the dwellings are acceptable. Whilst the relatively shall pitch of the dwellings would be shallower than most of the nearby dwellings, it is not considered that this would result in a detrimental impact on the street scene.

The proposed external materials are not yet confirmed. As such, it is considered appropriate to secure further details of the materials through a condition to ensure the materials are of a suitable

quality and appearance.

The proposed development is acceptable in terms of its design and visual impact. Therefore, the proposal accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

### Impact on Amenity

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

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

The proposed dwellings include approximately 224sqm of internal floorspace. The main living areas are proposed on the first floors of the dwellings, whereas the ground floors are proposed to feature integrated parking spaces and storage space. The size of the dwellings accords with the nationally described space standard and as such, future occupants would be provided with sufficient internal living space. Similarly, the dwellings would be provided with a sufficient amount of external amenity space.

Windows are proposed on the ground floor southern side elevations of the dwellings, where storage and utility areas are proposed. Windows are also proposed on the first-floor southern side elevations of the dwelling, where the dining area and kitchen areas are proposed. The side windows on the northern dwelling would not overlook the other dwelling to an unacceptable degree as the windows would not face onto any neighbouring habitable windows and only a small part of the rear amenity space. Similarly, the side windows on the southern dwelling would face towards Glenada, a dwelling which is located to the south of the site. There would be approximately 22m between the rear elevation of Glenada and the southern dwelling. Boundary treatments are likely to screen views between the properties at the ground floor level. The first-floor side window would look onto part of the rear garden of Grenada. It is not considered that this would result in an unacceptable degree of overlooking as this only affect part of the rear garden and as such, Glenada would retain areas of privacy within the rear garden.

There would be approximately 26m between the rear of the dwelling and dwellings to the east of the site, located on Nene Meadows. This would allow for suitable separation distances between the properties. Furthermore, existing trees and bushes along the eastern side of the site are proposed to be retained and this would retain a degree of screening between the properties.

There would be approximately 8m between Rylton House and the proposed northern dwelling. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing. Furthermore, no windows are proposed on the north elevation of the proposed dwelling.

Therefore, there are suitable separation distances between the proposed dwellings and neighbouring dwellings, to avoid an unacceptable impact in terms of overlooking. The dwellings would also not result in an adverse impact in terms of overshadowing due to their scale and siting.

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

### Highway Safety and Parking

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

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

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be

secured, where they are relevant to the proposal.

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

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

Two vehicular accesses are proposed from Mill Lane to allow access to each of the proposed dwellings. Front driveways are proposed to allow space for parking and turning within the site. It is considered that the proposed development would not have a significant or detrimental highway impact.

It is noted that Lincolnshire County Council's (LCC) Highways Team have asked for clarification as to whether the proposal is to use the existing access for the northern plot. There is no existing vehicular access to the site, only a small pedestrian opening in the hedgerow which allows access to the exiting garden.

It is also noted that concerns have been raised within the public representation regarding the potential impact of the proposals on Mill Lane. However, as LCC's Highways Team have not raised any objections to the proposals no highway safety grounds, it is not considered that the proposals could be refused due to highway safety concerns.

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

### 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.

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

Initially, the applicant provided a BNG Exemption Statement, setting out that the proposal was for two self-build dwellings and as such, the applicant considered that the development was exempt from the requirement to provide BNG. The dwellings each feature the same layout and appearance, and it was not considered that the dwellings would fall under the self-build or custom build category. For example, the Self-Build and Custom Housebuilding Act (2015) sets out that:

*"In this Act "self-build and custom housebuilding" means the building or completion by*

*(a)individuals,*

*(b)associations of individuals, or*

*(c)persons working with or for individuals or associations of individuals,*

*of houses to be occupied as homes by those individuals.*

*But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person."*

Consequently, the dwellings would not have complied with the definition of self-build dwellings. As such, this was discussed with the applicant's agent and a BNG assessment was submitted setting out that the proposed development would result in a net loss of BNG within the site. According to the submitted information the baseline value of the site is 4.278 habitat units whereas the proposed development would result in 1.2677 units. Therefore, to compensate for this loss it is proposed to secure off-site BNG units. This is considered to be an acceptable strategy in this case as the proposed purchasing of the units can be secured through a BNG condition, which has been agreed with the applicant's agent. With the inclusion of this condition, it is considered that the proposals are acceptable in terms of the proposed BNG provision.

## Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps. Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria are met.

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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is identified within a 'Danger to All' hazard rating area. The Environment Agency has been consulted on the proposals and have recommended conditions to ensure the development accords with the NPPF.

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

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

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 SFRA as a basis to apply the sequential test.

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

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

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

In terms of part a, the development would make a contribution to local housing supply which could benefit the community as future occupants could help sustain local services and facilities. National Planning Guidance sets out that examples of wider sustainability benefits can include the re-use of brownfield land and the provision of sustainable drainage systems (Paragraph: 036 Reference ID: 7-036-20220825). The application form indicates that the proposed means of surface water drainage is via soakaways, which are a sustainable form of drainage. It is unclear if soakaways are feasible at this stage as the application is not accompanied by infiltration testing results. It would therefore be appropriate to include a condition requiring soakaways to be proposed. An alternative drainage strategy would only be acceptable if soakaways are not feasible.

In terms of part b, the SFRA sets out at Paragraph 9.1.5, that there are a range of factors to be considered when determining whether or not a development is 'safe'. As set out above, the Environment Agency have recommended conditions to control the flood risk within the site. As such it is considered that the proposed development would meet the requirements of Paragraph 178, part b.

It is therefore considered that in terms of flood risk, the proposed development accords with Policy 4 of the Local Plan and the Paragraph 178 of the NPPF.

## Planning Balance

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

The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and flood risk mitigation. 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, 10, 11, 17, 28, 30 and 36 of the Local Plan, as well as Sections 5, 9, 11, 12, 14 and 15 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.